



Kimberly Bonder Rezanka

Chair

Daniel Brady, Ph.D.

Vice Chair

Jason David Berger

Antonio Carvajal

Glenton "Glen" Gilzean, Jr.

John Grant

JoAnne Leznoff

F. Shields McManus

William "Willie" N. Meggs

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

"A Public Office is a Public Trust"

C. Christopher Anderson, III

Executive Director/

General Counsel

Kerrie J. Stillman

Deputy Executive Director

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

October 30, 2019

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol, 400 South Monroe Street
Tallahassee, Florida 32399-0001

Re: Complaint No. 16-062, In re DENNIS MCDONALD

Dear Governor DeSantis:

The Florida Commission on Ethics has completed a full and final investigation of a complaint involving Mr. Dennis McDonald, a former candidate for the Flagler County Commission and a former candidate for the Florida Senate. Pursuant to Section 112.324(8), Florida Statutes, we are reporting our findings and recommending appropriate disciplinary action to you in this case. Enclosed are copies of our final order and of our file in this matter. As we have found pursuant to proceedings and orders of an Administrative Law Judge of the Division of Administrative Hearings and pursuant to our own proceedings that Mr. McDonald violated the Sunshine Amendment and the Code of Ethics in the manner described by our order, we recommend that you publicly censure and reprimand him and impose a civil penalty upon him in the amount of \$4,000 (four thousand dollars). If we may be of any assistance to you in your deliberations, please do not hesitate to contact us. We would appreciate your informing us of the manner in which you dispose of this matter. For information regarding collection of the civil penalty, please contact the Office of the Attorney General, Ms. Elizabeth A. Miller, Assistant Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Christopher Anderson, III".

C. Christopher Anderson, III
Executive Director

CCA/vlk

Enclosures

cc: Mr. Dennis McDonald, Respondent
Ms. Elizabeth A. Miller, Commission Advocate
Mr. Mark Herron, Attorney for surviving spouse of Complainant, Frank J. Meeker

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re DENNIS MCDONALD,)
)
 Respondent.)
_____)

Complaint No. 16-062

Final Order No. 19-116

FINAL ORDER AND PUBLIC REPORT

This matter came before the State of Florida Commission on Ethics ("Commission"), meeting in public session on October 25, 2019, pursuant to the Advocate's Motion to Schedule Matter, Adopt ALJ's Findings, Recommend Penalty, and Render Final Order (Motion).¹ The Respondent (Dennis McDonald) was provided written notice of the date, time, and place of the Commission's consideration of this matter referenced above, and the notice apprised him of his ability to respond in writing to the Motion and to be heard before the Commission on the matter at the Commission's October 25, 2019, meeting.

Background

By order rendered December 12, 2018, the Commission on Ethics found probable cause to believe that the Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets and primary sources of income on his 2011 CE Form 6, "Full and Public Disclosure of Financial Interests"; and found probable cause that the Respondent violated the aforesaid provisions by failing to make required disclosures as to assets and primary sources of income on his 2013 CE Form 6s, "Full and Public Disclosure of Financial Interests." Thereafter, the matter was sent to the Division of Administrative Hearings (DOAH) for a hearing before an Administrative Law Judge (ALJ); but the matter was relinquished back to the Commission for consideration of a proposed settlement stipulation of the matter jointly offered by the Advocate and the Respondent. At its June 7, 2019,

¹ Due to the posture of this matter and its history at DOAH, there is no "Recommended Order" before the Commission.

public meeting, the Commission rejected the proposed stipulation; and the matter was transmitted again to DOAH for hearing. In the ensuing DOAH proceeding, the Respondent was unresponsive to discovery efforts of the Advocate, resulting in the Advocate's moving the ALJ to compel the Respondent to respond to her discovery requests or, in the alternative, to deem matters admitted. By his order dated August 7, 2019, the ALJ granted the Advocate's motion, and the ALJ issued additional related orders, the net effect of which is the return of this matter to the Commission on Ethics for entry of a final order.

Having reviewed the record materials provided to it, having heard the arguments, if any, of the Respondent and the Advocate, and having been fully advised, the Commission makes the following findings, conclusions, and disposition:

Findings of Fact

The Commission on Ethics accepts and incorporates into this Final Order and Public Report the facts as deemed admitted and shown via the proceedings, filings, and orders from the DOAH/ALJ proceedings (most particularly, the facts contained in paragraph 9 of the Motion to Schedule Matter, Adopt ALJ's Findings, Recommend Penalty, and Render Final Order, filed at DOAH by the Advocate), which show that the Respondent, as a candidate for the Flagler County Commission or a candidate for the Florida Senate, violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to file accurate 2011 and 2013 CE Form 6s, "Full and Public Disclosure of Financial Interests."

Conclusions of Law

The Commission on Ethics accepts and incorporates into this Final Order and Public Report the conclusions of law deemed admitted and shown via the proceedings, filings, and orders from the DOAH/ALJ proceedings. Further, the Commission concludes that failure to file accurate 2011

and 2013 CE Form 6s violates Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

Disposition and Recommended Penalty

Accordingly, having accepted jurisdiction back from the ALJ, having considered the issues and conducted the proceeding as aforesaid, and having accepted the deemed admitted facts and made the legal conclusions as set forth above, the Commission on Ethics finds that the Respondent, as a candidate for the Flagler County Commission and a Candidate for the Florida Senate, violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing inaccurate 2011 and 2013 CE Form 6s, "Full and Public Disclosure of Financial Interests," and recommends that the Governor publicly censure and reprimand the Respondent and impose a civil penalty upon him in the total amount of \$4,000 (\$2,000 for 2011 and \$2,000 for 2013).²

ORDERED by the State of Florida Commission on Ethics meeting in public session on October 25, 2019.³

October 30, 2019
Date Rendered

Kimberly B. Rezanka
Kimberly B. Rezanka
Chair, Florida Commission on Ethics

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, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES

² In considering this matter on October 25, 2019, the Commission did not accept the Advocate's recommendation of a \$10,000 total civil penalty; rather, it recommends a total civil penalty of \$4,000, and public censure and reprimand.

³ In addition, pursuant to the motion of the Advocate made at DOAH regarding her attorney's fees and costs incurred in seeking to compel the Respondent to respond to discovery requests and her filings in support thereof, together with the Respondent's lack of a timely response to the ALJ's orders regarding the same, the Commission hereby finds, concludes, and determines that the Respondent, Dennis McDonald, is liable for attorney fees and costs incurred by the Advocate in the amount of \$234.

OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; 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: Mr. Dennis McDonald, Respondent
Ms. Elizabeth A. Miller, Commission Advocate
Mr. Mark Herron, Attorney for Debra Meeker (surviving spouse of Complainant)
The Honorable Lawrence P. Stevenson, Division of Administrative Hearings