

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

In re THOMAS CREOLA,

Appellant.

)
) Financial Disclosure Appeal No. FD 15-054
)
)

)
) Final Order No.
)

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on Friday, June 3, 2016, on the timely appeal of Thomas Creola, 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 request a hearing before the Commission.

Findings of Fact

1. During the year 2014, Appellant served as a member of the CareerSource Research Coast Board of Directors, a position that required the annual filing of financial disclosure. He was late filing the required CE Form 1, Statement of Financial Interests, for the year 2014. The designated date for submitting 2014 CE Form 1 was July 1, 2015, with a grace period ending on September 1, 2015.

2. On or before June 1, 2015, the Supervisor of Elections mailed Appellant a copy of 2014 CE Form 1 and filing instructions. This mailing was sent to 9017 One Putt Place, Port St. Lucie, Florida 34986-3087.

3. On July 31, 2015, the Supervisor of Elections mailed Appellant a Notice of Delinquency. This mailing was sent certified to the 9017 One Putt Place address; it was returned as undeliverable.

4. On August 21, 2015, the Commission mailed the Appellant a courtesy postcard reminding of the filing obligation. This postcard was sent to the 9017 One Putt Place address.

5. On September 4, 2015, the Commission mailed the Appellant a letter to inform him that an automatic fine had begun to accrue as he had yet to file a proper 2014 CE Form 1. This letter was sent to the 9017 One Putt Place address.

6. On February 10, 2016, the Commission mailed the Appellant a Notice of Assessment of Automatic Fine. This mailing included, for the first time, the total of the Appellant's accrued automatic fine, and a notice of the Appellant's right to appeal the fine. The Commission sent this mailing certified to 340 W. Palmetto Park Road, C-510 Boca Raton, Florida 33432.

7. The amount of the fine automatically assessed against the Appellant was \$1,500.

8. On March 2, 2016, the Appellant filed 2014 CE Form 1 with the Commission, and also submitted an appeal.

9. In the appeal, Appellant states that he was appointed to the Board to represent Keiser University, and that this appointment ended in February 2015, when he resigned his position with Keiser University. Appellant states he did not receive notices regarding his 2014 financial disclosure obligation, because he relocated to Myrtle Beach, South Carolina, and then relocated again to Boca Raton, Florida. Appellant provided a copy of his lease (retained in file) as proof of his residency in South Carolina.

Conclusions of Law

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

11. 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"

12. 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.

13. Appellant's basis for the appeal – lack of notice – constitutes an "unusual circumstance" that justifies waiving the \$1,500 Fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$1,500.

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 SECTIONS 112.3241 AND 120.68, 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, BY U.S. MAIL AT P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709 (OR BY DELIVERY TO 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303); AND BY FILING A COPY OF 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:

Dr. Thomas Creola
340 W. Palmetto Park Road, C-510
Boca Raton, Florida 33432

SMW: slh

245255

15-054



STATE OF FLORIDA COMMISSION ON ETHICS

325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303
Telephone: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

FLORIDA
COMMISSION ON ETHICS

MAR 02 2016

RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2014

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A, please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for your appeal. In addition to your written explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

Mailing Address: Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Name: Thomas D. Creola

Address: 340 W. Palmetto Park Road, Boca Raton, Florida 33432

Daytime Tel.: 706-265-0626 Cell: 561-325-0713

Email: thomasdcreola@hotmail.comthomasdcreola@ Filer ID# (if known): 245255

Public Employer: CareerSource Research Coast; Region 20

Public Position: Board Member

CONTINUED ON REVERSE SIDE

PART B: GENERAL REASON(S) FOR YOUR APPEAL

Please choose any/all reasons that apply to your appeal.

I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

- a. **Sickness or injury** (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)
- b. **Lack of notification – Failure to receive notice** (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)
- c. **Claim of timely filing of financial disclosure** (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)
- d. **Left public position prior to December 31, 2014** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2014)
- e. **Other unusual circumstance** (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)

PART C: DETAILED EXPLANATION OF YOUR APPEAL

Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.

I resigned my position at Keiser University on February 19, 2015 at which time I no longer represented the Institution as the appointed Board Member. Shortly after that I relocated to Myrtle Beach, South Carolina. During that time I rented an apartment on March 1, 2015. On April 20, 2015 I gain employment with South University in Royal Palm Beach, Florida. With my return to Florida, I rented an apartment in Boca Raton, Florida where I presently reside. During all this time I did not receive notification because of my relocations.

OPTIONAL REQUEST FOR HEARING

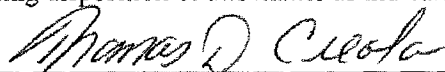
In addition to this written appeal, I specifically request to appear before the Commission in a hearing pursuant to Section 112.3144(5)(e)3 or Section 112.3145(7)(f)3, Florida Statutes. Commission meetings occur in Tallahassee.

SIGNATURE

I have received and read the Notice of Assessment of Automatic Fine and its instructions on How to Appeal and I understand my options. I am requesting disposition of this matter as indicated.

2/26/2016

DATE



SIGNATURE



February 19, 2015

To Whom It May Concern:

This letter is to confirm the employment of Dr. Tomas Creola. Dr. Creola worked for Keiser University's Port St Lucie Campus from May 1, 2008 to April 1, 2015. He resigned his position as Campus President on February 19, 2015 with a four (4) week notice. While the University accepted the resignation, it was not necessary for him to work through his notice period. The University did pay him through his notice period, in addition to one (1) week of Paid Time Off (PTO), per Handbook policy. Although his last official day worked was February 19, 2015, his official separation date is recorded as April 1, 2015. His health coverage expires on April 30, 2015.


Should you have any questions, please feel free to contact Keiser University's Human Resources Department at (954) 776-4476 (fax at (954) 229-1699) or Keiser University's PEO, Oasis Outsourcing, at (561) 227-6500.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bill Searle', written over a horizontal line.

Bill Searle
Associate Vice Chancellor of Human Resources, Employee Relations

Saint Lucie County Supervisor of Elections Financial Disclosure System 2015


 You will be logged out after
 29:10 minutes of inactivity.

Log Out

Print List

FLORIDA
 COMMISSION ON ETHICS
 NOV 20 2015
 RECEIVED

Saint Lucie County

Florida Commission on Ethics
 Financial Disclosure Notification System
 2015 Delinquency Certification
 Reported 11/04/2015

This is a list of all delinquent Saint Lucie County filers. The date indicated in the "Form Receipt Date" column is the date the form was received in this office. Any persons with no form receipt date indicated have not filed.

Record Number	Form Receipt Date	ID	Name	Organization	Title	Filer Flags	Filing County	County
1		245255	Dr Thomas D. Creola	CareerSource Research Coast; Region 20	Board Member		66	Saint Lucie
2	09/02/2015	209221	Brad Culverhouse	Fort Pierce			66	Saint Lucie
3	10/29/2015	250175	Eric Seibenick	Fort Pierce			66	Saint Lucie

I _____, the Supervisor of Elections of Saint Lucie County, hereby certify that each person whose PID number, name, agency, and position appears above or on the attached list:

**Florida Commission on Ethics
Financial Disclosure Notification System
Delinquency Certification**

I Gertrude Walker, the Supervisor of Elections of _____ County, hereby certify that each person whose PID number, name, agency, and position appears above or on the attached list:


- (1) was sent a notice of the July 1, 2015 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2015;
- (2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 1, 2015;
- (3) was sent a delinquency notice by certified mail not later than July 31, 2015 advising him or her of the grace period in effect until September 1, 2015; and of the penalties that could be imposed as provided in Section 112.3145(7)(c), Florida Statutes; and
- (4) did not file a Form 1, Statement of Financial Interests, until the date shown or, had not filed a Form 1, Statement of Financial Interests by October 31, 2015; and further
- (5) that the date of filing shown is based upon the earliest of the following:
 - (a) when the Form 1 was actually received by my office;
 - (b) when the Form 1 was postmarked;
 - (c) when the certificate of mailing (if any) was dated; or
 - (d) when the receipt (if any) from an established courier company was dated.

Signed



SUPERVISOR OF ELECTIONS

received and update contact information if necessary. Only the Commission can remove a filer's name from the list. As you update received forms, a status will appear by the filers' names. Clicking on an organization link displays the relevant Coordinator information.

[View Non-Filers](#) 

1 Persons in List.

Jump to Last Names Starting With:
 First Page - A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - Last Page
 V - W - X - Y - Z -

Row	Form Received Date	Last Name	First Name	Organization	Address	
1		Creola	Thomas	CareerSource Research Coast; Region 20- Board Members (PFR)	9017 One Putt Pl Port St Lucie, FL 34986 -3087	<div style="border: 1px solid black; padding: 2px; text-align: center;">Form Received</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">Edit Information</div>

1 Persons in List.

Jump to Last Names Starting With:
 First Page - A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - Last Page
 V - W - X - Y - Z -

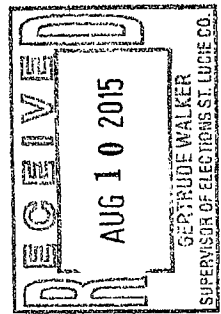


Gertrude Walker
Supervisor of Elections
St. Lucie County
4132 Okeechobee Road
Fort Pierce, Florida 34947-5412

CERTIFIED MAIL



91 7199 9991 7034 4306 8407



Thomas Creola
9017 One Putt Pl
Port St Lucie, FL 34986-3087
Career Source Research
Region 20 Board Memb

WTF

NIXIE 333 FE 1009 0002/05/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 34947541232 *1206-03960-16-41

3498630871204

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

In re **Thomas D. Creola**
Board Member
CareerSource Research Coast; Region 20

PID#: 245255

NOTICE OF ASSESSMENT OF AUTOMATIC FINE

The Commission on Ethics hereby gives notice of an assessment of a fine against you pursuant to Section 112.3145(7)(f), Florida Statutes, due to your failure to timely file your 2014 CE Form 1, Statement of Financial Interests. Under the law, your 2014 CE Form 1, Statement of Financial Interests, was due by July 1, 2015. The law provided for a penalty-free grace period extending the due date to September 1, 2015. After that date, you accrued fines of \$25.00 per day for each day your financial disclosure was late, up to the maximum fine of \$1,500.00 (60 days late), pursuant to Section 112.3145(7)(f), Florida Statutes.

Inasmuch as your 2014 CE Form 1 has not been filed with the Supervisor of Elections for Saint Lucie County within the 60 days of the grace period date (September 1, 2015), you have accrued the maximum fine amount of \$1,500.00. This fine must be paid to the Commission on Ethics within 30 days of the date of this notice unless you appeal the fine to the Commission. The Commission has the authority to consider the appeal and waive the fine in whole or in part if your failure to file on time was due to "unusual circumstances" surrounding the failure to file.

HOW TO APPEAL

1. Read these instructions carefully before submitting your appeal.
2. **LEGAL AUTHORITY:** Appeals are governed by Section 112.3145(7)(f)3., Florida Statutes, and Commission Rule 34-8.215, Florida Administrative Code.
3. **FORMAT:** Your appeal must be in writing and mailed to Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709, or delivered to Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303. The appeal may take the form of a letter or you may use the appeal form included in this mailing. The appeal form also is available at the Commission's website: www.ethics.state.fl.us. Click on "Financial Disclosure" and then the link to the sample appeal form.
4. **DUE DATE:** Your appeal must be received by the Commission on Ethics on or before **March 11, 2016**. **NOTE:** Failure to timely file an appeal will constitute a waiver of your right to appeal and will result in the entry of a default order against you.
5. **UNUSUAL CIRCUMSTANCES:** An appeal must demonstrate that you submitted your CE Form 1 after the extended due date because of "unusual circumstances." "Unusual circumstances" is defined in Commission Rule 34-8.215(4), Florida Administrative Code, as "uncommon, rare, or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements." Therefore, circumstances that allowed for time to take steps necessary to file on time do not constitute "unusual circumstances" that will allow the Commission to waive the fine. You have the burden to establish "unusual circumstances." Your appeal must specifically state the circumstances that led to your not filing by September 1, 2015, and must include any documentation or evidence supporting your appeal, such as:
 - a. **SICKNESS/INJURY:** a statement from attending physician, including dates and nature of the illness or injury;
 - b. **LACK OF NOTICE (WRONG ADDRESS):** documentation that you did not reside at the address to which notice was sent;
 - c. **LACK OF NOTICE (ABSENCE FROM HOME):** documentation establishing the period of time of your absence covering the notification period;

- d. **CLAIM OF TIMELY FILING OF FINANCIAL DISCLOSURE:** (1) an affidavit from you attesting under oath or affirmation that you filed your financial disclosure and your recollection of when and how you filed and (2) a copy of a certified mail receipt and/or a copy of the completed form which was filed. If you have witnesses to your filing, we also will need an affidavit from each witness. **NOTE:** A claim of having filed the CE Form 1F for the current year does not satisfy the CE Form 1 filing requirement or excuse a late filing;
- e. **LEFT PUBLIC POSITION BEFORE DECEMBER 31, 2014:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2014; or
- f. **UNCLAIMED CERTIFIED MAIL:** if delinquency notice was addressed correctly but not received, you must explain why.
6. **YOUR RIGHT TO A HEARING:** You have the right to have your appeal heard by the Commission and to appear before the Commission at the hearing, but, to exercise this right, you must specifically request a hearing in your appeal. If you do not request a hearing, you will waive your right to a hearing, the Commission will determine the outcome of your appeal based upon the written record (including the documentation you provide and any documentation in your case file), and you will receive no further notice until after the Commission decides your appeal.

FAILURE TO PAY FINE OR FILE APPEAL WITHIN 30 DAYS

If you do not timely file an appeal or pay the assessed fine within 30 days of this Notice, a default order will be entered against you and the Commission will take the steps provided by law to collect the fine, including:

- Referral to the CFO of the Department of Financial Services, if you are a salaried state officer or employee, for withholding of a portion of your salary until the fine is satisfied; or
- Referral to your agency's governing body for withholding of a portion of your salary until the fine is satisfied;
- Referral to a collection agency, which can seek garnishment of your wages; and/or
- An additional civil penalty, not limited by this automatic fine, may be imposed if your disclosure statement is filed more than 60 days late and a complaint is filed against you pursuant to Section 112.324, Florida Statutes.

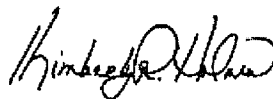
Please contact our office if you have any questions about this matter.

CERTIFICATE OF MAILING

I certify that a copy of the foregoing Notice of Assessment of Automatic Fine was furnished to:

**Dr Thomas D. Creola
340 W. Palmetto Park Road C-510
Boca Raton, FL 33432**

by Certified Mail on this Wednesday, February 10, 2016.



KIMBERLY R. HOLMES
Program Administrator

Florida Commission on Ethics
P. O. Drawer 15709
Tallahassee, FL 32317-5709

-or-

Florida Commission on Ethics
325 John Knox Road, Building E, Ste. 200
Tallahassee, FL 32303

Tel.: (850) 488-7864

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us



Financial Disclosure Management System
THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 245255 - Dr Thomas D. Creola

Filer Information

Org Membership

Forms

Communications

Fines and Appeals >

View All

Filer Flags

- [2000](#) [2001](#) [2002](#) [2003](#) [2004](#)
- [2005](#) [2006](#) [2007](#) [2008](#) [2009](#)
- [2010](#) [2011](#) [2012](#) [2013](#) [2014\(S\)](#)
- [2015](#)

<<2015 Form Year

Status

Filing: INACTIVE

Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

Update Flags

The filer has fines for: [2015 \(Appeal\)](#)

2015 Fines and Appeals

Form Year 2014 Filed Forms

No Forms Received for this Filer for Form Year 2014.

2015 Fine Information					Update Fine Information		
					Assign Agency Contact		
Fine Balance	Fine Status	Fine Date	Original Assessment	Fine Amount	Last Payment Date	Payment Plan Start Date	Payment Plan Amount
\$1,500.00	Appeal	2/8/2016	\$1,500.00	\$1,500.00			
Fine Address 340 W. Palmetto Park Road C-510 Boca Raton FL 33432 Org/Suborg CareerSource Research Coast; Region 20-Board Members							

2015 Fine Payment History						
Date Posted	Description	Amount	Method	Payment ID	Comments	
2/8/2016	Fine Levied	+ \$1,500.00			Fined \$1500.00	
Current Balance: \$1,500.00						

2015 Fine Year Event

Chronology

<input checked="" type="checkbox"/> Date	Type	Description	Reference
<input type="radio"/> 08/21/2015	Postcard Sent	Courtesy Postcard Reminder	Print Queue: 8/21/2015

Invalidate Transaction

Printing Confirmed:
2/10/2016

Letter Sent To:
Dr Thomas D. Creola
340 W. Palmetto Park Road C-510
Boca Raton, FL 33432

03/9/2016 Fine Appeal FD 15-054 Journal: 3/9/2016
12:39 PM

🕒 03/9/2016 Letter Sent Fine Appeal Print Queue:
3/9/2016
Printing Confirmed:
3/9/2016

Letter Sent To:
Dr Thomas D. Creola
340 W. Palmetto Park Road C-510
Boca Raton, FL 33432

🕒 03/9/2016 Letter Sent Fine Appeal Print Queue:
3/9/2016
Printing Confirmed:
3/9/2016

Letter Sent To:
Dr Thomas D. Creola
340 W. Palmetto Park Road C-510
Boca Raton, FL 33432

2015 Fine Appeal – FD 15- 054	<input type="button" value="Update Appeal"/> <input type="button" value="Withdraw Appeal"/>
	<input type="button" value="Assign Attorney"/> <input type="button" value="Request More Info"/>
	<input type="button" value="Record Appeal Outcome"/>
Appeal Status: No Hearing Requested Active Appeal Receipt Date: 03/02/2016 Timely Filed: Yes Print Appeal Letter: Yes Hearing	

<p>Requested: No Appeal Reason: Lack of Notification Appeal Notes: Appeal Number: FD 15-054 Appeal Analyst Assigned: Final Order Number: Final Order Date:</p>	
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