BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re REX B. KIRBY	)	Financial Disclosure Appeal No. FD 22-025
	)	
Appellant.	)	Final Order No. XXX
	)	

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on October 23, 2026, on the appeal of Appellant, pursuant to Section 112.3145(8)(g), Florida Statutes, (subsequently renumbered to Section 112.3145(8)(f)) which assesses an automatic fine of $25 per day on a person who fails to timely file a required CE Form 1, Statement of Financial Interests. The Commission may waive the fine in whole or in part for good cause shown, based on "unusual circumstances" surrounding the failure to file by the designated date. There are no matters in dispute. Appellant did not request a hearing.

Findings of Fact

1. According to information provided to the Commission, Appellant served as a Member of the Palm Beach County Construction Board of Adjustment and Appeals, a position requiring the filing of a 2021 CE Form 1, Statement of Financial Interests. In 2022, the designated due date for submitting a 2021 CE Form 1 was July 1, 2022, with a grace period ending on September 1, 2022.

2. No later than June 1, 2022, the Palm Beach County Supervisor of Elections sent Appellant a 2021 CE Form 1.

3. No later than August 1, 2022, the Palm Beach County Supervisor of Elections sent Appellant a notice of delinquency by certified mail. The Palm Beach County Supervisor of Elections did not provide a copy of the certified mail receipt.

4. On September 13, 2022, the Commission on Ethics mailed Appellant a courtesy notice of fines accruing. This notice was sent to Appellant at 1545 Centrepark Dr N, West Palm Bch, FL 33401-7414.

5. On September 27, 2022, the Palm Beach County Supervisor of Elections Received Appellant's 2021 CE Form 1.

6. On November 9, 2023, the Commission mailed Appellant a Notice of Assessed Fine. The notice was sent by mail to the 1545 Centrepark Dr N address. It indicated the total of Appellant's accrued automatic fine was $650 ($25 per day for 26 days late) and provided that the Commission must receive an appeal of the fine by December 11, 2023.

7. On November 29, 2023, the Commission received Appellant's appeal of his automatic fine for Form Year 2021. In part B of his appeal form, Appellant checked "Lack of notification" and "Other unusual circumstance" as the general reason for his appeal. In part C of his appeal form, where an appellant is asked to provide a detailed explanation of his or her appeal, Appellant wrote that he never received the delinquency notices. Appellant explained that his office was a multi-tenant space with a part-time receptionist, and frequent personnel changes for that position resulted in haphazardly distributed mail. Appellant also explained that he held off on filing his Form while waiting on an advisory opinion from the Palm Beach County Commission on Ethics as to whether he had a conflict of interest in his public role.

Conclusions of Law

8. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

9. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government.

10. Section 112.3145(8)(g)3., Florida Statutes, (subsequently renumbered to Section 112.3145(8)(f)(2)) states:

> Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. For purposes of this subparagraph, the term "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

11. Pursuant to Rule 34-8.215(4), F.A.C., "unusual circumstances" means 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. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

12. Here, Appellant stated that he did not receive any delinquency notices, and that mail to his office was haphazardly distributed due to multiple personnel changes. The Palm Beach County Supervisor of Elections did not provide the Commission with any certified mail receipts

for the delinquency notice it sent to Appellant, nor did it provide any records indicating the address that Appellant's initial notice was sent to. Commission records indicate that Appellant called the Commission and stated that the Commission had an old office address on file for him. Appellant also noted that he was waiting to file the Form until receiving an advisory opinion concerning a potential conflict of interest. This, alone, would not excuse Appellant's late filing (as waiting for an opinion does not preclude the filing of a form). However, the lack of notification argument is sufficient on its own to constitute "unusual circumstances" that prevented the timely filing of the Form. Therefore, considering Appellant's claims, and that there is no evidence showing otherwise, there are "unusual circumstances" here that prevented the timely filing of the financial disclosure form that justify waiving the $650 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby finds that unusual circumstances for failure to timely file have been demonstrated. We therefore waive the assessed fine of $650.

ORDERED by the State of Florida Commission on Ethics meeting in public session on October 23, 2026.

Date Rendered

Jeremy M. Rodgers
Chair, Florida Commission on Ethics

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

JMR: aln

Rex B. Kirby
1501 Belvedere Road Suite 200
West Palm Beach, FL 33406

22-025 265421

STATE OF FLORIDA
COMMISSION ON ETHICS

325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303
Telephone: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

FLORIDA
COMMISSION ON ETHICS
NOV 29 2023
RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2021

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A, please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for your appeal. In addition to your written explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

Mailing Address: Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Name: Rex B. Kirby

Address: 1501 Belvedere Road, Suite 200 City: West Palm Beach State: FL Zip: 33406

Daytime Tel.: 561-440-1600 Cell: 561-722-4390

Email: rex.kirby@verdex.com Filer ID# (if known): 265421

Public Employer:

Public Position: Construction Board of Adjustments and Appeals and the Sales Tax Oversight Committee

CONTINUED ON REVERSE SIDE

PART B: GENERAL REASON(S) FOR YOUR APPEAL

Please choose any/all reasons that apply to your appeal.

I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

a. [ ] **Sickness or injury** (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)

b. [✔] **Lack of notification – Failure to receive notice** (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)

c. [ ] **Claim of timely filing of financial disclosure** (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)

d. [ ] **Left public position prior to December 31, 2021** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2021)

e. [✔] **Other unusual circumstance** (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)

f. [ ] **Not required to file** (Explain in Part C and provide documentation that supports reason for not required to file)

PART C: DETAILED EXPLANATION OF YOUR APPEAL

Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.

b.) The certified mail delinquency notice(s) were not received. Our office was a multitenant space with a partime receptionist, and frequent change in personnel for this position resulting in haphazardly distributed mail and packages.

c.) Please see attached letter detailing Unusual Circumstances and accompanying documentation and evidence of cause for delay in the submittal of the 2021 CE Form 1, Satement of Financial Interests

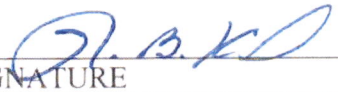
OPTIONAL REQUEST FOR HEARING

[ ] In addition to this written appeal, I specifically request to appear before the Commission in a hearing pursuant to Section 112.3144(8)(f)3 or Section 112.3145(8)(g)3, Florida Statutes. Commission meetings occur in Tallahassee.

SIGNATURE

I have received and read the Notice of Assessment of Automatic Fine and its instructions on How to Appeal and I understand my options. I am requesting disposition of this matter as indicated.

11-28-23
DATE


SIGNATURE

VERDEX
CONSTRUCTION

Headquarters
1501 Belvedere Road / Suite 200
West Palm Beach, FL 33406
561.440.1600
info@verdex.com
www.verdex.com
Lic. No. CGC1519424

November 28, 2023

Florida Commission on Ethics
325 John Know Road
Building E, Suite 200
Tallahassee, FL 32303

Dear Sir or Madam,

This letter is in response to PID# 265421 in regard to the untimely filing of my 2021 CE Form 1, Statement of Financial Interests, and to explain the circumstances that fall under "other unusual circumstance".

Verdex Construction is a Construction Manager that pursues contracts with Palm Beach County. I am a volunteer member, representing Associated General Contractors, to the Construction Board of Adjustments and Appeals as well as the Sales Tax Oversight Committee. As you will see from the attached string of emails, we reached out first to Palm Beach County and then were referred to the Ethics Commission to ensure there was no conflict with me serving on these volunteer Boards and Committees and pursuing work with the County. We held off on submitting the 2021 CE Form 1 while we sought an answer to the question of conflict.

We ultimately submitted the Form on September 27 after getting unofficial feedback that there did not seem to be an issue, and received formal notification on October 8 that there was no conflict of interest.

I hope this explanation is understood and warrants a waiver of the $650 fine.

Sincerely,

Rex B. Kirby, PE
President and CEO
Verdex Construction

Jo-Ellen Cox

Subject: Request for Advisory Opinion RQO 22-023
Attachments: RQO 22- 023.pdf

From: Ethics <Ethics@palmbeachcountyethics.com>
Sent: Saturday, October 8, 2022 3:41 PM
To: Rex Kirby <rex.kirby@verdex.com>
Cc: Ethics <Ethics@palmbeachcountyethics.com>; Lisa King <lisa.king@verdex.com>
Subject: RE: Request for Advisory Opinion RQO 22-023

Good afternoon Mr. Kirby,

Attached please find the expedited advisory opinion released by the staff of the Palm Beach County Commission on Ethics.

The advisory opinion will become official upon approval at the next regularly scheduled meeting of the Commission on Ethics. While there are no changes anticipated to the opinion, please be advised that it is preliminary until the meeting of November 3, 2022. However, because the opinion has the preapproval of the Chair of the Commission on Ethics, you may rely on the opinion unless and until you are notified of any changes. The official opinion will be posted to our website after the meeting. I will only contact you after the meeting if the opinion changes. If you do not hear from me, the opinion rendered and forwarded with this email is official.

The meeting will be held in the BCC chambers, 6th floor, Governmental Center at 1:30 pm. You may attend the meeting if you wish or view the process and the decision of the Commission on Ethics on cable Channel 20 or via live stream directly from our website. In addition, the meeting will be posted on the Commission on Ethics Website www.palmbeachcountyethics.com on the Monday following the meeting.

Should you have any questions, do not hesitate to contact me at 561-355-1937.

Thank you,

Gina A. Levesque, Intake and Compliance Manager
Palm Beach County Commission on Ethics
The Historic 1916 Palm Beach County Courthouse
300 North Dixie Highway, Suite 450
West Palm Beach, FL 33401
Ph 561-355-1937
Fx 561-656-7100

www.PalmBeachCountyEthics.com

Honesty - Integrity - Character

From: Rex Kirby <rex.kirby@verdex.com>
Sent: Tuesday, September 27, 2022 9:34 PM
To: Lisa King <lisa.king@verdex.com>
Cc: Ethics <Ethics@palmbeachcountyethics.com>
Subject: Re: Request for Advisory Opinion

This Message Is From an External Sender
This message came from outside your organization.

Yes, confirming I am asking to make sure there is no conflict.

Thank you,

Rex B. Kirby
President & CEO
Verdex Construction LLC

On Sep 27, 2022, at 6:47 PM, Lisa King <lisa.king@verdex.com> wrote:

Yes he is. He is copied on all this correspondence. I sent it on his behalf because I Time is of the essence and he has busy with hurricane prep yesterday and today.

Lisa King
Vice President of Business Development
Direct Line 561.440.1800
Office 561.440.1600
Cell 561.284.5229
1545 Centrepark Drive West Palm Beach, FL 33401
Verdex.com [verdex.com]

On Sep 27, 2022, at 4:15 PM, Ethics <Ethics@palmbeachcountyethics.com> wrote:

Good afternoon Lisa,

May I assume Rex Kirby is asking for the opinion? We are not able to provide an opinion to a 3rd party, who the opinion does not directly apply to.

Kind regards,

Gina A. Levesque, CFE
Intake and Compliance Manager
Ph 561-355-1937
Fx 561-656-7100

www.PalmBeachCountyEthics.com

Honesty - Integrity - Character

From: Lisa King <lisa.king@verdex.com>
Sent: Tuesday, September 27, 2022 3:30 PM
To: Ethics <Ethics@palmbeachcountyethics.com>
Cc: Rex Kirby <rex.kirby@verdex.com>
Subject: Request for Advisory Opinion

This Message Is From an External Sender
This message came from outside your organization.

To Whom It May Concern,

I am writing to request an opinion regarding Verdex Construction and its desire to pursue a Construction Manager at Risk RFP for the Palm Beach County Vista Center Expansion project and one for the 45th Street Complex.

Our president, Rex Kirby, serves on both the Palm Beach County Building Board of Adjustments and Appeals and the County's Infrastructure Surtax Independent Citizen Oversight Committee. We want to make sure that there is no perceived nor actual conflict for Verdex Construction nor Rex to participate in the pursuits (RFP submittals and presentations, if we get there).

Please tell me the next steps I need to take to receive an opinion. I began my "no conflict" query in mid August by asking the County's Facility department if there was a conflict. I was told that they were passing it through the Palm Beach County attorney for an opinion. Today I received an email stating that the Commission on Ethics prefers that we go directly through your own process. These RFPs are expected to be released soon and I'm concerned we'll miss the opportunity.

Thank you!

Regards,

VERDEX CONSTRUCTION
[verdex.com]
www.verdex.com
[verdex.com]

Lisa King, VP Business Development
o: 561.440.1800 m: 561.284-5229
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[linkedin.com]
[instagram.com]

SOUTH FLORIDA BUSINESS JOURNAL

BPtW

2022 BEST PLACES TO WORK

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
This email originated from outside of Verdex. Please keep our organization, clients and partners safe. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This email originated from outside of Verdex. Please keep our organization, clients and partners safe. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Palm Beach County
Commission on Ethics

Honesty - Integrity - Character

Commissioners
Rodney G. Romano, Chair
Michael H. Kugler, Vice Chair
Peter L. Cruise
Michael S. Kridel
Danielle A. Sherriff

Executive Director
Christie E. Kelley

October 7, 2022

Mr. Rex Kirby, President
Verdex Construction
1545 Centrepark Drive N.
West Palm Beach, FL 33401

Re: RQO 22-023
Advisory Board Waiver

Dear Mr. Kirby,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

QUESTION:
Does a conflict of interest arise for you as a member of both the Palm Beach County Construction Board of Adjustments and Appeals (CBAA) and the Infrastructure Surtax Independent Citizen Oversight Committee (ISICOC) if Verdex Construction (Verdex) submits bids in response to Requests for Proposals (RFP) with Palm Beach County (County) when you are the president of Verdex?

BRIEF ANSWER:
The Palm Beach County Code of Ethics does not prohibit Verdex from submitting a bid and entering into a contract with the County as long as you meet certain requirements. Should the contract ultimately be awarded to Verdex, these requirements are dependent on the roles of both the CBAA and the ISICOC and are determined by whether the boards are purely advisory and whether they play any role in the oversight of the subject contract(s).

FACTS:
You are the president of Verdex and are a member of two Palm Beach County advisory boards, the CBAA and the ISICOC. Verdex wishes to submit bids to the County in response to public RFPs for a Construction Manager at Risk for the Vista Center Expansion project and the 45th Street Complex.

The CBAA's function is to render interpretations and hear appeals of the provisions of various building, electrical, plumbing, and other construction codes. It also hears appeals of decisions and interpretations of the building official, consider variances of the technical codes, serves as the Local Construction Regulation Board, and disciplines contractors that willfully violate the building code or commit fraud. Finally, the board considers variance requests and appeals in accordance with possible flood issues arising during land development.

The ISICOC's function is to provide oversight and review expenditure reports produced by the County to determine if the expenditure of proceeds are correctly allocated and if those expenditures are in compliance with the surtax plan. Along with this, it makes funding and expenditure recommendations to the Palm Beach County Board of County Commissioners (BCC). Additionally, the committee submits annual reports to the BCC and County Administrator regarding the County's compliance with the requirements of ballot measures. The committee also provides a summary of the Committee's funding recommendations, proceedings, and activities.

ANSWER:
As a member of either the CBAA or the ISICOC, you would be considered an official under the Code. Section 2-443(d), Contractual relationships, prohibits public officials or employees or their outside employer or business from entering into any contract or other transaction for goods or services with the public entity they serve, unless certain criteria are met or an exception applies. In general, depending on the type of advisory board it is and whether the advisory board has any contract oversight, there are three possible requirements for advisory board members to overcome this contractual relationship prohibition: a disclosure, a waiver, or resignation from the board.[1]

To determine which requirement would apply to your situation, it must be determined whether the CBAA and the ISICOC are purely advisory. A purely advisory board is authorized to only make recommendations to another board or a government administrator. A board with any measure of final decision-making authority is not purely advisory. Additionally, it must be determined whether the CBAA or the ISICOC have any contract oversight. A board has contract oversight if it plays any role in the oversight, regulation, management, or policy-setting recommendations regarding the subject contract. A disclosure by the advisory board member is required when the advisory board does not have any contract oversight, regardless of whether the board is purely advisory or not.[2] A waiver is required if the advisory board is purely advisory and has contract oversight.[3] If the advisory board is not purely advisory and has contract oversight, then the advisory board member must resign from the advisory board or withdraw the bid to contract with the public entity they serve.[4]

Here, based on the facts provided, because of the limited statutory authority granted to both the CBAA and the ISICOC, it appears both boards are purely advisory. Because both boards are purely advisory, it must be determined whether a waiver or a disclosure is required.

Based on the facts provided, while the CBAA has authority to hear appeals of the provisions of various construction codes and building official decisions and considers variances, the CBAA does not have any authority to oversee, regulate, manage, or make policy-setting recommendations regarding the subject construction management contract(s) themselves. As such, the CBAA would not be considered as having contract oversight. Therefore, because the CBAA is purely advisory and does not have any contract oversight, your membership on the CBAA does not prohibit such a contractual relationship between the County and Verdex as long as the existence of the subject contract is disclosed at a duly noticed public meeting of the BCC.

However, although the ISICOC also appears to be purely advisory, unlike the CBAA, the ISICOC appears to have contract oversight regarding the subject contract(s). Because of the ISICOC's authority to set policy and make funding and expenditure recommendations to the BCC, the ISICOC has the potential for oversight, regulation, management, or policy-setting recommendations regarding the subject contract(s). Because of this contract oversight, you must obtain a waiver if Verdex is awarded any contracts. According to Section 2-443(e) of the Code, a waiver will require the BCC, upon full disclosure of the contract at a public meeting, to waive the conflict of interest by an affirmative vote of a majority plus one (1) of the total membership of the BCC. If you were appointed by only one member of the BCC, the appointing board member alone can waive this conflict of interest. Thus, as long as the conflict of interest between your board membership and Verdex's contractual relationship with the County is properly waived, the Code does not prohibit you from continuing to serve as a member of the ISICOC.

Finally, in the event Verdex does enter into the contract with the County, you are reminded that you will have an ongoing responsibility to refrain from using your official position as a CBAA or ISICOC member in any way to give a special financial benefit to yourself or your outside business, Verdex.[5] For example, if any matter comes before the CBAA or the ISICOC that would give Verdex a special financial benefit, then you must

[1] Sec. 2-443(d); Sec. 2-443(e)
[2] Sec. 2-443(d)
[3] Sec. 2-443(e)
[4] Id.
[5] Sec. 2-443(a); Sec. 2-443(c)

disclose the nature of the conflict, refrain from participating in discussions and voting on the matter, and file a State of Florida Commission on Ethics Form 8B pursuant to the requirements of Section 112.3143, Florida Statutes.

LEGAL BASIS:
The legal basis for this opinion is found in §2-443(a), §2-443(c), §2-443(d), and §2-443(e) of the Code:

Sec. 2-443. Prohibited conduct.

(a) **Misuse of public office or employment**. An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, or attempt to do any of these things, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
   (1) Himself or herself:
   (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;

(c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The term "participate" as used in this section shall be defined as: "To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before the voting body in which the official is required to abstain from voting." The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

(d) **Contractual relationships**. No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.

(e) **Exceptions and Waiver**. The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member's board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to

the waiver and an affirmative vote of a majority plus one (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assume they are true for purposes of this advisory opinion. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,

Christie E. Kelley,
Executive Director

RG/gal

Jo-Ellen Cox

Subject: FW: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

From: Lisa King
Sent: Tuesday, August 16, 2022 11:29 AM
To: Fernando DelDago <fdeldago@pbcgov.org>
Subject: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

Fernando.

As we discussed a couple days ago, Verdex Construction currently plans to pursue the CM at Risk Vista Center Expansion project and the CM at Risk for the 45th Street Complex. Our president, Rex Kirby, serves on both the Palm Beach County Building Board of Adjustments and Appeals and the Infrastructure Surtax Independent Citizen Oversight Committee. We want to make sure there is no conflict for Verdex Construction nor Rex to participation in the pursuit (RFPs submittal and presentation, if we get there).

Will you please run this by whoever needs to deem "no conflict"?

Thank you!

VERDEX CONSTRUCTION
www.verdex.com

Lisa King, VP Business Development
o: 561.440.1800 m: 561.284-5229
lisa.king@verdex.com
1545 Centrepark Drive N.
West Palm Beach, FL 33401
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SOUTH FLORIDA BUSINESS JOURNAL

2022 BEST PLACES TO WORK

Jo-Ellen Cox

Subject: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

From: Lisa King
Sent: Monday, September 19, 2022 2:28 PM
To: Fernando DelDago <fdeldago@pbcgov.org>
Subject: RE: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

Hi Fernando,

Have you gotten a response regarding us asking if there is a conflict of interest with Rex being on the Board of Adjustment and Appeals or the Infrastructure Surtax Committee for upcoming RFPs? I'm sure us pursuing 45th Street Complex is fine but what about the Vista Center Expansion?

Rex is holding on submitting his paperwork for the committees until we hear from you and one of them is due now.

Appreciate any feedback.

VERDEX CONSTRUCTION
www.verdex.com

Lisa King, VP Business Development
o: 561.440.1800 m: 561.284-5229
lisa.king@verdex.com
1545 Centrepark Drive N.
West Palm Beach, FL 33401
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SOUTH FLORIDA BUSINESS JOURNAL
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From: Lisa King
Sent: Tuesday, August 16, 2022 11:29 AM
To: Fernando DelDago <fdeldago@pbcgov.org>
Subject: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

Fernando.

As we discussed a couple days ago, Verdex Construction currently plans to pursue the CM at Risk Vista Center Expansion project and the CM at Risk for the 45th Street Complex. Our president, Rex Kirby, serves on both the Palm Beach County Building Board of Adjustments and Appeals and the Infrastructure Surtax Independent Citizen Oversight Committee. We want to make sure there is no conflict for Verdex Construction nor Rex to participation in the pursuit (RFPs submittal and presentation, if we get there).

Will you please run this by whoever needs to deem "no conflict"?

Thank you!

VERDEX
CONSTRUCTION
www.verdex.com

Lisa King, VP Business Development
o: 561.440.1800 m: 561.284-5229
lisa.king@verdex.com
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West Palm Beach, FL 33401
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SOUTH FLORIDA BUSINESS JOURNAL

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2022 BEST PLACES TO WORK

Jo-Ellen Cox

Subject: FW: Request for Advisory Opinion

From: Lisa King
Sent: Tuesday, September 27, 2022 3:30 PM
To: ethics@palmbeachcountyethics.com
Cc: Rex Kirby <rex.kirby@verdex.com>
Subject: Request for Advisory Opinion

To Whom It May Concern,

I am writing to request an opinion regarding Verdex Construction and its desire to pursue a Construction Manager at Risk RFP for the Palm Beach County Vista Center Expansion project and one for the 45th Street Complex.

Our president, Rex Kirby, serves on both the Palm Beach County Building Board of Adjustments and Appeals and the County's Infrastructure Surtax Independent Citizen Oversight Committee. We want to make sure that there is no perceived nor actual conflict for Verdex Construction nor Rex to participate in the pursuits (RFP submittals and presentations, if we get there).

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Subject: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

From: Fernando DelDago <FDelDago@pbcgov.org>
Sent: Tuesday, September 27, 2022 2:36 PM
To: Lisa King <lisa.king@verdex.com>
Subject: RE: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

Lisa, the following direction has been provided by our Business Operations Director in response to your question.

I ask that you please acknowledge receipt of this e-mail.

Thank you
Fernando

From: Brenda Znachko <BZnachko@pbcgov.org>
Sent: Tuesday, September 27, 2022 2:32 PM
To: Fernando DelDago <FDelDago@pbcgov.org>
Subject: RE: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

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www.palmbeachcountyethics.com

Best Regards,

Brenda Znachko, J.D., LL.M.
Director, FDO Business Operations
Palm Beach County
561-233-0220
BZnachko@pbcgov.org
2633 Vista Parkway
West Palm Beach, FL 33411-5603

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From: Fernando DelDago <FDelDago@pbcgov.org>
Sent: Monday, September 19, 2022 2:43 PM
To: Lisa King <lisa.king@verdex.com>
Subject: FW: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

Update provided below

From: Brenda Znachko <BZnachko@pbcgov.org>
Sent: Monday, September 19, 2022 2:38 PM
To: Fernando DelDago <FDelDago@pbcgov.org>
Subject: RE: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

No update at this time. County Attorney and Ethics Commission are still reviewing

Best Regards,

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Subject: FW: Rex Kirby on a County Committees - ensuring no conflict for Verdex pursuit of upcoming projects

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Please provide an update.

Thank you
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Jo-Ellen Cox

Subject: FW: Request for Advisory Opinion

From: Ethics <Ethics@palmbeachcountyethics.com>
Sent: Tuesday, September 27, 2022 6:58 PM
To: Lisa King <lisa.king@verdex.com>
Cc: Rex Kirby <rex.kirby@verdex.com>; Ethics <Ethics@palmbeachcountyethics.com>; Christie Kelley E. <CEKelley@pbcgov.org>; Rhonda Giger <RGiger@pbcgov.org>
Subject: RE: Request for Advisory Opinion

Good evening,

Thank you for contacting the Commission on Ethics with your question. The request for opinion has been assigned to General Counsel Rhonda Giger, who will follow-up with you if she needs additional information.

Please feel free to contact me if you have additional questions or concerns regarding this matter.

Kind regards,

Gina A. Levesque, CFE
Intake and Compliance Manager
Ph 561-355-1937
Fx 561-656-7100

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Best Regards,

Brenda Znachko, J.D., LL.M.
Director, FDO Business Operations
Palm Beach County
561-233-0220
BZnachko@pbcgov.org
2633 Vista Parkway
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Cc: Rex Kirby <rex.kirby@verdex.com>; Ethics <Ethics@palmbeachcountyethics.com>; Christie Kelley E. <CEKelley@pbcgov.org>; Rhonda Giger <RGiger@pbcgov.org>
Subject: RE: Request for Advisory Opinion

Good evening,

Thank you for contacting the Commission on Ethics with your question. The request for opinion has been assigned to General Counsel Rhonda Giger, who will follow-up with you if she needs additional information.

Please feel free to contact me if you have additional questions or concerns regarding this matter.

Kind regards,

Gina A. Levesque, CFE
Intake and Compliance Manager
Ph 561-355-1937
Fx 561-656-7100

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FORM 1 STATEMENT OF FINANCIAL INTERESTS 2021

FOR OFFICE USE ONLY:

SUPERVISOR OF ELECTIONS
2022 SEP 27 PM 12:03
PALM BEACH COUNTY, FL

Rex B. Kirby - 265421
Palm Beach County
1545 Centrepark Dr N
West Palm Bch, FL 33401

CHECK ONLY IF ☐ CANDIDATE OR ☐ NEW EMPLOYEE OR APPOINTEE

****** THIS SECTION MUST BE COMPLETED ******

DISCLOSURE PERIOD:
THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2021.

MANNER OF CALCULATING REPORTABLE INTERESTS:
FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING **(must check one)**:

☑ **COMPARATIVE (PERCENTAGE) THRESHOLDS** OR ☐ **DOLLAR VALUE THRESHOLDS**

PART A – PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY
Verdex Construction	1545 Centrepark Drive N, WPB	Construction

PART B -- SECONDARY SOURCES OF INCOME
[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
—	SEE ATTACHED	—	

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

1501 Belvedere, WPB

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
(If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
SAVINGS ACCOUNT	PNC BANK
401K	VARIOUS CONSTRUCTION FUND
STOCKS	WOODSTONE FINANCIAL

PART E — LIABILITIES [Major debts - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR
PNC BANK	12000 FORDS HILL BLVD, WOODSTOCK, FL
SUNTRUST BANK	501 S. FLAGLER DR, STE 200, WPB, FL

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
(If you have nothing to report, write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY	N/A	
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING For elected municipal officers, appointed school superintendents, and commissioners of a community redevelopment agency created under Part III, Chapter 163 required to complete annual ethics training pursuant to section 112.3142, F.S.

☐ **I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.**

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

SIGNATURE OF FILER:

Signature:

D. B. Kil

Date Signed:

8-13-22

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or ***specified state employees*** who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: ***Initially***, each local officer/employee, state officer, and specified state employee must file ***within 30 days*** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2021.

STATEMENT of FINANCIAL INTERESTS PART B

Name of Business Entity	Address of Source	Principal Business Activity of Source
Centrepark Venture Partners, LLC	C/O Atlantic Residential 3500 Lennox Road, Suite 1250, Atlanta, GA	Developer
Collier Fruitville LCC	220 N. Main Street Gainesville, FL 32601	Developer
Palmetto Venture Partners LLC	3500 Lenox Road Suite 1250 Atlanta, GA 30326	Developer
East Tampa Owner LLC	2001 Summit Park Drive Suite 300 Orlando, FL 32810	Developer
FFL Hospitality LLP	2540 Quantum Boulevard Boynton Beach, FL 33426	Developer
SHP VI Datura West Palm Owner LLC	2001 Summit Park Drive, Suite 300, Orlando, FL 32810	Developer
Point Lakewood Ranch LLC	5604 PGA Boulevard Suite 109 Palm Beach Gardens, FL 33418	Developer
The Children's Place at HomeSafe, Inc.	2840 Sixth Avenue South, Lake Worth, FL 323461	Non-Profit
KJWPBI, LLC	260 Briar Lane Highland Park, Illinois 60035	Developer
G & C Pompano Station LLC	1499 W. Palmetto Park Road Suite 415 Boca Raton, FL 33486	Developer
CH Eastwind Sarasota Owner, LLC	5604 PGA Boulevad Suite 109 Palm Beach Gardens, FL 33418	Developer
Village of Royal Palm Beach	1050 Royal Palm Beach Blvd. Royal Palm Beach, FL 33441	Owner
School Board of Palm Beach County	3300 Forest Hill Boulevard West Palm Beach, FL 38406	Owner
Palm Beach County	301 N. Olive Avenue West Palm Beach, FL 33401	Owner

SUPERVISOR OF ELECTIONS
SEP 27 PM 12:03
PALM BEACH COUNTY, FL

Amber Sacks

From: Jo-Ellen Cox <joellen.cox@verdex.com>
Sent: Tuesday, September 27, 2022 11:05 AM
To: Financial Disclosures
Subject: Statement of Financial Interests 2021 - Rex B. Kirby
Attachments: Statement of Financial Interests-Financial Disclosure 2021.pdf

Caution: This is an external email. Please be careful when clicking links or opening attachments. Think before you click! When in doubt, just contact your IT Department.

Good morning,

Attached please find the Statement of Financial Interests – 2021 for Rex B. Kirby.

We are aware the deadline for the submittal is overdue and past. We apologize for the delay. Verdex Construction has been working with the County Attorney and the Ethics Commission regarding a potential conflict of interest for Rex Kirby. The required Statement of Financial Interests 2021 is attached.

Thank you.

Kind regards,

VERDEX CONSTRUCTION
www.verdex.com

Jo-Ellen Cox, Executive Assistant/Office Manager
o: 561.440.1600 x104 d: 561.926-5040
c: 561.517.0890
joellen.cox@verdex.com
1545 Centrepark Drive N.
West Palm Beach, FL 33401
BUILDING SOMETHING BETTER™

SOUTH FLORIDA BUSINESS JOURNAL
P t W
2022 BEST PLACES TO WORK

Florida Commission on Ethics
Financial Disclosure Notification System
Delinquency Certification (2022)

I Wendy Sartory Link, the Supervisor of Elections of Palm Beach County, hereby certify that each person whose ID number, name, agency, and position appears above or on the attached list:

(1) was sent a notice of the July 1, 2022 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2022;

(2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 1, 2022;

(3) was sent a delinquency notice by certified mail not later than August 1, 2022 advising him or her of the grace period in effect until September 1, 2022; and of the penalties that could be imposed as provided in Section 112.3145(8)(c), Florida Statutes; and

(4) did not file a Form 1, Statement of Financial Interests, until the date shown or, had not filed a Form 1, Statement of Financial Interests by October 31, 2022; and further

(5) that the date of filing shown is based upon the earliest of the following:
(a) when the Form 1 was actually received by my office;
(b) when the Form 1 was postmarked;
(c) when the certificate of mailing (if any) was dated; or
(d) when the receipt (if any) from an established courier company was dated.

Signed Wendy Sartory Link
SUPERVISOR OF ELECTIONS

43	09/27/2022	265421	Mr Rex B. Kirby	Palm Beach County		60	Palm Beach

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re **Rex B. Kirby** **PID#: 265421**
Construction Board of Adjustment and Appeals
Palm Beach County

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)(f), 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, pursuant to Section 112.3145(8)(f), Florida Statutes.

Inasmuch as your 2021 CE Form 1 was filed September 27, 2022 with the Supervisor of Elections for Palm Beach County, you are fined the amount of $650.00 ($25.00 per day for 26 day(s) late). 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.

HOW TO APPEAL

1. Read these instructions carefully before submitting your appeal.
2. **LEGAL AUTHORITY:** Appeals are governed by Section 112.3145(8)(f)2., 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;
   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 deliquency 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 you 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 Rex B. Kirby
1545 Centrepark Dr N
West Palm Bch, FL 33401 -7414

by Certified Mail on this Thursday, November 09, 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



STATE OF FLORIDA
COMMISSION ON ETHICS
PO DRAWER 15709
TALLAHASSEE, FL 32317-5709



9214 8901 0661 5400 0190 4926 29

RETURN RECEIPT (ELECTRONIC)

265421

REX B. KIRBY
1545 CENTREPARK DR N
WEST PALM BCH, FL 33401-7414

22
URGENT - Open Immediately!

CUT / FOLD HERE

Zone 4

6"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE

IMpbCertified8x5Label v2022.6.16.1

Mail Piece Details

Print this page

Recipient Address

REX B. KIRBY
1545 CENTREPARK DR N
WEST PALM BCH, FL 33401-7414

Record / Case Number:
265421

Return Address

STATE OF FLORIDA
COMMISSION ON ETHICS
PO DRAWER 15709
TALLAHASSEE, FL 32317-5709

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 9214890106615400019049262 9
Date Created: 11/09/2023 03:22:19 PM
Mail Class: USPS First Class Mail
Special Services: Certified Mail
Return Receipt Electronic
Memo: --
Created By: Kimberly Holmes - Commission on Ethics

Signature Information

Signed For By: REX B KIRBY
Signature Status: Not Yet Available

Tracking Information

Pre-Shipment, Usps Awaiting Item, November 09, 2023, 12:00:00 AM

Pre-Shipment Info Sent Usps Awaits Item, November 09, 2023, 02:40:00 PM, TALLAHASSEE,FL 32317

Accepted At Usps Origin Facility, November 10, 2023, 11:22:00 PM, TALLAHASSEE,FL 32317

Arrived At Usps Regional Origin Facility, November 11, 2023, 12:37:00 AM

In Transit To Next Facility, Arriving On Time, November 12, 2023, 12:00:00 AM

Arrived At Usps Regional Destination Facility, November 13, 2023, 11:11:00 AM

Processed Through Usps Facility, November 14, 2023, 09:17:00 AM, WEST PALM BEACH FL DISTRIBUTION 33416

Processed Through Usps Facility, November 14, 2023, 03:54:00 PM, WEST PALM BEACH FL DISTRIBUTION 33416

Processed Through Usps Facility, November 14, 2023, 08:47:00 PM, WEST PALM BEACH FL DISTRIBUTION 33416

Delivered Left With Individual, November 15, 2023, 06:46:00 PM, WEST PALM BEACH,FL 33401

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Form Year 2021 Filed Forms

FORM TYPE	DATE SUBMITTED	FORM SIGNED	FILED BY EMAIL?	UPDATED BY	COMMENTS
Form 1	09/27/2022	No	No	HOLMESK(SOE IMPORT)	Palm Beach

Fine Year 2022 Fine Information

FINE BALANCE	STATUS	FINE DATE	ORIGINAL FINE AMOUNT	ADJUSTED FINE AMOUNT	LAST PAYMENT DATE	PAYMENT PLAN START DATE	PAYMENT PLAN AMOUNT	TOTAL PAYMENT PLAN AMOUNT DUE
$650.00	Appeal	10/12/2023	$650.00	$650.00				

Fine Address: 1501 Belvedere Rd Ste 200, West Palm Bch, FL 33406-1501
Email: rex.kirby@verdex.com
Org/Suborg: Palm Beach County - Construction Board of Adjustment and Appeals

Fine Year 2022 Appeal Information

2022 FINE APPEAL - FD 22-025	No Hearing Scheduled
APPEAL STATUS	Active
APPEAL RECEIPT DATE	11/29/2023
APPEAL TIMELY FILED	Yes
PRINT APPEAL LETTER	
HEARING REQUESTED	No
APPEAL REASON	Other
APPEAL NOTES	
APPEAL NUMBER	FD 22-025
APPEAL ANALYST ASSIGNED	
FINAL ORDER NUMBER	
FINAL ORDER DATE	

Fine Year 2022 Payment Information

DATE POSTED	DESCRIPTION	AMOUNT	METHOD	PAYMENT ID	COMMENT
10/12/2023	Fine Levied	+$650.00			Fined $650.00
Current Balance: $650.00					

Fine Year 2022 Event Chronology

DATE	TYPE	DESCRIPTION	ADDRESS/EMAIL	REFERENCE
09/13/2022	Filer Correspondenc Letter	Courtesy Notice of Fines Accruing - Courtesy Notice of Fines Accruing	1545 Centrepark Dr N, West Palm Bch, FL 33401-7414 UNKNOWN@email.com	KimberlyHolmes

10/12/2023	Fine Levied	Fined $650.00		Journal: Fine_Palm Beach_2023-10-12-02:18
11/09/2023	Filer Correspondence: Letter	Notice of Assessed Fine - Filer 1st Fine Letter	1545 Centrepark Dr N, West Palm Bch, FL 33401-7414 UNKNOWN@email.com	Correspondence Queue: 2023-11-09 00:00:00 Correspondence Sent: 2023-11-09 00:00:00.0000000
11/09/2023	Notice of Assessed Fine	Initial Fine Notice		Journal: Fine1st_2023-11-09-02:27
11/20/2023	Filer Communication: Phone	Joellen Cox called re: Mr. Kirby's fine letter. He was 26 days late in filing his Form 1 2021. We h		Diana Westberry
03/07/2024	Filer Correspondenc Letter	Fine Appeal - Fine Appeal	1501 Belvedere Rd Ste 200, West Palm Bch, FL 33406-1501 rex.kirby@verdex.com	Correspondence Queue: 2024-03-07 00:00:00 Correspondence Sent: 2024-03-07 00:00:00.0000000
03/07/2024	Fine Appeal	FD 22-025		Journal: Appeal_2024-03

Created Date: 3/7/2024
Type: Letter
Created By: System
Description: Fine Appeal - Fine Appeal

Created Date: 11/20/2023
Type: Phone
Created By: Diana Helen Westberry
Description: Joellen Cox called re: Mr. Kirby's fine letter. He was 26 days late in filing his Form 1 2021. We have an old office address on file, and he was awaiting clarification from the county attorney on a conflict before he filed. They plan to appeal the $450 fine.

Created Date: 11/9/2023
Type: Letter
Created By: System
Description: Notice of Assessed Fine - Filer 1st Fine Letter

Created Date: 9/13/2022
Type: Letter
Created By: System
Description: Courtesy Notice of Fines Accruing - Courtesy Notice of Fines Accruing

Created Date: 8/18/2022
Type: Postcard
Created By: System

Description: Courtesy Postcard Reminder - Courtesy Postcard Reminder