

Doss, Virlindia

From: carslay@aol.com
Sent: Tuesday, February 5, 2019 11:59 AM
To: Doss, Virlindia
Subject: Rules
Attachments: doss 2519.docx

Thank You
Carlos Slay

February 5, 2019

PROPOSED RULE – RULE 34 – Article II – H – 8 - 2

“Disproportionate Benefit” shall mean any deliberate act or omission by a public officer and public employees that result in a disproportionate benefit for the public officer, the public employee their spouse, children, or employers, any business in which they contract, serve as an officer, partner, director, proprietor or in which they own an interest that results in a special gain, benefit that would not otherwise be available absent their employment with a public entity or services as a public officer. A determination of whether a disproportionate benefit exists shall be made through an investigation of the facts that meet the following criteria;

The Commission on Ethics shall determine a violation of this rule by the following criteria;

1. Did the public officer or public employee receive a non-bid contract from a publicly funded board, commission or governmental agency where there were other entities that could have offered competitive bids?
2. Was the public officer or public employee the most qualified candidate or option available for the position sought if the position was a publicly funded position?
3. Did the public officer seek to circumvent the competitive bid statute in order to assist a vendor with whom the officer had a personal connection?
4. Did the public officer utilize his or her position to seek any legal opinion or advisory opinion to favor his or her use of public resources to create a special gain or benefit for a family member or an employer?
5. Did the public officer or public employee facilitate or provide assistance of any type to encourage the formation of third parties such as foundations, committees or other organizations that would then seek public funds and provide a benefit of any type to a family member to include step children, uncles, aunts, cousins, grandparents, step parents and any other type of family member that might be included as part of an extended family.?
6. Did any public officer or employee fail to discharge their duties in a customary and reasonable fashion and such conduct resulted in a public officer, employee or employer of the public officer gaining a special disproportionate benefit that unfairly creates a benefit to one party at the expense of another.
7. Is there substantial and competent evidence of prior conduct that would demonstrate that the public officer or public employee has engaged in a pattern of conduct in the past that would demonstrate the use of their special powers and privileges to secure a disproportionate benefit for others?
8. Are there examples of conduct that support a deliberate act of any type or pattern of conduct that has resulted in an unfair and disproportionate benefit in favor of the public official or the public employee?

9. The Commission on Ethics shall review public officer's e-mails, credit card statements, personal expense vouchers and use of travel assets to make an initial determination of whether evidence of a disproportionate benefit might exist.
10. The Commission on Ethics shall examine whether any contracts, agreements or business relationships subject of a complaint alleging a violation of this rule have resulted in an unfair advantage to the public officer or the public employee in any way.
11. A disproportionate benefit shall not be present if a public officer or public employee or their employer, spouse or family members are a party to any agreement or contract that is subject to FS 287.001.