

DEC 18 2023

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BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: Frank Kruppenbacher,
Respondent.

Complaint No.: 19-007

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, Frank Kruppenbacher, and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree to enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

STIPULATED FINDINGS OF FACT

1. Respondent served as the General Counsel of the Florida Virtual School (FLVS) and, as such, was subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

2. On January 25, 2019, a sworn Complaint was filed with the Commission on Ethics alleging a violation of the Code of Ethics.

3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and ordered a Preliminary Investigation for a Probable Cause Determination into whether Respondent had violated the Code of Ethics. The Report of Investigation was released on April 19, 2021.

4. On July 28, 2021, the Commission on Ethics entered an Order Finding Probable Cause to believe Respondent violated:

I. Respondent violated Section 112.313(6), Florida Statutes, by using his position to require his agency's employees to perform work and personal services for the benefit of himself, his family members, and/or his private business and clients.

II. Respondent violated Section 112.313(6), Florida Statutes, using his position to ensure that his agency retained his daughter's boyfriend as an agency vendor despite his apparent lack of qualifications.

III. Respondent violated Section 112.313(6), Florida Statutes, using his position to direct his agency's staff to engage in a salary analysis of his daughter's position as an agency employee and sought to ensure that a raise or other advancement was provided to her.

IV. Respondent violated Section 112.313(6), Florida Statutes, using his position to destroy and/or create false or misleading public records in order to hide or conceal unsupported legal department expenditures.

V. Respondent violated Section 112.313(6), Florida Statutes, failing to take annual leave during several multi-week trips for outside business and subsequently used those hours for his benefit via an agency encashment program.

II. Respondent violated Section 112.313(8), Florida Statutes, by using or disclosing information, not available to the general public, for the benefit of himself and/or another.

5. Respondent admits the facts as set forth in the Report of Investigation regarding Allegation I by having an FLVS employee perform clerical duties for his private business which is incorporated by reference in this Joint Stipulation.

6. Respondent denies Allegations II, III, IV, V, and VI.

7. Regarding Allegations II, III, IV, V, and VI, the parties recommend dismissal of all other allegations as the evidence does not warrant moving forward on the respective statute(s).

STIPULATED CONCLUSIONS OF LAW

8. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

9. The Commission on Ethics has jurisdiction over the Complaint filed in this proceeding and over Respondent.

10. Respondent admits the facts as set forth in the Stipulated Findings of Fact regarding Allegation I and denies Allegations II, III, IV, V, and VI.

11. Respondent violated Section 112.313(6)(a), Florida Statutes, by having an FLVS employee perform clerical duties for his private business.

STIPULATED RECOMMENDED ORDER

12. The Advocate accepts Respondent's stipulation in this proceeding.

13. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings in this cause.

14. Therefore, the Advocate recommends that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties; and

(b) The Commission on Ethics enter a Final Order and Public Report dismissing Allegations II, III, IV, V, and VI;

(c) The Commission on Ethics enter a Final Order and Public Report consistent with this Joint Stipulation finding that Respondent violated Section 112.313(6)(a), Florida Statutes, and recommending:

(1) Public censure and reprimand of Respondent; and

(2) A civil penalty of \$5,000 for Allegation I.

FURTHER STIPULATIONS

15. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Stipulation of Fact, Law, and Recommended Order.

A handwritten signature in black ink, appearing to be the initials 'JM' or similar, located in the bottom right corner of the page.

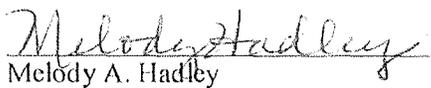
16. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, Respondent and the Advocate accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

17. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

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

19. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, and hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated, and entered into:
this 15th day of Dec., 2023.



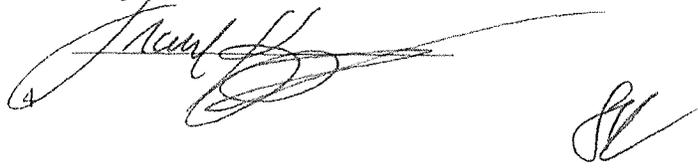
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Signed, dated, and entered into:
this _____ day of _____, 2023.

Digitally signed by Mark Herron
DN: cn=Mark Herron, o=LAWFLA, ou=Messer Caparella,
email=mherron@lawfla.com, c=US
Date: 2023.12.11 14:55:45 -05'00'

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mherron@lawfla.com
Attorney for Respondent

Signed, dated, and entered into:
this 11 day of December, 2023.



Frank Kruppenbacher
Respondent

