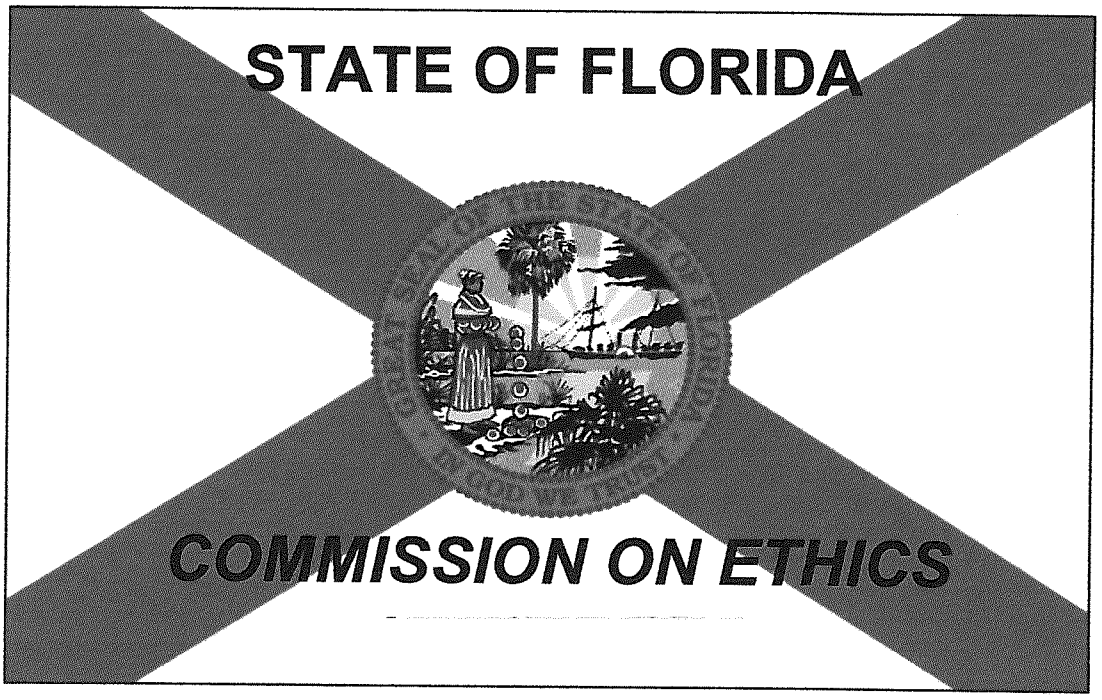
REPORT OF INVESTIGATION



Complaint Number 18-174

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: Mary Estime-Irvin
Board Member and Committee Member
Personnel Board, Board of
Adjustment, and Community Redevelopment
Agency Advisory Committee.
North Miami, Florida

COMPLAINT NO.: 18-174

INVESTIGATED BY: Kathleen Mann

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: Executive Director

12/18/18
Date

* * * *

REPORT OF INVESTIGATION
COMPLAINT NO. 18-174

(1) The Respondent, Mary Estime-Irvin serves as a board member of the North Miami Personnel Board (her term expires September 22, 2020), as an alternate board member of the North Miami Board of Adjustment (her term expires May 28, 2019), and as a committee member for the North Miami Community Redevelopment Agency Advisory Committee (her term expires May 21, 2019), positions which require the annual filing of a CE Form 1, Statement of Financial Interests.

(2) The Respondent failed or refused to file a 2016 CE Form 1, within 60 days of September 1, 2017, the date automatic fines of $25 per day began to accrue under Section 112.3145(7)(f), Florida Statutes. As of November 1, 2017, the Respondent accrued the maximum fine ($1,500) authorized under Section 112.3145(7)(f).

(3) Pursuant to Section 112.3145(8)(c), Florida Statutes, the Commission is required to initiate an investigation of any public officer or employee who has accrued the maximum fine as a result of failing to file an annual statement of financial interests for any year in which he or she received notice to do so.

(4) Records of the Miami-Dade Supervisor of Elections (SOE) indicate that an initial filing packet containing a blank 2016 CE Form 1, was mailed to the Respondent on May 30, 2017, at P.O. Box 613008, North Miami, FL, 33261. A second filing packet was sent to the aforementioned address, via certified mail on June 30, 2017, but was later returned to the SOE as "undeliverable as addressed, unable to forward."

(5) According to Commission records, the Respondent has had five different addresses in the past seven years. All correspondence related to the 2016 CE Form 1 was mailed to P.O. Box 613008, North Miami, FL, 33261. This address was updated by Commission staff to 155 NE 131 Street, North Miami, FL, 33161, on August 28, 2018.

(6) On August 18, 2017, the Respondent was mailed a courtesy postcard from the Commission intended to remind her of her obligation to file a 2016 CE Form 1. On August 25, 2017, Commission staff left a voicemail message at the telephone number it had on file for the Respondent, warning her of the impending $25 per day fine if she did not file by September 1, 2017. On September 7, 2017, the Commission mailed the Respondent a courtesy notice, informing her that an automatic fine had begun to accrue. On March 1, 2018, the Respondent was sent via certified mail, a Notice of Assessment of Automatic Fine with instructions on how to appeal. On May 14, 2018, the Respondent was mailed a Final Notice of Assessment of Automatic Fines, and on August 1, 2018, the Respondent was mailed a Notification of Issuance of Default Final Order. On June 7, 2018, the US Postal Service returned the certified mailing of March 1, 2018, as "unclaimed."

(7) Commission records also reveal that the Respondent did not file Form 1s for 2010 and 2011. She accrued the maximum fine for each year, and the debts were subsequently referred to a collection agency. The Respondent accrued a $1,050 fine for the late filing of

her 2014 CE Form 1, which was received by the Commission on October 13, 2015. The Respondent still has not submitted her 2016 CE Form 1, nor has she paid any of her fines.

(8) Commission staff e-mailed the Respondent on August 24, 2018, to let her know the grace period was ending for filing her 2017 CE Form 1, and that automatic fines would ensue. The Respondent followed up by calling the Commission to discuss her 2017 CE Form 1, at which time Commission staff advised her regarding the previous year's fine, how to pay it, and where to obtain the forms for filing, to which the Respondent stated that she would take care of it right away. On August 24, 2018, the Commission only received Respondent's 2017 CE Form 1.

(9) On October 4, 2018, the Respondent was contacted via e-mail advising her to contact the Commission as soon as possible, regarding this instant ethics complaint. The Respondent stated briefly via telephone that she was interested in filing an appeal on the grounds that she never received notices from the Commission or the SOE's office. She stated that she no longer had the P.O. Box where all of the prior notices were sent. She disclosed that in past years, she either did not know she had to file, or did not remember to file. She stated that because she was not active on all of the boards, all the time, she had forgotten to file. She stated that she e-mailed both her 2016 and 2017 CE Form 1s on August 24, 2018. However, Commission records indicate that it only received Respondent's 2017 CE Form 1. The Respondent was given 30 days to file an appeal.

(10) The Respondent was contacted via e-mail, December 3rd and 4th, 2018, using three different e-mail addresses. This investigator telephoned the Respondent multiple times but was unable to make contact or leave a voice message at either of the following telephone numbers: 786-228-5121, which had a busy signal; and 305-244-5954, which had a full voicemail box. The Respondent was given until the close of business on Thursday, December 6, 2018, to make any additional statements regarding her failure to timely file her 2016 CE Form 1. All telephone calls and e-mails went unanswered.

END OF REPORT OF PRELIMINARY INVESTIGATION