

DATE FILED

DEC 14 2016

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS

In re JOSEPH MANNERS,)

Respondent.)
_____)

Complaint No. 15-069

Final Order No. 16-133

ORDER DISMISSING COMPLAINT

On Friday, December 9, 2016, the Commission on Ethics met in public session and considered the Advocate's Motion to Dismiss the Complaint for Lack of Jurisdiction filed by the Commission's Advocate. On March 26, 2015, an Determination of Investigative Jurisdiction and Oder to Investigate was issued for investigation into whether there was probable cause to determine if the Respondent, Joseph Manners, violated Section 112.3145(8)(c), Florida Statutes. At that time, the Respondent was serving as a member of the Board of Supervisors of the Kendall Breeze West Community Development District.

On July 29, 2015, the Commission issued an Oder Finding Probable Cause to believe the Respondent, as a local officer required to file financial disclosure, violated Section 112.3145(8)(c), Florida Statutes, by willfully failing to file an annual CE Form 1, Statement of Financial Interests, for the year 2013. Since that time Respondent resigned from and is no longer a member of the Board of Supervisors of the Kendall Breeze West Community Development District.

On November 22, 2016, the Advocate filed a Motion to Dismiss Complaint for Lack of Jurisdiction, because the Advocate learned that the Respondent is no longer serving on the Board of Supervisors of the Kendall Breeze West Community Development District.

Section 112.3145(8)(c), Florida Statutes, states that if a person holding public office or public employment fails or refuses to file an annual statement of financial interests for any year in which the person received notice from the Commission regarding the failure to file and has accrued the maximum automatic fine, the Commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful, and if so determined, the Commission shall recommend the person's removal from his or her public position.

The Commission voted to approve the Motion to Dismiss Complaint for Lack of Jurisdiction because the holding of public office or employment is necessary to invoke and maintain the Commission's investigatory jurisdiction under Section 112.3145(8)(c), Florida Statutes. Following the Respondent's resignation from the Board of Supervisors of the Kendall Breeze West Community Development District, the Respondent no longer holds public office, and the Commission no longer possesses jurisdiction in this matter.

This determination is not intended to create a situation where the Commission is prohibited, limited, or impeded from taking action in the event a complaint or referral is filed against the Respondent. Nor is it intended to restrict or impair the Commission's actions in the collection of fines resulting from the untimely filing of financial disclosure, as contemplated by Section 112.31455, Florida Statutes.

Accordingly, this complaint is hereby dismissed.

ORDERED by the State of Florida Commission on Ethics meeting in public session on
Friday, December 9, 2016.

December 14, 2016
Date Rendered


Matthew F. Carlucci
Chair, Florida Commission on Ethics

cc: Mr. Joseph Manners, Respondent
Ms. Melody A. Hadley, Commission Advocate