

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**In re: Rod Lincoln,**  
**Respondent.**

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**DOAH Case No.: 26-300EC  
Complaint No.: 25-064**

**JOINT PREHEARING STIPULATION**

Pursuant to the Administrative Law Judge's Prehearing Order, the Advocates for the Florida Commission on Ethics and Counsels for Respondent jointly submit this Prehearing Stipulation in this cause scheduled for final hearing on April 10, 2026 at 9:30 a.m., by Zoom conference. This document indicates areas wherein no consensus could be reached.

**A. NATURE OF THE CONTROVERSY**

**I. Advocate's Position**

This is an action before the Commission on Ethics which has been brought against Respondent, Rod Lincoln, pursuant to Part III, Chapter 112, Florida Statutes. The issue, as presented in the Commission's Order Finding Probable Cause, is:

Whether Respondent violated Section 112.3145(9)(c), Florida Statutes, by willfully failing to timely file a 2021 CE Form 1, "Statement of Financial Interests" and, if so, impose the statutory penalty.

**II. Respondent's Position**

The issue is whether the Respondent violated 112.3145(9)(c), Florida Statutes, which provides as follows:

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 authorized under this section, regardless of whether

the fine imposed was paid or collected, 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.

**B. STATEMENTS OF POSITION**

**I. Advocate's Position**

Respondent serves as a member of the Villages of Pasadena Hills Advisory & Planning Committee. This position requires the filing of a CE Form 1, "Statement of Financial Interests."

In May 2022, the Pasco County Supervisor of Elections (SOE) mailed an initial filing packet containing a blank 2021 CE Form 1 to Respondent. Respondent failed to file his 2021 CE Form 1 with the SOE by the original due date in July 2022. §112.3145(2)(b), Fla. Stat. In July 2022, a second notice was mailed by the SOE to notify Respondent to file his 2021 CE Form 1.

On August 18, 2022, the Commission on Ethics (Commission) mailed Respondent a courtesy postcard reminding him of the filing obligation and the potential for a fine if the form was not timely filed by September 1, 2022. In addition, County staff sent notifications to Respondent's email address of [rlin470339@aol.com](mailto:rlin470339@aol.com) on August 23, 2022 and August 31, 2022, notifying him that the SOE had not received his 2021 CE Form 1 and that he would start accruing a \$25 per day fee beginning on September 1, 2022.

Respondent failed to file his 2021 CE Form 1 within 60 days of September 1, 2022 which was the "grace period" deadline. §112.3145(8)(g), Fla. Stat. On September 13, 2022, the Commission mailed Respondent a "Courtesy Notice of Fines Accruing" which informed him that the grace period for filing had expired and an automatic fine of \$25.00 per day was being assessed.

As of November 1, 2022, Respondent accrued the maximum fine of \$1,500 authorized by Section 112.3145(8)(g), Florida Statutes, for failing to file his form. On November 9, 2023, the Commission mailed Respondent a “Notice of Assessment of Automatic Fine” via certified mail which informed him that he had been fined the maximum amount of \$1,500 and contained instructions on how to appeal the fine.<sup>1</sup>

Respondent acknowledged receiving notifications regarding his responsibility to file his 2021 CE Form 1. He advised that he did not file the form because he did not wish, at the time, to make the details of his assets known to the public. While he subsequently filed his 2022 and 2023 forms, he did not file his 2021 form until April 16, 2025.

Respondent is in a position that requires him to file a financial disclosure form. At the time that the maximum fine accrued on November 1, 2022, Respondent had not filed his 2021 CE Form 1 even after receiving notice from the SOE and Commission. Respondent’s failure to file after receiving notice and the maximum fine accrual triggered the Commission to initiate an investigation.

By his own admission, Respondent intentionally did not file his 2021 CE Form 1. The Commission has defined “willful” as “gross indifference and reckless disregard to the requirements of the law.” His failure to timely file his 2021 CE Form 1 is a “willful” violation of the law

All correspondence regarding this matter was mailed to Respondent’s home address of 39145 Pretty Pond Road, Zephyrhills, FL 33540-1532.

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<sup>1</sup> On February 24, 2025, Respondent paid the \$1,500 fine. (ROI 11)

## **II. Respondent's Position**

It is the Respondent's position that he has not violated Section 112.3145(9)(c), Florida Statutes, as he has filed his 2021 CE Form 1, "Statement of Financial Interests. "

### **C. EXHIBITS**

As to any items in the following lists of exhibits, counsel stipulate that legible, accurate copies may be substituted for the original; each such exhibit may be offered into evidence during the formal hearing as if it were the authenticated original; and any objection for want of authentication by a records custodian or want of production of the original is waived. However, no stipulation is made as to the admissibility of all or any part of any exhibit over objection on any other ground.

#### **Joint Exhibits**

1. Respondent's 2021 CE Form 1 (filed April 16, 2025)
2. Report of Investigation #25-064
3. Order Finding Probable Cause #25-064

#### **Advocate's Exhibits**

1. Pasco County Supervisor of Elections Department mailing (May 2022)
2. Pasco County Supervisor of Elections Department mailing (July 2022)
3. Pasco County Supervisor of Elections Department e-mail (August 23, 2022)
4. Pasco County Supervisor of Elections Department email (August 31, 2022)
5. Commission on Ethics notice – August 18, 2022 courtesy postcard
6. Commission on Ethics notice – September 13, 2022 "Courtesy Notice of Fines Accruing"
7. Commission on Ethics notice – November 9, 2023 "Notice of Assessment of Automatic Fine"
8. Determination of Investigative Jurisdiction and Order to Investigate #25-064
9. Respondent's Answers to Advocate's First Set of Interrogatories
10. Respondent's Answers to Advocate's First Request for Production of Documents

11. Respondent's Answers to Advocate's Request for Admissions
12. Exhibits furnished by Respondent (upon receipt)

**Respondent's Exhibits**

- a. April 14, 2025 letter from Rod Lincoln to the State of Florida Commission of Ethics re Complaint No. 25-064.
- b. 2020 Rod Lincoln Form 1 Statement of Financial Interests.
- c. 2021 Rod Lincoln Form 1 Statement of Financial Interests.
- d. 2022 Rod Lincoln Form 1 Statement of Financial Interests.
- e. 2023 Rod Lincoln Form 1 Statement of Financial Interests.
- f. 2024 Rod Lincoln Form 1 Statement of Financial Interests.
- g. Complaint No. 25-064 Report of Investigation.
- h. Complaint No. 25-064 Advocate's Recommendation.
- i. Complaint No. 25-064 Order Finding Probable Cause.
- j. SB 510 (2022 Regular Session).

**D. NAMES AND ADDRESSES OF WITNESSES**

**I. Advocate's Witnesses:**

1. Rod Lincoln, Respondent c/o Messer Caparello, P.A.
2. Robert G. Malone, Investigator, Florida Commission on Ethics (please contact Inv. Malone through Melody Hadley, The Capitol, PL-01, Office of Attorney General, Tallahassee, FL 32399; (850) 414-3704))
3. Tiffannie Alligood, Representative from the Pasco County Supervisor of Elections Office, (352) 521-4302

Any witnesses called to testify by Respondent

**II. Respondent's Witnesses:**

1. Rod Lincoln

**E. FACTS WHICH ARE ADMITTED AND WILL REQUIRE NO PROOF AT HEARING**

1. Respondent served as a member of a governing board, Villages of Pasadena Hills Advisory & Planning Committee, which required him to file a CE Form 1, "Statement of Financial Interests," for the year 2021.

2. Respondent served as a local officer as defined in §112.3145(1)(a), F.S., throughout the year 2021.

3. By virtue of his position, Respondent were subject to the requirements of Part III, Chapter 112, Florida Statutes, Code of Ethics.

4. By virtue of his position, Respondent was required to file a CE Form 1, "Statement of Financial Interests," for the year 2021.

5. In 2022, Respondent received postal mail at the address 39145 Pretty Pond Road, Zephyrhills, FL 33540-1532.

6. In 2022, Respondent used the e-mail address "[rlin470339@aol.com](mailto:rlin470339@aol.com)" to receive e-mails.

7. In May 2022, Respondent received an initial filing packet containing a blank 2021 CE Form 1 from the Pasco County Supervisor of Elections (SOE).

8. In July 2022, Respondent received a second notice from the SOE to notify him to file his 2021 CE Form 1.

9. Respondent failed to file his 2021 CE Form 1 with the SOE by the original due date in July 2022.

10. Respondent received a postcard from the Commission on Ethics (Commission)

reminding him of his filing obligation and the potential for a fine if his 2021 form was not timely filed by September 1, 2022.

11. Respondent received notices from Pasco County staff to his email address, [rlin470339@aol.com](mailto:rlin470339@aol.com), on August 23, 2022 and August 31, 2022, notifying him that the SOE had not received his 2021 CE Form 1 and that he would start accruing a \$25 per day fee beginning on September 1, 2022.

12. Respondent failed to file his 2021 CE Form 1 within 60 days of September 1, 2022 which was the “grace period” deadline.

13. Respondent received a “Courtesy Notice of Fines Accruing” from the Commission which informed him that the grace period for filing his 2021 form had expired and an automatic fine of \$25.00 per day was being assessed.

14. As of November 1, 2022, Respondent accrued the maximum fine of \$1,500 authorized by Section 112.3145(8)(g), Florida Statutes, for failing to file your 2021 form.

15. Respondent received a “Notice of Assessment of Automatic Fine” from the Commission via certified mail in November 2023 which informed him that he had been fined the maximum amount of \$1,500 and contained instructions on how to appeal the fine.

16. Respondent stated to the Florida Commission on Ethics Investigator that he received notifications regarding his responsibility to file his 2021 CE Form 1.

17. Respondent stated to the Florida Commission on Ethics Investigator that he did not file the form because he did not wish, at the time, to make the details of his assets known to the public.

18. From July 1, 2022 – October 31, 2022, Respondent did not have a physical

impairment that prevented him from filing his 2021 CE Form 1, "Statement of Financial Interests."

19. From July 1, 2022 – October 31, 2022, Respondent did not have a mental impairment that prevented him from filing his 2021 CE Form 1, "Statement of Financial Interests."

20. From July 1, 2022 – October 31, 2022, Respondent was able to perform the functions/duties required as a member of the Villages of Pasadena Hills Advisory & Planning Committee.

21. From July 1, 2022 – October 31, 2022, Respondent did not encounter problems with the United States Postal Service for mail addressed to 39145 Pretty Pond Road, Zephyrhills, FL 33540-1532.

22. Respondent could have timely filed your 2021 CE Form 1, "Statement of Financial Interests," by the statutory deadline if he wanted to do so.

23. Respondent willfully failed to file his CE Form 1 for the year 2021 prior to November 2, 2022.

#### **F. ISSUES OF LAW ON WHICH THERE IS AGREEMENT**

1. Respondent is subject to the requirements of Part III, Chapter 112, Florida Statutes, the Code of Ethics for public officers and employees, as he served as a member of a governing board which required him to file a CE Form 1, "Statement of Financial Interests."

2. The burden of proof, absent a statutory directive to the contrary, is on the Florida Commission on Ethics, the party asserting the affirmative of the issue of these proceedings.



*Department of Transportation v. J.W.C. Co., Inc.*, 396 So.2d 778 (Fla. 1st DCA 1981); *Balino v. Department of Health and Rehabilitative Services*, 348 So.2d 349 (Fla. 1st DCA 1977). In this proceeding, it is the Commission, through its Advocate, that is asserting the affirmative: that Respondent violated Section 112.3145, Florida Statutes. Commission on Ethics proceedings which seek recommended penalties against a public officer or employee require proof of the alleged violation(s) by clear and convincing evidence. See *Latham v. Florida Comm'n on Ethics*, 694 So. 2d 83 (Fla. 1st DCA 1997). Therefore, the burden of establishing by clear and convincing evidence the elements of Respondent's violation is on the Commission.

As noted by the Supreme Court of Florida:

Clear and convincing evidence requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

*In re: Henson*, 913 So. 2d 579, 590 (Fla. 2005) (quoting *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)). The Supreme Court of Florida also explained, however, that, although the "clear and convincing" standard requires more than a "preponderance of the evidence," it does not require proof "beyond and to the exclusion of a reasonable doubt." *Id.*

3. Section 112.3145(9)(c), Florida Statutes, provides:

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 authorized under this section, regardless of whether the fine imposed was paid or collected, 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. Such investigation and hearing must

be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a statement of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

In order to establish a violation of Section 112.3145(9)(c), Florida Statutes, the following elements must be proved:

- a. Respondent is currently a public officer or employee.
  - b. Respondent must have failed or refused to file an annual statement of financial interests.
  - c. Respondent must have received notice from the commission regarding the failure to file for the corresponding year.
  - d. The maximum automatic fine authorized for failing to file must have accrued.
  - e. Respondent's failure to file is willful.
4. The parties agree that the Rule of Sequestration will be invoked.

**G. ISSUES OF FACT WHICH REMAIN TO BE LITIGATED**

**I. Advocate's Position**

None.

**II. Respondent's Position**

Whether Respondent failed or refused to file his 2021 CE Form 1, "Statement of Financial Interests."

**I. DISAGREEMENTS AS TO APPLICATION OF RULES OF EVIDENCE**

There are no disagreements as to application of rules of evidence. The parties agree that evidence may be taken in accordance with Sections 120.569 and 120.57, Florida Statutes.

**H. ISSUES OF LAW WHICH REMAIN FOR ADMINISTRATIVE LAW JUDGE'S DETERMINATION**

Whether Respondent violated Section 112.3145(9)(c), Florida Statutes.

**I. DISAGREEMENTS AS TO APPLICATION OF RULES OF EVIDENCE**

There are no disagreements as to application of rules of evidence. The parties agree that evidence may be taken in accordance with Sections 120.569 and 120.57, Florida Statutes.

**J. PENDING MOTIONS**

There are no pending motions; however, Advocate and Respondent reserve the right to make motions in limine and/or other motions before and during the trial.

**K. ESTIMATED LENGTH OF TIME REQUIRED FOR HEARING**

The Advocate and Respondent's counsel estimate that one (1) day should be sufficient time for the final hearing in this case.

Respectfully submitted this \_\_ day of March, 2026.

\_\_\_\_\_/s/  
MELODY A. HADLEY  
Florida Bar No. 0636045  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, FL 32399-1050  
Telephone: (850) 414-3704  
E-mail: melody.hadley@myfloridalegal.com

\_\_\_\_\_/s/  
MARK HERRON  
Florida Bar No. 0199737  
Messer Caparello, P.A.  
Post Office Box 15579  
Tallahassee, FL 32317  
Telephone: (850) 222-0720  
Facsimile: (850) 558-0653  
Email: mherron@lawfla.com  
Attorney for Respondent