BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re WILLIAM SPAUDE,)	Referral No. 19-174
)	DOAH Case No. 21-2145EC
Respondent.)	Final Order No. 22-001
)	

FINAL ORDER AND PUBLIC REPORT

This matter came before the State of Florida Commission on Ethics ("Commission"), meeting in public session on January 21, 2022, on the Recommended Order ("RO") of an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings ("DOAH") rendered on November 17, 2021.

Background

On October 4, 2019, the Commission received from the Florida Department of Law Enforcement (FDLE), a referral pursuant to Section 112.324(1)(b), Florida Statutes, consisting of an investigatory report written by FDLE Special Agent James Gau. The Commission met on December 6, 2019, in executive session, and, by vote of at least six members, accepted referral for investigation. By an order filed December 10, 2019, the Executive Director ordered Commission staff to investigate the allegations of the referral. Commission staff produced a Report of Investigation on August 20, 2020.

By order rendered December 9, 2020, the Commission found probable cause to believe Respondent violated Section 112.313(6), Florida Statutes, by using or attempting to use his position and/or public property and/or resources to secure a special privilege, benefit, or exemption for himself and/or another. The Commission also found no probable cause to believe Respondent Section 112.313(7)(a), Florida Statutes, by having a conflicting contractual

relationship, and found no probable cause to believe Respondent violated Section 112.3143(3)(a), Florida Statutes, by voting on matters that inured to the special private gain or loss of a business associate.

The matter was forwarded to DOAH for assignment of an ALJ to conduct a formal hearing and prepare a recommended order. A formal hearing was held before the ALJ on September 15 and 16, 2021. The Advocate and Respondent filed proposed recommended orders with the ALJ.

On November 17, 2021, the ALJ entered his RO finding that Respondent violated Section 112.313(6), Florida Statutes, and recommending a civil penalty of $5,000 and a public censure and reprimand be imposed against the Respondent.

On December 2, 2021, Respondent timely submitted to the Commission his exceptions to the RO. On December 10, 2021, Advocate timely submitted her response to Respondent's exceptions to the RO. Advocate did not submit any exceptions to the RO. Both Respondent and Advocate were notified of the date, time, and place of the Commission's final consideration of this matter; and both were given the opportunity to make argument during the Commission's consideration.

Standards of Review

The agency may not reject or modify findings of fact made by an ALJ unless a review of the entire record demonstrates that the findings were not based on competent, substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law. See, e.g., Freeze v. Department of Business Regulation, 556 So. 2d 1204 (Fla. 5th DCA 1990), and Florida Department of Corrections v. Bradley, 510 So. 2d 1122 (Fla. 1st DCA 1987). "Competent, substantial evidence" has been defined by the Florida

Supreme Court as such evidence as is "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusions reached." DeGroot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

The agency may not reweigh the evidence, may not resolve conflicts in the evidence, and may not judge the credibility of witnesses, because such evidential matters are within the sole province of the ALJ. Heifetz v. Department of Business Regulation, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985). Consequently, if the record of the DOAH proceedings discloses any competent, substantial evidence to support a finding of fact made by the ALJ, the Commission on Ethics is bound by that finding.

Under Section 120.57(1)(l), Florida Statutes, an agency may reject or modify the conclusions of law over which it has substantive jurisdiction and the interpretations of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion or interpretation and must make a finding that its substituted conclusion or interpretation is as or more reasonable than that which was rejected or modified.

An agency may accept a hearing officer's findings of fact and conclusions of law, yet still reject the recommended penalty and substitute an increased or decreased recommended penalty. Criminal Justice Standards and Training Comm'n v. Bradley, 596 So. 2d 661, 664 (Fla. 1992). Under Section 120.57(1)(l), Florida Statutes, an agency may reduce or increase the recommended penalty only upon a review of the complete record, stating with particularity the agency's reasons for reducing or increasing the recommended penalty, and citing to the record in support of its action.

Having reviewed the RO, the complete record of the proceeding, Respondent's exceptions, and Advocate's response to Respondent's exceptions, and having heard the arguments of Respondent and Advocate, the Commission on Ethics makes the following rulings, findings, conclusions, recommendation, and disposition.

Ruling on Respondent's Exceptions

Exception 1

In Exception 1, Respondent takes exception with paragraph 61, pages 14-15, of the RO, which provides:

> 61. The undersigned finds that Mr. Spaude derived a benefit from possessing the plumbing supplies, and having the City deliver the PVC pipes, which he originally intended to use for the corn maze, even if he did not use and ultimately returned them. He knew, or should have known, that obtaining and possessing City property, without first paying for the property, was unlawful and improper.

Respondent essentially makes two points in this first exception. First, Respondent argues the ALJ, instead of finding that Respondent received a benefit from his acts, should have found that the Respondent received no benefit. Respondent goes on to cite facts from the record in support of this position. Second, Respondent argues that paragraph 61 is not sufficient to infer that any acts committed by Respondent were done "corruptly," as that term is applied under Section 112.313(6), Florida Statutes.

Respondent's first point in Exception 1 essentially is a disagreement with the ALJ's finding of fact that Respondent received a benefit from possessing the City's plumbing supplies and having the City deliver those supplies to him. Although Respondent proposes that there is sufficient evidence in the record that might allow a finder of fact to find that Respondent received no benefit from those acts, the Commission is not able to reweigh the conflicting evidence to modify or reject the finding in paragraph 61. See Heifetz at 1281. The Commission

must review the record to determine whether the findings of fact in paragraph 61 are supported by competent, substantial evidence or whether the proceedings on which the findings were based did not comply with the essential requirements of law. Respondent makes no argument that the proceedings failed to comport with the essential requirements of the law and a review of the record does not suggest any such failings occurred.

As noted in paragraphs 50-55 of the RO, the record does contain competent, substantial evidence that Respondent received a benefit by possessing the plumbing supplies and having them delivered. In those paragraphs, the ALJ found:

> 50. Mr. Spaude hosted an annual "corn maze" on property he owned near the BMP racetrack, in which members of the public could participate. He testified that all of the proceeds received from the corn maze went to the Sumter County Youth Center. [Transcript, pp. 251-252.]
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> 51. Mr. Fussell testified that when he worked in the City's Utilities Department, if a citizen needed some type of material that the City had in its possession, the City would sell it to that citizen at cost. [Transcript, pp. 68-69.]
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> 52. Mr. Spaude testified that he decided to extend the corn maze to additional adjoining property south of the original corn maze, and stated:
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> > I was not sure whether we was going to have to run more pipe in order to do that so I went to the city and asked if I could borrow two lengths of four-inch pipe and saddle taps in case that I needed them and if I didn't need them I would return them and if I did need them I would replace and pay for them.
>
> [Transcript, p. 286.]
>
> 53. Mr. Spaude went to the City's Utilities Department and requested two four-inch PVC pipes, and two tapping saddles. [Transcript, p. 286.]
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> 54. Mr. Weitan testified that he used the City's bucket truck to deliver a piece of PVC pipe to BMP racetrack for the corn maze. He further testified that he never delivered PVC pipes to other City residents. [Transcript, pp. 93-95.]
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> 55. Mr. Fussell testified that the City kept an inventory of its supplies. For this particular transaction, he stated that he did not "charge out" the supplies, but wrote a description of the supplies on a piece of paper and gave it to another employee, Joey Chandler. [Transcript, pp. 62-63.]

[Internal footnote omitted.] [Citations to the Transcript added.]

Based on paragraphs 50-55 of the RO, and from the testimony in transcript upon which these paragraphs rely, we find that there is substantial, competent evidence in the record upon which a finder of fact could determine that Respondent did receive a benefit from possessing the City's plumbing supplies and having those supplies delivered to him. The record details that Respondent sought the City's equipment for his corn maze, a private endeavor; that the City typically sells its materials at cost to residents who might need them; that Respondent did not pay for the materials; that the City delivered the PVP pipe to Respondent by use of the City's bucket truck; and that the person who delivered the PVC pipe to Respondent—the former head of the water department—had never delivered PVC pipe to another resident during his employment with the City.

Respondent's second point in Exception 1 is that paragraph 61 "incorrectly applies the law." See Respondent's Exceptions to the Recommended Order, p. 6. Respondent notes that the paragraph 61 of the RO states, "He [Respondent] knew or should have known, that obtaining and possessing City property, without first paying for the property, was unlawful and improper." In his argument for Exception 1, Respondent notes, "Though not expressly stated, this seems to suggest Respondent acted corruptly, but it is not consistent with the law defining 'corruptly.'" See Respondent's Exceptions to the Recommended Order, p. 6.

The second point in Respondent's first exception is concerned with what is not "expressly stated." Paragraph 61 contains no express conclusions of law. Paragraph 61 contains no express finding of fact or ultimate finding of fact that Respondent acted "corruptly." Paragraph 61 only states that he knew or should have known it was improper to obtain and possess the plumbing supplies. We recognize that the findings in paragraph 61 may lay the foundation for other express findings of fact, ultimate findings of fact, and conclusions of law, some of which form

the basis of other Respondent's other exceptions, and we will address those other findings and conclusions in turn. See *infra*.

For these reasons, Respondent's Exception 1 is rejected.

Exception 2

In Exception 2, Respondent takes exception with paragraph 79, page 18, of the RO, which provides:

> 79. The undersigned finds that Mr. Spaude derived a benefit for himself by using the City's charge account at Core & Main to purchase items for his private use. Further, by using the City's sales tax-exempt charge account, he did not pay sales tax on this purchase. The Commission presented credible evidence that the City's procurement policy did not permit the Mayor, or members of the City Council, to purchase items using the City's accounts.

In this exception, Respondent makes two arguments. First, Respondent argues that, even if Respondent did receive a benefit from his actions, he did not do so "corruptly," as that term is applied under Section 112.313(6), Florida Statutes. Second, he disputes the ALJ's finding of fact that the City's procurement policy did not permit the Mayor to purchase items using the City's accounts.

Regarding Respondent's first point in this exception, Paragraph 79 of the RO concerns whether Respondent received a benefit from his use of the City's charge account at Core & Main. Paragraph 79 contains no express conclusions of law. Paragraph 79 contains no express finding of fact or ultimate finding of fact that Respondent acted "corruptly." We recognize that the findings in paragraph 79 may lay the foundation for other express findings of fact, ultimate findings of fact, and conclusions of law, some of which form the basis of other Respondent's other exceptions, and we will address those other findings and conclusions in turn. See *infra*.

Regarding Respondent's second point in this exception, concerning the dispute of fact as to whether the City's procurement policy permitted Respondent to make purchases using the City's accounts, we note that the issue of whether Respondent's actions violated the procurement policy is addressed by paragraph 77 of the RO, a finding of fact that is supported by page 79 of the Transcript[1] and to which Respondent did not file an exception. Furthermore, aside from Ms. Ragan's testimony about the procurement policy's application to Respondent [see Transcript, pp. 78-80], the record contains no other evidence or witness testimony—including any testimony of Respondent—about how the City's procurement policy applied to Respondent or whether it limited his ability to make purchases using the City's accounts. The ALJ's finding of fact about the City's procurement policy is supported by competent, substantial evidence.

For these reasons, we reject Respondent's Exception 2.

Exceptions 3 & 4

Because of the similarities between them, we will review Exceptions 3 and 4 together. In Exception 3, Respondent takes exception with paragraph 81, pages 18-19, of the RO, which provides:

> 81. The undersigned further finds, as a matter of ultimate fact, that the Commission proved, by clear and convincing evidence, that Mr. Spaude's efforts in having the City deliver two PVC pipes, and his obtaining two tapping saddles, from the City's Utilities Department, for use in the corn maze, constituted an improper use of his position as Mayor that was not consistent with the proper performance of his public duties, and thus constituted a violation of section 112.313(6).

Similarly, in Exception 4, Respondent takes exception with paragraph 82, page 19, of the RO, which provides:

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[1] The Advocate asked Shelley Ragan, Deputy Finance Director of the City of Bushnell, on direct examination:
Q: Is Mr. Spaude authorized to make a purchase on behalf of the city at Core & Main?
A: No, ma'am.

> 82. The undersigned additionally finds, as a matter of ultimate fact, that the Commission proved, by clear and convincing evidence, that Mr. Spaude's use of the City's charge account at Core & Main, to obtain plumbing supplies for the corn maze, and for which he repaid Core & Main directly after it charged the City, constituted an improper use of his position as Mayor that was not consistent with the performance of his public duties, and thus constituted a violation of section 112.313(6).

Respondent argues that the finding, which appears in both paragraph 81 and paragraph 82 of the RO, that Respondent's actions "constituted an improper use of his position as Mayor that was not consistent with the proper performance of his public duties, and thus constituted a violation of section 112.313(6)" does not establish that he acted "corruptly," as that term is defined and applied. Specifically, Respondent argues that paragraph 81 and paragraph 82 say "nothing about corrupt or wrongful intent" and only classify Respondent's use of his position as "improper." The exceptions do not suggest a particular modification to the findings of paragraph 81 and paragraph 82 and do not explicitly call for the findings to be rejected, but, from the context, we assume Respondent files Exception 3 and Exception 4 to seek the rejection of those paragraphs.

This issue Respondent presents is not an issue of first impression for the Commission. We decided a similar issue in In re James L. Manfre, Complaint No. 14-097, Final Order No. 16-042. James L. Manfre was the Sheriff of Flagler County and it was alleged he violated Section 112.313(6) when he used his agency's credit card for charges that did not have a public purpose. The ALJ wrote in the RO that "[t]he totality of the evidence proved, clearly and convincingly, that Respondent [Manfre] acted with reasonable notice that his conduct was inconsistent with the proper performance of his public duties." Manfre filed an exception to the finding, noting that the ALJ chose not to label his intent as "corrupt." In our final order, we recognized that the ALJ's findings did not expressly label Manfre's intent as "corrupt," but, in denying the exception,

we also noted that the finding at issue, and the RO at large, "employed the definition of 'corruptly' when finding a violation." In re Manfre, p. 5.

In this case, in describing Respondent's actions, the RO states Respondent's actions "constituted an improper use of his position as Mayor that was not consistent with the proper performance of his public duties." We note that "improper" is synonymous with "wrong."[2] In this light, as in In re Manfre, we find that the definition of "corruptly" was employed in paragraph 81 and paragraph 82. Therefore, we decline to reject or modify paragraph 81 and paragraph 82 on that basis.

The ultimate findings of fact in paragraph 81 are supported by competent, substantial evidence in the record. In particular, paragraphs 50-60 of the RO, regarding which Respondent did not file exceptions, support the ultimate findings of fact in paragraph 81.

Additionally, the ultimate findings of fact in paragraph 82 are supported by competent, substantial evidence in the record. In particular, paragraphs 62-78 of the RO, regarding which Respondent did not file exceptions, support the ultimate findings of fact in paragraph 82.

Respondent's Exception 3 and Exception 4 are rejected.

Exception 5

In Exception 5, Respondent takes exception with paragraph 98, page 23, of the RO, which provides:

> 98. The undersigned concludes that the evidence established, by clear and convincing evidence, that Mr. Spaude's having the City provide him with two PVC pipes and two tapping saddles, and delivering the two PVC pipes to his private property, which he intended to use for the corn maze, constituted an improper use of his position that provided him a special benefit, even if he ultimately, upon request, returned these plumbing supplies to the City unused. The undersigned concludes that Mr. Spaude acted

[2] See "Synonyms & Antonyms for improper," https://www.merriam-webster.com/dictionary/improper#synonyms (viewed December 22, 2021).

> corruptly, because he knew, or should have known, that obtaining and possessing City property, without paying for the property, was unlawful and improper.

First, Respondent argues there is no competent, substantial evidence to support the conclusions in paragraph 98, reiterating his arguments concerning the findings of facts from Exception 1 and Exception 3. We do not revisit those arguments here, having adequately addressed Respondent's exceptions to the findings of fact above by rejecting Exception 1 and Exception 3.

Second, Respondent argues that the conclusion of law in paragraph 98 is not consistent with the definition of "corruptly." Respondent further argues that paragraph 98 does not address whether Respondent acted "with reasonable notice that [his] conduct was inconsistent with the proper performance of his public duties" or that his conduct "would be a violation of law or the code of ethics."

We find that the ALJ's conclusion in paragraph 98 was more reasonable than concluding the opposite. In paragraph 51 of the RO, the ALJ found that the City's Utilities Department would sell materials in its possession to residents at cost. Paragraph 57 demonstrates that Respondent did take possession of plumbing supplies he requested from the City. Paragraphs 55, 57, and 59, taken together, demonstrate that Respondent did not pay for the plumbing supplies he requested. In paragraph 61 of the RO, the ALJ found that Respondent "knew, or should have known, that obtaining and possessing City property, without first paying for the property, was unlawful and improper." [Emphasis added.] These facts indicate that Respondent had reasonable notice that taking City supplies without paying for them was wrongful and was inconsistent with the proper performance of his public duties. Based on these facts, we find that the ALJ's conclusion that Respondent acted corruptly is reasonable and is adequately supported.

As paragraph 90 of the RO states, the following elements must be proven by clear and convincing evidence to establish a violation of Section 112.313(6):

1. that Mr. Spaude is or was a public officer or employee;
2. that Mr. Spaude used or attempted to use his official position or any property or resources within his trust; or performed his official duties;
3. that Mr. Spaude's actions must have been taken to secure a special privilege, benefit, or exemption for himself or others; and
4. that Mr. Spaude acted corruptly, that is, with wrongful intent and for the purpose of obtaining any benefit which is inconsistent with the proper performance of his public duties.

Drawing on the findings of paragraphs 1-20, 50-61, and 81, and applying those facts to the elements of the Section 112.313(6), as detailed in paragraph 90, we find that the conclusions in paragraph 98 are reasonable and that adopting the conclusion in paragraph 98 is more reasonable than rejecting or modifying the conclusion. For this reason, Respondent's Exception 5 is rejected.

Exception 6

In Exception 6, Respondent takes exception with paragraph 99, pages 23-24, of the RO, which provides:

> 99. The undersigned concludes that the evidence established, by clear and convincing evidence, that Mr. Spaude's decision to use the City's charge account at Core & Main to purchase plumbing supplies for his private use (the corn maze), constituted an improper use of his position that provided him a special benefit. Although Mr. Spaude credibly testified that he repaid this charge, he did so without paying applicable Florida sales tax, and the Commission presented credible evidence that such a purchase was not authorized under the City's procurement policy. The undersigned concludes that Mr. Spaude acted corruptly because he

> knew, or should have known, that only those city employees designated under its procurement policy could purchase items on behalf of the City, and that his doing so was unlawful and improper.

Paragraph 99 of the RO is a conclusion of law that Respondent's actions—using the City's charge account at Core & Main to effectuate an immediate purchase at a time when Core & Main could not facilitate purchases for customers without store charge accounts due to a temporary power outage, thereby circumventing the payment of state sales tax—constituted a corrupt use of his official position for his benefit in violation of Section 112.313(6).

First, Respondent argues there is no competent, substantial evidence to support the conclusions in paragraph 99, reiterating his arguments concerning the findings of facts from Exception 2 and Exception 4. We do not revisit those arguments here, having adequately addressed Respondent's exceptions to the findings of fact above by rejecting Exception 2 and Exception 4.

Second, Respondent essentially argues that the conclusion of law that is paragraph 99 is not reasonable and should be rejected or modified. Specifically, Respondent argues that the conclusion in paragraph 99 that he "acted corruptly because he knew, or should have known, that only those city employees designated under its procurement policy could purchase items on behalf of the City" is problematic for two reasons: (1) the City's procurement policy, according to Respondent, does not designate any particular city employees as being authorized to purchase items on behalf of the City and does not prohibit the Mayor from using the City accounts, and (2) the City's procurement policy is not law.

With regard to Respondent's initial argument for rejecting or modifying paragraph 99, we note that this argument disputes whether Respondent's actions violated the City's procurement policy. This amounts to a dispute of fact, not one of law. As we noted in our discussion of

Exception 2, the issue of whether Respondent's actions violated the procurement policy is addressed by paragraph 77 of the RO, a finding of fact that is supported by page 79 of the Transcript and to which Respondent did not file an exception, and also paragraph 79 of the RO. Ms. Ragan's testimony about the procurement policy's application to Respondent [see Transcript, pp. 78-80], was the only testimony taken about whether the City's procurement policy applied to Respondent and how it limited his ability to make purchases on the City's charge accounts. Respondent did not rebut those statements in the hearing. Because there is no contrary evidence in the record, we find that the ALJ's conclusion that Respondent knew or should have known the City's procurement policy prohibited Respondent from making purchases using the City's charge accounts is undisputed and based on competent, substantial evidence.

With regard to Respondent's argument that the procurement policy is not a source of law and therefore does not satisfy the requirement from Blackburn v. Comm'n on Ethics, 589 So. 2d 431, 434 (Fla. 1st DCA 1991), that the "corruptly" element of Section 112.313(6) requires a showing that a respondent acted "with reasonable notice that her conduct was inconsistent with the proper performance of her public duties and would be a violation of the law or code of ethics in part III of chapter 112." (Emphasis added.) While we agree with Respondent that the procurement policy is not a source of law, we note that the "corruptly" element is satisfied under Blackburn if it can be shown that Respondent had notice that his conduct would violate the Code of Ethics, which includes Section 112.313(6). To the extent that paragraph 99 of the RO indicates that Respondent "knew or should have known that only those city employees designated under its procurement policy could purchase items on behalf of the City, and that his doing so was unlawful and improper," (emphasis added) we find that paragraph 99 satisfies the requirement in Blackburn.

In this light, and drawing on the findings of paragraphs 1-20, 62-79, and 82, and applying those facts to the elements of the Section 112.313(6), as detailed in paragraph 90, we find that the conclusions in paragraph 99 are reasonable and that adopting the conclusion in paragraph 99 is more reasonable than rejecting or modifying the conclusion. For this reason, Respondent's Exception 6 is rejected.

Exception 7

In Exception 7, Respondent takes exception with paragraph 103, page 24, of the RO, which provides:

> 103. The undersigned has reviewed the previous Commission cases involving violations of section 112.313(6) and the punishment imposed. The undersigned recommends the imposition of a fine of $5,000.00 as well as a public censure and reprimand, as the appropriate penalty for Mr. Spaude's violation of section 112.313(6).

Respondent argues that Paragraph 103 contains a penalty that is disproportionate to Commission precedent regarding other violations of Section 112.313(6). Respondent proposes that the penalty should be in the range of $539.97 to $98.77, amounts reflecting the value of the benefit he received from his unethical conduct.

We are not persuaded that the penalty recommendation should be modified. The ALJ's recommendation was made after hearing and judging the credibility of all the witnesses and after considering the entire record. In consideration of the ALJ's unique perspective on this case, the fact that the recommended penalty is within the range allowed by law,[3] the Commission's goals for deterring similar conduct in the future, and the Commission's mission of maintaining the

[3] See Section 112.317, Florida Statutes.

respect of the people in their government,[4] we do not modify or reject paragraph 103 or the penalty it recommends. For this reason, Exception 7 is rejected.

Findings of Fact

The Commission on Ethics accepts and incorporates into this Final Order and Public Report the findings of fact in the Recommended Order from the Division of Administrative Hearings.

Conclusions of Law

The Commission on Ethics accepts and incorporates into this Final Order and Public Report the conclusions of law in the Recommended Order from the Division of Administrative Hearings.

Disposition

Accordingly, the Commission on Ethics determines that Respondent violated Section 112.313(6), Florida Statutes, and recommends that the Governor publicly censure and reprimand Respondent and impose a civil penalty of $5,000 upon Respondent.

ORDERED by the State of Florida Commission on Ethics meeting in public session on January 21, 2022.

January 26, 2022
Date Rendered

JoAnne Leznoff
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

[4] See Section 112.311(6), Florida Statutes.

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.

cc: Mr. Eugene Dylan Rivers, Attorney for Respondent
Mr. Kevin A. Forsthoefel, Attorney for Respondent
Mr. Richard E. Doran, Attorney for Respondent
Mr. Richard W. Hennings, Attorney for Respondent
Ms. Melody A. Hadley, Commission Advocate
Ms. Edith Neal, Special Agent Supervisor, FDLE
The Honorable Robert J. Telfer, III, Division of Administrative Hearings