

**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

In re SHERRILYN SCOTT,)	
)	Financial Disclosure Appeal No. FD 14-042
Appellant.)	
)	Final Order No.
_____)	

**FINAL ORDER
RESCINDING FINE**

This matter came before the Commission on Ethics on its own motion, meeting in public session on Friday, June 3, 2016, in the matter of Sherrilyn Scott, and her failure to timely file a 2013 CE Form 1. Section 112.3145(7)(f), Florida Statutes, assesses an automatic fine of \$25 per day against a person who fails to timely file a required CE Form 1, Statement of Financial Interests.

Findings of Fact

1. According to information provided to the Commission, Sherrilyn Scott served as a District Supervisor for Miami-Dade County Public Schools in 2013. As such, she was included in the list of persons required to file the 2013 CE Form 1, which was due July 1, 2014, with a grace period for late filing ending on September 2, 2014.
2. Ms. Scott filed 2013 CE Form 1 with the Supervisor of Elections on October 17, 2014, resulting in an automatic fine of \$1,125.
3. Ms. Scott appealed the automatic fine, and on October 23, 2015 the Commission reduced the fine to \$925.
4. On April 4, 2016, the School District sent an email stating that Ms. Scott was inadvertently placed on the list of local officers who are required to file CE Form 1, but should not have been subject to the financial disclosure obligation.

5. On April 7, 2016, in response to a Commission attorney's request for additional information, the School District provided a copy of Ms. Scott's job description, which shows that Ms. Scott "assists in the procurement, allocation, and distribution of equipment and instructional support materials." A School District official further stated that Ms. Scott should not have been included in the list of administrators who file CE Form 1, because she does not have the authority to commit expenditures on behalf of the District.

6. Public employees are designated as "local officers" for the purposes of financial disclosure if they serve in a position that is enumerated Section 112.3145(1)(a)3, Florida Statutes, or act as a purchasing agent for their agency. Section 112.312(16) defines purchasing agent as one who has the authority to commit the expenditure of public funds for an agency. As discussed in CEO 88-62, an individual who acts as a signatory of the purchase order is a "purchasing agent" for the purposes of financial disclosure. An employee who requests or requisitions a contract is not a purchasing agent.

Conclusions of Law

7. The Commission has jurisdiction over Appellant and over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

8. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government. In order to increase compliance, beginning in 2001, the Legislature provided for an automatic fine of \$25 per day, up to a cap of \$1,500, on persons who do not timely file their financial disclosure statements. Under the law, the Legislature permitted the Commission to waive a fine only "based upon unusual circumstances surrounding the failure to file on the designated due date"

9. Based on representations in this appeal, the Commission finds that Ms. Scott should not have been designated as a "local officer," because she does not have the authority to make purchases on behalf of the District. As such, Ms. Scott should not have been required to file 2013 CE Form 1, and should not be fined for failing to file 2013 CE Form 1 in a timely manner.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby rescinds the Final Order entered on October 23, 2015, and waives the assessed fine of \$925.

ORDERED by the State of Florida Commission on Ethics, meeting in public session on Friday, June 3, 2016.

Date Rendered

STANLEY M. WESTON
Chair

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

Copy furnished to:

Sherrilyn Scott
3800 NW 203rd Street
Miami Gardens, Florida 33055-1419

SMW/slh

Holmes, Kim

APR 04 2016

From: Martinez, Ileana <Martinez@dadeschools.net>
Sent: Monday, April 04, 2016 10:30 AM
To: Holmes, Kim
Cc: Scott, Sherrilyn A.; Brazofsky, Robert C.
Subject: FINANCIAL DISCLOSURE - REMOVAL OF SHERRILYN SCOTT FOR 2013 YEAR
Attachments: REMOVE.SCOTT.2016.pdf

RECEIVED

Kim,

Good Morning -

Please see the attached subject memorandum. If you have any questions, please feel free to call me.

Regards,
Ileana

*Ms. Ileana Martinez
Clerk of the School Board
School Board Administration Building
1450 NE Second Avenue
Suite #311
Miami, Florida 33132
Telephone: 305-995-1440
Fax: 305-995-1448
E-Mail: Martinez@dadeschools.net*

FLORIDA
COMMISSION ON ETHICS

APR 04 2016

RECEIVED

March 15, 2016

MEMORANDUM

TO: Ileana Martinez, School Board Clerk
Miami Dade County Public Schools

FROM: Robert C. Brazofsky,
Department of Social Sciences

SUBJECT: FINANCIAL DISCLOSURE FORM CE Form1

During the year, 2013, Sherrilyn Scott was inadvertently placed on the State of Florida financial disclosure list. She does not meet the criteria to be required to complete the CE Form 1, Statement of Financial Interests.

If you have questions, please contact the Department of Social Sciences, at 305-995-1982.

RB/SS

cc: Lissette M. Alves
Sherrilyn Scott

HERENDEEN.SUSAN

From: HERENDEEN.SUSAN
Sent: Monday, April 04, 2016 11:18 AM
To: 'martinez@dadeschools.net'
Subject: Florida Commission on Ethics

Ms. Ileana Martinez,

Kim Holmes, Financial Disclosure Program Manager at the Florida Commission on Ethics, forwarded your correspondence regarding the financial disclosure fine the Commission levied against Sherrilyn Scott in October 2015.

The attached memo from Robert C. Brazofsky does not indicate why the District believes Ms. Scott should not have been included in the list of persons required to file CE Form 1, Statement of Financial Interests.

Please provide a copy of Ms. Scott's job description as District Supervisor, and indicate the specific reason(s) why the District feels the financial disclosure obligation did not apply to Ms. Scott in 2013.

Thank you,

Susan Herendeen
Staff Attorney
Florida Commission on Ethics
850-488-7864
Herendeen.Susan@leg.state.fl.us

HERENDEEN.SUSAN

From: Brazofsky, Robert C. <RBrazofsky@dadeschools.net>
Sent: Thursday, April 07, 2016 4:50 PM
To: HERENDEEN.SUSAN
Cc: Scott, Sherrilyn A.; Martinez, Ileana
Subject: Statement of Financial Interests: Dr. Sherrilyn Scott, Employee, Miami-Dade County Public Schools
Attachments: 0550 Dist Supv Instr Suppt 2013.pdf

Ms. Herendeen:

This is in reference to Dr. Sherrilyn Scott, employee with Miami-Dade County Public Schools, and the Statement of Financial Interests:

Pursuant to Dr. Scott's job description, attached, although it states Dr. Scott's job responsibilities contains the following:

- Critiques instructional program(s) and materials submitted to the District for evaluation; assists with the selection process for District textbook adoptions; assists in the procurement, allocation, and distribution of equipment and instructional support materials.
- Assists with the preparation and supervision of budget, grant applications, and funding for federal and state grants.

Let it be known that Dr. Sherrilyn Scott did not and does not have the authority to commit any expenditures for the District; therefore, this is to clarify that her name was inadvertently submitted and does not meet the criteria pursuant to Florida Statute to commit any expenditures for Miami-Dade County Public Schools.

Thank you,

Bob Brazofsky, Executive Director
Department of Social Sciences
Miami-Dade County Public Schools
1501 N.E. 2nd Avenue, Room 326B
Miami, Florida 33132
305 995-1599 - phone
305 995-1492 - FAX
RBrazofsky@dadeschools.net - e-mail
<http://socialsciences.dadeschools.net/>

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MIAMI-DADE COUNTY PUBLIC SCHOOLS

JOB DESCRIPTION

IDENTIFICATION INFORMATION

1.	JOB TITLE:	District Supervisor, Instructional Support
2.	DEPARTMENT:	Curriculum and Instruction
3.	IMMEDIATE SUPERVISOR:	Administrative Director
4.	PAY GRADE:	21
5.	JOB CODE:	0550
6.	BARGAINING UNIT:	6
7.	POSITION AUTHORIZED:	Board Item A-3, August 25, 1999
8.	DATE OF LAST REVISION:	N/A (has not been taken to Board since authorized)

OCCUPATIONAL SUMMARY

Provides leadership and direction in the planning of instructional programs; reviews research and evaluates instructional materials; assists schools in the development and implementation of programs; suggests policy and program recommendations; assists regions in conducting level program recommendations; and works with other departments on curriculum-related projects.

The District Supervisor, Instructional Support is responsible for providing instructional support district-wide in one of the following areas:

- Agribusiness and Public Service Secondary and Postsecondary Programs
- Art Programs K-12
- Art Elementary
- Bilingual Programs K-12
- Choice Programs
- Early Childhood Programs
- Elementary Programs in Gifted (K-6), Academic Excellence Program (AEP), and Teaching Enrichment Activities to Minorities (TEAM)
- Gifted Programs K-12
- Language Arts Programs K-12
- Mathematics Programs K-12
- Music Programs K-12
- Physical Education Programs K-12
- Science Programs K-12
- Secondary Programs in Gifted (6-12), Advanced Placement (AP), Dual Enrollment (DE), International Baccalaureate (IB), Honors, Advanced, Vertical Teams (VT) and Partnership Academics (PAC)
- Social Science Programs K-12
- Social Studies Programs K-12

EXAMPLE OF DUTIES

1. Supervises the development, administration, and implementation of instructional program(s).
2. Reviews instructional program(s) in relation to District policies and state regulations and makes recommendations for improvement; participates in program reviews and teacher observations.
3. Assists principals in ensuring compliance in the delivery of instructional program(s).
4. Serves as a liaison between the District office, region office and schools relative to District-wide instructional program requirements;
5. Plans, conducts, and supervises staff development activities to improve instruction; assists in coordinating and conducting instructional program in-service programs.
6. Critiques instructional program(s) and materials submitted to the District for evaluation; assists with the selection process for District textbook adoptions; assists in the procurement, allocation, and distribution of equipment and instructional support materials.
7. Serves as District's instructional resource for the subject area; supervises academic contests; conducts presentations concerning instructional program curriculum; and participates in community, county, state, and national professional committees/organizations/associations.
8. Assists with the preparation and supervision of budget, grant applications, and funding for federal and state grants.
9. Performs other duties related to the general administrative responsibilities of the position.

PHYSICAL REQUIREMENTS

This work requires the following physical activities: sitting, mobility, lifting, finger dexterity, grasping, repetitive motions, talking, hearing and visual acuity. The work is performed primarily indoors.

MINIMUM QUALIFICATION REQUIREMENTS

1. Master's degree in subject area for which applying.
2. Certification in administration or supervision or an approved plan to achieve such certification.
3. Minimum of three (3) years of full-time teaching experience in the appropriate program and area of certification.
4. Knowledge of major trends, requirements and/or instruction in the appropriate subject area for which applying.
5. Demonstrated ability to communicate effectively in both oral and written forms.

DATE FILED

OCT 28 2015

COMMISSION ON ETHICS

**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

In re **SHERRILYN SCOTT,**

Appellant.

)
) Financial Disclosure Appeal No. FD 14-042

)
) Final Order No. 15-057

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on October 23, 2015, on the timely appeal of Sherrilyn Scott, pursuant to Section 112.3145(7)(f), Florida Statutes, which assesses an automatic fine of \$25 per day on a person who fails to timely file a required CE Form 1, Statement of Financial Interests. The Commission may waive the fine in whole or in part for good cause shown, based on “unusual circumstances” surrounding the failure to file by the designated due date. There are no material facts in dispute. Appellant did not specifically request a hearing before the Commission.

Findings of Fact

1. During the year 2013, Appellant served as a District Supervisor for Miami-Dade County Public Schools, a position that required the annual filing of financial disclosure. She was late filing the required CE Form 1, Statement of Financial Interests, for the year 2013. The designated date for submitting a 2013 CE Form 1 annual filing was July 1, 2014, with a grace period ending on September 2, 2014.

2. On June 23, 2014, the Supervisor of Elections mailed Appellant CE Form 1. That mailing was sent to 3800 NW 203rd Street, Miami Gardens Florida 33055.

3. On July 31, 2014, the Supervisor of Elections mailed Appellant a Notice of Delinquency. That mailing was sent certified to the 3800 NW 203rd Street address. It was returned as unclaimed, with no forwarding address.

4. On August 14, 2014, the Commission mailed Appellant a courtesy postcard reminding of the filing obligation. This postcard was sent to the 3800 NW 203rd Street address.

5. On September 4, 2014, the Commission mailed Appellant a letter to inform her that an automatic fine had begun to accrue as she had yet to file a proper 2013 CE Form 1. This letter was sent to the 3800 NW 203rd Street address.

6. On September 10, 2014, Appellant called the Commission, stating she does not understand why she has a financial disclosure obligation, and had no notice prior to the September 4 mailing. Appellant was given directions to download CE Form 1 from the Commission website, and advised to contact the school board clerk with questions about the filing requirement.

7. On October 16, 2015, the Commission emailed Appellant a letter to inform her automatic fines were accruing as she had yet to file a proper 2013 CE Form 1. Appellant called the Commission, and for a second time was advised to download and file the required form.

8. On October 17, 2015, Appellant filed 2013 CE Form 1 with the Supervisor of Elections.

9. On December 10, 2014, the Commission mailed Appellant a Notice of Assessment of Automatic Fine. This mailing included, for the first time, the total of Appellant's accrued automatic fine. The mailing also included a notice of Appellant's right to appeal the fine. The Commission sent this mailing to the 3800 NW 203rd Street address.

10. The amount of the fine automatically assessed against Appellant was \$1,125.

11. On January 9, 2015, Appellant filed an appeal.

12. In the appeal, Appellant states that she did not receive the certified mailing regarding the financial disclosure obligation and deadline. Appellant states that when she received a notice indicating automatic fines were accruing, she assumed a fine was being assessed against the school district, because the school district had violated a section of the Elections Law, by submitting untimely voter registration applications on behalf of eligible students. Appellant attached a letter from the Florida Department of State, which acknowledges receipt of a Third-Party Voter Registration Organization Termination request. Appellant also attached a memo about alleged violations of the Voter Registration Law. Appellant states she had not previously been required to file CE Form 1, was unfamiliar with the process, and will comply in the future.

Conclusions of Law

13. The Commission has jurisdiction over Appellant and over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

14. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government. In order to increase compliance, beginning in 2001 the Legislature provided for an automatic fine of \$25 per day, up to a cap of \$1,500, on persons who do not timely file their financial disclosure statements. Under the law, the Legislature permitted the Commission to waive a fine only "based upon unusual circumstances surrounding the failure to file on the designated due date"

15. Rule 34-8.215, Florida Administrative Code, defines "unusual circumstances" as follows:

uncommon, rare or sudden events over which the reporting individual has no control and which directly result in the failure to act in accordance with the filing requirement. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances.

16. The Commission finds that Appellant did file 2013 CE Form 1 with the Supervisor of Elections on October 17, 2014. This filing was made in substantial compliance with the filing obligation, however it occurred 45 days beyond the deadline after which automatic fines began to accrue. Appellant's basis for the appeal – that she lacked notice of the filing deadline and mistakenly believed the notice concerned a fine against the school district in an unrelated matter – constitutes an "unusual circumstance." However, mailings were sent to the proper address and Appellant acknowledges receipt of the September 4, 2014 letter which advised her that automatic fines of \$25 per day (\$1,500 maximum fine) were accruing. Appellant spoke to a Commission staff member on September 10, 2014, and again on October 16, 2014, and was verbally advised that financial disclosure is required of persons in her job title. Appellant's circumstance does not justify waiver of the fine altogether, because the circumstance allowed for time to take the necessary steps to comply with the filing requirement after Appellant learned of the obligation to file and the accruing fine. Therefore, the Commission reduces the \$1,125 fine to \$925, for the 37 days beginning September 10, 2014 (when Appellant first spoke to Commission staff) and ending October 16, 2014 (when Appellant filed her 2013 CE Form 1).

Order

Based on the foregoing facts and conclusions of law, the Commission hereby reduces the assessed fine to \$925. The fine shall be paid to the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709, within 30 days of the date this order is rendered unless other payment

arrangements are made by contacting Kimberly Holmes, Financial Disclosure Coordinator, telephone 850-488-7864.

ORDERED by the State of Florida Commission on Ethics, meeting in public session on October 23, 2015.

October 28, 2015
Date Rendered


STANLEY M. WESTON
Chair

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

Copy furnished to:

Sherrilyn Scott
3800 NW 203rd Street
Miami Gardens Florida 33055-1419

SMW:slh