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State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

Virlindia Doss
Executive Director

C. Christopher Anderson, III
*General Counsel/
Deputy Executive Director*

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

"A Public Office is a Public Trust"

January 29, 2014

The Honorable Will Weatherford
Speaker, Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

CERTIFIED MAIL

Re: Complaint Nos. 12-084, 12-085, & 12-234 (Consolidated), In re ERIK FRESEN

Dear Speaker Weatherford:

The Florida Commission on Ethics has completed a full and final investigation of complaints involving Mr. Erik Fresen, a member of the Florida House of Representatives. Pursuant to Section 112.324(4), Florida Statutes, we are forwarding a copy of the complaints and our findings to you for referral to the appropriate committee for investigation and action, which committee shall, pursuant to the statute, report its final action upon the matter to the Commission within ninety days of the date of the Commission's transmittal of this matter to you.

Sincerely,

A handwritten signature in cursive script that reads "Virlindia Doss".

Virlindia Doss
Executive Director

VAD/cca

Enclosures

cc: Mr. J. C. Planas, Attorney for Respondent
Ms. Diane L. Guillemette, Commission Advocate
Ms. Alice Mensch, Complainant
Ms. Barbara Garcia, Complainant
Mr. Eugene H. Benson, Complainant

DATE FILED

JAN 29 2014

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re ERIK FRESEN,)	
)	
)	Complaint Nos. 12-084, 12,085,
Respondent.)	& 12-234 (Consolidated)
)	
)	
_____)	Final Order No. 14-002

FINAL ORDER AND PUBLIC REPORT

The State of Florida Commission on Ethics, meeting in public session on January 24, 2014, adopted the Joint Stipulation of Fact, Law, and Recommended Order entered into between the Advocate for the Commission and the Respondent in this matter.

In accordance with the Stipulation, which is attached hereto and incorporated by reference, the Commission finds that the Respondent, as a member of the Florida House of Representatives, violated Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2008 CE Form 6, Full and Public Disclosure of Financial Interests; finds that the Respondent violated Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2009 CE Form 6, Full and Public Disclosure of Financial Interests; finds that the Respondent violated Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2010 CE Form 6, Full and Public Disclosure of Financial Interests; and finds that the Respondent violated Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2011 CE Form 6, Full and Public Disclosure of Financial Interests.

ORDERED by the State of Florida Commission on Ethics meeting in public session on
January 24, 2014.

January 29, 2014
Date Rendered

Morgan R. Bentley
Morgan R. Bentley
Chair

cc: Mr. J. C. Planas, Attorney for Respondent
Ms. Diane L. Guillemette, Commission Advocate
Ms. Alice Mensch, Complainant
Ms. Barbara Garcia, Complainant
Mr. Eugene H. Benson, Complainant

ORIGINAL

COMMISSION ON ETHICS
DATE RECEIVED
DEC 3 0 2013

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: Erik Fresen,
Respondent.

Complaint Nos.: 12-084
12-085
12-234

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

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

STIPULATED FINDINGS OF FACT

1. At the time the Complaints were filed, Respondent served as a member of the Florida House of Representatives, and as such was subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On June 21, 2012, and June, 25, 2012, sworn Complaints were filed with the Commission on Ethics alleging violations of the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaints were legally sufficient and Ordered a Preliminary Investigation for a Probable Cause Determination into whether Respondent had violated the Code of Ethics.
4. The cases were consolidated and an Order for Supplemental Investigation of Facts Materially Related to Complaint was issued September 17, 2012.
5. The Report of Investigation was released on September 17, 2012.

6. On December 5, 2012, the Commission on Ethics entered an Order Finding Probable Cause to believe Respondent had violated Article II, Section 8, Florida Constitution as follows:

a. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities on his 2008 CE Form 6, Full and Public Disclosure of Financial Interests;

b. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2009 CE Form 6, Full and Public Disclosure of Financial Interests;

c. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2010 CE Form 6, Full and Public Disclosure of Financial Interests;

d. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2011 CE Form 6, Full and Public Disclosure of Financial Interests;

7. The case was referred to the Division of Administrative Hearings.

8. On November 13, 2012, an additional Complaint related to similar activity was filed.

9. The Executive Director issued an Determination of Investigative Jurisdiction and Order to Investigate. A Report of Investigation was filed and on May 1, 2012. The Respondent agreed to consolidate the case with the other matters and the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8, Florida Constitution regarding his 2011 CE Form 6, Full and Public Disclosure of Financial Interests.

10. The additional Complaint was referred to DOAH and consolidated in to the existing multi-count complaint.

11. The omissions to the CE Form 6s from all 4 years can be identified as separate items:

a. Ethics Commission fine. Respondent was fined \$1,500 which was assessed by the Ethics Commission in October 2004, subsequent to the Respondent's employment as a

Legislative Aide and prior to his election as a member of the Florida House. The fine was eventually placed with a collection agency. Respondent maintains that he had no knowledge of the fine until it was reported by the news in 2012. Respondent states that he does not intend to pay the Commission on Ethics fine because it is no longer enforceable.

b. **Elections Commission Fine.** Respondent was assessed \$10,141.41 by the Florida Elections Commission in 2009, but did not report it as a liability on his 2009 CE Form 6. Respondent paid the fine by check dated June 3, 2010. Respondent states that the fine was in negotiation until the time it was eventually paid and believed that he did not have to consider it a liability until the final amount due was approved by the Commission.

c. **Final Judgment of Foreclosure.** In August 2009, the home in which Respondent resides was the subject of a Foreclosure action in the Circuit Court of the 11th Judicial Circuit In and For Miami-Dade County, Florida. A mortgage, like the one at issue, attaches to property, in this case 1500 SW 45 Avenue, Miami, FL 33134. A promissory note, which is normally executed concurrent with a mortgage, attaches to a person. Respondent did not sign the promissory note. Respondent's mother executed the note and later quit claimed her interest in the property to Respondent. The money owed on the Promissory note is not a liability of Respondent.

d. **Bank Accounts.** Respondent admits that he failed to properly disclose his personal checking accounts. Respondent states he believed them to have an average balance of under \$1,000.

e. **State Farm Mutual Auto Insurance Company Judgment.** In October 2000, Respondent and Respondent's father were jointly and severally ordered by a Court to pay State

Farm Mutual Auto Insurance Company \$2,521. Respondent denies he knew of the judgment until after these ethics complaints were filed. Respondent satisfied the Judgment on April 11, 2012; and

f. **Net Worth.** Respondent computed his net worth by subtracting his reported liabilities from his reported assets. Respondent confirmed that he did not subtract assets or liabilities, such as taxes owed the IRS, that did not need to be listed in his liabilities, as part of his net worth calculations.

STIPULATED CONCLUSIONS OF LAW

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

13. The Commission on Ethics has jurisdiction over the Complaints filed in this proceeding and over Respondent.

14. Respondent violated:

a. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities on his 2008 CE Form 6, Full and Public Disclosure of Financial Interests;

b. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2009 CE Form 6, Full and Public Disclosure of Financial Interests;

c. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2010 CE Form 6, Full and Public Disclosure of Financial Interests;

d. Article II, Section 8, Florida Constitution, by failing to properly calculate and disclose his net worth, assets, and liabilities, on his 2011 CE Form 6, Full and Public Disclosure of Financial Interests.

15. Respondent admits the facts as set forth in the Stipulated Findings of Fact above.

STIPULATED RECOMMENDED ORDER

16. The Advocate accepts Respondent's stipulation in this proceeding.

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

18. Therefore, the Advocate recommends that:

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

(b) The Commission on Ethics enter a Final Order and Public Report consistent with this Stipulation finding that Respondent violated Florida Constitution, and refer the matter to the Speaker of the Florida House of Representatives for action consistent with Section 112.324(4), Florida Statutes.

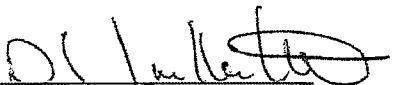
FURTHER STIPULATIONS

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


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

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

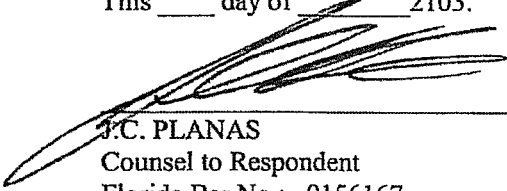
Signed, dated and entered into
this 26 day of December, 2013.


DIANE L. GUILLEMETTE
Advocate for the Florida Commission
on Ethics
Florida Bar No.: 0887803
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
Telephone: (850) 414-3300, Ext. 3702
Facsimilie: (850) 488-4872
diane.guillemette@myfloridalegal.com

Signed, dated and entered into
this 17th day of December, 2013.


ERIK FRESEN
Respondent

Signed, dated and entered into
This ___ day of ___ 2103.


J.C. PLANAS
Counsel to Respondent
Florida Bar No.: 0156167
Kurkin Brandes, LLP
18851 NE 29th Avenue
Aventura, FL 33180
Telephone (305) 929-8500
jcplanas@kb-attorneys.com