FLORIDA
COMMISSION ON ETHICS
AUG 01 2023
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**BEFORE THE**
**STATE OF FLORIDA**
**COMMISSION ON ETHICS**

**In re: Eddie Martinez,**

**Complaint No.: 21-229**

**Respondent.**
_____/

**MOTION TO SCHEDULE MATTER, ADOPT ALJ'S FINDINGS, RECOMMEND PENALTY, AND RENDER FINAL ORDER**

COMES NOW, Advocate for the Commission on Ethics (Commission), requests the Commission schedule this matter at its earliest convenience, adopt the findings of the Administrative Law Judge (ALJ), find ethics violations, recommend the statutory penalties, and render a final order in this matter, and as good grounds states as follows:

1. On June 8, 2022, the Commission rendered its Order finding "probable cause to believe the Respondent, who served as a member of the Monroe County Commission, violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."

2. On May 31, 2023, the Commission's Clerk forwarded the matter to the Division of Administrative Hearings (DOAH) for assignment of an ALJ to hold a hearing and issue a recommended order.

3. The hearing by Zoom Conference was scheduled for August 10, 2023.

4. On June 12, 2023, Advocate served on Respondent a First Request for Admissions, First Set of Interrogatories, and Request for Production of Documents.

5. Respondent declined to participate in any discovery. Therefore, on July 20, 2023, Advocate filed a "Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57(1)(i), Florida Statutes" (Motion). Please see Exhibit A.

6. On July 21, 2023, the ALJ issued its Order to Show Cause requiring Respondent to show why Advocate's motion should not be granted.

7. Respondent filed no response to the Order to Show Cause. On July 28, 2023, the ALJ issued its Order, after being fully advised in the matter, which deemed admitted Advocate's First Request for Admissions and relinquished jurisdiction to the Commission on Ethics. Please see Exhibit B.

8. The requests for admissions are dispositive of the issues in this case.

9. The admissions fully and completely set forth Advocate's prima facie case, both factually and legally, evidencing:

> Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."

10. The Commission <u>may</u> conduct a proceeding pursuant to Section 120.57(2), <u>if appropriate</u>, but the parties may not raise any issues of disputed fact that could have been raised before the ALJ. Advocate asserts that a hearing pursuant to Section 120.57(2) is not warranted because the ALJ's July 28, 2023, Order resolved all issues of fact and conclusions of law.

## <u>PENALTY</u>

11. Penalties were not recommended by the ALJ and, pursuant to Section 120.57(1)(i), the ALJ's Order Relinquishing Jurisdiction to the Commission need not contain a penalty.

12. Therefore, Advocate recommends the following penalties: $5,000 civil penalty and public censure and reprimand.

**WHEREFORE**, for the stated reasons, Advocate respectfully requests the following relief:

a. This matter be placed on the Commission's meeting agenda as soon as the matter can be heard;

b. The Commission find that a proceeding pursuant to Section 120.57(2), Florida Statutes, is not necessary or appropriate because there are no disputed issues of fact and the conclusions of law have been admitted;

c. The Commission adopt the ALJ's July 28, 2023, "Order Relinquishing Jurisdiction and Closing File;"

d. The Commission find a violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes;

e. The Commission incorporate said Order adopting the ALJ's findings of fact and conclusions of law in its Final Order; and

f. The Commission enter a Final Order recommending public censure and reprimand and a civil penalty of $5,000 for Respondent's violation pursuant to Section 112.324(3), Florida Statutes.

**RESPECTFULLY SUBMITTED** on the 1st day of August, 2023.

MELODY A. HADLEY
Advocate for the Florida Commission on Ethics
Florida Bar No. 0636045
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
Telephone: (850) 414-3300, Ext. 3704
Fax: (850) 488-4872
melody.hadley@myfloridalegal.com

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of this motion was sent to Respondent, Eddie Martinez, 1001 W 50th St., Hialeah, Florida 33012, PSM6755@gmail.com, via e-mail only, this 1st day of August, 2023.

MELODY A. HADLEY

**STATE OF FLORIDA**
**DIVISION OF ADMINISTRATIVE HEARINGS**

**In re: Eddie Martinez,**

**Respondent.**
_____/

**DOAH Case No.: 23-2119EC**
**Complaint No.: 21-229**

**MOTION TO DEEM MATTERS ADMITTED AND TO RELINQUISH JURISDICTION PURSUANT TO SECTION 120.57(1)(i), FLORIDA STATUTES**

**COMES NOW**, Advocate for the Commission on Ethics (Advocate), pursuant to Rule 28-106.204, *Florida Administrative Code*, and Rule 1.370, Florida Rule of Civil Procedure, moves this Honorable Court for an entry of an Order Deeming Matters Admitted and Relinquishing Jurisdiction to the Commission on Ethics, and as good grounds states:

**STATEMENT OF FACTS**

1. Respondent served as a Monroe County Commissioner from November 20, 2020 through December 7, 2021.

2. On August 30, 2021, Respondent filed a CE Form 6, "Full and Public Disclosure of Financial Interests," for the year 2020.

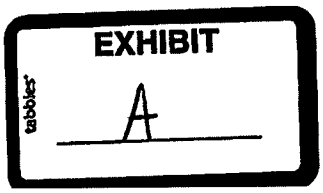
3. Under Part B – Assets, Respondent was required to disclose his assets that exceeded $1,000 in value. He had assets that met that threshold which he failed to disclose.

4. Under Part C – Liabilities, Respondent was required to disclose liabilities that exceeded $1,000 in value. He had liabilities that met that threshold which he failed to disclose.

5. Under Part D – Income, Respondent was required to disclose the source(s) of his income. He failed to disclose one of his sources of income.

**PROCEDURAL HISTORY**

6. On June 8, 2022, the Commission on Ethics (Commission) rendered its Order Finding Probable Cause to believe that Respondent, who served as Monroe County



Commissioner, violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests." A copy of the Order is attached as "Exhibit 1" and incorporated herein by reference.

7. The matter was forwarded to the Division of Administrative Hearings (DOAH) for an administrative hearing, pursuant to Section 120.57(1), Florida Statutes, and the parties were authorized to conduct discovery. Fla. Admin. Code R. 28-106.206; Initial Order, dated June 8, 2023.

8. On June 12, 2023, the Advocate served by email (and postal mail) on Respondent the Advocate's Request for Admissions with Exhibits, Advocate's First Set of Interrogatories, and Advocate's First Request for Production of Documents in accordance with Rules 1.370, 1.340, and 1.350, Florida Rules of Civil Procedure. A copy of the discovery requests is attached as "Exhibits 2, 3, & 4" and incorporated herein by reference.

9. Pursuant to Rules 1.340(a), 1.350(b), and 1.370(a), Florida Rules of Civil Procedure, Respondent was advised to respond to the discovery requests within thirty (30) days. Respondent was specifically informed that failure to respond to the Request for Admissions within 30 days after service of the request would result in the matter being admitted, pursuant to Rule 1.370, Florida Rules of Civil Procedure. Additionally, a copy of the rule was provided to Respondent.

10. Pursuant to Rule 28-106.103, *Florida Administrative Code*, no additional time shall be added if service is made by email.

11. Accordingly, Respondent was required to respond to the discovery requests on or before Monday, July 17, 2023. Advocate reminded Respondent of the due date to file his answers on several occasions. A copy of the emails is attached as "Exhibit 5" and incorporated herein by reference.

12. Respondent has not filed a response, has not requested a continuance, or taken any affirmative action to respond to the Advocate's discovery requests. While Respondent, using the email address "PSM6755@gmail.com," corresponded with Advocate via email when attempting to prepare the response to the Initial Order filed on June 15, 2023, Respondent has never responded to the Advocate's messages regarding the discovery requests.

13. In addition, the Court's Order for Pre-hearing Instructions required the parties to provide each other with a list of the names and addresses of their prospective witnesses and copies of the documents which they intend to offer as exhibits. Order of Pre-hearing Instructions, dated June 8, 2023.

14. Advocate provided a list of witnesses and copies of the exhibits to Respondent by the July 11, 2023 due date. As of the date of filing this motion, Respondent has not complied with the Court's Order to provide Advocate with information.

15. Lastly, pursuant to the Order for Pre-hearing Instructions, Advocate has attempted to settle the matter with Respondent by sending him proposed written stipulations via email and postal mail. As of the date of filing this motion, Respondent has not responded.

16. This matter is currently set for final hearing by Zoom Conference on August 10, 2023 at 9:00 a.m.

## ARGUMENT

### The Matters Asserted in the Advocate's Request for Admissions Are Deemed Admitted and Jurisdiction of this Matter Should be Relinquished to the Commission on Ethics Because No Disputed Issues of Material Fact Exist

### A. The Request for Admissions Must be Deemed Admitted as a Matter of Law

Pursuant to Rule 1.370(a), Florida Rules of Civil Procedure, if a party does not respond to a request for admissions within thirty days after service of the request or such shorter or longer

time as the court may allow, the matter shall be deemed admitted. *The Florida Bar v. Eubanks*, 752 So. 2d 540, 544 (Fla. 1999); *Florida Dep't of Financial Services v. Tampa Service Co.*, 884 So. 2d 252, 253 (Fla. 1st DCA 2004); *Singer v. Nationwide Mut. Fire Ins. Co.*, 512 So. 2d 1125, 1126 (Fla. 4th DCA 1987).

Over 37 days have passed since the Advocate served its discovery requests upon Respondent, and Respondent has neither answered nor objected to the Request for Admissions. Therefore, the matters asserted in the Advocate's Request for Admissions are deemed admitted by operation of Rule 1.370(a), Florida Rules of Civil Procedure.

B. **The Request for Admissions Have Been Deemed Admitted and are Conclusively Established as a Matter of Law.**

Pursuant to Rule 1.370(b), Florida Rules of Civil Procedure, any matter that has been admitted shall be considered conclusively established. By deeming the Request for Admissions contained in the Advocate's discovery requests admitted, the truth of the matters contained therein are conclusively established.

Due to Respondent's failure to respond to the Advocate's Request for Admissions, Respondent has admitted the following, which have been established as matters of fact:

1. Respondent served as a member of the Monroe County Commission in the year 2020. (Admission #1)

2. By virtue of Respondent's position as a member of the Monroe County Commission, he is subject to Article II, Section 8, Florida Constitution, and the requirements of Part III, Chapter 112, Florida Statutes, Code of Ethics. (Admission #2)

3. Respondent was required to file an accurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests." (Admission #3)

4. The CE Form 6 marked as "Exhibit A" within Exhibit 2 is a true and accurate copy of the 2020 CE Form 6 filed by Respondent on August 30, 2021. (Admission #4)

5. On his 2020 CE Form 6, Respondent failed to disclose an asset or assets that exceeded $1,000 in value. (Admission #5)

6. Respondent acknowledged to the Commission on Ethics' Investigator that he had assets that met the disclosure threshold requirement that he failed to disclose on his 2020 CE Form 6. (Admission #6)

7. On his 2020 CE Form 6, Respondent failed to disclose a liability or liabilities that exceeded $1,000 in value. (Admission #7)

8. Respondent acknowledged to the Commission on Ethics' Investigator that he had liabilities that met the disclosure threshold requirement that he failed to disclose on his 2020 CE Form 6. (Admission #8)

9. On his 2020 CE Form 6, Respondent failed to accurately disclose a source of his income. (Admission #9)

10. Respondent failed to accurately disclose his salary as a County Commissioner on his 2020 CE Form 6. (Admission #10)

11. Respondent acknowledged to the Commission on Ethics' Investigator that he failed to separately disclose his County Commission salary on his 2020 CE Form 6. (Admission #11)

12. Respondent read the instructions for the 2020 CE Form 6. (Admission #12)

13. After reading the instructions for the 2020 CE Form 6, Respondent did not "feel the need" to disclose any assets and liabilities. (Admission #13)

14. Respondent acknowledged to the Commission on Ethics' Investigator that he should have disclosed assets and liabilities on his 2020 CE Form 6. (Admission #14)

15. Respondent's failure to file an accurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interest" is a violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes. (Admission #15)

16. As of January 12, 2023, Respondent has not filed an amended CE Form 6 (i.e., CE Form 6X, "Amendment to Full and Public Disclosure of Financial Interests") to correct the errors on his 2020 CE Form 6. (Admission #16)

C. **No Disputes of Material Fact Exist Because the Advocate Has Conclusively Established Its Prima Facie Case.**

In order to prevail, the Advocate must demonstrate by clear and convincing evidence that Respondent was required to comply with the applicable statutes and that Respondent failed to meet the requirements. *Dep't of Banking & Finance v. Osborne Stern & Co.*, 670 So. 2d 932, 935 (Fla. 1996); *Ferris v. Turlington*, 510 So. 2d 292, 294 (Fla. 1987).

D. **Respondent was required to comply with Chapter 112, Part III, Florida Statutes, while serving as a public official.**

At all times relevant herein, Respondent was a public official and was bound by the Florida Constitution and the Florida Code of Ethics. The purpose of financial disclosure is to allow citizens to monitor their public officials and employees for any conflicts of interests that may arise. It deters corruption and increases the public's confidence in the government. See §112.311, Fla. Stat.

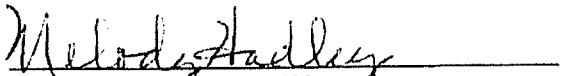
E. **The Administrative Law Judge Should Relinquish Jurisdiction of this Matter to the Commission on Ethics.**

An Administrative Law Judge is required to render an order relinquishing jurisdiction to the agency if no genuine issue of material fact exists. §120.57(1)(i), Fla. Stat. Based on the facts that are deemed admitted, the Advocate has conclusively shown that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."

**WHEREFORE**, the Advocate respectfully requests that its motion be granted and moves that the Honorable Administrative Law Judge issue an Order as follows:

a. Deeming Matters Admitted pursuant to Rule 1.370(a), Florida Rules of Civil Procedure; and
b. Relinquishing Jurisdiction to the Commission on Ethics pursuant to section 120.57(1)(i), Florida Statutes, for rendition of a Final Order.

**RESPECTFULLY SUBMITTED** on the 20th day of July, 2023.



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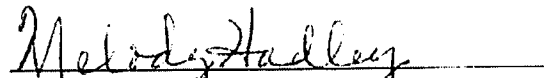
**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this motion was sent to Respondent, Eddie Martinez, 1001 W 50th St., Hialeah, Florida 33012, PSM6755@gmail.com, via e-mail only, this 20th day of July, 2023.



Melody A. Hadley

DATE FILED

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COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re EDDIE MARTINEZ, )
)
Respondent. )
)

Complaint No. 21-229

ORDER FINDING PROBABLE CAUSE

Based on the preliminary investigation of the complaint and on the recommendation of the Commission's Advocate, the Commission on Ethics finds that there is probable cause to believe the Respondent, while serving as a member of the Monroe County Commission, violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."

Therefore, the Commission on Ethics orders a public hearing as to whether Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, as set forth above. A formal notice of hearing of the matter on which probable cause has been found will be prepared and sent to the Respondent and the Advocate.

In addition, the Commission finds, based on the preliminary investigation of the complaint and on the recommendation of the Commission's Advocate, that there is no probable cause to believe the Respondent violated Section 112.3142(2), Florida Statutes, by failing to complete the Ethics Training for his public position. Thus, the allegations of this paragraph will not be at issue in any hearing held in this matter.

Under Commission Rule 34-5.020, F.A.C., the Commission may resolve a complaint proceeding through a stipulation, settlement, or consent order entered into by the Respondent and the Commission's Advocate and approved by the Commission. If the Respondent wishes to pursue

EXHIBIT

tabbies 1

a settlement of this case, he should contact the Commission's Advocate at (850) 414-3300 to discuss the terms of a possible settlement.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, June 3, 2022.

June 8, 2022
Date

John Grant
*Chair, Florida Commission on Ethics*

JG/sc

cc: Mr. Eddie Martinez, Respondent
Ms. Melody Hadley, Commission Advocate
Mr. Jeffrey L. Johnson, Complainant

**STATE OF FLORIDA**
**DIVISION OF ADMINISTRATIVE HEARINGS**

**In re: Eddie Martinez,**

**Respondent.**
_____/

**DOAH Case No.: 23-2119EC**
**Complaint No.: 21-229**

**ADVOCATE'S REQUEST FOR ADMISSIONS**

The Advocate for the Florida Commission on Ethics requests, pursuant to Rule 1.370(a), Florida Rules of Civil Procedure, Eddie Martinez, Respondent in this cause, to make, within thirty (30) days, the following admissions.[1]

**ADMIT that each of the following statements is true:**

1. **ADMIT that you served as a member of the Monroe County Commission in the year 2020.**

RESPONSE: (Admit or Deny)

If you denied #1, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

2. **ADMIT that by virtue of your position as a public official, you are subject to Article II, Section 8, Florida Constitution, and you are subject to the requirements of Part III, Chapter 112, Florida Statutes, Code of Ethics.**

RESPONSE: (Admit or Deny)

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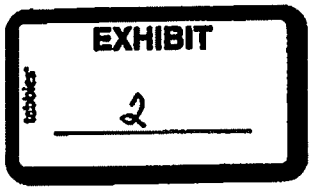
[1] **PLEASE TAKE NOTICE: Rule 1.370, Florida Rules of Civil Procedure, provides that "[t]he matter is admitted unless the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter within 30 days after service of the request. . . ." A copy of Rule 1.370, Florida Rules of Civil Procedure, is attached hereto as an Attachment.**





If you denied #2, please state with <u>specificity</u> the reason for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

3. **ADMIT that you were required to file an accurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."**

RESPONSE: (Admit or Deny)

If you denied #3, please state with <u>specificity</u> the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to confirm this admission.

4. **"Exhibit A" attached is a copy of your 2020 CE Form 6 filed with the Florida Commission on Ethics.**

   **ADMIT that this is a true and accurate copy of your 2020 CE Form 6 (in other words, admit that this form has not been altered since you filed it). If you allege that it was altered, please specifically state what was altered.**

RESPONSE: (Admit or Deny)

If you denied #4, please state with <u>specificity</u> the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

5. **ADMIT that on your 2020 CE Form 6 you failed to disclose an asset or assets that exceeded $1,000 in value.**

RESPONSE: (Admit or Deny)

If you denied #5, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

6. **ADMIT that you acknowledged to the Commission on Ethics' Investigator that you had assets that met the disclosure threshold requirement that you failed to disclose on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #6, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

7. **ADMIT that on your 2020 CE Form 6 you failed to disclose a liability or liabilities that exceeded $1,000 in value.**

RESPONSE: (Admit or Deny)

If you denied #7, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

8. **ADMIT that you acknowledged to the Commission on Ethics' Investigator that you had liabilities that met the disclosure threshold requirement that you failed to disclose on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #8, please state with <u>specificity</u> the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

9. **ADMIT that on your 2020 CE Form 6 you failed to accurately disclose a source of your income.**

RESPONSE: (Admit or Deny)

If you denied #9, please state with <u>specificity</u> the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

10. **ADMIT that you failed to accurately disclose your salary as a County Commissioner on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #10, please state with <u>specificity</u> the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

**11. ADMIT that you acknowledged to the Commission on Ethics' Investigator that you failed to separately disclose your County Commission salary on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #11, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

**12. ADMIT that you read the instructions for the 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #12, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

**13. ADMIT that after reading the instructions for your 2020 CE Form 6, you did not "feel the need" to disclose any assets and liabilities.**

RESPONSE: (Admit or Deny)

If you denied #13, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

**14. ADMIT that you acknowledged to the Commission on Ethics' Investigator that**

**you should have disclosed assets and liabilities on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #14, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

15. **ADMIT that your failure to file an accurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interest" is a violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.**

RESPONSE: (Admit or Deny)

If you denied #15, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

16. **ADMIT that as of January 12, 2023, you have not filed an amended CE Form 6 (i.e., CE Form 6X, "Amendment to Full and Public Disclosure of Financial Interests") to correct the errors on your 2020 CE Form 6.**

RESPONSE: (Admit or Deny)

If you denied #16, please state with **specificity** the reasons for your denial. If you allege that you "do not have enough information given to answer" explain specifically what information you need to answer this admission.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the forgoing was sent to Eddie Martinez, 1001 W 50th St., Hialeah, Florida 33012, psm6755@gmail.com, via postal mail and e-mail, this 13th day of June, 2023.

Melody Hadley

Melody A. Hadley

**Rule 1.370. Requests for Admission**

**(a) Request for Admission.** A party may serve upon any other party a written request for the admission of the truth of any matters within the scope of rule 1.280(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Without leave of court the request may be served upon the plaintiff after commencement of the action and upon any other party with or after service of the process and initial pleading upon that party. The request for admission shall not exceed 30 requests, including all subparts, unless the court permits a larger number on motion and notice and for good cause, or the parties propounding and responding to the requests stipulate to a larger number. Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter within 30 days after service of the request or such shorter or longer time as the court may allow but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of 45 days after service of the process and initial pleading upon the defendant. If objection is made, the reasons shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless that party states that that party has made reasonable inquiry and that the information known or readily obtainable by that party is insufficient to enable that party to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not object to the request on that ground alone; the party may deny the matter or set forth reasons why the party cannot admit or deny it, subject to rule 1.380(c). The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. Instead of these orders the court may determine that final disposition of the request be made at a pretrial conference or at a designated time before trial. The provisions of rule 1.380(a)(4) apply to the award of expenses incurred in relation to the motion.

**(b) Effect of Admission.** Any matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission. Subject to rule 1.200 governing amendment of a pretrial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved by it and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining an action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending action only and is not an admission for any other purpose nor may it be used against that party in any other proceeding.

ATTACHMENT
To Admissions
IN RE: EDDIE MARTINEZ

# FORM 6 — FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS — 2020

FOR OFFICE USE ONLY:

Mr Eddie Martinez
Commissioner District 3
Monroe County
Elected Constitutional Officer
530 Whitehead St
Key West FL 33040 -7098

FLORIDA COMMISSION ON ETHICS
AUG 30 2021
RECEIVED

PROCESSED

287185

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

## PART A – NET WORTH

Please enter the value of your net worth as of December 31, 2020 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of 8/24, 20 21 was $ 500,000.00.

## PART B – ASSETS

**HOUSEHOLD GOODS AND PERSONAL EFFECTS:**
Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is $ 20,000.00

**ASSETS INDIVIDUALLY VALUED AT OVER $1,000:**

| DESCRIPTION OF ASSET (specific description is required - see instructions p.4) | VALUE OF ASSET |
|---|---|
| | |
| | |
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| | |

## PART C – LIABILITIES

**LIABILITIES IN EXCESS OF $1,000 (See instructions on page 4):**

| NAME AND ADDRESS OF CREDITOR | AMOUNT OF LIABILITY |
|---|---|
| | |
| | |
| | |
| | |

**JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:**

| NAME AND ADDRESS OF CREDITOR | AMOUNT OF LIABILITY |
|---|---|
| | |
| | |
| | |

EXHIBIT A

(Continued on reverse side)

## PART D – INCOME

Identify each separate source and amount of income which exceeded $1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2020 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

☐ I elect to file a copy of my 2020 federal income tax return and all W2's, schedules, and attachments.
[If you check this box and attach a copy of your 2020 tax return, you need not complete the remainder of Part D.]

**PRIMARY SOURCES OF INCOME** (See instructions on page 5):

| NAME OF SOURCE OF INCOME EXCEEDING $1,000 | ADDRESS OF SOURCE OF INCOME | AMOUNT |
|---|---|---|
| Eddie A. Martinez PSM | 429 Caroline St. Key West, FL 33040 | 100,000 |
| | | |

**SECONDARY SOURCES OF INCOME** [Major customers, clients, etc., of businesses owned by reporting person–see instructions on page 5]:

| NAME OF BUSINESS ENTITY | NAME OF MAJOR SOURCES OF BUSINESS' INCOME | ADDRESS OF SOURCE | PRINCIPAL BUSINESS ACTIVITY OF SOURCE |
|---|---|---|---|
| NA | | | |
| | | | |

## PART E – INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

| | BUSINESS ENTITY # 1 | BUSINESS ENTITY # 2 | BUSINESS ENTITY # 3 |
|---|---|---|---|
| NAME OF BUSINESS ENTITY | Eddie A. Martinez PSM | | |
| ADDRESS OF BUSINESS ENTITY | 429 Caroline St. Key West, FL 33040 | | |
| PRINCIPAL BUSINESS ACTIVITY | Land Surveying | | |
| POSITION HELD WITH ENTITY | Professional Surveyor | | |
| I OWN MORE THAN A 5% INTEREST IN THE BUSINESS | | | |
| NATURE OF MY OWNERSHIP INTEREST | | | |

## PART F - TRAINING

This section applies only to officers required to complete annual ethics training pursuant to section 112.3142, F.S. [See instructions p. 6]

☐ **I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.**

## OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Monroe
Sworn to (or affirmed) and subscribed before me by means of
☒ physical presence or ☐ online notarization, this 27th day of August, 2021 by Eddie Martinez.

(Signature of Notary Public–State of Florida)

Tangid Ph. Pas
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

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 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature _____ Date _____

**Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.**

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

**STATE OF FLORIDA**
**DIVISION OF ADMINISTRATIVE HEARINGS**

**In re: Eddie Martinez,**

**Respondent.**

**DOAH Case No.: 23-2119EC**
**Complaint No.: 21-229**

_____/

**ADVOCATE'S FIRST SET OF INTERROGATORIES TO RESPONDENT**

The undersigned Advocate, on behalf of the Florida Commission on Ethics, propounds the following Interrogatories to Respondent, Eddie Martinez, ("Respondent") in accordance with Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure. **These Interrogatories must be answered in writing, signed under oath, and returned to Melody A. Hadley, Advocate for the Florida Commission on Ethics, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050, melody.hadley@myfloridalegal.com within thirty (30) days after service.**

In responding to these interrogatories, Respondent is requested to furnish all information within his personal knowledge and in addition, all information, including hearsay, in the possession of his attorneys, agents, investigators, employees, independent contractors, and all persons acting on his behalf and not just such information within Respondent's personal knowledge or the personal knowledge of those who assist in answering these interrogatories.



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**Interrogatory No. 1: Please state the name, address, job title, and present employer of each person providing information utilized by you in answering these interrogatories.**

**Interrogatory No. 2: Please state the full name, current address, telephone number, qualifications, and present employment of each person who you expect to call as an expert witness at the formal hearing of this case, the subject matter on which such expert is expected to testify, the substance of the facts and opinions to which such expert is expected to testify, and a summary of the grounds for each opinion expected to be expressed by such expert.**

**Interrogatory No. 3: Please state the name, current address, email address, and telephone number of each person, including experts, having any knowledge of the facts relating to the allegations in this case.**

**Interrogatory No. 4: Please state the name, current address, email address, and telephone number of each person who you expect to call as a witness at the formal hearing**

**in this case and a brief description of the subject matter upon which such person will testify.**

**Interrogatory No. 5: Please provide a detailed explanation of why you failed to file an accurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."**

**Interrogatory No. 6: Please provide a detailed explanation of why you failed to disclose your assets that exceeded $1,000 in value on your 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."**

**Interrogatory No. 7: Please provide a detailed explanation of why you failed to disclose the liabilities that exceeded $1,000 in value on your 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."**

**Interrogatory No. 8: Please provide a detailed explanation of why you failed to accurately disclose your County Commission income on your 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."**

**Interrogatory No. 9: Please identify all affirmative or any other defenses that you intend to rely on at final hearing.**

**Interrogatory No. 10: Contemporaneous with the service of these interrogatories, the undersigned Advocate has forwarded the Advocate's First Request for Admissions to you. If you denied any of the Requests for Admissions, please state as to each numbered request denied:**

**A. All reasons for denying such request.**

**B. List and attach all documents or records reviewed prior to the denial.**

**C. List and attach all documents or records relied on in the denial.**

**D. The full name and address of each person consulted and for each person, the information provided by such person leading to the decision to deny the request.**

**Use additional pages for your answers, if necessary.**

**BEFORE ME**, the undersigned authority, on this ____day of _____, 2023, personally appeared Eddie Martinez, who first being duly sworn, deposes, and says that he has read each question carefully and personally answered same, and that each answer is true and correct, and who did take an oath and understands that the penalty for perjury may be up to 5 years in prison and up to a $5,000 fine.

_____
Eddie Martinez

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this____day of _____, 2023, by _____ (name of person making statement).

_____
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☐
Type of Identification Produced ____

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the forgoing was sent to Eddie Martinez, 1001 W 50th St., Hialeah, Florida 33012, psm6755@gmail.com, via postal mail and e-mail, this 12th day of June, 2023.

Melody A. Hadley
Melody A. Hadley

**STATE OF FLORIDA**
**DIVISION OF ADMINISTRATIVE HEARINGS**

**In re: Eddie Martinez,**

**Respondent.**

**DOAH Case No.: 23-2119EC**
**Complaint No.: 21-229**

_____/

**ADVOCATE'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Advocate, for the Florida Commission Ethics, by and through the undersigned counsel and pursuant to Rule 1.350, Florida Civil Rules of Procedure, hereby requests that Respondent, Eddie Martinez, **produce and permit the following for inspection and/or copying, or provide copies by U.S. Mail or e-mail to the Office of the Attorney General, Attention: Melody A. Hadley, The Capitol, PL-01, Tallahassee, FL 32399-1050 OR melody.hadley@myfloridalegal.com, within thirty (30) days of receipt of this request.**

**INSTRUCTIONS**

1. In answering these requests, furnish all information available to you, including information in the possession of your agents, employees, attorneys, investigators, and all others from whom it may be obtained.

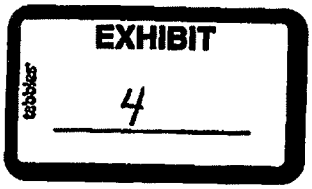
2. Whenever these requests seek information which is not available to you in the form requested but is available in another form or can be obtained elsewhere, so state and either supply the data from which the information requested can be obtained.

3. Each request should be construed independently and not with reference to any other request for purposes of limitation, except where so designated specifically.

4. If any information sought by these requests is withheld because you claim that such information is privileged, state the basis upon which any privilege is founded, and the general subject matter of the information withheld.

**DEFINITIONS**

For the purposes of this First Request for Production of Documents, the terms set forth



herein shall be defined as follows:

5. As used herein, **"Respondent," "you," or "your"** shall mean the Respondent, or any iteration thereof.

6. **"Advocate,"** refers to, without limitation, Florida Commission on Ethics.

7. **"Document"** means every writing or record of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, including, but not limited to, correspondence, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, maps, reports, surveys, minutes or statistical compilations, or any other reported or graphic material in any form, including copies, drafts, and reproductions. **"Document"** also refers to any other data compilations from which information can be obtained, and translated, if necessary, into a reasonably usable form by you through computer or detection device.

8. **"Produce"** means to make available the documents requested herein for inspection and copying and to separate such documents into categories set forth in this request. If you decline to produce any documents requested hereinafter on the basis of any privilege recognized by law, you shall, at the time of production herein designated, provide Advocate with the following written information as to each document:

(a) The title or other means of identification of each said document;

(b) The type of document (e.g. letter, memorandum, record, etc.);

(c) The date of such document;

(d) The author of each such document;

(e) The recipient or recipients of each such document, including but not

limited to Respondent or anyone who purports to represent Respondent;

(f) The present location of any and all copies of each such document in the care, custody, or control of Respondent;

(g) The names and current addresses of any and all persons who have custody or control of each such document or copies thereof; and

(h) If all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of such document and the date such document was destroyed.

9. If any document(s) described herein has already been produced to Advocate, identify the corresponding request(s) to which such document(s) relates.

10. Terms used in the singular shall be deemed to include the plural and terms used in the plural shall be deemed to include the singular.

11. Use of feminine pronouns shall be deemed to include the masculine and neuter, and use of masculine pronouns shall be deemed to include the feminine and neuter.

12. **"Case or Complaint"** refers to Complaint No. 21-229 previously filed with the Commission on Ethics.

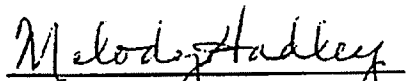
## DOCUMENTS TO BE PRODUCED

1. All documents reviewed in response to Advocate's First Set of Interrogatories.

2. All documents expected or anticipated to be introduced at the final hearing in this case.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the forgoing was sent to Eddie Martinez, 1001 W 50th St., Hialeah, Florida 33012, psm6755@gmail.com, via postal mail and e-mail, this 12th day of June, 2023.



Melody A. Hadley

## Melody Hadley

**From:** Melody Hadley
**Sent:** Thursday, July 13, 2023 5:42 PM
**To:** Eddie Martinez
**Cc:** Elizabeth Miller
**Subject:** FW: FW: Response to Initial Brief
**Attachments:** Advocate's Notice of Service - Discovery.pdf; Advocate's Request for Admissions.pdf; Advocate's First Set of Interrogatories to Respondent.pdf; Advocate's First Request for Production of Documents.pdf

Dear Mr. Martinez,

This is another reminder that your responses to my discovery requests are due by Monday, July 17, 2023.

Sincerely,
Melody Hadley

**From:** Melody Hadley
**Sent:** Wednesday, July 5, 2023 10:26 AM
**To:** Eddie Martinez <PSM6755@gmail.com>
**Cc:** Elizabeth Miller <Elizabeth.Miller@myfloridalegal.com>
**Subject:** FW: FW: Response to Initial Brief

Dear Mr. Martinez,

This is a reminder that your responses to my discovery requests are due by July 17, 2023.

Sincerely,
Melody Hadley

**From:** Melody Hadley
**Sent:** Wednesday, June 14, 2023 4:25 PM
**To:** Eddie Martinez <psm6755@gmail.com>
**Cc:** Elizabeth Miller <Elizabeth.Miller@myfloridalegal.com>
**Subject:** RE: FW: Response to Initial Brief

Hello Mr. Martinez,

Per a court order, our response is due tomorrow. We can file that response and continue the discussion regarding settlement of your case.

With that being said, you and I need to continue to act as if a court hearing will occur.

I am resending the proposed response to the Initial Order. In addition, I am attaching my discovery requests to you that are due by July 17, 2023. The requests were originally emailed and mailed to you on June 12, 2023.

Please advise if you have any other questions or concerns.

Thank you,



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Melody Hadley

**From:** Eddie Martinez <psm6755@gmail.com>
**Sent:** Wednesday, June 14, 2023 11:30 AM
**To:** Melody Hadley <Melody.Hadley@myfloridalegal.com>
**Cc:** Elizabeth Miller <Elizabeth.Miller@myfloridalegal.com>
**Subject:** Re: FW: Response to Initial Brief

Ms. Hadley,

This being the first that I can actually attend to this, I would like to please ask for time to be able to comply with whatever it is you need me to do. Anything you believe I did wrong was completely unintentional, I assure you. I was under the care of a hospital for 14 months consecutively i even died 4 times in the process. I was left septic by a doctor after a simple gallbladder surgery went horribly wrong. I had 4 surgeries (94 stampes down my abdomen each time) and was just not available mentally to attend to anything properly. I assure you that whatever I filled out was to the best of my abilities at the time but please allow me to attempt to correct whatever I may be able to.

I am Just now starting to be able to work after 3 years. I actually started at this position only 1 month ago. If this is something where I need to have an attorney I would need some time to be able to retain one as this is not what I thought it was when we spoke. I really would like to take care of this properly and not receive any stains on my name if possible. Please advise and Thank you for your kindness on the phone, I appreciate it.

Thank You,


# *Eddie A. Martinez, PSM*

**Professional Surveyor & Mapper, State of Florida LS#6755**
**Offices located in Key West & Hialeah, Florida**
**Ph. (786) 325-4668**
**Email: PSM6755@gmail.com**
**Executive for Florida's Land Surveyor's Council, representing Professionals through the judicial process.**
**Quantified as an expert in the 4th,6th,11th,13th,16th & 17th Judicial Circuit's**


On Wed, Jun 14, 2023 at 9:32 AM Melody Hadley <Melody.Hadley@myfloridalegal.com> wrote:

Dear Mr. Martinez,

As stated earlier, your case has been forwarded to the Division of Administrative Hearings.

As we discussed in our telephone conversation this morning, we have an obligation to confer for the Initial Order. The response is due tomorrow, June 15th.

If you have counsel for this case, then please forward his/her contact information. Otherwise, please review the attached documents and advise.

In the alternative, please see the proposed attached proposed stipulation. If you agree and sign, then I will seek to cancel the hearing.

Let me know if you have any questions or concerns.

Thank you,

Melody Hadley

**From:** Melody Hadley
**Sent:** Monday, June 12, 2023 2:52 PM
**To:** PSM6755@gmail.com
**Cc:** Elizabeth Miller <Elizabeth.Miller@myfloridalegal.com>
**Subject:** Response to Initial Brief

Dear Mr. Martinez,

Your case has been forwarded to the Division of Administrative Hearings.

Please find attached the "Initial Order" issued in this case. We are required to respond to the questions in the Order.

A draft response is attached. Please advise if you are available on August 9, 10, or 11, 2023 for a one-half day hearing.

In addition, I am requesting that the hearing occur via Zoom. Please advise of your thoughts on this matter as well.

Thank you,

Melody Hadley

Melody A. Hadley

Senior Assistant Attorney General

Advocate, Commission on Ethics

Ethics Bureau

Office of the Attorney General

The Capitol, PL-01

Tallahassee, FL 32399-1050

Tel: (850) 414-3704

Fax: (850) 488-4872

E-mail: melody.hadley@myfloridalegal.com

# STATE OF FLORIDA
# DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: EDDIE MARTINEZ, Case No. 23-2119EC

Respondent.
_____/

## ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on the Advocate for the Commission on Ethics' ("Advocate") Motion to Deem Matters Admitted and to Relinquish Jurisdiction Pursuant to Section 120.57(1)(i), Florida Statutes ("Motion"), filed July 20, 2023, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. The Motion is GRANTED. Respondent, Eddie Martinez did not oppose the Motion, and likewise failed to respond to the Order to Show Cause, issued July 21, 2023. As a result, each request for admission in the Advocate's First Request for Admissions, dated June 12, 2023, is deemed admitted.

2. The undersigned determines from the pleadings, depositions, answers to interrogatories, and admissions on file, together with supporting and opposing affidavits, if any, that no genuine issue as to any material fact exists.

3. As a result, the final hearing scheduled for August 10, 2023, is canceled. Under the authority of section 120.57(1)(i), Florida Statutes, the file of the Division of Administrative Hearings is closed, and jurisdiction is relinquished to the Commission on Ethics to proceed as may be authorized by law.

DONE AND ORDERED this 28th day of July, 2023, in Tallahassee, Leon County, Florida.

Robert L. Kilbride

ROBERT L. KILBRIDE
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

EXHIBIT
B

COPIES FURNISHED:

Eddie Martinez
(Address of Record)

Melody A. Hadley, Esquire
(eServed)

Millie Wells Fulford, Agency Clerk
(eServed)