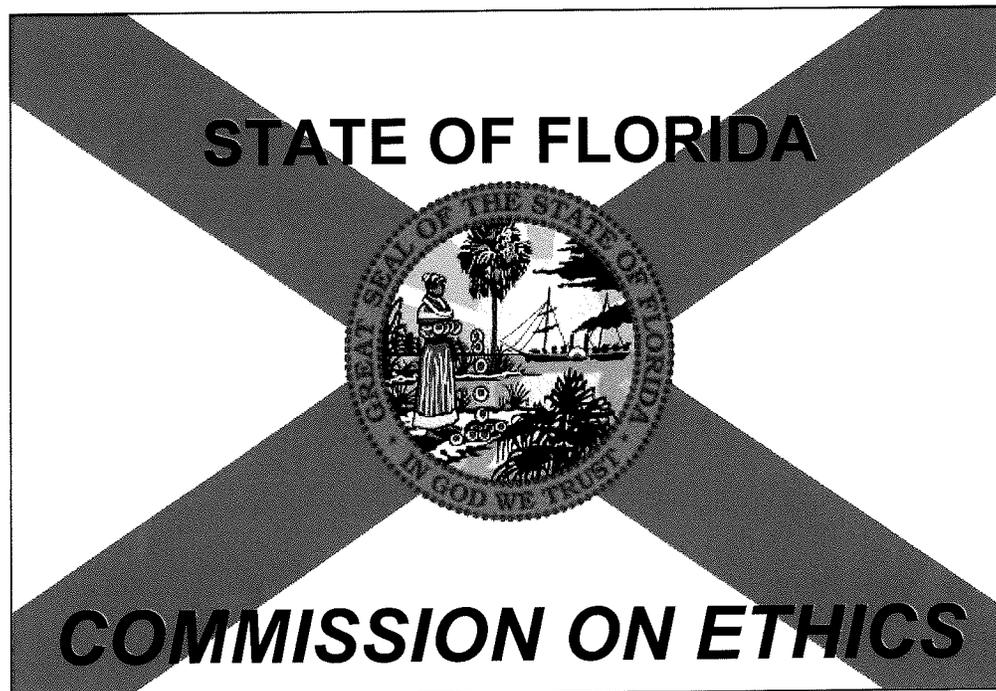


REPORT OF INVESTIGATION



Complaint Number 22-205

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter. *See Section 112.3215, Florida Statutes, regarding executive branch lobbying matters and confidentiality.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: JOHN POLINSKY
Fire Chief
Dorcas Fire District - Board of Commissioners
Okaloosa, Florida

COMPLAINT NO.: 22-205
Exhibit A

INVESTIGATED BY:



Ana Sanchez

Distribution:

Commission on Ethics
Respondent
Advocate
File

Releasing Authority:



Kerrie J. Stillman
Executive Director



Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 22-205**

(1) The Respondent, John Polinsky, serves on the Dorcas Fire District Board of Commissioners and is the District's Fire Chief. The district is located in Okaloosa County, Florida. The Respondent's position requires the annual filing of a CE Form 1, "Statement of Financial Interests."

(2) The Respondent failed or refused to file a 2018 CE Form 1 within 60 days of September 3, 2019, the date automatic fines of \$25 per day began to accrue under Section 112.3145(8)(g), Florida Statutes. On November 2, 2019, the Respondent accrued the maximum fine (\$1,500) authorized under Section 112.3145(8)(g), Florida Statutes.

(3) Pursuant to Section 112.3145(9)(c), Florida Statutes, if a person holding public office or public employment fails or refuses to file an annual statement for any year in which the person received notice from the Commission on Ethics (Commission) regarding the failure to file and has accrued the maximum automatic fine authorized under Section 112.3145(8)(g), regardless of whether the fine imposed was paid or collected, the Commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file was willful.

(4) The Respondent has served in his current position since 2012.

(5) All correspondence sent to the Respondent regarding his 2018 CE Form 1, was mailed to 5566 Highway 393 Crestview, Florida, 32539, and/or to his email address which is polinskyjdfd@yahoo.com.

(6) In May 2019, the Okaloosa County Supervisor of Elections (SOE) mailed the Respondent an initial filing packet containing a blank 2018 CE Form 1 and information regarding the Respondent's obligation to file financial disclosure. All correspondence mailed to the Respondent was sent to the above reference address.

(7) On July 31, 2019, the SOE sent the Respondent a "Delinquency Notice" by certified mail (Composite Exhibit A, page 1). According to the United States Postal Service (USPS) tracking system the certified letter was delivered and signed for by the Respondent on August 4, 2019.

(8) On August 19, 2019, the Commission mailed the Respondent a courtesy postcard to remind him of his obligation to file a 2018 CE Form 1, and to inform the Respondent about potential fines if the disclosure form was not timely filed. All correspondence from the Commission to the Respondent pertaining to the 2018 CE Form filing was mailed to the above referenced address.

(9) On September 6, 2019, the Commission mailed the Respondent a "Courtesy Notice of Fines Accruing," (Composited Exhibit A, page 2) informing him that an automatic fine of \$25 per day was accruing, as the 2018 CE Form had not been received by the SOE.

(10) On July 19, 2021, the Commission sent the Respondent a "Notice of Assessment of Automatic Fine" (Composited Exhibit A, pages 3 and 4) by certified mail. The notice indicated the Respondent had accrued the maximum fine of \$1,500, and included notice of his right to appeal his fine. USPS records reflect the notice was delivered on July 20, 2021.

(11) The Respondent is listed as the Financial Disclosure Coordinator for the Dorcas Fire District. This investigator attempted to contact him by telephone to no avail. Afterwards, this investigator sent an email to the above referenced email address. Thereafter, the Respondent contacted this investigator by telephone, as this investigator attempted to interview the Respondent, the call disconnected. This investigator immediately called him back but he failed to answer all subsequent calls. The Respondent never called this investigator back (Composite Exhibit A, page 5).

(12) The investigation determined the Respondent did not file the required CE Form 1 for filing years 2012, 2014, and 2018, and accrued the maximum fine for each year. According to the Financial Disclosure Management System database, collection of his fines have been paid by withholding salary from his Dorcas Fire District position. The Respondent currently has a total remaining balance of \$1,810.00 for unpaid fines related to filing year's 2012 and 2014.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Polinski, John
 Dorcas Fire District Fire Chief Board of Commissioners
 5566 Highway 393
 Crestview, FL 32531 7808



9590 9402 4118 8092 8719 53

2. Article Number (Transfer from service label)

7018 0680 0000 2105 8873

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X *J. Polinske*

B. Received by (Printed Name) C. Date of Delivery
 J. Polinske 7/31/19

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING #



9590 9402 4118 8092 8719 53



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

United States Postal Service

RECEIVED SUPERVISOR OF ELECTIONS

Paul Lux

Ocala Supervisor of Elections

302 Wilson Street N Suite 102

Crestview, FL 32536-3440

• Sender: Please print your name, address, and ZIP+4® in this box*

A-1

Kimberly Bonder Rezanka
Chair
Daniel Brady, Ph.D.
Vice Chair
Jason David Berger
Antonio Carvajal
Glenton "Glen" Gilzean, Jr.
John Grant
JoAnne Leznoff
F. Shields McManus
William "Willie" N. Meggs



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

C. Christopher Anderson, III
*Executive Director/
General Counsel*

Kerrie J. Stillman
Deputy Executive Director

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

September 6, 2019

John Polinski - 247409
Fire Chief
Dorcas Fire District
Board of Commissioners
5566 Highway 393
Crestview FL 32539 -7808

RE: Financial Disclosure (Form 1, Statement of Financial Interests -- 2018)

Earlier this year, you were noticed of your obligation to file a Form 1, Statement of Financial Interests, for the year ending December 31, 2018. The grace period for filing expired on September 3, 2019 and according to records in our office you have not filed Form 1. I am writing to advise you, that pursuant to State law, an automatic fine of \$25.00 per day for each day late (\$1,500 maximum fine) is being assessed against you for your failure to timely file Form 1. Please file the form as soon as possible with the Okaloosa County Supervisor of Elections.

Sincerely,

A handwritten signature in cursive script that reads "Charles Christopher Anderson, III".

Charles Christopher Anderson, III
Executive Director

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

In re **John Polinski**
Fire Chief
Board of Commissioners
Dorcas Fire District

PID#: 24740

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(8)(g), Florida Statutes, due to your failure to timely file your 2018 CE Form 1, Statement Of Financial Interests. Under the law, your 2018 CE Form 1, Statement of Financial Interests, was due by July 1, 2019. The law provided for a penalty-free grace period extending the due date to September 3, 2019. 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(8)(g), Florida Statutes.

Inasmuch as your 2018 CE Form 1 has not been filed with the Supervisor of Elections for Okaloosa County within the 60 days of the grace period date (September 3, 2019), 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. Unless the fine is successfully appealed, the Commission is required to investigate public officers and employees who receive the maximum \$1,500 fine, to determine whether their failure to file was willful. The penalty for willfully failing to file disclosure is removal from public office or employment.

HOW TO APPEAL

1. Read these instructions carefully before submitting your appeal.
2. **LEGAL AUTHORITY:** Appeals are governed by Section 112.3145(8)(g)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 **August 18, 2021**. **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 3, 2019, 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, 2018:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2018; 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:

John Polinski
5566 Highway 393
Crestview, FL 32539 -7808

by Certified Mail on this Monday, July 19, 2021.



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

SANCHEZ.ANA

From: polinskyjdfd@yahoo.com
Sent: Wednesday, January 19, 2022 6:51 PM
To: SANCHEZ.ANA
Subject: Re: 2018 Financial Disclosure Form 1

I called the office back when I missed your call earlier. I will px you tomorrow.

Sent from Yahoo Mail on Android

On Wed, Jan 19, 2022 at 2:39 PM, SANCHEZ.ANA
<SANCHEZ.ANA@leg.state.fl.us> wrote:

Hello and Good Afternoon Chief Polinsky,

I have been trying to get in contact with you. I really need to speak to you regarding an investigation that was initiated due to you not filing the required Financial Disclosure Form 1 for the year of 2018. It is imperative that you return my call. I could be reached at the telephone number listed below. Thank you in advance for your time and cooperation.

Respectfully,

Ana Sanchez

Investigator

Florida Commission on Ethics

Post Office Drawer 15709

Tallahassee, FL 32317-5709

(850) 488-7864