

APR 06 2023

RECEIVED

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

**In re: Justin David Feller,**

**Respondent.**

**Complaint No: 22-039**

**JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER**

Respondent, Justin David Feller, 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 is a former Program Specialist IV for the Florida Department of Education and therefore is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On place February 9, 2022, 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 on April 19, 2022, ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes. The Report of Investigation was released on October 14, 2022.

4. The Allegations are:
  - I. Respondent violated Article II, Section 8(g)(2), Florida Constitution, by using his position to obtain a disproportionate benefit for himself.
  - II. Respondent violated Section 112.313(6), Florida Statutes, by using his position to secure a privilege, benefit, and/or exemption for himself and/or another.
5. Respondent admits the facts as set forth in the Report of Investigation concerning the Allegations in paragraph four (4) as incorporated by reference in this Joint Stipulation.

#### **STIPULATED CONCLUSIONS OF LAW**

6. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.
7. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.
8. Respondent admits the allegation as set forth in paragraph four (4) of the Stipulated Findings of Fact, above.
9. Respondent violated Article II, Section 8(g)(2), Florida Constitution, by using his position to obtain a disproportionate benefit for himself.
10. Respondent violated Section 112.313(6), Florida Statutes, by using his position to secure a privilege, benefit, and/or exemption for himself and/or another.

#### **STIPULATED RECOMMENDED ORDER**

11. The Advocate accepts Respondent's admission in this proceeding.
12. 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.
13. 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 Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes, and recommend:

(1) Public censure and reprimand of Respondent; and

(2) A civil penalty of

Allegation I - \$1,000

Allegation II - \$1,000

Total \$2,000.

#### **FURTHER STIPULATIONS**

14. 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.

15. 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.

16. Respondent enters into this Joint Stipulation with the understanding of the seriousness of the allegations and gives his assurance that this proceeding has affected the manner in which he conducts himself as a public employee in a positive way.

17. 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.

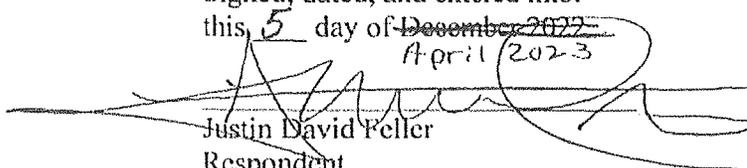
Signed, dated, and entered into:  
this 5<sup>th</sup> day of December 2022.

  
Melody A. Hadley  
Advocate for the Florida  
Commission on Ethics  
Florida Bar No.: 0636045  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, FL 32301  
(850) 414-3300, Ext. 3704

Signed, dated, and entered into:  
this \_\_\_\_\_ day of December 2022.

  
John J. Anastasio  
Attorney for Respondent  
Florida Bar No.: 722367  
Law Office of John J. Anastasio  
3601 SE Ocean Blvd Ste 203  
Stuart, FL 34996-6753  
(772) 286-3336

Signed, dated, and entered into:  
this 5 day of ~~December 2022~~  
April 2023

  
Justin David Feller  
Respondent