

DATE FILED

FEB 01 2017

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re WILLIAM ARISTIDE,)
)
 Respondent.)
_____)

Complaint No. 15-092

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT
UNDER THE RUDD AMENDMENT

On Friday, January 27, 2017, the Commission on Ethics met in public session and considered this complaint for dismissal under Section 112.324(12), Florida Statutes ("the Rudd Amendment").¹ The Commission's review was limited to the question of the propriety of continuing Commission processes in the context of this particular complaint.

The Commission voted to dismiss the complaint under the Rudd Amendment based on the following analysis:

1. This complaint arose from Section 112.3145(8)(c), Florida Statutes, pursuant to which, if a person holding public office or employment fails to file an annual statement of financial interests for any year in which the person received notice to file, and has accrued the maximum

¹ Formerly codified in Section 112.324(11), Florida Statutes, the Rudd Amendment provides:

Notwithstanding the provisions of subsections (1)-(8), the commission may, at its discretion, dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal. [Section 112.324(12), Florida Statutes.]

automatic fine, the Commission on Ethics is to initiate an investigation and conduct a public hearing to determine whether the person's failure to file was "willful."

2. The Respondent, William Aristide, serves as the Principal of the Booker T. Washington Senior High School, a position allegedly requiring the annual filing of a CE Form 1, Statement of Financial Interests. The Respondent served in that position through December 31, 2013.

3. The Determination of Investigative Jurisdiction and Order to Investigate in this matter alleges that the Respondent failed to refused to file a 2013 CE Form 1, Statement of Financial Interests, within 60 days of September 2, 2014, and that the Respondent subsequently accrued the maximum fine (\$1,500) authorized under Section 112.3145(7)(f), Florida Statutes. The Order also alleged the Respondent was sent or received notice regarding the failure to file the 2013 CE Form 1, Statement of Financial Interests.


4. The matter was forwarded to the Division of Administrative Hearings and was heard before an Administrative Law Judge ("ALJ"). Pursuant to the parties' Joint Prehearing Stipulation, the Respondent acknowledge his requirement to file, and the only issue remaining to be decided was whether his failure to do so was willful. The ALJ declined to accept the stipulation of a filing requirement, and entered a Recommended Order with no finding on this issue. Commission staff recommended remanding the matter to the Division of Administrative Hearings, after which the Respondent filed an unopposed Motion to Dismiss based on Section 112.324(12). The motion was heard prior to taking up the Recommended Order.

5. The allegations in paragraphs 3 indicate possible violation of Section 112.3145(8)(c) by the Respondent. Nevertheless, under the Rudd Amendment, we find that the

public interest would not be served by our proceeding further. The Respondent has since submitted the 2013 CE Form 1, has acknowledged his error in failing to timely file, has paid the accompanying fine, and has represented that he will not pursue the recovery of costs and attorney's fees from his public agency were this matter to be dismissed. These actions on his part, when considered with his undisputed service to the school district, and the fact that the only available penalty is removal from public employment, warrant dismissal.

6. Accordingly, this complaint is hereby dismissed under the Rudd Amendment, with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 27, 2017.

February 1, 2017
Date Rendered

Matthew F. Carlucci
Chair, Florida Commission on Ethics

MFC/gps

cc: Ms. Melody A. Hadley, Commission Advocate
Mr. Michael R. Band, Attorney for Respondent