FLORIDA
COMMISSION ON ETHICS
AUG 18 2023
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BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In Re: William Oppenheimer,

Complaint No.: 22-163

Respondent.
_____/

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, William Oppenheimer, and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

STIPULATED FINDINGS OF FACT

1. Respondent was a write-in candidate for the 2022 election to the Collier County Commission and, therefore, is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

2. On October 3, 2022, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.

3 Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and on December 9, 2022, ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent violated the Code of Ethics. The Report of Investigation was released on April 11, 2023.

4. On June 9, 2023, the Commission on Ethics found probable cause to believe Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida

Statutes.

The Allegation is:

> Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2021 CE Form 6, "Full and Public Disclosure of Financial Interests."

5. Respondent admits the facts as set forth in the Report of Investigation as to the Allegation as incorporated by reference in this Joint Stipulation.

6. Respondent further makes the following admissions:

> When I filed my papers, I gave them to David Carpenter, at the Collier County Supervisor of Elections who has the title of a Qualifying Officer, because I wanted him to review them before they were filed. He didn't see (nor did he express any deficiencies in the paperwork) and therefore rightly or wrongly I relied on his judgment and expertise as Qualifying Officer. I'm not shifting blame, I'm just stating facts.
>
> Shortly after filing to run for elective office, I suffered a debilitating stroke and found it necessary to withdraw from the race. Afterwards, I discovered that I made numerous mistakes for which I apologize and make no excuses for but I'm not in the habit of filing these papers on a regular basis. I understand that they may now be filled out online which likely would have helped me. I attempted to correct the errors by filing an addendum to my original CE Form 6 but I have been advised the information must be disclosed on a CE Form 6X, which I have since filed with the Commission on Ethics. I do not believe a voter was misled by my inaccurate CE Form 6 because I withdrew from the race early.
>
> Due to the stroke, my disabilities have significantly limited my abilities to read and fill out the required paperwork. At this point I can only apologize and say that there was no bad intent on my part and respectfully request leniency from the Commission.
>
> It is without qualification that I attest to you I will not run

for elected office again.

STIPULATED CONCLUSIONS OF LAW

7. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

8. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

9. Respondent admits the Allegation as set forth in paragraph four (4) of the Stipulated Findings of Fact, above.

10. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

STIPULATED RECOMMENDED ORDER

11. The Advocate accepts Respondent's admission in this proceeding.

12. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings in this cause.

13. Therefore, the parties request and the Advocate recommends that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties;

(b) The Commission on Ethics enter a Final Order and Public Report finding that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and recommending:

A civil penalty of $1,500.00.

FURTHER STIPULATIONS

14. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full

knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Stipulation of Fact, Law, and Recommended Order.

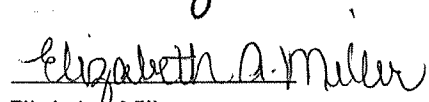
15. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, they accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

16. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

17. Respondent enters into this Joint Stipulation with the understanding of the seriousness of the allegations and gives his assurance that this proceeding has affected the manner in which he conducts himself as a public employee in a positive way.

18. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated and entered into:
this 18 day of August, 2023.



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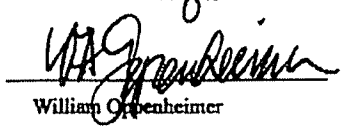
Signed, dated and entered into:
this 18 day of August, 2023.



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