

MAR 02 2022

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

In re: Cynthia Lynn Howard,

Complaint No. 21-184

Respondent.

ADVOCATE'S MOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION

COMES NOW, Advocate for the Commission on Ethics and files this Motion to Dismiss Complaint for Lack of Jurisdiction. In support of this motion, Advocate states:

1. On October 29, 2021, a Determination of Investigative Jurisdiction and Order to Investigate was issued for an investigation into whether there was probable cause to determine if Respondent, Cynthia Lynn Howard, violated Section 112.3145(9)(c), Florida Statutes.

2. On January 26, 2022, the Commission issued an Order Finding Probable Cause to believe Respondent violated Section 112.3145(9)(c), Florida Statutes, by willfully failing or refusing to file an annual CE Form 1, Statement of Financial Interests, for the years 2018 and 2019.

3. At that time, Respondent was serving as a member of the Board of Governors of the Florida Workers' Compensation Joint Underwriting Association.

4. Section 112.3145(9)(c) states that if a person holding public office or public employment fails or refuses to file an annual statement of financial interests for any year in which the person received notice from the Commission regarding the failure to file and has accrued the maximum automatic fine, the Commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful and, if so determined, the Commission shall recommend the person's removal from his or her public position.

5. Effective March 1, 2022, Respondent resigned as a member of the Board of Governors of the Florida Workers' Compensation Joint Underwriting Association. (Composite Exhibit A)

6. Because the holding of public office or employment is necessary to invoke and maintain the Commission's investigatory jurisdiction under Section 112.3145(9)(c), the Commission no longer possesses jurisdiction in this matter.

7. This motion is not intended to create a situation where the Commission is prohibited, limited, or impeded from taking action in the event a complaint or referral is filed against Respondent. Nor is it intended to restrict or impair the Commission's actions in the collection of fines resulting from the untimely filing of financial disclosure as contemplated by Section 112.31455, Florida Statutes.

WHEREFORE, Advocate respectfully requests that the Commission on Ethics dismiss the complaint for lack of jurisdiction.

Respectfully submitted,


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

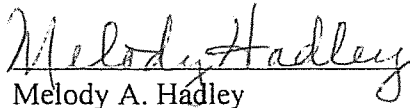
Telephone: (850) 414-3300, Ext. 3704

Facsimile: (850) 488-4872

melody.hadley@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy has been sent to Counsel for Respondent, James A. McKee, Esquire, jmckee@foley.com, by email only, this 2nd day of March, 2022.


Melody A. Hadley

FWCJUA

**Florida Workers Compensation
Joint Underwriting Association, Inc.**

P.O. Box 48957, Sarasota, FL 34230-5957
• Tel (941) 378-7400 • Fax (941) 378-7405 • www.fwcjua.com

VIA EMAIL

BOARD OF GOVERNORS BULLETIN 22-7

TO: FWCJUA Board of Governors

FROM: Laura S. Torrence, Executive Director

DATE: February 18, 2022

RE: **CINDY HOWARD RESIGNATION EFFECTIVE MARCH 1, 2022**

Enclosed is Cindy Howard's notice of resignation from the Board effective March 1, 2022. It has truly been a pleasure working with Cindy since she joined the Board in December 2015. I am thankful for her insight and leadership during her service to the FWCJUA. I'm sure the Board agrees and joins me in wishing Cindy all the best in the future.

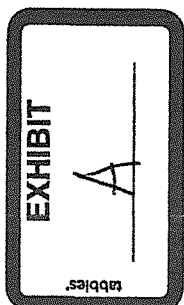
Cindy is an "at large" Financial Services Committee (FSC) appointment, so I will be advising the FSC staff of the resignation and working with them to fill the position.

The Chair will now consider filling Cindy's positions on the MAP, Safety and Producer Appeals Committees. If you have any interest in serving on these Committees until such time as the FSC appoints a replacement for Cindy to the Board, please contact me directly.

Enclosure

c: Nick Paquette, *General Counsel*
Greg Jaynes, *Florida Office of Insurance Regulation*

BOARD OF GOVERNORS: Charlie Clary, *Chair*, Claude Revels, *Vice Chair*, Tasha Carter;
Debra Cerre-Ruedisili; Rob deViere; Cynthia Howard; Robert Moore; Rick Piedra; James Ward





Cindy Howard
P.O. Box 780013
Orlando, FL 32828

February 18, 2022

Charlie Clary, Chair
Board of Governors
Florida Workers' Compensation Joint Underwriting Association
cclary@dagarchitects.com

Dear Charlie,

It is with all due honor and respect to the Board, that I announce my resignation from the Florida Workers' Compensation Joint Underwriting Association, Board of Governors, effective March 1, 2022.

A true highlight of my 40-year career in Florida workers' compensation has been to volunteer these past six years alongside this Board's extremely talented industry experts. Most important to me personally, I have been proud to be associated with both the integrity and clarity of purpose displayed by you and the Board in every circumstance, always in keeping with the JUA's legislative intent.

It was also my privilege to have had the opportunity to serve as a member of the FWCJUA's Producer Appeals Committee and to chair the Safety Committee.

I would be remiss if not to mention my respect for the Board's Executive Director and staff, whose efforts have always been beyond comparison.

Please accept my personal and professional best wishes to the Board going forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Howard', with a large, stylized flourish at the end.

Cynthia Howard

Copy to:
LTorrence@fwcjua.com