

**DATE FILED**

MAY 01 2013

**COMMISSION ON ETHICS**

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

2013 MAY 6 PM 1 27

DIVISION OF  
In re GLENDA PARRIS, ADMINISTRATIVE  
Respondent. )  
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Complaint No. 11-092  
DOAH Case No. 12-2329EC  
Final Order No. 13-009

**FINAL ORDER AND PUBLIC REPORT**

This matter came before the State of Florida Commission on Ethics ("Commission"), meeting in public session on April 26, 2013, on the Recommended Order ("RO") of an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings ("DOAH") rendered on March 4, 2013.

**Background**

This matter began with the filing of an ethics complaint against the Respondent, Glenda Parris, the Commission investigated the complaint, the Commission found probable cause to believe the Code of Ethics had been violated by the Respondent, and the matter was referred to DOAH for hearing. Pursuant to hearing and DOAH processes and proceedings, the ALJ entered his RO finding that the Respondent, as a City of West Palm Beach, Florida, Code Enforcement Officer, violated Section 112.313(6), Florida Statutes, by using her public position to rent property and/or gain preferential treatment at a court

proceeding, finding that the Respondent, while so employed by the City, violated Section 112.313(7), Florida Statutes, by having a conflicting contractual relationship, and recommending that a civil penalty of \$500 for each violation (for a total civil penalty of \$1,000, one thousand dollars) be imposed upon the Respondent. Both the Respondent and the Commission's Advocate were notified of their right to file exceptions to the RO; no exception was filed by either the Respondent or the Advocate.

#### **Standards of Review of a DOAH Recommended Order**

Under Section 120.57(1)(1), 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.

However, the agency may not reject or modify findings of fact made by an ALJ unless the agency first determines from a review of the entire record, and states with particularity in

its order, that the findings of fact were not based upon competent, substantial evidence or that the proceedings upon which the findings were based did not comply with 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.

Having reviewed the RO and the record of the DOAH proceeding, the Commission on Ethics makes the following

findings, conclusions, determinations, disposition, and recommendation:

#### **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 Administrative Law Judge of the Division of Administrative Hearings rendered on March 4, 2013. The findings are based upon competent, substantial evidence, and the proceedings upon which the findings are based complied with essential requirements of law.

#### **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 Administrative Law Judge of the Division of Administrative Hearings rendered on March 4, 2013.


#### **Disposition**

Accordingly, the Commission on Ethics, via rendition of this Final Order And Public Report, accepts the recommendation of the Administrative Law Judge that it enter a final order and public report finding that the Respondent, Glenda Parris, violated Sections 112.313(6) and 112.313(7), Florida Statutes, and that the Respondent be subjected to a civil penalty in the

total amount of \$1,000 (one thousand dollars); and recommends that the Governor impose the civil penalty upon the Respondent.

ORDERED by the State of Florida Commission on Ethics meeting in public session on April 26, 2013.

May 1, 2013  
Date Rendered

  
Susan Horovitz Maurer  
Chair

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, 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, P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709 (PHYSICAL ADDRESS AT 3600 MACLAY BLVD., SOUTH, SUITE 201, TALLAHASSEE, FLORIDA); 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: Ms. Glenda Parris, Respondent  
Ms. Melody A. Hadley, Commission Advocate  
Mr. Norman Ostrau, Complainant  
The Honorable Claude B. Arrington,  
Division of Administrative Hearings