



Florida Commission on Ethics

P. O. Drawer 15709, Tallahassee, Florida 32317-5709
"A Public Office is a Public Trust"

ORIGINAL

FLORIDA
COMMISSION ON ETHICS

FEB 02 2022

RECEIVED

COMPLAINT

I am providing my amendment for Case # 21-178.

21-178 AMENDMENT

1. PERSON BRINGING COMPLAINT:

Name: Jolynn Cates Reynolds Telephone Number: 305-215-5129
Address: 22330 LaFitte Drive
City: Cudjoe Key County: Monroe State: Florida Zip Code: 33042

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: Cara Higgins Telephone Number: 305-294-6030
Address: Cara Higgins Law, 604 Whitehead Street
City: Key West County: Monroe Zip Code: 33040
Title of office or position held or sought: District 1 Director, Florida Keys Aqueduct Authority Board

3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH

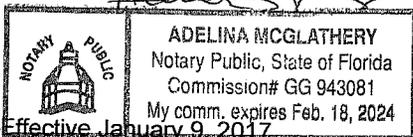
STATE OF Florida
COUNTY OF Monroe

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 1st day of Feb, 20 22, by _____ (name of person making statement)

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF COMPLAINANT

Jolynn E. Cates Reynolds
(Signature of Notary Public)
Adelina McGlathery
(Print, Type, or Stamp Commissioned Name of Notary Public)



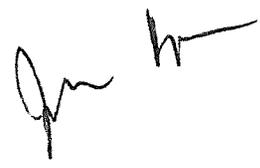
Personally Known _____ OR Produced Identification X
Type of Identification Produced: FLDL

January 27, 2022

To: State of Florida Commission on Ethics

From: Jolynn Cates Reynolds, PE - Director of Engineering
Florida Keys Aqueduct Authority

RE: Additional Information Ethics Complaint against Cara Higgins
District 1 - Florida Keys Aqueduct Authority Board Member
Case Number: 21-178
Additional Information: Gifts and Contracting



I have reasonable belief and supporting information for the violation basis of the Gifts. I am submitting herein additional information relevant to Case Number 21-178 as to violations of Florida Statute 112 by Cara Higgins, District 1-Florida Keys Aqueduct Authority (FKAA) Board Director. Further, this additional information may be applicable under FS 838: Bribery and Misuse of Public Office. In addition, there is information in regards to inconsistencies with contract procurement.

I. Supporting Information and Correlations of Financials

As noted in the original submitted complaint of September 29, 2021 (Ethics Commission Case Number 21-178), on January 26, 2021 the FKAA Board approved a Contract for \$79,000 for All Aspects Inspection Services (AAIS). Selection approval was issued to AAIS on December 16, 2020 by the FKAA Board. Cara Higgins contested and rendered a legal opinion of the FKAA long-standing procurement process for Engineering related services on October 28, 2020 based on her interpretation of a 2006 Audit Memorandum by the Attorney General. These influences facilitated a Conflict of Interest and Favored Contracting to a Person and Firm of which Cara Higgins is involved in a personal relationship as well as prior legal representation relationship. During and prior to these actions and influences, James (Jim) Reynolds was actively engaged in seeking a means to gain and procure this referenced contract.

In support for the additional information, I believe the following definitions apply to Cara Higgins and Jim Reynolds inclusive of his firms All Aspects Inspections Services and Reynolds Engineering Services:

Cara Higgins (from February 2015 to present for the FKAA) meets the definition of "*Reporting Individual*" as defined in *FS 112.3148(2)(d)* - as summarized "...any individual, ...who is required by law, pursuant to s. 8, Art. II of the State Constitution or s.112.3145, to file full or limited public disclosure of his or her financial interests..."

Jim Reynolds (up to January 26, 2021) at a minimum meets the definition of "*Person*" as defined in *FS 112.3148(2)(c)* - "*Person*" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups and combinations. Jim Reynolds is an individual person as well as the Owner of Reynolds Engineering Services, Inc. since 2011 and owner vested interest of 28.3% in All Aspects Inspection Services LLC and shown as Manager on Corporation Annual Filings from 2017 to Present.

Jim Reynolds (Selected December 16, 2020 and awarded \$79,000 Contract - January 26, 2021 to present) meets the definition of "*Vendor*" as defined by *FS 112.3148(2)(f)* means any business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods or services.

Jim Reynolds (Prior to Vendor on January 26, 2021) also meets the definition of "*Lobbyist*" as defined by *FS 112.3148(2)(b)1*. means any natural person who, for compensation, seeks, or sought during the preceding 12-months, to influence the governmental decision making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding

12-months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

As stated, I have additional information supporting my reasonable belief the Florida Statutes governing a Public Officer and Gifts have been clearly violated a number of times. Through the required Discovery process of my impending Divorce proceedings, I am in possession of numerous financial transaction records in the form of bank statements and credit card billing records for Jim Reynolds and related business organization activities. Further, our children, family members and myself have access to Jim Reynolds' Social Media account "Facebook". Cara Higgins has been "tagging" posting regularly their activities since December 2019. A number of these postings match up to the available financial records.

I am providing herein several examples of detailed financial records coupled with the posted social media activities by Cara Higgins.

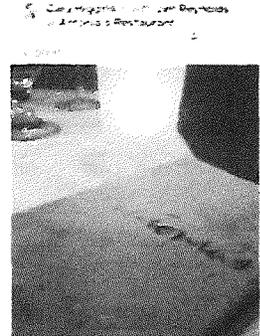
Posted Social Media June 27, 2020 – Meal at Antonia's Restaurant

Financial Correlation:

Reynolds Engineering Services (James C. Reynolds) Credit Card

Transaction Date: 06.27.2020 Post Date: 06.29.2020 Amount: \$236.58

6-27	6-29	24360375180001202668287	ANTONIA'S 315-2946553 FL	\$236.58
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August 14, to August 16, 2020 – Travel, Lodging and Expenses of Mount Dora Trip

On August 14, 2020, Cara Higgins broadcasted on Zoom for the FCAA Weekly Virtual Meeting from our family's F-150 truck cabin. Cara Higgins was with Jim Reynolds en route to Mount Dora, FL. Travel from Key West, FL to Mount Dora is approximately 416 miles for an estimated round trip of 832 miles.

Financial Correlation:

Personal (James C. Reynolds) Credit Card

Transaction Date: 08.15.2020 Post Date: 08.17.2020 Amount: \$ 71.52
 Transaction Date: 08.15.2020 Post Date: 08.17.2020 Amount: \$ 33.16
 Transaction Date: 08.15.2020 Post Date: 08.17.2020 Amount: \$ 43.38
 Transaction Date: 08.15.2020 Post Date: 08.17.2020 Amount: \$139.10

Aug 15	Aug 17	LUT ANNES COASTAL COTT	MOUNT DORA FL	\$71.52
Aug 15	Aug 17	ASHLEY'S CORNER	MOUNT DORA FL	\$33.16
Aug 15	Aug 17	THE SPICE AND TEA EXCH	MOUNT DORA FL	\$43.38
Aug 15	Aug 18	BECKER 5 BEST SHOES IN	MT DORA FL	\$139.10



Reynolds Engineering Services (James C. Reynolds) Credit Card

Transaction Date: 08.16.2020 Post Date: 08.17.2020 Amount: \$ 67.37
 Transaction Date: 08.16.2020 Post Date: 08.18.2020 Amount: \$ 61.36

8-16	8-17	242-0730220791764070477	MAGICAL MEAT BOUTIQUE MOUNT DORA FL	\$67.37
8-16	8-18	242-0730220791764070477	LAKESIDE INN MOUNT DORA FL	\$61.36

A32

October 8, 2020 - Airline Ticket for Cara Higgins Purchased by James (Jim) Reynolds

Financial Correlation:

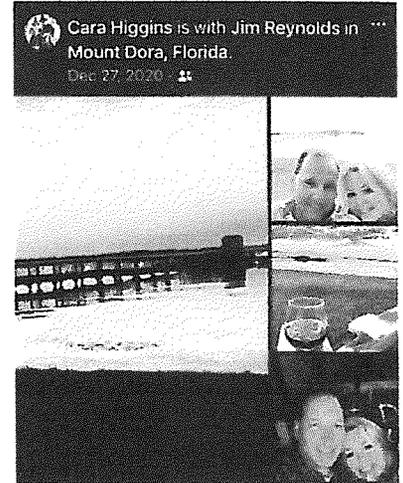
Reynolds Engineering Services (James C. Reynolds) Credit Card

Delta Airline Tickets to Newark Liberty International Airport, New Jersey for a trip Cara Higgins and Jim Reynolds took together to Lake Pleasant/Spectacular, New York from October 8 –October 13, 2020. Jim Reynolds purchased Cara Higgins’ airline ticket in the Amount of \$232.60. This trip occurred on October 8, 2020 (Columbus Day Weekend) – approximately 3 weeks prior to the described October 28, 2020 FCAA Board Meeting.

Sep 08	Sep 09	DELTA 00624303535284 DELTA.COM CA HIGGINS/CARA 10/08/2020 EYW ATL EWR Agency: DELTA.COM #00624303535284	\$232.60
Sep 08	Sep 09	DELTA 00624303535273 DELTA.COM CA REYNOLDS/JAMES 10/08/2020 EYW ATL EWR Agency: DELTA.COM #00624303535273	\$232.60

**Posted Social Media and Financial Transactions Trip Mount Dora
 (December 27 - December 29, 2020)**

On December 16, 2020, All Aspects Inspection Services was selected for providing inspection services by the FCAA Board as initially discussed and presented. On December 27, 2020, Cara Higgins posted on Social Media the Mount Dora trip.



Financial Correlation:

Reynolds Engineering Services (James C. Reynolds) Credit Card

Transaction Date: 12.29.2020 Post Date: 12.29.2020 Amount: \$200.79
 Transaction Date: 12.28.2020 Post Date: 12.30.2020 Amount: \$ 77.60

12-29	12-29	24801970364001620000137	GIANNIS ITALIAN RESTAURANT MOUNT DORA FL	\$200.79
12-28	12-30	24122580364018013506699	PISCES RISING, INC. MOUNT DORA FL	\$77.60

Financial Correlation: Personal (James C. Reynolds) Credit Card

Transaction Date: 12.27.2020 Post Date: 12.28.2020 Amount: \$226.18
 Transaction Date: 12.27.2020 Post Date: 12.28.2020 Amount: \$118.44
 Transaction Date: 12.28.2020 Post Date: 12.29.2020 Amount: \$172.26

Dec 27	Dec 28	1921 MOUNT DORA MOUNT DORA FL	\$226.18
Dec 27	Dec 28	THE GOBLIN MARKET REST MT DORA FL	\$118.44
Dec 28	Dec 29	LEE ART GLASS & E COLL MOUNT DORA FL	\$172.26

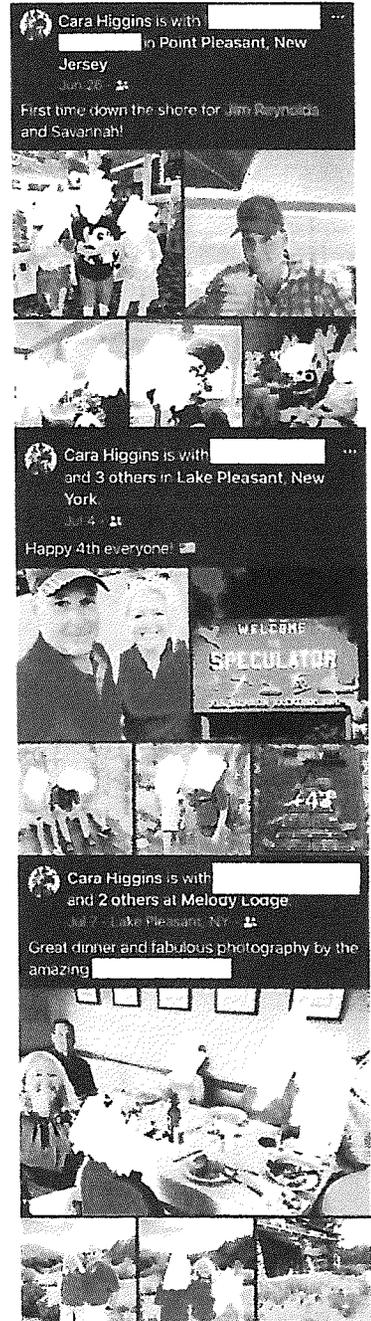
Posted Social Media June 24, 2021 thru July 11, 2021 New Jersey/Lake Pleasant/Speculator, NY

Jim Reynolds and Cara Higgins traveled to New Jersey and Lake Pleasant/Speculator, New York where they vacationed with family members.

Financial Correlation: Personal (James C. Reynolds) Credit Card

Transaction Date: 06.24.2021	Post Date: 06.25.2021	Amount: \$384.10
Transaction Date: 06.25.2021	Post Date: 06.27.2021	Amount: \$ 41.55
Transaction Date: 06.25.2021	Post Date: 06.27.2021	Amount: \$ 42.57
Transaction Date: 06.25.2021	Post Date: 06.27.2021	Amount: \$ 31.34
Transaction Date: 06.26.2021	Post Date: 06.28.2021	Amount: \$329.30
Transaction Date: 06.26.2021	Post Date: 06.28.2021	Amount: \$ 62.84
Transaction Date: 06.27.2021	Post Date: 06.28.2021	Amount: \$ 92.36
Transaction Date: 06.28.2021	Post Date: 06.29.2021	Amount: \$ 61.27
Transaction Date: 06.28.2021	Post Date: 06.29.2021	Amount: \$ 83.77
Transaction Date: 07.02.2021	Post Date: 07.04.2021	Amount: \$ 77.02
Transaction Date: 07.02.2021	Post Date: 07.04.2021	Amount: \$325.13
Transaction Date: 07.02.2021	Post Date: 07.04.2021	Amount: \$ 23.63
Transaction Date: 07.04.2021	Post Date: 07.06.2021	Amount: \$ 69.00
Transaction Date: 07.05.2021	Post Date: 07.06.2021	Amount: \$ 84.46
Transaction Date: 07.08.2021	Post Date: 07.09.2021	Amount: \$ 28.52
Transaction Date: 07.08.2021	Post Date: 07.09.2021	Amount: \$242.89

6/24	6/25	ORCHARD PARK RESTAURANT - EAST BRUNSWICK NJ	\$384.10
6/25	6/27	NORMANS HALLMARK 99 - MIDDLETOWN NJ	\$41.55
6/25	6/27	ORCHARD PARK RESTAURANT - EAST BRUNSWICK NJ	\$42.57
6/25	6/27	JENNIFER'S SO GIFT SH - POINT PLEASANT NJ	\$31.34
6/26	6/28	CHARLES JEHNS STORE - SPECULATOR NY	\$329.30
6/26	6/28	BEER UNIVERSE - KINGSTON NY	\$62.84
6/27	6/28	THE INN AT SPECULATOR - SPECULATOR NY	\$92.36
6/28	6/29	THE INN AT SPECULATOR - SPECULATOR NY	\$61.27
6/28	6/29	THE INN AT SPECULATOR - SPECULATOR NY	\$83.77
7/02	7/04	CHARLES JEHNS STORE - SPECULATOR NY	\$77.02
7/02	7/04	CHARLES JEHNS STORE - SPECULATOR NY	\$325.13
7/02	7/04	CHARLES JEHNS STORE - SPECULATOR NY	\$23.63
7/04	7/06	MELODY LODGE - LAKE PLEASANT NY	\$69.00
7/05	7/06	MELODY LODGE - LAKE PLEASANT NY	\$84.46
7/08	7/09	MELODY LODGE - LAKE PLEASANT NY	\$28.52
7/08	7/09	MELODY LODGE - LAKE PLEASANT NY	\$242.89



Financial Correlation: Reynolds Engineering Services (James C. Reynolds) Credit Card

Transaction Date: 06.25.2021	Post Date: 06.28.2021	Amount: \$67.19
Transaction Date: 07.01.2021	Post Date: 07.06.2021	Amount: \$40.00
Transaction Date: 07.02.2021	Post Date: 07.06.2021	Amount: \$74.72

6-25	6-28	21000071172007102200306	MARTELL'S TIKI BAR 732-8920131 NJ	\$67.19
7-01	7-06	21027331183120002097809	COLONEY CENTRE INC NORTHVILLE NY	\$40.00
7-02	7-06	21031311184000102003302	MOUNTAIN MARKET SPECULATOR NY	\$74.72

A6-5

II. Relevant Observations

Based on the supporting information I have provided, at a minimum, I assert the following noted elements have been violated:

Per FS 112.3148(4), a Reporting Individual is prohibited from knowingly accepting, whether directly or indirectly, a gift from a Vendor doing business with the reporting individual's agency if it is reasonably believed in excess of \$100.

Per FS 112.3148(5)(a), a Vendor (or Lobbyist) doing business with the reporting individual's agency is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual.

Per FS 112.3148(5)(b), a person (Vendor) which is regulated by this subsection who makes a, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, must file a report on the last day of each calendar quarter for the previous calendar quarter in which the reportable gift is made. The report is required to the gift description, monetary value, name and address of person, name and address of recipient as well as notification of the recipient of the reporting of the gift and filed with the Commission of Ethics.

In an effort to verify if Gift reporting was completed as defined within the Statutes, I contacted the Monroe County Supervisor of Elections – Joyce Griffin who put me in contact with the Commission of Ethics to request Gift disclosure records. I have spoken with Ms. Kim Holmes and Ms. Lynn Blas (August 13, 2021), Ms. Kim Holmes and Ms. Kathy Severson (November 10, 2021) and Ms. Kim Holmes and Kathy Severson (January 11, 2022) requesting if Form 9 and/or Form 30 have been submitted and filed by Cara Higgins, James C. Reynolds, Reynolds Engineering Services, Inc., or All Aspects Inspection Services, LLC. In each case, there have been no Form 9 or Form 30 filed in accordance with the Gift disclosure requirements of submitting 90 days from the previous quarter of expenditures.

The above financial listed items are just several examples noted from reviewing financial disclosure information in the past several months. These and other examples do not reflect the entire Gift value. Factoring in lodging, inclusive of a private residence stays, flowers, travel mileage, other associated travel means values, other gifts and services, benefit of use of tangible and non-tangible property, personal and professional services, substantially raises the monetary value. Benefits received by family members and associates would also be represented within this value. Further, based on nearly 20 years of marriage, Jim Reynolds pays in cash as well.

I reasonably believe prior to the Approval and Issuance of Contract(s) to All Aspects Inspection Services (AAIS), Jim Reynolds could be considered a "Lobbyist" and actions (including Gifts) are relevant to this complaint. Jim Reynolds or AAIS are not Florida registered Lobbyists. Jim Reynolds maintains 28.3% ownership in AAIS and is contractually defined as Manager of the company, receiving compensation for this role on a monthly basis. As defined within the Operating Agreement of All Aspects Inspection Services, "*James C. Reynolds (the "Manager"), who shall have one hundred percent right and authority to conduct the Company's day-to-day operations.*"

"The Manager shall have full, exclusive, and complete discretion, power and authority, subject in all cases to the other provisions of the Agreement and the requirements of applicable law, to manage, control, administer, and operate the business and affairs of the Company for the purposes herein stated, and to make all decisions affecting such business and affairs."

James C. Reynolds primary component of his job function as "Manager" includes marketing endeavors to identifying and securing work from governmental entities including that of the Florida Keys Aqueduct

Authority. Similarly, he has secured in the past other work for All Aspects Inspection Services through Monroe County and City of Key West.

The All Aspects Inspection Services Operating Agreement states no Member is an agent of the Company thus 100% representation and control falls within the "Manager" responsibilities and functions. Therefore, although not a registered Lobbyist, the extent of job function and control places the "Manager" within responsible principal role of securing work from government entities and actions as noted are that of a "Lobbyist". Applicable rules and regulations governing a "Lobbyist" in Florida would therefore apply.

It was also noted in review of the financial documents that Jim Reynolds received an AAIS bonus check of \$3,000 on the day AAIS was selected by the FKAA Board on December 16, 2020 along with a "Manager's" monthly salary.

I contacted and spoke with Mr. David Ritz (District 5 - FKAA Board Member appointed in 2005 thru 03/2021) on July 1, 2021 and August 30, 2021. Within the July conversation, I confirmed that Mr. Ritz had been made aware of my filing a Grievance in March 2021 in regards to the process hiring of the Deputy Executive Director. Within the August 30, 2021 conversation, David Ritz stated he was contacted by and spoke directly with Jim Reynolds soliciting his vote for AAIS selection on December 16, 2020. I further inquired if he was informed of the significant irregularities in the AAIS submittal previously described in my September 29, 2021 ethics complaint. Mr. Ritz confirmed that information had not been brought to his attention by our Internal Auditor or Executive Director.

Since the FKAA Board meeting of October 28, 2020, directions for contract procurement influenced through Cara Higgins' actions and opinions, have resulted in advertising work service as it relates to Engineering and Construction contracts. Other than 4 contracts with a value less than \$100,000 issued through Consent Agenda at the beginning of 2021, we have not been allowed to amend existing contracts or issue new contracts from our Engineer of Record library. We have not even been able to utilize Florida's allowed procurement procedures of services set forth through the State's "piggy-back" process.

Yet, a direct amendment to an existing contract was issued to Carollo Engineers for \$2,295,523 and approved by the FKAA Board on September 28, 2021. This project work was not advertised.

This presents several inconsistencies. First, it is the only Engineering work that is over \$100,000 that we have entered into and not advertised for services since October 28, 2020 due to Cara Higgins opinion of "illegality" of our process. During the meeting, FKAA staff presented the basis of lump sum award indicating inspection services was described as necessary to bolster our in-house inspection capabilities because of the project's complexity, and continuity.

Subsequent review of this \$2.2 Million Contract Amendment and supporting information presented in the Board packet lists All Aspects Engineering Services as a subcontractor to Carollo Engineering for inspection services in the amount of \$65,400.

Other Engineering and Construction related contract work since this September 28, 2021 meeting have continued to be advertised in keeping with the newer approach including our emergency needs for our deep well injection system.

III. Closing

I believe the Gift elements of the Florida Statutes has been violated by Cara Higgins – a Public Officer through her associations and activities with Jim Reynolds (Person/Vendor/Lobbyist) and merit a thorough investigation. The non-disclosure and acceptance of Gifts, including but not limited to, influencing of favored contracting for Jim Reynolds' firm is use of the Public office for personal benefit. I believe this establishes Quid Quo Pro for favor of their personal relationship and influencing benefits of her Public position.

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