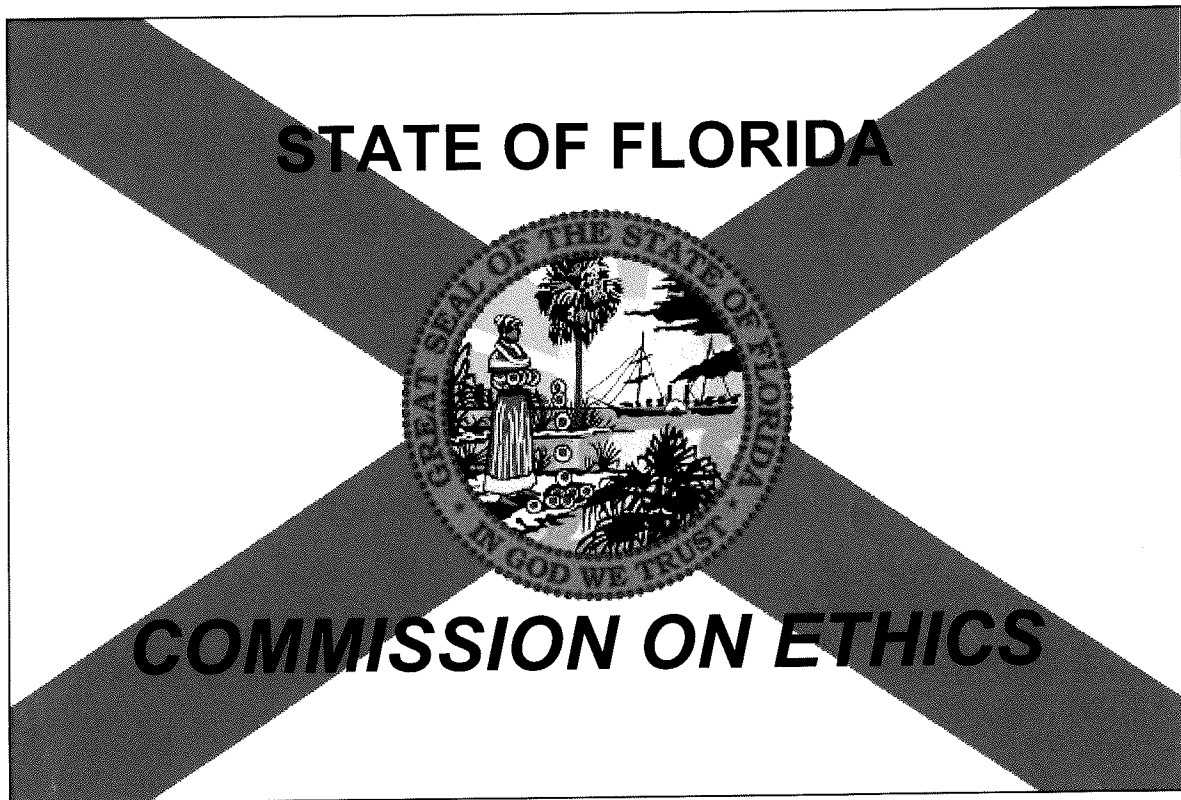


# **REPORT OF INVESTIGATION**



**Complaint Number 22-060**

## **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, and 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: ROBIN HATCHER  
City Clerk  
Bristol, FL

COMPLAINT NO.: 22-060

INVESTIGATED BY:   
Matthew P. Garrigan

Distribution: Commission on Ethics  
Respondent  
Advocate  
File

Releasing Authority:   
Kerrie J. Stillman  
Executive Director

  
Date

\* \* \* \*

**REPORT OF INVESTIGATION  
COMPLAINT NO. 22-060**

- (1) James Kersey, Mayor of Bristol, alleges that Robin Hatcher, City Clerk for Bristol, violated the Code of Ethics for Public Officers and Employees.
- (2) The complaint alleges that, in January 2022, the Respondent took approximately \$200 of cash from the money drawer in City Hall for personal use, leaving a note that she was taking the cash, but would repay it. The complaint also alleges the money was returned before a deposit of the funds was made. The complaint further asserts the Respondent has taken public money in a similar manner "several times" in "the past years."
- (3) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaint, the above-referenced allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Article II, Section 8(g)(2), Florida Constitution (Disproportionate Benefit), and Section 112.313(6), Florida Statutes (Misuse of Public Position).
- (4) The Respondent has been serving as Bristol City Clerk since August 1998. The Respondent advised that one of her duties further stated is to oversee and manage the City funds held in City Hall. She further stated that Deputy City Clerk Nicole Day also oversees and manages the funds. The Respondent noted that she and Ms. Day makes daily bank deposits on behalf of the City. She also noted that Mayor James Kersey is her direct supervisor.
- (5) The Complainant alleges that, on Friday, January 21, 2022, the Respondent took \$200 out of the cash drawer at City Hall and left a note in the drawer indicating she took the \$200. When interviewed, the Respondent confirmed she took \$200 out of the cash drawer at City Hall. The Respondent explained that she planned to donate \$200 of her personal funds to the Blountstown High School Girls Weightlifting Team, but claimed she did not have the time to go that day to the bank to withdraw \$200 from her own account. She advised she did not seek permission, from the Mayor or anyone else, to take the \$200 from the City funds. She said she had every intention to repay the \$200 on Monday, January 24, 2022. However, she did not return the money she took because Ms. Day was working remotely and she (the Respondent) was too busy to go to her bank that day. On Tuesday, January 25, 2022, the Respondent put \$200 in the cash drawer at City Hall to replace the \$200 that she had taken on Friday, January 21, 2022.
- (6) The Respondent said that, throughout her career as the Bristol City Clerk, she has on "rare occurrences" taken money out of the cash drawer at City Hall, but always replaced the money that she has taken. She advised that she is unable to recall the amount of money she has taken out of the cash drawer in the past, or the dates she took the money. The Respondent claimed that, throughout her career, whenever she has taken money out of the cash drawer at City Hall, she has always replaced the exact amounts that she took.

(7) Deputy City Clerk Nicole Day reported that she has served as Deputy City Clerk since September of 2014. Ms. Day advised that she and the Respondent are the only two employees who manage the money and accounts for the City, including the cash held at City Hall. She said that, on Friday, January 21, 2022, she did not notice the \$200 missing from the cash drawer. Ms. Day advised she was working remotely on Monday, January 24, 2022, and was not at City Hall. She also said that when she arrived at City Hall on January 25, 2022, she saw a note in the cash drawer that said, "\$200.00 as soon as the credit union opens this morning. I got busy & let it close on me yesterday. Yikes, sorry. –Robin." She confirmed that on Tuesday, January 25, 2022, the Respondent replaced the \$200 in the cash drawer at City Hall.

(8) Ms. Day said that, on March 28, 2022, she spoke with the Respondent regarding the Respondent's management of cash in City Hall. As a result of the conversation, Ms. Day said the Respondent herself suggested they meet regarding the use of the cash drawer with Margaret Rankin (the City Council Chair), Mayor Kersey, and Jackson Summers (the City Attorney).

(9) Mayor Kersey said he has served as Mayor of Bristol since November 2021. Mayor Kersey said that, on March 30, 2022, Ms. Day approached him and brought forth the above-referenced issues regarding the Respondent's actions. On April 4, 2022, Mayor Kersey called for a private meeting with Chair Rankin, City Attorney Summers, Ms. Day, and the Respondent. Mayor Kersey said that the Respondent confirmed that, on January 21, 2022, she took \$200 out of the cash drawer at City Hall and, on January 25, 2022, she replaced the \$200.

(10) Mayor Kersey advised that the City has not administered any disciplinary action to the Respondent as a result of her taking \$200 of the City funds.

(11) Mayor Kersey further advised that the Charter of the City of Bristol contains the following sections regarding the City's funds and cash:

83<sup>rd</sup> – "CITY TREASURER"

The City Clerk shall serve as City Treasurer, which said officer shall be the custodian of all money of the City and shall keep and preserve the same in such manner and in such place or places as shall be determined by City Council.

84<sup>th</sup> – "PAYMENT OF MONEY"

Money shall be paid out of the City Treasury only on warrants or checks signed by the Chairman of the City Council and counter-signed by the City Clerk.

(12) The City's Personnel Policy and Procedures Manual for disciplinary actions reflects "Abuse or theft of City property" as a punishable offense. Copies of the City's Charter and Personnel Policy and Procedures Manual have been retained in the Investigative File.

(13) Mr. Summers stated that he has been serving as Bristol City Attorney since December 2017. He advised that the City of Bristol is audited on an annual basis. He advised that during his tenure, all audits for the City have come back clean with no missing funds.

(14) Mr. Summers said that, after the meeting on April 4, 2022, the Respondent and Ms. Day were instructed to deposit the cash at City Hall in the bank, on a daily basis, to help eliminate the possibility of money being taken out of cash drawer for personal use. Prior to that time, he indicated, deposits were made weekly.

### **END OF REPORT OF PRELIMINARY INVESTIGATION**