BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re PHILLIPPA HITCHINS,  )  Financial Disclosure Appeal No. FD 18-001
 )  )  Final Order No.
Appellant. )

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on April 12, 2019, on timely appeal of Appellant, pursuant to Section 112.3145(7)(f), Florida Statutes, which assesses an automatic fine of $25 per day on a person who fails to timely file the required CE Form 1, Statement of Financial Interests. The Commission may waive the fine in whole or in part for good cause shown, based on "unusual circumstances" surrounding the failure to file by the designated date. There are no matters in dispute. Appellant did not request a hearing before the Commission.

Findings of Fact

1. According to information provided to the Commission, Appellant was an attorney for the Department of Children and Families for the 11 and 16th Circuits. A position that requires the filing of a CE Form 1, Statement of Financial Interests, for the year 2017. In 2018, the designated due date for submitting a 2017 CE Form 1 was July 2, 2018, with a grace period ending on September 4, 2018.

2. On May 9, 2018, the Commission sent Appellant a 2017 CE Form 1. The Commission sent this mailing to Appellant at 401 Northwest 2nd Avenue, 5th Floor of the South Tower, Fort Lauderdale, Florida 33128.
3. On July 25, 2018, the Commission sent Appellant a Notice of Delinquency via certified mail. The Commission sent the notice to Appellant at the 401 Northwest 2nd Avenue address. On July 30, 2018, at 1:20 p.m., the notice was delivered to 401 Northwest 2nd Avenue address where it was received and signed for by unidentified individual who confirmed the mailing address as 401 Northwest 2nd Avenue.

4. On August 16, 2018, the Commission sent Appellant a Courtesy Reminder Postcard intended to remind her to file her 2017 financial disclosure form with the Commission before the September 4th grace period deadline. The Commission mailed the postcard to Appellant at the 401 Northwest 2nd Avenue address.

5. On August 24, 2018, the Commission called Appellant at the number it had on file for her and left her a voicemail message reminding her to file her 2017 CE Form 1 before the September 4th grace period deadline.

6. On August 28, 2018, the Commission sent Appellant a courtesy reminder email intended to remind her to file her 2017 CE Form 1, Statement of Financial Interests before the September 4th grace period deadline. The Commission emailed Appellant using the email address it had on file for her which was: Phillippa.Hitchins@gal.fl.gov.

7. On September 5, 2018, the Commission sent Appellant an email using a new email address it had discovered for her: piajet_pj@yahoo.com. The Commission's email advised Appellant that she had been required to file a 2017 CE Form 1 by July 2, 2018 based on her position with the Department of Children and Families. The Commission's email advised Appellant that the grace period deadline for her to file a 2017 CE Form 1 before automatic fines begin to accrue was on September 4, 2018, so an automatic fine is currently accruing against you as of yesterday at a rate of $25 a day. The Commission then advised Appellant to complete the blank 2017 CE
Form 1, Statement of Financial Interests it had attached to the email and submit it to the Commission as a PDF email attachment.

8. On September 5, 2018, the Commission called Appellant at a new number it had discovered for her: 904-235-6104 and left her a voicemail message to call the Commission.

9. On September 5, 2018, the Commission emailed Debra Johnson at DCF inquiring as to whether or not Appellant was still with their office. Ms. Johnson advised the Commission that Appellant had left the agency on June 22, 2018. Ms. Johnson further advised the Commission that Appellant had moved on to a new position at the Justice Administration Commission and as of now they did not have a forwarding email or phone number for her.

10. On September 6, 2018, the Commission sent Appellant a Courtesy Notice of Fines Accruing. The Commission mailed the notice to Appellant at the 401 Northwest 2nd Avenue, 5th address.

11. On September 7, 2018, the Commission emailed Andy Snuggs at the Justice Administration Commission inquiring if Appellant was a new employee there. Mr. Snuggs responded saying that Appellant works for one of the agencies the Justice Administrative Commission serves, the Regional Counsel for the 3rd Region, in Miami and he copied the Commission's message and forwarded it to Jorge Sanchez the Administrative Director there. Mr. Sanchez later contacted the Commission advising it that he would be able to provide the Commission with Appellant's current contact information. Mr. Sanchez said that Appellant's current email address is: phitchens@rc3fl.com. Mr. Sanchez also advised the Commission that he had CCed Appellant so that she would provide him with a phone number where the Commission could reach her. The Commission later emailed Appellant, advising her that she was required to file a 2017 CE Form 1 based off of her previous position with the Department of Children &
Families she had left on June 22, 2018. The grace period deadline for her to file a 2017 CE Form 1 before an automatic fines would began to accrue was September 4, 2018. The Commission advised Appellant to complete the blank 2017 CE Form 1 it had included as an attachment and then send the completed form back to the Commission as a PDF attachment, as soon as possible.

12. On September 10, 2018, the Commission received Appellant's 2017 CE Form 1, Statement of Financial Interests. On her 2017 CE Form 1, Appellant listed her mailing address as P.O. Box 70474, Fort Lauderdale, Florida 33307. Appellant did not sign or date her 2017 CE Form 1.

13. On September 11, 2018, the Commission received Appellant's Appeal of Automatic Fine for Form Year 2017. On her appeal form, Appellant listed her mailing address as the P.O. Box 70474, Fort Lauderdale, Florida, address. Appellant also listed her email addresses as phitchins@rc3fl.com and piajet_pj@yahoo.com. In part B of her appeal form, Appellant checked lack of notification as the general reason for her appeal. In part C of her appeal form, Appellant stated that she had never received the 2017 financial disclosure form the Commission had sent her in May of 2018 or the Notice of Delinquency the Commission had sent her in July of 2018. Appellant says after leaving her employment with DCF, nothing had been forwarded to her where she would be able to receive it. Appellant also said that although she had updated her contact information on the Florida Bar website, she still did not get any information until she received the email the Commission sent her on September 7, 2018, three days after the grace period had ended.

14. On February 12, 2019, an automatic fine was levied against Appellant.

15. The total amount of the automatically assessed fine levied against Appellant was $150.
16. On February 12, 2019, the Commission sent Appellant a Notice of Assessment of Automatic Fine, via certified mail. The Commission sent the notice to Appellant at the P.O. Box 70474, Fort Lauderdale, Florida address. The notice informed Appellant what the total amount of her fine was and advised her that she had until March 14, 2019 to appeal it.

17. On February 12, 2019, the Commission sent Appellant a letter advising her that it had received her appeal and it would send all future correspondence regarding this matter to the address she had listed on her appeal form. The letter advised Appellant that Commission staff would review her appeal along with any additional related documents she submitted with it. The letter further advised Appellant that Commission staff may contact her if they needed any additional information. Once Commission staff has completed their review of her appeal, a draft order will be prepared and placed on the agenda of an upcoming Commission meeting. The letter advised Appellant that she had the right to request a hearing before the Commission at whichever upcoming Commission meeting had her appeal on its’ agenda. At the upcoming meeting the Commission will make a ruling on her appeal and subsequently enter a final order. The Commission will provide Appellant with a copy of this final order usually within a week of the meeting.

Conclusions of Law

18. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

19. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government.

20. Section 112.3145(7)(f)3., Florida Statutes, states:
Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

21. Appellant claims she never received the original blank 2017 CE Form 1 the Commission sent her on May 9, 2018 or the Notice of Delinquency the Commission sent her on July 25, 2018. The email the Commission received from Debra Johnson at DCF on September 5, 2018 confirmed that Appellant had left the DCF on June 22, 2018. The Notice of Delinquency the Commission sent Appellant via certified mail on July 24, 2018 did not reach the 401 Northwest 2nd Avenue address until July 30, 2018, 38 days after Appellant had left the DCF for her current job at the Justice Administration Commission. Therefore, Appellant could not have been the unidentified person who received and signed for the Notice of Delinquency when it arrived at the 401 Northwest 2nd Avenue address on July 20, 2018. The voicemail message the Commission left for Appellant on August 24, 2018 later turned out to have been to a phone number that was not Appellant’s. There is no evidence Appellant received the August 28, 2018 email the Commission sent her intending to remind her to file her 2017 financial disclosure form before the upcoming September 4th grace period deadline. Therefore, not only is there no proof Appellant received any form of notice regarding her obligation to file a 2017 financial disclosure form, the circumstantial evidence tends to support her claim of not receiving any form of notice prior to the September 4th grace period deadline. Not receiving notice of her obligation to file a 2017 financial disclosure form prior to the grace period deadline is the kind of unusual circumstance that justifies waiving Appellant's fine.
Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of $150.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, April 12, 2019.

Date Rendered

Guy W. Norris
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 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.

GWN:mlj

Copy furnished to:
Phillippa Gaye Hitchins
P.O. Box 70474
Fort Lauderdale, Florida 33307
STATE OF FLORIDA
COMMISSION ON ETHICS
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303
Telephone: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2017

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A, please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for your appeal. In addition to your written explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:
Mailing Address: Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Name: Phillippe C. Hitchins
Address: P.O. Box 70477 City: Fort Lauderdale State: FL Zip: 33307
Daytime Tel. (305) 910-9143 Cell: (954) 235-6144
Email: phitchins@fgcfl.com
Filer ID# (if known):

Public Employer: Former Employee State of Florida DCF

Public Position: Attorney

CONTINUED ON REVERSE SIDE
PART B: GENERAL REASON(S) FOR YOUR APPEAL

Please choose any/all reasons that apply to your appeal.

I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

a. [ ] Sickness or injury (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)

b. [x] Lack of notification – Failure to receive notice (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)

c. [ ] Claim of timely filing of financial disclosure (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)

d. [ ] Left public position prior to December 31, 2017 (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2017)

e. [ ] Other unusual circumstance (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)

f. [ ] Not required to file (Explain in Part C and provide documentation that supports reason for not required to file)

PART C: DETAILED EXPLANATION OF YOUR APPEAL

Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.

I never received the financial disclosure form or the certificate no.

delinquency notice. I lost my employment with OCF and nothing was forwarded to me. I updated my contact information on the Florida Bar website, but did not get any information until the email from Emily prior to 9/4/18, three days after the grace period ended.

OPTIONAL REQUEST FOR HEARING

[ ] In addition to this written appeal, I specifically request to appear before the Commission in a hearing pursuant to Section 112.3144(5)(e)3 or Section 112.3145(7)(f)3, Florida Statutes. Commission meetings occur in Tallahassee.

SIGNATURE

I have received and read the Notice of Assessment of Automatic Fine and its instructions on How to Appeal and I understand my options. I am requesting disposition of this matter as indicated.

9/4/18

DATE

Signature
Good afternoon,

Enclosed please find my Appeal of the Financial Disclosure fine as I was not provided the documentation timely. Please advise as to what the next step would be, if any.

Thanks.

Phillippa G. Hitchins
Mail Piece Details

Recipient Address

PHILLIPPA G. HITCHINS
SOUTH TOWER FL 5TH
401 NW 2ND AVE
FT LAUDERDALE, FL 33128

Record / Case Number:
72712

Return Address

STATE OF FLORIDA
COMMISSION ON ETHICS
PO DRAWER 15709
TALLAHASSEE, FL 32317-5709

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000126561825
Date Created: 07/24/2018 02:00:45 PM
Mail Class: USPS First Class Mail
Special Services: Certified Mail
Return Receipt Electronic
Memo: --
Created By: Kimberly Holmes - Commission on Ethics

Signature Information

Signature Status: Available (Click Here)

Tracking Information

Mailed, July 24, 2018, 02:00:45 PM, TALLAHASSEE,FL 32317
Pre-Shipment Info Sent To Ups, Usps Awaiting Item, July 24, 2018, 12:00:00 AM
Accepted At Ups Origin Facility, July 25, 2018, 06:56:00 PM, TALLAHASSEE,FL 32317
Arrived At Ups Regional Origin Facility, July 25, 2018, 08:11:00 PM
Departed Ups Regional Facility, July 25, 2018, 09:33:00 PM
In Transit To Next Facility, July 26, 2018, 12:00:00 AM
Arrived At Ups Regional Destination Facility, July 27, 2018, 06:52:00 AM
Departed Ups Regional Destination Facility, July 28, 2018, 03:14:00 AM
Delivery Attempted - No Access To Delivery Location, July 28, 2018, 11:54:00 AM, MIAMI,FL 33128
Delivered, To Mail Room, July 30, 2018, 01:20:00 PM, MIAMI,FL 33128
Date Produced: 07/31/2018

THE MAIL GROUP INC - 1 / CONFIRM DELIVERY INC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 0661 5400 0126 5818 25. Our records indicate that this item was delivered on 07/30/2018 at 01:20 p.m. in MIAMI, FL 33128. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000126561825
72712
PHILLIPPA G. HITCHINS
South Tower FL 5th
401 NW 2nd Ave
Ft Lauderdale, FL 33128-0000
FORM 1
STATEMENT OF FINANCIAL INTERESTS

2017
FOR OFFICE USE ONLY:
09/10/18

LAST NAME – FIRST NAME – MIDDLE NAME:
Hitchins, Philippa Gaye

MAILING ADDRESS:
P O Box70474

CITY: Fort Lauderdale
ZIP: 33307
COUNTY: Broward

NAME OF AGENCY:
DCF

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF □ CANDIDATE OR □ NEW EMPLOYEE OR APPOINTEE

**** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ****

DISCLOSURE PERIOD:
THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):
☒ DECEMBER 31, 2017 OR ☐ SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR:

MANNER OF CALCULATING REPORTABLE INTERESTS:
Filers have the option of using reporting thresholds that are absolute dollar values, which requires fewer calculations, or using comparative thresholds, which are usually based on percentage values (see instructions for further details). Check the one you are using (must check one):
☐ COMPARATIVE (PERCENTAGE) THRESHOLDS OR ☑ DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

<table>
<thead>
<tr>
<th>NAME OF SOURCE OF INCOME</th>
<th>SOURCE'S ADDRESS</th>
<th>DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Florida</td>
<td>401 NW 2nd Avenue, Miami</td>
<td>Government attorney</td>
</tr>
</tbody>
</table>

PART B -- SECONDARY SOURCES OF INCOME
[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

<table>
<thead>
<tr>
<th>NAME OF BUSINESS ENTITY</th>
<th>NAME OF MAJOR SOURCES OF BUSINESS' INCOME</th>
<th>ADDRESS OF SOURCE</th>
<th>PRINCIPAL BUSINESS ACTIVITY OF SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

| FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2. |
| INSTRUCTIONS on who must file this form and how to fill it out begin on page 3. |
PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
(If you have nothing to report, write "none" or "n/a")

<table>
<thead>
<tr>
<th>TYPE OF INTANGIBLE</th>
<th>BUSINESS ENTITY TO WHICH THE PROPERTY RELATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

PART E — LIABILITIES [Major debts - See instructions]
(If you have nothing to report, write "none" or "n/a")

<table>
<thead>
<tr>
<th>NAME OF CREDITOR</th>
<th>ADDRESS OF CREDITOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHH Mortgage</td>
<td>P O Box 5452 Mount Laurel, NJ 08054</td>
</tr>
<tr>
<td>Nelnet Student Loan</td>
<td>P O Box 2970 Omaha, NE 68103</td>
</tr>
</tbody>
</table>

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
(If you have nothing to report, write "none" or "n/a")

<table>
<thead>
<tr>
<th>BUSINESS ENTITY # 1</th>
<th>BUSINESS ENTITY # 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

PART G — TRAINING
For elected municipal officers required to complete annual ethics training pursuant to section 112.3142, F.S.

☐ I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

SIGNATURE OF FILER:

Signature: ____________________________

Date Signed: _________________________

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, ________________________________, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: ____________________________

Date Signed: _________________________

FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format) and send it to CEForm1@leg.state.fl.us. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2017.
BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re  Phyllipa Gaye Hitchins  PID#: 72712
Senior Program Attorney
Employees
DCF; Circuit 11 & 16

NOTICE OF ASSESSMENT OF AUTOMATIC FINE

The Commission on Ethics hereby gives notice of an assessment of a fine against you pursuant to Section 112.3145(7)(f), Florida Statutes, due to your failure to timely file your 2017 CE Form 1, Statement Of Financial Interests. Under the law, your 2017 CE Form 1, Statement of Financial Interests, was due by July 2, 2018. The law provided for a penalty-free grace period extending the due date to September 4, 2018. After that date, you accrued fines of $25.00 per day for each day your financial disclosure was late, pursuant to Section 112.3145(7)(f), Florida Statutes.

Inasmuch as your 2017 CE Form 1 was filed September 10, 2018 with the Commission on Ethics, you are fined the amount of $150.00 ($25.00 per day for 6 day(s) late). This fine must be paid to the Commission on Ethics within 30 days of the date of this notice unless you appeal the fine to the Commission. The Commission has the authority to consider the appeal and waive the fine in whole or in part if your failure to file on time was due to "unusual circumstances" surrounding the failure to file.

HOW TO APPEAL

1. Read these instructions carefully before submitting your appeal.

2. LEGAL AUTHORITY: Appeals are governed by Section 112.3145(7)(f)3., Florida Statutes, and Commission Rule 34-8.215, Florida Administrative Code.

3. FORMAT: Your appeal must be in writing and mailed to Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709, or delivered to Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303. The appeal may take the form of a letter or you may use the appeal form included in this mailing. The appeal form also is available at the Commission's website: www.ethics.state.fl.us. Click on "Financial Disclosure" and then the link to the sample appeal form.

4. DUE DATE: Your appeal must be received by the Commission on Ethics on or before March 14, 2019.

NOTE: Failure to timely file an appeal will constitute a waiver of your right to appeal and will result in the entry of a default order against you.

5. UNUSUAL CIRCUMSTANCES: An appeal must demonstrate that you submitted your CE Form 1 after the extended due date because of "unusual circumstances." "Unusual circumstances" is defined in Commission Rule 34-8.215(4), Florida Administrative Code, as "uncommon, rare, or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements." Therefore, circumstances that allowed for time to take steps necessary to file on time do not constitute "unusual circumstances" that will allow the Commission to waive the fine. You have the burden to establish "unusual circumstances." Your appeal must specifically state the circumstances that led to your not filing by September 4, 2018, and must include any documentation or evidence supporting your appeal, such as:
   a. SICKNESS/INJURY: a statement from attending physician, including dates and nature of the illness or injury;
   b. LACK OF NOTICE (WRONG ADDRESS): documentation that you did not reside at the address to which notice was sent;
   c. LACK OF NOTICE (ABSENCE FROM HOME): documentation establishing the period of time of your absence covering the notification period;
d. **CLAIM OF TIMELY FILING OF FINANCIAL DISCLOSURE**: (1) an affidavit from you attesting under oath or affirmation that you filed your financial disclosure and your recollection of when and how you filed and (2) a copy of a certified mail receipt and/or a copy of the completed form which was filed. If you have witnesses to your filing, we also will need an affidavit from each witness. **NOTE**: A claim of having filed the CE Form 1F for the current year does not satisfy the CE Form 1 filing requirement or excuse a late filing;

e. **LEFT PUBLIC POSITION BEFORE DECEMBER 31, 2017**: confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2017; or

f. **UNCLAIMED CERTIFIED MAIL**: if delinquency notice was addressed correctly but not received, you must explain why.

6. **YOUR RIGHT TO A HEARING**: You have the right to have your appeal heard by the Commission and to appear before the Commission at the hearing, but, to exercise this right, you must specifically request a hearing in your appeal. If you do not request a hearing, you will waive your right to a hearing, the Commission will determine the outcome of your appeal based upon the written record (including the documentation you provide and any documentation in your case file), and you will receive no further notice until after the Commission decides your appeal.

**FAILURE TO PAY FINE OR FILE APPEAL WITHIN 30 DAYS**

If you do not timely file an appeal or pay the assessed fine within 30 days of this Notice, a default order will be entered against you and the Commission will take the steps provided by law to collect the fine, including:

- Referral to the CFO of the Department of Financial Services, if you are a salaried state officer or employee, for withholding of a portion of your salary until the fine is satisfied; or
- Referral to your agency's governing body for withholding of a portion of your salary until the fine is satisfied;
- Referral to a collection agency, which can seek garnishment of your wages; and/or
- An additional civil penalty, not limited by this automatic fine, may be imposed if your disclosure statement is filed more than 60 days late and a complaint is filed against you pursuant to Section 112.324, Florida Statutes.

Please contact our office if you have any questions about this matter.

**CERTIFICATE OF MAILING**

I certify that a copy of the foregoing Notice of Assessment of Automatic Fine was furnished to:

Phillippa Gaye Hitchins  
PO Box 70474  
Ft Lauderdale, FL 33307

by Certified Mail on this **Tuesday, February 12, 2019**.

/Kimberly R. Holmes/

Kimberly R. Holmes  
Program Administrator

Florida Commission on Ethics  
P. O. Drawer 15709 -or- 325 John Knox Road, Building E, Ste. 200  
Tallahassee, FL 32317-5709  
Tallahassee, FL 32303

Tel.: (850) 488-7864  
Fax: (850) 488-3077  
Email: disclosure@leg.state.fl.us
The filer has fines for: **2018 (Appeal)**

### 2018 Fines and Appeals

<table>
<thead>
<tr>
<th>Received Date</th>
<th>Form Type</th>
<th>Form Signed</th>
<th>Filed by Email</th>
<th>Filing Location</th>
<th>Updated</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/10/18</td>
<td>Form 1</td>
<td>Yes</td>
<td>Yes</td>
<td>COE</td>
<td>PRINEE on 09/10/2018</td>
<td></td>
</tr>
</tbody>
</table>

### 2018 Fine Information

- **Fine Balance**: $150.00
- **Fine Status**: Appeal
- **Fine Date**: 2/12/2019
- **Original Assessment**: $150.00
- **Fine Amount**: $150.00
- **Last Payment Date**: 
- **Payment Plan Start Date**: 
- **Payment Plan Amount**: 

Fine Address: PO Box 70474 Ft Lauderdale FL 33307
Org/Suborg: DCF; Circuit 11 & 16-Employees

### 2018 Fine Payment History

<table>
<thead>
<tr>
<th>Date Posted</th>
<th>Description</th>
<th>Amount</th>
<th>Method</th>
<th>Payment ID</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/12/2019</td>
<td>Fine Levied</td>
<td>+ $150.00</td>
<td></td>
<td></td>
<td>Fined $150.00</td>
</tr>
</tbody>
</table>

Current Balance: $150.00

### 2018 Fine Year Event Chronology

- **05/9/2018** Letter Sent: Form 1 Official List - Form 1 Official Filers List

Reference: Print Queue: 5/9/2018 4:00 PM Printing
07/25/2018 Letter Sent
Certified Letter Sent

08/16/2018 Postcard Sent
Courtesy Postcard Reminder

08/24/2018 Filer
Left voice message on a voicemail associated with the number.

08/28/2018 Filer
Sent him courtesy reminder email to file his 2017 CE Form 1. Sent the email to Phillippa.Hitchins@gal.fl.gov

09/5/2018 Filer
hillippa G Hitchins Member In Good Standing
Communication: Prine
Other
474096 Mail Address: Fort Lauderdale, FL 33307-0474
PO Box 70474 Fort Lauderdale, FL 33307-0474
United States Office: 954-235-6104
Email: plajet pj@yahoo.com
Personal Bar URL: https://www.floridabar.org/mybarprofile/474096
vCard: County: Broward Circuit: 17

09/5/2018 Filer From: Prine. Emily Sent: Wednesday, September 05, 2018 10:35 AM To: plajet pj@yahoo.com
Communication: Prine
Email Subject: Form 1 2017 NOW DELINQUENT FINES ARE ACCRUING. Importance: High
Phillippa Hitchins, Based on your position with DCF Circuit 11 & 16 you were required to file a Form 1 2017 by July 2, 2018. There was a grace period of September 4, 2018, which has now passed, and fines are being accessed. Please complete the attached form and submit via email as PDF to ceform1@leg.state.fl.us Are you still with DCF?

09/5/2018 Filer LMTC at the 6104 number
Communication: Prine
Phone

09/6/2018 Letter Sent Courtesy Notice of Fines Accruing
Queue: 9/6/2018
Printing Confirmed: 9/6/2018

Letter Sent To:
Phillippa G. Hitchins
401 NW 2nd Ave
FL 5th
South Tower
FT Lauderdale, FL 33128

09/6/2018 Filer From: Johnson, Debra Sent: Thursday, September 06, 2018 4:37 PM To: Prine. Emily Subject: RE: Prine
Communication: Prine
Email Subject: RE: Phillippa G. Hitchins
Phillippa G. Hitchins has moved to the Justice Admin. Commission. We do not have a forwarding email or phone number. From: Prine. Emily [mailto:PRINE.EMILY@leg.state.fl.us]
Sent: Wednesday, September 5, 2018 11:49 AM
To: Johnson, Debra Subject: RE: Phillippa G. Hitchins Any phone or email? Sincerely, Emily E.
Prine Program Specialist Financial Disclosure
Section Florida Commission on Ethics Post Office
Drawer 15709 Tallahassee, FL 32317-5709 From:
Johnson, Debra
Sent: Wednesday, September 05, 2018 11:44 AM To: Prine.Emily
Subject: RE: Phillippa G. Hitchins left the agency on 6/22/18. Thanks!
From: Prine.Emily
[mailto:PRINE.EMILY@leg.state.fl.us] Sent:
Wednesday, September 5, 2018 10:32 AM To:
Johnson, Debra
Subject: Phillippa G. Hitchins
Importance: High
Hi, Is this person still with your office? Has not filed and fines are starting.

09/7/2018 Filer Communication: From: Prine.Emily
Sent: Friday, September 07, 2018 8:24 AM To: 'Snuggs, Andy'
Cc: Jorge Sanchez
Subject: RE: Employee Wonderful, thank you Andy. Ms. Hitchins is delinquent in her Form 1 2017 filing and I am trying to get in touch.
Thanks again to both of you! Sincerely, Emily E.
Prine
Program Specialist Financial Disclosure
Section Florida Commission on Ethics Post Office
Drawer 15709 Tallahassee, FL 32317-5709 From:
Snuggs, Andy
Sent: Friday, September 07, 2018 8:22 AM To: Prine.Emily
Cc: Jorge Sanchez
Subject: RE: Employee Good Morning Emily, Ms.
Hitchins works for one of the agencies we administratively serve, Regional Counsel, 3rd Region, in Miami. I have copied there Administrative Director, Jorge Sanchez, who should be able to assist you with the contact information. Thank you, Andy
From: Prine.Emily
[mailto:PRINE.EMILY@leg.state.fl.us] Sent:
Friday, September 07, 2018 8:12 AM To: Snuggs, Andy
Subject: Employee Importance: High

CAUTION: External Email Source Good Morning Andy, Do you have a new employee by the name of Phillippa G. Hitchins? If so do you have an email and direct phone number?

09/7/2018 Filer Communication: From: Prine.Emily
Sent: Friday, September 07, 2018 10:56 AM To: 'phitchins@rc3fl.com'
Subject: Prine Form 1 2017 DELINQUENT
Importance: High
Phillippa Hitchins, You were required to file a Form 1 2017 based off your position with Department of Children & Families by July 2, 2018. The grace period ended September 4,
2018, fines are now accruing. Please complete form and submit as PDF to ceform1@leg.state.fl.us as soon as possible.

09/7/2018 Filer From: Jorge Sanchez Sent: Friday, September 07, 2018 10:46 AM To: Prine.Emily Cc: Snuggs, Andy ; Prine Email Phillipa Hitchins Subject: Re: Employee Thank you Andy. Good day Emily, Ms. Hitchins' email is phitchens@rc3fl.com I’ve ccd her in here so she may provide a number to be reached at.

09/7/2018 Filer From: Jorge Sanchez Sent: Friday, September 07, 2018 11:03 AM To: Prine.Emily Subject: Re: Form Prine Email 1 2017 DELINQUENT phitchens@rc3fl.com Apologies On Sep 7, 2018, at 10:58 AM, Prine.Emily wrote:

09/10/2018 Form Received Form 1 Received, Signed Form 1 Received by Emily Prine at COE

Form Received By: Emily Prine
Filing Location: COE
Record Created By: Emily Prine on 09/10/2018

09/10/2018 Filer From: Prine.Emily Sent: Monday, September 10, 2018 8:29 AM To: 'PJ Hitchins' Subject: RE: Form Prine Email 1 2017 NOW DELINQUENT FINES ARE ACCRUING No content. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: PJ Hitchins Sent: Saturday, September 08, 2018 9:41 PM To: Prine.Emily Subject: Re: Form 1 2017 NOW DELINQUENT FINES ARE ACCRUING Sent from my iPad

09/10/2018 Filer From: Prine.Emily Sent: Monday, September 10, 2018 1:00 PM To: 'Phillippa Hitchins' Subject: RE: Form Prine Email Form 1 2017 DELINQUENT Thank you for the update. Please keep in mind the fine assessment is at $150.00. As soon as form is submitted this will stop the fines from accruing. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From:
Phillippa Hitchins: Monday, September 10, 2018 12:57 PM To: Prine. Emily Subject: Re: Form 1 2017 DELINQUENT Yes, I will send today thanks.

09/10/2018 Filer From: Prine. Emily Sent: Monday, September 10, 2018 1:06 PM To: 'Phillippa Hitchins' Subject: RE: Prine

Email Form 1 2017 DELINQUENT You can send money order, check and online (which we will have to wait until) we process the form and access fine. Let me get your form processed and then we will move forward on setting that up. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: Phillipa Hitchins Sent: Monday, September 10, 2018 1:02 PM To: Prine. Emily Subject: Re: Form 1 2017 DELINQUENT Wow...where do I pay the fine assessment please?

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09/10/2018 Filer From: Prine. Emily Sent: Monday, September 10, 2018 1:22 PM To: 'Phillippa Hitchins' Subject: FW: Prine

Email Financial Disclosure Form- Phillippa G. Hitchins Form is blank. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: Phillippa Hitchins Sent: Monday, September 10, 2018 1:21 PM To: COE-Form1 ; Prine. Emily Subject: Financial Disclosure Form- Phillippa G. Hitchins

09/10/2018 Filer From: Phillippa Hitchins Sent: Monday, September 10, 2018 1:49 PM To: COE-Form1 ; Prine. Emily Subject: Financial Form

Email

09/10/2018 Filer From: Phillippa Hitchins Sent: Monday, September 10, 2018 1:19 PM To: Prine. Emily Subject: Re: Form 1 2017 DELINQUENT Ok.

Email Thanks. I am sorry, I thought it would have been mailed to my current address on the Florida Bar. But I understand it was my responsibility. I have been doing this for 18 years and never had to pay a fine.

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From: Prine, Emily Sent: Monday, September 10, 2018 1:06 PM To: Phillippa Hitchins Subject: RE: Form 1 2017 DELINQUENT You can send money order, check and online (which we will have to
wait until we process the form and access fine. Let me get your form processed and then we will move forward on setting that up. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: Phillipa Hitchins Sent: Monday, September 10, 2018 1:02 PM To: Prine.Emily Subject: Re: Form 1 2017 DELINQUENT Wow…where do I pay the fine assessment please?

From: Prine.Emily Sent: Monday, September 10, 2018 12:59 PM To: Phillipa Hitchins Subject: RE: Form 1 2017 DELINQUENT Thank you for the update. Please keep in mind the fine assessment is at $150.00. As soon as form is submitted this will stop the fines from accruing.

From: Prine.Emily Sent: Monday, September 10, 2018 2:45 PM To: 'Phillippa Hitchins' Subject: RE: Form 1 2017 DELINQUENT Attached is the appeal form if you would like to appeal the fine if not let me know and I will fix so you can pay online.

From: Prine.Emily Sent: Monday, September 10, 2018 3:19 PM To: 'Phillippa Hitchins' Subject: RE: Form 1 2017 DELINQUENT Send to disclosure@leg.state.fl.us This can be a length process. From: Phillipa Hitchins Sent: Monday, September 10, 2018 3:15 PM To: Prine.Emily Subject: Re: Form 1 2017 DELINQUENT Thanks! I would like to appeal it. Do I send it back to you?

From: Prine.Emily Sent: Tuesday, September 11, 2018 12:39 PM To: 'phitchins@RC3FL.COM' Cc: Prine Holmes, Kim Subject: FW: Form 1 2017 DELINQUENT Morning! No, you will wait until a determination has been made concerning your appeal. Please keep in mind it is a lengthy process. If during that time, you want to check status or have questions, please feel free to contact me. Thank you! Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: Phillipa Hitchins Sent: Tuesday, September 11, 2018
12:11 PM To: Prine.Emily Subject: Re: Form 1 2017 DELINQUENT Good afternoon, I just sent it. Please advise if I have to pay the fine while the appeal is pending or will the fine increase during the appeal process? Thanks for all your help. Phillippa G. Hitchins

09/11/2018 Filer submitted early appeal. Kim Holmes

09/11/2018 From: Phillippa Hitchins Sent: Tuesday, September 11, 2018 12:10 PM To: disclosure ; Prine.Emily Subject: Appeal of Financial Disclosure Fine Good afternoon, Enclosed please find my Appeal of the Financial Disclosure fine as I was not provided the documentation timely. Please advise as to what the next step would be, if any. Thanks. Phillippa G. Hitchins

09/12/2018 From: disclosure Sent: Wednesday, September 12, 2018 4:48 PM To: 'Phillippa Hitchins' Subject: RE: Appeal of Financial Disclosure Fine Good Afternoon Mr. Hitchins, This will acknowledge receipt of your appeal. If you have any questions or need further assistance, please do not hesitate to contact me. Sincerely, Kimberly R. Holmes Program Administrator Financial Disclosure Section Florida Commission on Ethics P.O. Drawer 15709 Tallahassee, FL 32317-5709 (850) 488-7864 (850) 488-3077 (Fax) www.ethics.state.fl.us

02/12/2019 Fine Levied Fined $150.00 Journal:
2/12/2019
11:39 AM

02/12/2019 Notice of Assessed Fine Initial Fine Notice Journal:
2/12/2019
11:40 AM

02/12/2019 Fine Appeal FD 18-001 Journal:
2/12/2019
11:43 AM

02/12/2019 Letter Sent Notice of Assessed Fine - Filer 1st Fine Letter Print Queue:
2/12/2019
Printing Confirmed:
2/12/2019
Letter Sent To:
Phillippa Gaye Hitchins
PO Box 70474
Ft Lauderdale, FL 33307

02/12/2019 Letter Sent Fine Appeal

Letter Sent To:
Phillippa Gaye Hitchins
PO Box 70474
Ft Lauderdale, FL 33307

02/12/2019 Filer Notice of Assessed Fine letter mailed with appeal Kim Communication: acknowledgement letter by regular mail due to Holmes Other receipt of early appeal.

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<tr>
<th>2018 Fine Appeal</th>
<th>Update Appeal</th>
<th>Withdraw Appeal</th>
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<tbody>
<tr>
<td>- FD 18-001</td>
<td>Assign Attorney</td>
<td>Request More Info</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeal Status:</th>
<th>No Hearing Requested</th>
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<td>Active</td>
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<tr>
<td>Appeal Receipt</td>
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<tr>
<td>Date: 09/11/2018</td>
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<tr>
<td>Timely Filed: Yes</td>
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<tr>
<td>Print Appeal</td>
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<td>Letter: Yes</td>
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<td>Hearing</td>
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<td>Requested: No</td>
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<td>Appeal Reason:</td>
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Appeal Notes:
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<tbody>
<tr>
<td>Appeal Analyst Assigned:</td>
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<tr>
<td>Final Order Number:</td>
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<td>Final Order Date:</td>
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