

APR 10 2025

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

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In re: Rod Lincoln,

Respondent.

Complaint No.: 25-064

CONFIDENTIAL

ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Determination of Investigative Jurisdiction and Order to Investigate and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

RESPONDENT

Respondent, Rod Lincoln, serves as a member of the Villages of Pasadena Hills Advisory & Planning Committee.

JURISDICTION

The Executive Director of the Commission on Ethics ordered a preliminary investigation for a probable cause determination as to whether Respondent violated Section 112.3145(9)(c), Florida Statutes. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on April 8, 2025.

ALLEGATION

Respondent is alleged to have violated Section 112.3145(9)(c), Florida Statutes, by willfully failing to timely file a 2021 CE Form 1, "Statement of Financial Interests."

APPLICABLE LAW

Section 112.3145(9)(c), Florida Statutes, provides as follows:

If a person holding public office or public employment fails or refuses to file an annual statement of financial interests for any year in which the person received notice from the Commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, 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 is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a statement of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

In order to establish a violation of Section 112.3145(9)(c), Florida Statutes, the following elements must be proved:

1. Respondent is currently a public officer or employee.
2. Respondent must have failed or refused to file an annual statement of financial interests.
3. Respondent must have received notice from the commission regarding the failure to file for the corresponding year.
4. The maximum automatic fine authorized for failing to file must have accrued.
5. Respondent's failure to file is willful.

ANALYSIS

Respondent serves as a member of the Villages of Pasadena Hills Advisory & Planning Committee. (ROI 1, 25) This position requires the filing of a CE Form 1, "Statement of Financial Interests." (ROI 1) All correspondence regarding this matter was mailed to Respondent's home address of 39145 Pretty Pond Road, Zephyrhills, FL 33540-1532. (ROI 4, 9, 10)

In May 2022, the Pasco County Supervisor of Elections (SOE) mailed an initial filing packet containing a blank 2021 CE Form 1 to Respondent. (ROI 4) Respondent failed to file his 2021 CE Form 1 with the SOE by the original due date in July 2022. §112.3145(2)(b), Fla. Stat. In July 2022, a second notice was mailed by the SOE to notify Respondent to file his 2021 CE Form 1 (ROI 4)

On August 18, 2022, the Commission on Ethics (Commission) mailed Respondent a courtesy postcard reminding him of the filing obligation and the potential for a fine if the form was not timely filed by September 1, 2022. (ROI 6, Exhibit A) In addition, County staff sent notifications to Respondent's email address of rlin470339@aol.com on August 23, 2022 and August 31, 2022, notifying him that the SOE had not received his 2021 CE Form 1 and that he would start accruing a \$25 per day fee beginning on September 1, 2022. (ROI 5, 10)

Respondent failed to file his 2021 CE Form 1 within 60 days of September 1, 2022 which was the "grace period" deadline. §112.3145(8)(g), Fla. Stat. (ROI 2) On September 13, 2022, the Commission mailed Respondent a "Courtesy Notice of Fines Accruing" which informed him that the grace period for filing had expired and an automatic fine of \$25.00 per day was being assessed. (ROI 7, Exhibit B)

As of November 1, 2022, Respondent accrued the maximum fine of \$1,500 authorized by Section 112.3145(8)(g), Florida Statutes, for failing to file his form. (ROI 2) On November 9,

2023, the Commission mailed Respondent a “Notice of Assessment of Automatic Fine” via certified mail which informed him that he had been fined the maximum amount of \$1,500 and contained instructions on how to appeal the fine.¹ (ROI 8, Exhibit C)

Respondent acknowledged receiving notifications regarding his responsibility to file his 2021 CE Form 1. (ROI 10) He advised that he did not file the form because he did not wish, at the time, to make the details of his assets known to the public. (ROI 10) While he subsequently filed his 2022 and 2023 forms, he still has not filed his 2021 form.² (ROI 10, 11, 12)

Respondent is in a position that requires him to file a financial disclosure form. (ROI 1) At the time that the maximum fine accrued on November 1, 2022, Respondent had not filed his 2021 CE Form 1 even after receiving notice from the SOE and Commission. (ROI 2, 10) Respondent’s failure to file after receiving notice and the maximum fine accrual triggered the Commission to initiate an investigation. (ROI 3)

By his own admission, Respondent intentionally did not file his 2021 CE Form 1. The Commission has defined “willful” as “gross indifference and reckless disregard to the requirements of the law.” His failure to timely file his 2021 CE Form 1 is a “willful” violation of the law.

Therefore, based on the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Section 112.3145(9)(c), Florida Statutes.

RECOMMENDATION

It is my recommendation that:

There is probable cause to believe that Respondent violated Section 112.3145(9)(c), Florida Statutes, by willfully failing to timely file a 2021 CE Form 1, “Statement of Financial Interests.”

¹ On February 24, 2025, Respondent paid the \$1,500 fine. (ROI 11)

² as of April 8, 2025

Respectfully submitted this 10th day of April, 2025.


MELODY A. HADLEY

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on Ethics

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