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

In re: Homer Bradley Harvey,

Respondent.
_____/

Complaint No.: 20-063
DOAH Case No.: 22-2754EC

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 October 27, 2021, the Commission rendered its Order finding "probable cause to believe the Respondent, as the former Wakulla County Property Appraiser, violated Section 112.313(6), Florida Statutes, by providing himself with compensation in excess of the statutorily prescribed salary; finds that there is probable cause to believe the Respondent violated Section 112.313(6), Florida Statutes, by using the Property Appraiser Office's credit card for personal purchases; finds that there is probable cause to believe the Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2017 CE Form 6, 'Full and Public Disclosure of Financial Interests'; and finds that there is probable cause to believe the Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2018 CE Form 6, 'Full and Public Disclosure of Financial Interests.'"

2. On September 13, 2022, 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 November 10, 2022.

4. On September 28, 2022, Advocate served on Respondent a Request for Admissions and First Set of Interrogatories.

5. Respondent declined to participate in any discovery. Therefore, on November 1, 2022, 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, without attachments.

6. On November 1, 2022, the ALJ issued its Order to Show Cause ordering that: 1) Advocate's Motion is taken under advisement; 2) on or before 5:00 p.m., on Friday, November 4, 2022, Respondent shall fully respond to Advocate's First Request for Admissions, with a copy to the DOAH, or otherwise show cause in writing to the ALJ as to why the Motion should not be granted, with responses to be filed with, i.e. received by, the Advocate and DOAH by that date and time.

7. Respondent filed no response to the Order to Show Cause. On November 7, 2022, the ALJ issued its Order finding good cause having been shown, and being fully advised in the matter, 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:

a. Allegation One
Respondent violated Section 112.313(6), Florida Statutes, by providing himself with compensation in excess of the statutorily prescribed salary;

b. Allegation Two
Respondent violated Section 112.313(6), Florida Statutes, by using the Property Appraiser Office's credit card for personal purchases;

c. Allegation Three
Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2017 CE Form 6, "Full and Public Disclosure of Financial Interests"; and

d. Allegation Four
Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2018 CE Form 6, "Full and Public Disclosure of Financial Interests."

10. The Commission may conduct a proceeding pursuant to Section 120.57(2), if appropriate, 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 112.57(2) is not warranted because the ALJ's November 7, 2022, Order resolved all issues of fact and conclusions of law.

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 for Respondent, a former public officer whose violations occurred before Respondent was removed from office[1] and resulted in his arrest and immediate suspension from office by the Governor.[2]

[1] Section 112.317(1)(d), Florida Statutes.
[2] Executive Order 20-105.

a. Allegation One – public censure and reprimand; a civil penalty of $10,000, and restitution to Wakulla County in the amount of $176,207.68 for unauthorized cash payments;

b. Allegation Two – public censure and reprimand; a civil penalty of $10,000 and restitution to Wakulla County in the amount of $33,028.62 for credit card purchases for personal items;

c. Allegation Three – public censure and reprimand; a civil penalty of $10,000;

d. Allegation Four – public censure and reprimand; a civil penalty of $10,000.

Total civil penalty: $40,000[3]
Total restitution: $209,236.30

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 November 7, 2022, "Order Deeming Matters Admitted, Relinquishing Jurisdiction, and Closing File";

d. The Commission find two violations each of Sections 112.313(6) and 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 recommend penalties established by law for these violations.

[3] The penalty may include "[r]estitution of any pecuniary benefits received because of the violations committed. The Commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund." § 112.317(d)3., Fla. Stat.

RESPECTFULLY SUBMITTED on the 10th day of November 2022.

ELIZABETH A. MILLER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this motion was sent via e-mail on November 10th, 2022, to Respondent at the following e-mail address:

Homer Bradley Harvey
Hbharvey2016@gmail.com
21 Quarry Springs Road
Crawfordville, Florida 32327

ELIZABETH A. MILLER

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

In re: Homer Bradley Harvey,

DOAH Case No. 22-2754EC

Respondent.
_____/

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

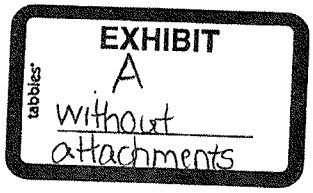
COMES NOW, Advocate for the Commission on Ethics (Advocate), pursuant to Rule 28-106.204, *Florida Administrative Code*, and Rule 1.370, Florida Rule of Civil Procedure, moves this Honorable Court for an entry of an Order Deeming Matters Admitted and Relinquishing Jurisdiction to the Commission on Ethics,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

STATEMENT OF FACTS

1. In November 2016, Respondent was elected Wakulla County Property Appraiser and took office on January 2, 2017. Stacey Roddenberry, Director of Management Services, Wakulla County Property Appraiser's Office, was responsible for office finances; however, Respondent retained those duties after being elected and during his tenure as the Property Appraiser.

2. Richard Powell, a Certified Public Accountant (CPA) and co-owner of the firm Powell and Jones, CPA, has conducted annual audits of all Wakulla County constitutional offices, including the Wakulla Property Appraiser's Office, for the past 10 years.

3. During the 2017-2018 financial audit, Respondent advised CPA Powell that he had passed the "special assessments" duties to someone else in the office. During the 2018-2019 pre-audit discussions, Respondent told CPA Powell that he continued to pay himself additional compensation related to special assessments, but he could not produce any records to verify his



work. Respondent only occasionally performed the duties related to special assessments, but he continued to pay himself for the work.

4. In late 2019, CPA Powell learned of some concerning issues in the Property Appraiser's Office and decided to personally conduct an audit of the office, which concluded in September 2019.

5. CPA Powell noticed numerous credit card charges during his 2019 audit that did not appear to have a public purpose.

6. The Wakulla County Property Appraiser's Office has one credit card. The office policy states that the credit card can be used for "office supplies, vehicle repairs, educational events for employees and travel expenses for employees." All payments for charges require the Property Appraiser's approval. Respondent maintained possession of the one credit card, and he alone was responsible for approving expenditures and payroll, signing checks, and recording transactions, and making entries in the accounting records. CPA Powell pointed out that this system constituted a material weakness in internal control. Greg James, the Wakulla County Finance Director, stated that over a three-year period Respondent used the office credit card to make $38,198 in non-office related purchases.

7. The non-office related charges are as follows:

Date or Fiscal Year	**Location of purchase**	**Item(s) Purchased**	**Purchase labeled in the Property Appraiser's records as**	**Amount of purchase(s)**	**Reimbursed amount**
2016-2017	Walmart	9 items: Rugs, clothes hangers, Bud Light beer, meats, luggage, tee shirts,	Supplies purchased for the Property Appraiser's Office	$1,551.94	$0

		shorts, sodas, sunscreen			
April 12, 2017		Carnival cruise tickets for sail date July 14, 2017		$3,231.30	Reimbursed on Feb. 21, 2020, during the criminal investigation
2017-2018	Walmart	13 entries: Michelob Ultra Lime, Sangria, juices, snorkel and mask, boxer briefs, women's swim shoes, makeup, shorts, deer corn, hunting blind, game camera, targets, batteries	Supplies purchased for the Property Appraiser's Office	$2,709.88	
2017-2018	Neece Tire and Auto Service	New tires and alignment for his personal vehicle	Purchased for office vehicle	$1,618.96	
2018-2019		6 entries: Smirnoff Ice, Michelob Ultra Lime, sodas, sausage, hamburger & hot dog buns, bug spray, pain relievers, women's water shoes, 5 qt. cooler, floor lamp, saucepan, butter dish, men's cologne, cigarettes, Bluetooth speaker	Supplies purchased for the Property Appraiser's Office	$956.95	Reimbursed $504.98 in response to the 2019 audit findings
2018-2019	Home Depot	Fireplace, tools, lumber, misc. items,		$646.32	

	(2 separate purchases) Tractor Supply (3 separate purchases)	5,000 lb. jack		$196.73	
April 2017 – February 2019	Faircloth Automotive	12 charges relating to Respondent's personal vehicle	Field office vehicle repair	$22,116.54	Reimbursed $9,300.86 in early 2020 for FY 2018-2019; Respondent said charges to the card were "in error"[1]

8. Respondent reimbursed the County in February 2020 for some of the charges made during the 2018-2019 fiscal year, leaving a balance of $28,692 still owed to the County.

9. An employee of the Property Appraiser's Office reported questionable activity by Respondent to the Wakulla County Sheriff's Office. On September 27, 2019, Wakulla County Sheriff Jared F. Miller requested the Florida Department of Law Enforcement (FDLE) investigate the allegations. After an FDLE investigation, Respondent was arrested[2] and immediately suspended from office by the Governor.[3]

[1] The owner of Faircloth Automotive, Charles Joseph "Joey" Faircloth, advised that the business does not keep card information on file; thus, the credit card would have submitted for payment each time the vehicle was serviced.
[2] Respondent "was arrested on charges of engaging in an organized scheme to defraud over $50,000, a first-degree felony, and engaging in an organized scheme to defraud over $20,000 but less than $50,000, a second-degree felony." Letter to FL Commission on Ethics from Mike Stewart, Chair, Wakulla County BOCC, dated April 22, 2020.
[3] Executive Order 20-105.

10. As the Deputy Property Appraiser, Respondent's salary was not fixed by the legislature and additional compensation was not prohibited. However, as the Property Appraiser, Respondent could not be compensated above the amount approved by the legislature. §145.10, Fla. Stat.

11. On March 4, 2020, Respondent advised CPA Powell, via email, that he was no longer receiving additional compensation related to special assessments. He indicated that he would reimburse the County for any excess compensation he received above the amount allowed by law. There is no evidence that he reimbursed the County for any of the compensation received illegally.

12. FDLE reported the following findings regarding compensation Respondent paid himself:

Fiscal Year	Statutory Salary	Salary Respondent paid himself	Excess amount over what Respondent was statutorily allowed	Amount Respondent reimbursed
2016-2017	$103,211	$153,409.33	$50,198.33	$0
2017-2018	$107,501	$156,772.35	$49,271.35	$0
2018-2019	$108,336	$185,074.00	$76,738.00	$0

13. Respondent knowingly and willfully underreported his income as the Wakulla County Property Appraiser on his 2017 and 2018 CE Form 6s, "Full and Public Disclosure of Financial Interests."

Year	Income reported as reflected in Respondent's IRS W-2 Form	Amount of income under reported
2017	$190,299.73	$107,501*
2018	$163,826.86	$108,336*

*These amounts were statutorily prescribed salary amounts for his position as Property Appraiser.

14. On April 14, 2020, Respondent filed CE Form 6Xs, "Amendments to Full and Public Disclosure of Financial Interests," for 2017 and 2018. The corrected income amounts reflect Respondent's IRS W-2 statements for the corresponding years. Respondent's 2017 and 2018 CE Form 6s, as originally filed, were intentionally inaccurate.

PROCEDURAL HISTORY

15. On October 27, 2021, the Commission on Ethics (Commission) rendered its Order Finding Probable Cause to believe that Respondent, as the former Wakulla County Property Appraiser, violated Section 112.313(6), Florida Statutes, by providing himself with compensation in excess of the statutorily prescribed salary; finding that there is probable cause to believe Respondent violated Section 112.313(6), Florida Statutes, by using the Property Appraiser Office's credit card for personal purchases; finding that there is probable cause to believe Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2017 CE Form 6, "Full and Public Disclosure of Financial Interests"; and finding that there is probable cause to believe Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2018 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.

16. 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 September 14, 2022.

17. On September 26, 2022, the Advocate sent an email to Respondent advising him that Shelly Thomas, Esquire, does not represent him in the ethics case and to contact me if he wanted to discuss the case. Respondent never answered. A copy of the email is attached as "Composite Exhibit 2" and incorporated herein by reference.

18. On September 27, 2022, the Advocate advised Respondent via email and telephone that his case is scheduled for a final hearing at the Division of Administrative Hearings on November 10 and asked whether he would object to a Motion to Expedite Discovery. Respondent never answered. A copy of the email is attached as "Exhibit 3" and incorporated herein by reference.

19. On September 28, 2022, the Advocate served by email on Respondent the Advocate's Request for Admissions with Exhibits and Advocate's First Set of Interrogatories, 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 "Composite Exhibit 4" and incorporated herein by reference.

20. 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.

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

22. Accordingly, Respondent was required to respond to the discovery requests on or before Friday, October 28, 2022. As evidenced by the attached emails, the Advocate reminded

Respondent of the due date to file his answers on several occasions. In addition, the Advocate left several voice messages on Respondent's phone reminding him to respond to the discovery requests. A copy of the emails is attached as "Composite Exhibit 5" and incorporated herein by reference.

23. Out of an abundance of caution, Respondent was personally served with discovery at his home at 3:30 p.m. on October 24, 2022 by Legacy Legal Service, Inc. d/b/a Blackhawk Legal Services, Inc. and by Choice Legal. The Advocate's letter addressed to Respondent advising him of the discovery due date accompanied the discovery requests. A copy of the letter and returns of service is attached as "Exhibit 6 and Composite Exhibit 7," respectively, and incorporated herein by reference.

24. Respondent has not filed a response, has not requested a continuance, or taken any affirmative action to respond to the Advocate's discovery requests. Respondent has never responded to the Advocate's messages.

25. This matter is currently set for final hearing by Zoom Conference on November 10, 2022 at 9:00 a.m.

ARGUMENT

The Matters Asserted in the Advocate's Request for Admission 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 30 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 was elected in November 2016 to serve as the Wakulla County Property Appraiser and he took office on January 2, 2017 (Admissions # 1, 2);

2. By virtue of Respondent's candidacy for elected office and subsequent public position, Respondent was subject to Article II, Section 8, Florida Constitution, and Part III, Chapter 112, Florida Statutes, Code of Ethics, from January 2, 2017 to April 17, 2020, when Governor DeSantis suspended him from serving as the Wakulla County Property Appraiser (Admissions # 2, 3, 4);

3. While serving as the elected Property Appraiser, Respondent could not be compensated in his position above the amount approved by the legislature, which included

receiving additional salary related to "special assessments," or related to other duties of "nonelected" positions in the Property Appraiser's Office (Admission # 5, 28, 29, 30);

4. In 2016-2017, Respondent's statutory salary was $103,211; however, Respondent authorized his salary that year to be $153,409.33, which was around $50,198.33 over the statutory salary authorized by the legislature. (Admissions # 6, 7, 8);

5. In 2017-2018, Respondent's statutory salary was $107,501; however, Respondent authorized his salary that year to be $156,772.35, which was around $49,271.35 over the statutory salary authorized by the legislature. (Admissions # 9, 10, 11);

6. In 2018-2019, Respondent's salary was $185,074; however, Respondent paid himself a salary that year that was around $76,738 over the statutory salary authorized by the legislature. (Admissions # 12, 13);

7. As of August 12, 2021, Respondent has not reimbursed any of the excess salary he received from Wakulla County in 2016, 2017, 2018, and 2019 (Admissions # 14, 15, 16,);

8. In addition, Respondent used the Property Appraiser's credit card to purchase non-work-related items, such as: Bud Light beer, Michelob, Sangria, boxer briefs, Carnival cruise, snorkel and mask, men's cologne, cigarettes, tee shirts, and/or sunscreen (Admission # 17);

9. As of August 12, 2021, Respondent had not reimbursed any of the money he charged for non-work-related items using the Property Appraiser's credit card in 2016-2019 (Admission # 18)

10. Respondent reported income on his 2017 IRS W-2 form as $190,299.73, and on his 2018 IRS W-2 form as $163,826.86, and (Admissions # 19, 20);

11. As a public officer, Respondent was required to timely file an accurate CE Form

6s, "Full and Public Disclosure of Financial Interests," (Form 6) for the years 2017 and 2018 (Admissions # 21, 22, 24);

12. On Respondent's original 2017 Form 6, he failed to disclose $82,799 in additional income he received from the Property Appraiser's Office. On Respondent's original 2018 Form 6, he failed to disclose $55,491 in additional income he received from the Property Appraiser's Office (Admissions # 26, 27); and

13. Just days prior to his arrest on "felony charges of organized scheme to defraud more than $50,000 . . . and organized scheme to defraud $20,000 or more, but less than $50,000," Respondent filed amended Form 6s (Form 6X) disclosing additional income received in 2017 and 2018 (Exhibits A, D, F attached to Advocate's Request for Admissions)

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 officer

At all times relevant herein, Respondent was a public officer and was bound by the Florida Constitution and the Florida Code of Ethics. Pursuant to Section 112.313(6), "No public officer . . . shall corruptly use or attempt to use his . . . official position . . . to secure a special privilege, benefit, or exemptions for himself. . . ." The basic principle underlying the Ethics Act is that those in public service must use their positions for the public's benefit and not for their own private gain or the private gain of another.

Respondent "admits," as evidenced by reporting the excess income to the U.S. government and by filing amended CE Form 6s, that he received unauthorized cash payments totaling $176,207.68 and made personal credit card purchases for himself and his family totaling $33,028.62. Simply put, a public official may not treat his office's public funds as though it is a bank that exists for the benefit of himself and others. Respondent tried to hide this financial arrangement by filing inaccurate CE Form 6s. In authorizing these cash payments, Respondent used his official position to provide unwarranted benefits to himself and others. That violates the law.

Respondent had set up and/or took advantage of a situation ripe for exploitation – he alone controlled all aspects of financial management. Respondent took advantage of an environment that gave him an unbelievable opportunity to not only commit fraud but to cover it up and conceal it because there are no checks and balances in place.

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 Section 112.313(6), Florida Statutes, by providing himself with compensation in excess of the statutorily prescribed salary; Respondent violated Section 112.313(6), Florida Statutes, by using the Property Appraiser Office's credit card for personal purchases; Respondent violated Section 112.313(6), Florida Statutes, by using public funds for repairs, equipment, and/or tires to vehicles that were not owned by the Property Appraiser's Office; Respondent violated Article II, Section 8, Florida Constitution, as implemented by Section 112.3144, Florida Statutes, by filing

an inaccurate 2017 CE Form 6, "Full and Public Disclosure of Financial Interests;" and Respondent violated Article II, Section 8, Florida Constitution, as implemented by Section 112.3144, Florida Statutes, by filing an inaccurate 2018 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 to 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 31st day of October, 2022.

ELIZABETH A. MILLER
Advocate for the Florida Commission on Ethics
Florida Bar No. 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
Telephone: (850) 414-3300, Ext. 3702
Fax: (850) 488-4872
Elizabeth.miller@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this motion was sent via e-mail on October 31, 2022, to Respondent at the following email address:

Homer Bradley Harvey
Hbharvey2016@gmail.com
21 Quarry Springs Road
Crawfordville, Florida 32327

Elizabeth A. Miller

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: HOMER BRADLEY HARVEY, Case No. 22-2754EC

Respondent.
_____/

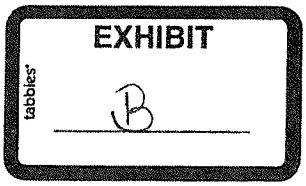
ORDER DEEMING MATTERS ADMITTED,
RELINQUISHING JURISDICTION, AND CLOSING FILE

This cause has come before the undersigned on Respondent's failure to file a response to the November 1, 2022 Order to Show Cause entered in this case. The undersigned entered the Order to Show Cause in response to the Advocate's Motion to Deem Request for Admissions Admitted and to Relinquish Jurisdiction (Motion), in which Petitioner indicated that Respondent had failed to timely respond to its First Request for Admissions. The requests for admissions attached to the Motion would, if admitted, be dispositive of the issues in this case.

The Order to Show Cause provided that:

> 1. The Motion is taken under advisement.
>
> 2. On or before 5:00 p.m. on Friday, November 4, 2022, Respondent shall fully respond to the Advocate's First Requests for Admissions, with a copy to the Division of Administrative Hearings, or otherwise show cause in writing to the undersigned as to why the Motion should not be granted, with responses to be filed with, *i.e. received by*, Respondent and the Division of Administrative Hearings by that date and time.
>
> 3. Failure of Respondent to respond to respond to requests for admission, or to otherwise show cause why the Motion should not be granted by the date referenced above, will result in an order relinquishing jurisdiction to the Petitioner.

Respondent filed no response to the Order to Show Cause. There being no reason not to take the action explicitly set forth in the Order to Show Cause, good cause having been shown, and the undersigned being fully advised, it is, therefore,



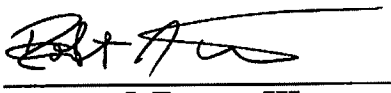
ORDERED that:

1. Petitioner's First Request for Admissions is deemed admitted.

2. Jurisdiction is relinquished to the State of Florida, Commission on Ethics. The Final Hearing in this matter, currently noticed for November 10, 2022, is hereby CANCELLED.

2. The file of the Division of Administrative Hearings is closed.

DONE AND ORDERED this 7th day of November, 2022, in Tallahassee, Leon County, Florida.



ROBERT J. TELFER III
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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COPIES FURNISHED:

Millie Wells Fulford, Agency Clerk
(eServed)

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(eServed)

Elizabeth A. Miller, Esquire
(eServed)