



3. On October 1, 2015, the Appellant was sent an email reminder regarding the requirement to file the firm's third quarter compensation report and that the deadline for filing was November 14, 2015, at 11:59 p.m.

4. On November 9, 2015, the Appellant was sent a follow up courtesy email reminder regarding the requirement to file the firm's third quarter compensation report and that the deadline for filing was November 14, 2015, at 11:59 p.m.

5. On November 15, 2015, the Appellant was sent an email notification advising the firm of its failure to file its third quarter compensation report and further stating that an automatic fine had begun to accrue.

6. On November 17, 2015, the Lobbyist Registration Office attempted to contact the Appellant via telephone to advise same regarding the requirement to file its third quarter compensation report.

7. On November 25, 2015, the Lobbyist Registration Office once again attempted to contact the Appellant via telephone to advise same regarding the requirement to file the third quarter compensation report.

8. On November 30, 2015, the Appellant filed its executive branch third quarter compensation report.

9. The amount of the fine automatically assessed against the Appellant was \$800.00.

10. Section 112.3215(5)(d)4, Florida Statutes, provides for a one-time fine waiver the first time a lobbying firm fails to timely file an executive branch compensation report, so long as that report is filed within 30 days of the late notice. Appellant received this one-time fine waiver in association with a late filed second quarter 2013 executive branch compensation report and is not eligible to receive another automatic fine waiver.

11. On November 30, 2015, the Appellant was sent a Notification of Assessed Fine via email. The notification included the total amount of Appellant's accrued automatic fine. The notification also included a notice of Appellant's right to appeal the fine.

12. On December 30, 2015, the Appellant timely submitted an appeal of the automatic fine.

13. In the appeal, the Appellant states that the firm's primary representative and only lobbyist, Ben G. Parks, suffers from depression, anxiety, and high blood pressure. The appeal further states that Mr. Parks' house was burglarized on or about November 1, 2015, and that his lobbyist documents were taken during the burglary. The appeal further states that Mr. Parks' daughter had emergency surgery on November 3, 2015, to remove her gall bladder. The appeal also states that Mr. Parks' rental car was stolen on November 2, 2015. Finally, the appeal provides that two fraudulent checks were written on Mr. Parks' bank account in May of 2015, which caused the bank to freeze his bank accounts.

#### **Conclusions of Law**

14. The Commission has jurisdiction over the Appellant and over the subject matter of this proceeding pursuant to Section 112.3215, Florida Statutes.

15. Section 112.3215(5)(d), Florida Statutes, assesses a fine of \$50 per day on an executive branch lobbying firm that fails to timely file a compensation report and provides that the Commission may waive the fine in whole or in part for good cause shown, based on "unusual circumstances surrounding the failure to file on the designated due date." Rule 34-12.407(4), Florida Administrative Code, defines "unusual circumstances" as follows:

'Unusual circumstances' means uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to

take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

16. Appellant states in the appeal that the firm's sole lobbyist and primary representative suffers from depression, anxiety, and high blood pressure. The Appellant further states that Mr. Parks has suffered a series of uncommon, rare or sudden events immediately prior to the November 14, 2015, compensation report filing deadline including the burglary of his house and theft of his lobbying documents, the theft of his rental vehicle, fraudulent transactions involving his bank account, and an emergency surgery needed by his daughter—which constitute unusual circumstances that caused the untimely filing of the executive branch compensation report.

17. Based on the representations of Appellant in this appeal, the Commission finds that Appellant has demonstrated that his failure to timely file the third quarter executive branch compensation report resulted from "unusual circumstances" and thus the fine in this matter should be waived.

### **Order**

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$800.00.

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

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Date Rendered

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**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.

Copies furnished to:

Ben Parks and Associates  
6279 Whittondale Dr.  
Tallahassee, FL 32312

Executive Branch Lobbyist Registration Office  
Claude Pepper Building, Rm G-68  
111 W. Madison Street  
Tallahassee, FL 32399-4990

SMW/cmk

December 29, 2015

Lobbyist Registration Office  
111 West Madison Street  
Pepper Building G68  
Tallahassee, Florida 32399


Dear Lobbyist Registration Office,

The purpose of this letter is to inform you that I wish to appeal my Legislative and Executive fines because of personal circumstances beyond my control and have a hearing before the Commission on Ethics.

My reasons for this appeal are the following:

1. I suffer from depression, anxiety and high blood pressure;
2. My house was burglarized and my lobbyist documents were taken;
3. My daughter had emergency surgery (gall bladder removed)
4. My rental car was stolen;
5. Two fraudulent checks were written on my bank account which was frozen by the bank.

Thank you for considering my appeal.

Sincerely,  
  
 Benjamin G Parks  
 Ben Parks and Associates  
 850-559-1155

15 DEC 30 PM 4:26  
 RECEIVED  
 LEGISLATIVE INFORMATION DIV

## Klancke, Caroline

---

**From:** Ryan Davis <rdavis@jansenlawoffice.com>  
**Sent:** Tuesday, May 03, 2016 9:55 AM  
**To:** Klancke, Caroline  
**Subject:** RE: FINE APPEAL INFO REQUESTED

Sorry for the delay in responding, but Mr. Parks was able to get the dates to me on Friday while I was in court.

1. Mr. Parks was burglarized between October 30 and November 1, 2015. This is when his safe was stolen with his personal documents inside.
2. His daughter had emergency surgery to have her gall bladder removed on November 3, 2015.
3. Mr. Parks rental car was stolen the week of November 2, 2015.
4. The checks were written in May of 2015.

Also, Mr. Parks has been receiving treatment for depression and is under the care of a doctor. And finally, Mr. Parks has been placed in a diversion program for his criminal charges. If he completed the program, the charges against him will be dropped by the state.

Thanks,  
Ryan Davis

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**From:** Klancke, Caroline [<mailto:KLANCKE.CAROLINE@leg.state.fl.us>]  
**Sent:** Tuesday, April 19, 2016 2:36 PM  
**To:** Ryan Davis  
**Cc:** McLemore, Jacquelyn  
**Subject:** FW: FINE APPEAL INFO REQUESTED  
**Importance:** High

I just wanted to follow up regarding the status of this information. Even an approximation of the time frames requested would be very helpful. If you have any questions regarding this matter, please let me know.

### *Caroline M. Klancke*

*Attorney*

*Florida Commission on Ethics*

*P. O. Drawer 15709*

*Tallahassee, FL 32317-5709*

*(850) 488-7864*

*(850) 488-3077 (fax)*

*[klancke.caroline@leg.state.fl.us](mailto:klancke.caroline@leg.state.fl.us)*

*[www.ethics.state.fl.us](http://www.ethics.state.fl.us)*

**From:** Klancke, Caroline  
**Sent:** Tuesday, April 12, 2016 12:57 PM  
**To:** 'rdavis@jansenlawoffice.com' <rdavis@jansenlawoffice.com>  
**Cc:** McLemore, Jacquelyn <MCLEMORE.JACQUELYN@leg.state.fl.us>  
**Subject:** FW: FINE APPEAL INFO REQUESTED  
**Importance:** High

Mr. Davis,

As we discussed, the Commission on Ethics requires some additional information in order to process Mr. Parks' appeal of his fine resulting from the late filing of Ben Parks and Associates' third quarter executive branch compensation report for the calendar year 2015. The statutory deadline for filing the third quarter compensation report was November 14, 2015, and the firm filed its report on November 30, 2015, thereby incurring a fine of \$800. In furtherance of analyzing this matter, please provide responses to the following clarifying questions:

1. In your appeal, you state that your house was burglarized and your lobbyist documents were stolen. Please provide the date or approximate time (including the year) during which the burglary occurred.
2. In your appeal, you state that your daughter had emergency surgery. Please provide the date or approximate time (including the year) during which the surgery occurred.
3. In your appeal, you state that your rental car was stolen. Please provide the date or approximate time (including the year) during which the theft of your rental car occurred.
4. In your appeal, you state that two fraudulent checks were written on your bank account and thereafter your account was frozen by the bank. Please provide the date or approximate time (including the year) during which these events occurred.

The time frames underlying the alleged unusual circumstances provided in the appeal will facilitate the Commission's understanding that these unusual circumstances precluded or prevented the timely filing of the required report. As such, please provide this information as soon as possible.

Furthermore, based on our conversation it is my understanding that Mr. Parks does not wish to request a hearing but rather would like the appeal to proceed without a hearing. As I mentioned, this is not an uncommon request and no hearing is required to address this matter.

In addition, I wanted to remind you and your client that Mr. Parks did register to lobby in 2016. Thereafter Mr. Parks' principals cancelled their representation thereby cancelling his registration. However, his registration did trigger a single compensation report filing requirement that is coming up on May 15, 2016. Thus, please ensure that Ben Parks and Associates timely files its compensation report via the online system located at [www.floridalobbyist.gov](http://www.floridalobbyist.gov). If you have any questions regarding this matter or the information requested herein, please do not hesitate to contact me. Thank you.

***Caroline M. Klancke***

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*[www.ethics.state.fl.us](http://www.ethics.state.fl.us)*

**From:** Klancke, Caroline

**Sent:** Wednesday, March 02, 2016 2:09 PM



**To:** 'bgparks@hotmail.com' <bgparks@hotmail.com>  
**Cc:** McLemore, Jacquelyn <MCLEMORE.JACQUELYN@leg.state.fl.us>  
**Subject:** FINE APPEAL INFO REQUESTED  
**Importance:** High

Dear Mr. Parks,

This email is a follow up to our conversation on Monday, February 22, 2016. The Commission on Ethics would sincerely appreciate the answers to the questions below in order to process your executive branch compensation report fine appeal. If you require more time to provide this information, please contact me via telephone at 850-488-7864 or via email to the above-referenced address to request an extension of time to address this matter. If you do not respond to this request, we will have to go forward with the information provided in your initial appeal.

In addition, the executive branch registrar at the Lobbyist Registration Office (850-922-4990) would like to speak with you regarding your ongoing financial reporting obligations associated with your registration as a lobbyist for the calendar year 2016. Thus, please contact Jacquelyn McLemore, executive branch registrar, at the Lobbyist Registration Office as soon as possible. Thank you for your prompt attention with respect to this matter.

*Caroline M. Klancke*

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---

**From:** Klancke, Caroline  
**Sent:** Friday, February 12, 2016 2:13 PM  
**To:** 'bgparks@hotmail.com' <bgparks@hotmail.com>  
**Cc:** McLemore, Jacquelyn <MCLEMORE.JACQUELYN@leg.state.fl.us>  
**Subject:** Fine Appeal: Executive Branch Compensation Report

Dear Mr. Parks:

My name is Caroline Klancke and I am an attorney with the Commission on Ethics. The Commission is in receipt of your appeal of the fine associated with the late filing of Ben Parks and Associates' third quarter executive branch compensation report for the calendar year 2015. In furtherance of analyzing this matter, please provide responses to the following request for additional information clarifying the basis for your appeal.

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We appreciate your assistance and prompt attention with respect to this matter. Please provide your responses to this request for additional information via responsive email to the address above as soon as possible but no later than two weeks of the date of this request. If the information requested is not received by me within two weeks of the date of this request, the appeal will be handled using the information initially provided. If you have any questions regarding the status of your appeal or the information requested herein, please do not hesitate to contact me.

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## Klancke, Caroline

---

**From:** Ryan Davis <rdavis@jansenlawoffice.com>  
**Sent:** Tuesday, April 12, 2016 1:17 PM  
**To:** Klancke, Caroline  
**Subject:** RE: FINE APPEAL INFO REQUESTED

Thanks for the information. My client does not want a hearing. I will get the requested information to you as soon as possible.

Ryan Davis

---

**From:** Klancke, Caroline [mailto:KLANCKE.CAROLINE@leg.state.fl.us]  
**Sent:** Tuesday, April 12, 2016 12:57 PM  
**To:** Ryan Davis  
**Cc:** McLemore, Jacquelyn  
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**Importance:** High

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**Subject:** FINE APPEAL INFO REQUESTED

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