

JUL 11 2017

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BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: Jean Robb,
Respondent.

Complaint No. 14-193

**SUGGESTION OF DEATH AND
MOTION TO DISMISS COMPLAINT**

COMES NOW, Advocate for the Florida Commission on Ethics (Commission) and informs the Commission of Respondent's death and moves the Commission to Dismiss the pending complaint and as good grounds states:

Factual Background and Procedural History

Respondent served as Mayor of the City of Deerfield Beach during all relevant times. On November 12, 2014, a sworn complaint was filed with the Commission alleging that Respondent violated the Code of Ethics. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission found that the complaint was legally sufficient and ordered a preliminary investigation of the complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on November 24, 2015.

On March 9, 2016, the Commission found probable cause to believe Respondent had violated Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes, of the Code of Ethics.

On July 6, 2016, Advocate sent Respondent's attorney, J. David Bogenschutz, a draft proposed Joint Stipulation of Fact, Law, and Recommended Order (Joint Stipulation) for Respondent's consideration. (Exhibit 1) Respondent rejected any settlement agreement and

requested a hearing before an Administrative Law Judge (ALJ) at the Division of Administrative Hearings (DOAH). The Commission's clerk forwarded the case to DOAH for assignment of an ALJ.

The ALJ issued an Initial Order mandating the parties provide specific information pertaining to a final hearing within 10 days. Advocate's attempts to coordinate dates for a hearing were unsuccessful, thus, Advocate filed a unilateral response to the ALJ's Initial Order. (Exhibit 2) A hearing was subsequently scheduled for May 10 and 11, 2017 in Fort Lauderdale.

On March 22, 2017, Advocate served on Respondent a Request to Produce, First Set of Interrogatories, and Request for Admissions. On March 23, 2017, Advocate was advised that Respondent was ill and unable to travel. On April 12, 2017, Advocate sent Mr. Bogenschutz another draft Joint Stipulation for consideration due to Respondent's health. Mr. Bogenschutz advised that Respondent had given him the okay to resolve the matter at his discretion, with the hope of having a signed "stipulation/agreement by close of business on Friday [April 14]." Advocate did not receive a signed stipulation.

On April 19, 2017, Mr. Bogenschutz advised Advocate that there would be no need for a hearing and the parties again began negotiating the terms of a Joint Stipulation for the Commission's consideration. An agreement was reached. Mr. Bogenschutz's assistant asked, "To whom should the \$1,000 check be made payable?" The terms in the attached Joint Stipulation were offered and accepted based on Respondent's failing health and with Advocate's hope the Commission would consider the terms based on that fact, rather than on the seriousness of the allegations.

On May 9, 2017, Advocate filed a Motion to Cancel Hearing, Relinquish Jurisdiction, and Close File at DOAH, in which Advocate made the following authorized representations:

The parties have been in negotiations to resolve this case for the past few months. Mr. Bogenschutz has authorized the Advocate to inform the Court that Mrs. Robb [Respondent] has agreed to enter into a Joint Stipulation of Fact, Law, and Recommended Order which will be presented to the Commission on Ethics for approval. The Joint Stipulation will be signed by Mrs. Robb and returned to the Advocate before the beginning of next week [May 15, 2017]. (Exhibit 3)

From May 16 until June 19, Advocate sought to have the signed Joint Stipulation returned. Mr. Bogenschutz entered a lengthy (about four week) homicide trial on May 15 but informed Advocate on May 31 that Respondent already had signed the Joint Stipulation. Mr. Bogenschutz signed and dated the Joint Stipulation on June 5, 2017.

On June 19, 2017, Advocate again contacted Mr. Bogenschutz's assistant about returning the signed Joint Stipulation, and was advised that the signed document and the \$1,000 check, dated May 30, 2017, would be put in the mail that day. It was. (Exhibits 4, 5) Later that same day, Respondent passed away. (Exhibit 6)

Joint Stipulation

Prior to her death, Respondent entered into the previously referenced Joint Stipulation in which she admitted that she was subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees, during all relevant times. (Exhibit 7) Respondent further admitted to all the allegations,¹ to wit:

- a. Respondent violated Section 112.313(2), Florida Statutes, by accepting donations for Respondent's chosen charities in exchange for her directing the City's Code Enforcement Division not to pursue enforcement proceedings against the donor.
- b. Respondent violated Section 112.313(4), Florida Statutes, by accepting contributions for charities/organizations of Respondent's choice which were given to influence Respondent to act in her official capacity.

¹ "Respondent admits the facts as set forth in the Report of Investigation . . . as incorporated by reference in this Joint Stipulation, for purposes of this agreement." Joint Stipulation, p. 2, ¶4.
"Respondent admits all of the allegations as set forth in paragraph four (4) of the Stipulated Findings of Fact, above." Joint Stipulation, p. 2, ¶8.

- c. Respondent violated Section 112.313(6), Florida Statutes, by directing the City's Code Enforcement Division not to pursue enforcement proceedings against an individual who had contributed to charitable organizations of Respondent's choice.
- d. Respondent violated Section 112.313(6), Florida Statutes, by directing City staff to issue a parking sticker normally reserved for City employees and officials to an area pastor, who was not a City official, staff member, or volunteer.
- e. Respondent violated Section 112.313(6), Florida Statutes, by arranging a street sweeper to service the parking lot of an area church.

Respondent acknowledged that she freely and voluntarily entered into the Joint Stipulation with the understanding of the seriousness of the allegations and she gave her assurance that the ethics proceeding had affected the manner in which she further conducted herself as a public official in a positive way.

It was the parties' request in the Joint Stipulation that the Commission enter a Final Order and Public Report finding that Respondent violated Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes, and recommending 1) public censure and reprimand of Respondent; and 2) a civil penalty of \$1,000.

Suggestion of Death

On June 21, 2017, Mr. Bogenschutz notified Advocate of Mrs. Robb's death. Therefore, the parties now request the complaint be dismissed.

Pursuant to Section 112.324(12), Florida Statutes, 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." (Emphasis added.)

However, Advocate maintains that an outright dismissal of the complaint does not benefit the public interest. "A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse." Art. II, § 8, Fla. Const.

Toward the end of balancing the various interests involved herein, Advocate requests that the Commission 1) recognize the parties' negotiated factual and legal conclusions,² 2) approve the factual and legal conclusions for the limited purpose of recognizing what Respondent acknowledged therein, 3) incorporate the Joint Stipulation into the Commission's Order by attachment thereto, and 4) dismiss the complaint due to Respondent's death -- not due to insufficiency of facts to sustain a violation(s). This request is based on the following reasons:

- Respondent indicated that she fully understood her rights and voluntarily accepted the terms of the stipulation;
- Respondent had legal advice and counsel throughout the proceedings; and
- The stipulation was in accordance with the rights of the parties and within the parameters of the law.

Both parties also waived their respective rights to a hearing, which indicates an intent to form a binding agreement. Respondent was aware of her declining health and, most likely, her impending death at the time the stipulation was signed and the check written. The fact that Respondent died 19 days after the parties' agreement, but before the Commission's approval of such, does nothing to affect Respondent's understanding of the agreement and stipulated facts and conclusions of law. Respondent fully understood her rights, and voluntarily agreed to accept the terms of the negotiated Joint Stipulation, thus, the public should be aware of those admissions. Approving the facts and conclusions in the Joint Stipulation for a limited purpose simply acknowledges how Respondent desired to resolve the ethics complaint against her.

² Advocate does not suggest that the Commission adopt, approve, or ratify the Joint Stipulation for the purpose of imposing any sanctions.

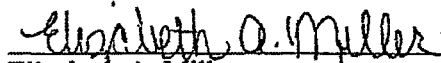
By attaching the Joint Stipulation to the Commission's Order in this matter and incorporating it therein, the public's right to know is served in seeing that the complaint against Respondent was fairly addressed prior to her passing.

The parties' Joint Stipulation is not confidential or exempt from public disclosure. §§112.3146 and 119.01, Fla. Stat. After the Commission found probable cause "all documents made or received in the disposition of the complaint or referral shall then become public records." §112.324(3), Fla. Stat. The Joint Stipulation clearly was received in the disposition of the complaint against Respondent. Nothing precludes publication of the Joint Stipulation.

The stipulation states, "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." Thus, an outright dismissal of the complaint, without more, indicates that the facts did not substantiate any violations of the Code of Ethics. Approving the facts and law, as stipulated by Respondent, for the limited purpose of recognizing what Respondent acknowledged, incorporating by reference the facts into the Commission's Order, followed by dismissal of the complaint due to Respondent's death, is a fair, reasonable, and appropriate resolution of the matter for all parties. Respondent's wishes of May 30, 2017, to resolve the case will be effectuated yet without imposition of a penalty and the public's interest will not be subverted by an outright dismissal when Respondent admitted the violations.

WHEREFORE, it is respectfully suggested that in light of the death of Jean Robb, Respondent, that the Commission formally acknowledge Respondent's admissions in the manner stated herein and that the ethics complaint against her be dismissed solely due to her death in the above styled matter. This motion is made in good faith and the dismissal of the complaint (without conditions) is unopposed by Mr. Bogenschutz.


RESPECTFULLY SUBMITTED,

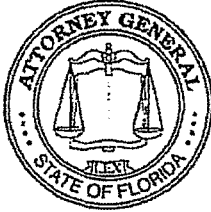


Elizabeth A. Miller
Advocate for the Florida
Commission on Ethics
Florida Bar No. 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the undersigned served a true and accurate copy of this motion on J. David Bogenschutz, Esquire, Bogenschutz, Dutko and Kroll, P.A., 600 South Andrews Avenue, Suite 500, Fort Lauderdale, Florida 33301-2802, via e-mail only to: jdblawn0515@aol.com and kkllaw@bdkpa.com on this 11th day of July, 2017.


Elizabeth A. Miller



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Ethics Commission Advocate

Elizabeth A. Miller
Assistant Attorney General

PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300 Fax (850) 488-4872
elizabeth.miller@myfloridalegal.com

July 6, 2016

J. David Bogenschutz, Esq.
600 South Andrews Avenue, P.A.
Suite 500
Fort Lauderdale, FL 33301

RE: In Re: Jean Robb
Florida Commission on Ethics, Complaint No.: 14-193

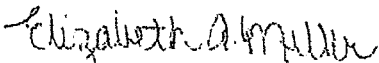
Dear Mr. Bogenschutz:

I have drafted a proposed Joint Stipulation of Fact, Law and Recommended Order for your consideration. If you and your client find the terms acceptable, please sign and have your client sign the Joint Stipulation and return it to me within 10 days of the date of this letter. Payment is not due until after the Joint Stipulation is approved by the Commission on Ethics and an Executive Order has been entered by the Office of the Governor.

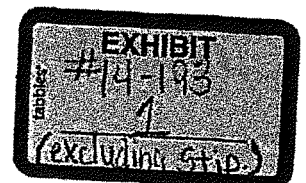
If you have any further questions or comments, I can be contacted on my direct line: (850) 414-3702.

Thank you for your cooperation in helping to resolve this case.

Sincerely,


Elizabeth A. Miller
Advocate for the Florida
Commission on Ethics

Enclosure



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

In re: Jean Robb,

Respondent.

**DOAH Case No. 17-1560EC
Complaint No. 14-193**

ADVOCATE'S RESPONSE TO INITIAL ORDER

COMES NOW, Advocate for the Commission on Ethics and files this Response to the Initial Order.

1. There are no related cases.
2. Advocate estimates that a hearing in the case will last two (2) days.
3. Advocate suggests that the hearing be held in Fort Lauderdale, Florida¹ or

Deerfield Beach for the convenience of Respondent and her counsel.

4. Advocate is available for the hearing on any of the following dates:

May 3 - 5, 2017;
May 8 - 12, 2017; or
May 22 - 25, 2017.

5. Advocate made the following attempts to contact Respondent's counsel, Mr.

Bogenschutz, to coordinate a joint response to the Initial Order:

March 20, 2017 – E-mail to Karen K. Laythe, assistant to Mr. Bogenschutz (kkllaw@bdkpa.com);

March 21, 2017 – E-mail to Mr. Bogenschutz (jdblawn0515@aol.com);

March 21, 2017 – E-mail to Karen K. Laythe;

March 22, 2017 – Advocate's discovery requests e-mailed to Mr. Bogenschutz and Karen K. Laythe;

March 22, 2017 – Advocate contacted Bogenschutz, Dutko & Kroll, P.A. and confirmed Mr. Bogenschutz's e-mail address;

¹ Closest DOAH Video Facility to Deerfield Beach.



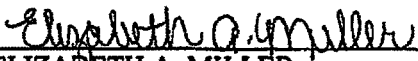
March 23, 2017 – E-mail to Mr. Bogenschutz;

March 23, 2017 – E-mail exchange to/from Karen K. Laythe; and

March 27, 2017 (1:45 p.m.) – Telephone call to Mr. Bogenschutz's office. Advocate spoke to his assistant and left a message regarding the nature of the call.

6. Advocate's attempts to coordinate information with Respondent's counsel were not successful, thus, Advocate files this unilateral response in compliance with paragraph 2 of the Initial Order.

RESPECTFULLY SUBMITTED on the 27th day of March, 2017.


ELIZABETH A. MILLER
Advocate for the Florida Commission on Ethics
Florida Bar No. 578411
Office of the Attorney General, The Capitol, PL-01
Tallahassee, Florida 32399-1050
Telephone: (850) 414-3300, Ext. 3702
Fax: (850) 488-4872
elizabeth.miller@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Response was sent via e-mail only to Respondent, Jean Robb, c/o her legal counsel J. David Bogenschutz, Esquire, Law Offices of Bogenschutz, Dutko & Kroll, P.A., 600 South Andrews Avenue, Suite 500, Fort Lauderdale, Florida 33301-2847; Jdblau0515@aol.com; and Karen K. Laythe, kkillaw@bdkpa.com, on this 27th day of March, 2017.


Elizabeth A. Miller

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

In re: Jean Robb,
Respondent.

DOAH Case No. 17-1560EC
Complaint No. 14-193

ADVOCATE'S MOTION TO CANCEL HEARING, RELINQUISH
JURISDICTION, AND CLOSE FILE

COMES NOW, the Advocate for the Commission on Ethics and pursuant to Section 120.57(1)(i), Florida Statutes, and Rule 28-106.204, *Florida Administrative Code*, hereby files this Motion to Relinquish Jurisdiction and Close File and states:

1. On March 16, 2017, the Honorable Cathy M. Sellers, Administrative Law Judge, issued an Initial Order in this matter.

2. The hearing is scheduled for May 10 and 11, 2017 at the Department of Management Services, Robert Hayes Gore Building, Room 104-B, 201 West Broward Boulevard, Fort Lauderdale, Florida.

3. J. David Bogenschutz, Esquire, Bogenschutz Dutko & Kroll P.A., (954-764-2500) represents Respondent Jean Robb.

4. The parties have been in negotiations to resolve this case for the past few months. Mr. Bogenschutz has authorized the Advocate to inform the Court that Mrs. Robb has agreed to enter into a Joint Stipulation of Fact, Law, and Recommended Order which will be presented to the Commission on Ethics for approval. The Joint Stipulation will be signed by Mrs. Robb and returned to the Advocate before the beginning of next week.

5. Further, the parties have agreed that their entry into the settlement agreement would be in lieu of further hearings in this cause.



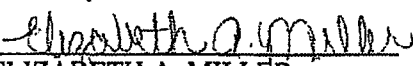
6. Due to reaching an amicable settlement in this cause, the parties wish to cancel the hearing in this matter.

7. Mr. Bogenschutz has not read this Motion; however, the parties have discussed its contents and Mr. Bogenschutz concurs with the representations made by the Advocate.

8. The parties sincerely appreciate the Honorable ALJ's patience in this matter due to the difficult circumstances surrounding Mrs. Robb's health, which have been disclosed to the Court.

WHEREFORE, the Advocate respectfully requests that its motion be granted and moves the Honorable Administrative Law Judge to cancel the upcoming hearing and issue an order relinquishing jurisdiction to the Commission on Ethics for rendition of a final order.

RESPECTFULLY SUBMITTED this 9th day of May, 2017.


ELIZABETH A. MILLER
Advocate for the Florida
Commission on Ethics
Florida Bar No. 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 3702
elizabeth.miller@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the undersigned served a true and accurate copy of this motion on Jean Robb, Respondent, c/o J. David Bogenschutz, Esquire, Bogenschutz, Dutko and Kroll, P.A., 600 South Andrews Avenue, Suite 500, Fort Lauderdale, Florida 33301-2802, via e-mail only to: jdblaw0515@aol.com and kllaw@bdkpa.com on this 9th day of May, 2017.


Elizabeth A. Miller

JEAN M. ROBB
380 S.E. 2ND AVENUE APT. H-2
DEERFIELD BEACH, FL 33441

13512

5-30-17

Date

Pay to the
Order of

State of FL

\$ 1000⁰⁰/₁₀₀

one thousand and only

00/₁₀₀

Dollars



REG-117
Date of
ISS

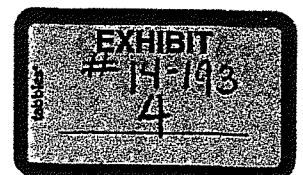


Wells Fargo Bank, N.A.
Florida
wellsfargo.com

For Complaint # 14-193

Jean M. Robb

MP

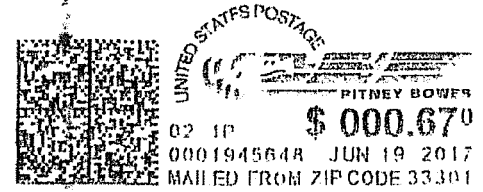


LAW OFFICES OF
BOGENSCHUTZ, DUTKO & KI

600 SOUTH ANDREWS AVENUE, SUITE
FORT LAUDERDALE, FLORIDA 33300

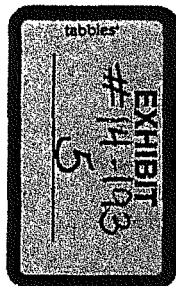


UNITED WE STAND



ELIZABETH A MILLER
ASSISTANT ATTORNEY GENERAL
CHIEF ADVOCATE, COMMISSION ON ETHICS
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL, PL-01
TALLAHASSEE FL 32399-1050

ETHICS



Honorable Jean M. Robb

02-08-1932 - 06-19-2017



Subscribe Send Flowers

Obituary

Please join the family by taking a moment to see the video put together at the bottom of obit.

Jean M. Robb, former mayor of Deerfield Beach, Florida and 59-year resident, passed into eternity on Monday, June 19, 2017, following a brief, but fierce, battle with cancer.

Jean was born in Philadelphia, Pennsylvania on February 8, 1932 to the late Ralph and Marie (Pellitta) Buonanno. She attended West Philadelphia Catholic Girls' High School at age 16 and earned her Bachelor's Degree in English from West Chester State Teachers College. Upon completion of her Bachelor's Degree, Jean taught high school English in Coatesville, Ridley Township, Pennsylvania, and also pursued graduate studies at Villanova University.

After her late husband, Dr. Leo Joseph Robb, Jr. graduated from Philadelphia College of Osteopathic Medicine, Jean and Leo moved to Deerfield Beach to establish a medical practice. Jean managed the practice, raised their six children and became involved in local politics. She was appointed to the Deerfield Beach Planning and Zoning Board, and also served as campaign manager for the late Mayor George Schott. In 1980, Jean was elected mayor of Deerfield Beach, an office she held from 1980-1993. In 2013, at the age of 81, she boldly decided to run for mayor again and won another four-year term.

As Mayor, Jean was passionate about expanding economic and cultural opportunities in the City. She worked tirelessly with the City employees, the Broward County Commission, Florida State officials, and City Residents, at all levels, to shape the future of Deerfield Beach. Her collaborative work in the community led to the establishment in Deerfield of the North Regional Broward County Courthouse, the Sun Sentinel, Toyota Southeast Headquarters, Publix Southeast Regional Distribution Center, and the development of the Newport Center. In recognition for her half century of work for her community, Jean was named a Broward County Pioneer in 2013.

Jean also spearheaded efforts to obtain funding with the City, County, and State governments to help construct Quiet Waters Elementary school (the first new public elementary school in 26 years) and the Gymnasium in Westside Park (named after her late husband, the only doctor in the city then, who treated British West Indies workers as they harvested crops and city residents).

Jean also helped to establish the first Alzheimer's Day Care in Broward County, the Northeast Focal Point Center, and the Habitat for Humanity program in Deerfield Beach. She organized the Cultural Committee for the Arts Festival and concerts and convinced City officials to purchase the first Show Mobile.

Jean's legacy is perhaps best exemplified in her tireless work to protect and improve the beach, including having members of the Seminole Tribe of Florida build the thatched huts along the beach walkway and her husband, Leo, drew sketches of the boardwalks that she helped to make a memorable reality for residents and visitors.

Jean was a member of the Deerfield Beach Friends of the Library. She was also a lifetime member of the Deerfield Beach Historical Society and the Deerfield Woman's Club.

A life-long fan of the University of Notre Dame football program, Jean proudly displayed a replica of the plaque hanging in the Notre Dame football locker room proclaiming "Play Like a Champion" that each Notre Dame player touches before running out on the gridiron. It became Jean's personal credo as well.

Jean is survived by her six children: Judith Robb Bullock, Leo (Nan) Joseph Robb III, Loretta Robb, Teresa (Patrick) Robb Glennon, Michael (Susan) Robb and Barbara Robb.



In addition to her six children, Jean is survived by eleven grandchildren: Saige, Richard, Caitlin, Mia, Kerry, Katherine, Mary, Megan, Madeline, Emily and Michael Jr.

Jean is also survived by her two sisters, Marie Ferrante of Ormond Beach, Florida, and Barbara Scheer (David) of Cape May Courthouse, New Jersey. She was preceded in death by her husband, Dr. Leo Joseph Robb, Jr., sisters Marge Squadrito, Eleanor Gallagher, brother Norman Buonanno, and her beloved granddaughter Hannah Robb who all welcome her with open arms into eternity.

A Mass of Christian Burial will be held on Saturday, June 24, 2017 at 9:00a.m. at St. Ambrose Catholic Church at 380 S. Federal Highway, Deerfield Beach, FL 33441. Following the Mass, a reception will be held in the Parish Hall. Burial will be held in private.

In lieu of flowers, memorial donations may be made to the Deerfield Packer Rattlers (DPR) Youth Enrichment, 228 S.W. 5th Court, Deerfield Beach, FL 33441; The Father Bryan Dalton Lifelong Deerfield Beach Parking Pass Fund with any additional funds to be used to sponsor educational scholarships for families in need at St. Ambrose Catholic School, 380 S. Federal Highway, Deerfield Beach, FL, 33441; and Trustbridge Hospice, 1531 W. Palmetto Park Road, Boca Raton, FL 33486.

Online condolences may be sent to the family at KalisMcIntee.com

Mass of Christian Burial

June 24, 2017 at 9:00am

St. Ambrose Catholic Church: 380 S. Federal Highway
Deerfield Beach, FL 33441

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

**In re: Jean Robb,
Respondent.**

Complaint No. 14-193

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, Jean Robb, 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 Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

STIPULATED FINDINGS OF FACT

1. Respondent served as Mayor of the City of Deerfield Beach, during all relevant times, and therefore was subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On November 12, 2014, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on November 24, 2015.
4. On March 9, 2016, the Commission on Ethics found probable cause to believe Respondent had violated Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes.



The allegations are:

- I. Respondent violated Section 112.313(2), Florida Statutes, by accepting donations for Respondent's chosen charities in exchange for her directing the City's Code Enforcement Division not to pursue enforcement proceedings against the donor.
- II. Respondent violated Section 112.313(4), Florida Statutes, by accepting contributions for charities/organizations of Respondent's choice which were given to influence Respondent to act in her official capacity.
- III. Respondent violated Section 112.313(6), Florida Statutes, by directing the City's Code Enforcement Division not to pursue enforcement proceedings against an individual who had contributed to charitable organizations of Respondent's choice.
- IV. Respondent violated Section 112.313(6), Florida Statutes, by directing City staff to issue a parking sticker normally reserved for City employees and officials to an area pastor, who was not a City official, staff member, or volunteer.
- V. Respondent violated Section 112.313(6), Florida Statutes, by arranging a street sweeper to service the parking lot of an area church.
5. Respondent admits the facts as set forth in the Report of Investigation concerning

Allegations I, II, III, IV, and V, as incorporated by reference in this Joint Stipulation, for the purposes of this agreement.

STIPULATED CONCLUSIONS OF LAW

6. Respondent was subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees during all relevant times.

7. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

8. Respondent admits all of the allegations as set forth in paragraph four (4) of the Stipulated Findings of Fact, above.

9. Respondent violated 112.313(2), Florida Statutes, by accepting donations for Respondent's chosen charities in exchange for Respondent directing the City's Code Enforcement

Division not to pursue code enforcement proceedings against the donor.

10. Respondent violated Section 112.313(4), Florida Statutes, by accepting contributions for charities/organizations of Respondent's choice which were given to influence Respondent to act in her official capacity.

11. Respondent violated Section 112.313(6), Florida Statutes, by directing the City's Code Enforcement Division not to pursue enforcement proceedings against an individual who had contributed to charitable organizations of Respondent's choice.

12. Respondent violated Section 112.313(6), Florida Statutes, by directing City staff to issue a parking sticker normally reserved for City employees and officials to an area pastor, who was not a City official, staff member, or volunteer.

13. Respondent violated Section 112.313(6), Florida Statutes, by arranging a street sweeper to service the parking lot of an area church.

14. Respondent enters into this Stipulation with the understanding of the seriousness of the allegations and gives her assurance that this proceeding has affected the manner in which she may further conduct herself as a public official in a positive way.

STIPULATED RECOMMENDED ORDER

15. The Advocate accepts Respondent's admission in this proceeding.

16. 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.

17. Therefore, the parties request and the Advocate recommends that:

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

(b) The Commission on Ethics enter a Final Order and Public Report finding

that Respondent violated Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes, and recommending:

- (1) Public censure and reprimand of Respondent; and
- (2) A civil penalty of \$1,000.

FURTHER STIPULATIONS

18. 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.

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

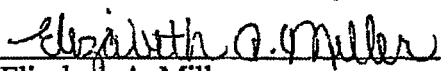
20. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose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

21. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated and entered into this _____ day of _____, 2017.


Signed, dated and entered into:


this 22nd day of June, 2017.


Elizabeth A. Miller
Advocate for the Florida
Commission on Ethics
Florida Bar No. 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050

Signed, dated and entered into:

this 5th day of June, 2017.


J. David Bogenschutz, Esq.
Florida Bar No. 131174
600 South Andrews Avenue
Suite 500
Fort Lauderdale, Florida 33301


Jean Robb
Respondent