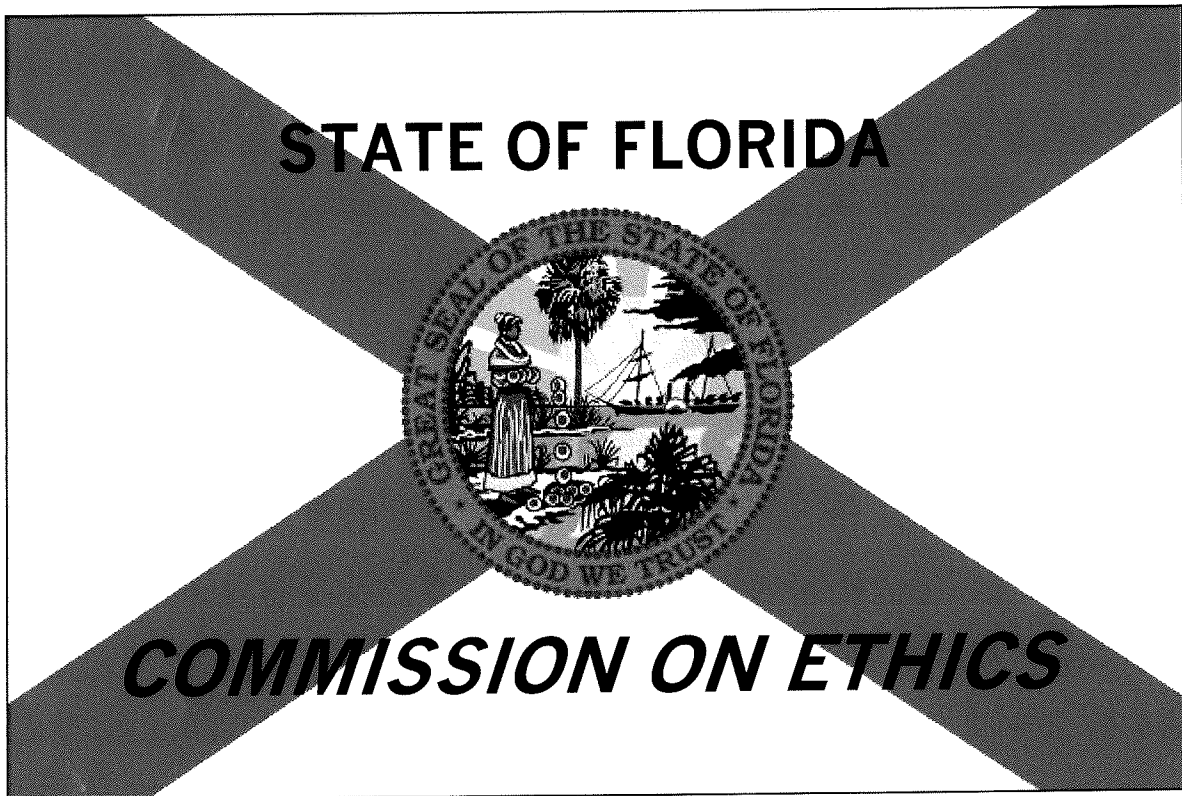


REPORT OF INVESTIGATION



Complaint Number 25-064

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: ROD LINCOLN
Member
Villages of Pasadena Hills Advisory &
Planning Committee
Zephyrhills, Florida

COMPLAINT NO.: 25-064
Exhibits A through C

INVESTIGATED BY: 
Robert G. Malone

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: 
Kerrie J. Stillman
Executive Director


Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 25-064**

- (1) Mr. Rod Lincoln serves as a member of the Villages of Pasadena Hills Advisory & Planning Committee, a position requiring the annual filing of a CE Form 1, "Statement of Financial Interests."
- (2) The Respondent failed or refused to file a 2021 CE Form 1 on or before September 1, 2022, the date automatic fines of \$25 per day began to accrue under Section 112.3145(8)(g), Florida Statutes (2021). As of November 1, 2022, the Respondent accrued the maximum fine (\$1,500) authorized under Section 112.3145(8)(g), Florida Statutes (2021).
- (3) Pursuant to Section 112.3145(9)(c), Florida Statutes, the Commission on Ethics (Commission) is required to initiate an investigation of any public officer or employee who has accrued the maximum fine as a result of failing to file an annual CE Form 1 for any year in which he or she received notice from the Commission regarding the failure to file.
- (4) The Pasco County Supervisor of Elections Office mailed an initial filing packet, including a 2021 CE Form 1, to the Respondent's home address of 39145 Pretty Pond Road, Zephyrhills, Florida, on or before May 30, 2022. A second notice was mailed by the Supervisor of Elections Office on July 26, 2022, notifying the Respondent to file his 2021 CE Form 1.
- (5) Pasco County records reflect that County staff sent notifications to the Respondent's email address of rlin470339@aol.com on August 23, 2022, and August 31, 2022, notifying him that the Supervisor of Elections had not received his 2021 CE Form 1 and that he would start accruing a \$25 per day fee beginning on September 1, 2022.
- (6) Commission records reflect that on August 18, 2022, the Commission mailed the Respondent a "Courtesy Postcard" (Exhibit A) reminding him of his obligation to file a 2021 CE Form 1. The postcard stressed the fact that the reminder was urgent, the action must be taken now, and that an automatic fine of \$25 per day (up to a maximum of \$1,500) would be assessed if the disclosure form was not received by September 1, 2022.
- (7) On September 13, 2022, the Commission mailed the Respondent a "Courtesy Notice of Fines Accruing." The notice (Exhibit B) informed the Respondent that the grace period for filing his 2021 disclosure form had expired and an automatic fine of \$25 per day was being assessed against him.
- (8) On November 9, 2023, the Commission mailed the Respondent a "Notice of Assessment of Automatic Fine." The notice (Exhibit C) informed the Respondent he had been fined the maximum amount of \$1,500, contained instructions on how to appeal the fine, and what actions could be taken if he failed to pay the fine or file an appeal within 30 days.

(9) All correspondence from the Commission to the Respondent regarding his 2021 CE Form 1 was mailed to the Respondent's home address at 39145 Pretty Pond Road, Zephyrhills, FL 33540-1532.

(10) The Respondent acknowledged by telephone that, although he does not recall all of the details, he received notifications from the Commission concerning his responsibility to file his 2021 CE Form 1. He stated that he did not file the 2021 disclosure form because he did not wish, at that time, to make the details of his assets known to the public. However, he explained that he was told by another filer, at a later date, that he was not required to report all of the details concerning his assets on the disclosure form so he subsequently filed his 2022 and 2023 CE Forms 1. The Respondent verified his home address and his email address was correct.

(11) On February 24, 2025, the Respondent paid the \$1,500 fine relative to his failure to file a 2021 CE Form 1. At the conclusion of this investigation, the Respondent still had not filed his 2021 disclosure form, although when interviewed, he stated that he planned to file the form.

(12) Commission records confirm that the Respondent filed his 2022 CE Form 1 on September 1, 2023, and his 2023 CE Form 1 on September 16, 2024.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A

**URGENT REMINDER!
YOU MUST ACT NOW!**

Earlier this year, you were notified of your obligation to file a CE Form 1, Statement of Financial Interests, for the year ending December 31, 2021. The grace period for filing this form will expire on September 1, 2022 at 5 p.m., and according to our records, you still have not filed your CE Form 1.

Pursuant to State law, an automatic fine of \$25 per day for each day late (up to a maximum fine of \$1,500) will be assessed against you if your CE Form 1 is not received by September 1, 2022. Failure to file can result in removal from public office or employment. Please file your CE Form 1 immediately with your county Supervisor of Elections!



If you have *ANY* questions, please contact
State of Florida
Commission on Ethics
(800) 262-8824 or (850) 488-7864.

A/

EXHIBIT B

EXHIBIT B

John Grant
Chair
Glenton "Glen" Gilzean, Jr.
Vice Chair
Michelle Anchors
Antonio Carvajal
William P. Cervone
Don Gaetz
William "Willie" N. Meggs
Ed H. Moore
Jim Waldman



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

Kerrie J. Stillman
Executive Director

Steven J. Zuilkowski
Deputy Executive Director/
General Counsel

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

"A Public Office is a Public Trust"

September 13, 2022

Mr Ron Lincoln - 287102
Pasco County
Villages of Pasadena Hills Advisory & Planning Committee
39145 Pretty Pond Rd
Zephyrhills FL 33540 -1532

RE: Financial Disclosure (Form 1, Statement of Financial Interests -- 2021)

Earlier this year, you were noticed of your obligation to file a Form 1, Statement of Financial Interests, for the year ending December 31, 2021. The grace period for filing expired on September 1, 2022 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 Pasco County Supervisor of Elections.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie J. Stillman".

Kerrie J. Stillman
Executive Director

B/

EXHIBIT C

EXHIBIT C

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

In re **Rod Lincoln**
 Committee Member
 Villages of Pasadena Hills Advisory & Planning Committee
 Pasco County

PID#: 287102

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 2021 CE Form 1, Statement Of Financial Interests. Under the law, your 2021 CE Form 1, Statement of Financial Interests, was due by July 1, 2022. The law provided for a penalty-free grace period extending the due date to September 1, 2022. 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 2021 CE Form 1 has not been filed with the Supervisor of Elections for Pasco County within the 60 days of the grace period date (September 1, 2022), 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 **December 11, 2023**. **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, 2022, 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;

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- 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, 2021:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2021; 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.

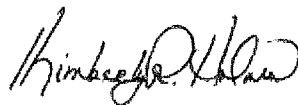
Please contact our office if you have any questions about this matter.

CERTIFICATE OF MAILING

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

**Mr Rod Lincoln
39145 Pretty Pond Rd
Zephyrhills, FL 33540 -1532**

by Certified Mail on this Thursday, November 9, 2023.



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

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