

DEC 17 2021

RECEIVED

BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In Re: Joseph Kilsheimer,

Complaint No.: 18-020

Respondent.  
\_\_\_\_\_ /

**JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER**

Respondent, Joseph Kilsheimer, and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

**STIPULATED FINDINGS OF FACT**

1. At all times material to this Complaint, Respondent served as Mayor of Apopka and, therefore, is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On March 1, 2018, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and on March 16, 2018, ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent violated the Code of Ethics. The Report of Investigation was released on October 18, 2019.
4. On January 29, 2020 the Commission on Ethics found probable cause to believe Respondent violated Sections 112.313(6), and 112.3148(8), Florida Statutes.

The allegations are:

- I. Respondent violated Section 112.313(6), Florida Statutes, by improperly billing the City of Apopka for travel expenses incurred by himself and his spouse on a trip to Washington, D.C.
- II. Respondent violated Section 112.3148(8), Florida Statutes, by failing to report gift(s) he and his spouse received.
5. Respondent admits the facts as set forth in the Report of Investigation concerning

Allegations I and II as incorporated by reference in this Joint Stipulation.

#### **STIPULATED CONCLUSIONS OF LAW**

6. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

7. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

8. Respondent admits the allegations as set forth in paragraph four (4) of the Stipulated Findings of Fact, above.

9. Respondent violated Section 112.313(6), Florida Statutes, by improperly billing the City of Apopka for travel expenses incurred by him and his spouse on a trip to Washington, D.C.

10. Respondent violated Section 112.3148(8), Florida Statutes, by failing to report gift(s) he and his spouse received.

11. Respondent enters into this Stipulation with the understanding of the seriousness of the allegations and gives his assurance that this proceeding has positively affected the manner in which he will conduct himself in the future in a positive way.

#### **STIPULATED RECOMMENDED ORDER**

12. The Advocate accepts Respondent's admission in this proceeding.

13. The Advocate and Respondent have entered into this Joint Stipulation and urge the

Commission on Ethics to approve it in lieu of further hearings in this cause.

14. Therefore, the parties request and the Advocate recommends that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties;

(b) The Commission on Ethics enter a Final Order and Public Report finding that Respondent violated Sections 112.313(6) and 112.3148(8), Florida Statutes, and recommending:

- (1) Public censure and reprimand of Respondent;
- (2) Restitution of \$668.00 to the City of Apopka; and
- (3) A civil penalty of  
\$1,500 for Allegation I  
\$1,000 for Allegation II

For a total civil penalty of \$2,500.

#### **FURTHER STIPULATIONS**

15. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Stipulation of Fact, Law, and Recommended Order.

16. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, they accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

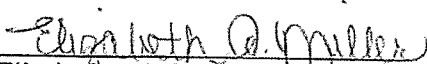
17. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and

Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

18. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

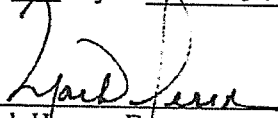
Signed, dated and entered into:

this 17<sup>th</sup> day of December, 2021.

  
Elizabeth A. Miller  
Advocate for the Florida  
Commission on Ethics  
Florida Bar No.: 578411  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300, Ext. 3702

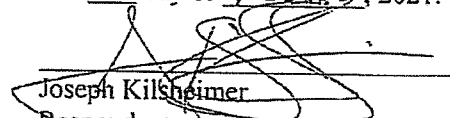
Signed, dated and entered into:

this 17<sup>th</sup> day of December, 2021.

  
Mark Herron, Esq.  
ATTORNEY FOR RESPONDENT  
Florida Bar No.: 199737  
Messer Caparello  
2618 Centennial Place  
Tallahassee, Florida 32308  
(850) 222-0720

Signed, dated and entered into:

this 17 day of December, 2021.

  
Joseph Kilshreimer  
Respondent