

OCT 06 2022

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

In re: Richard Nelson,

Respondent.

Complaint No: 21-236

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, Richard Nelson, 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 that they 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 a Department Manager within St. Johns County and, therefore, is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On December 16, 2021, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated 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 on January 13, 2022, ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on June 20, 2022.
4. On September 14, 2022, the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8(g)(2), Florida Constitution, and Sections 112.313(3),

112.313(6), and 112.313(7)(a) Florida Statutes.

5. The allegations are:

- I. Respondent violated Article II, Section 8(g)(2), Florida Constitution, by using his position to obtain a disproportionate benefit for himself.
- II. Respondent violated Section 112.313(6), Florida Statutes, by using his position to secure a benefit, privilege, and/or exemption.
- III. Respondent violated Section 112.313(3), Florida Statutes, by doing business with his agency.
- IV. Respondent violated Section 112.313(7)(a), Florida Statutes, by having a conflicting employment and/or contractual relationship either with a business entity doing business with his agency and/or that created a continuing or frequently recurring conflict between his private interest and the performance of his public duties or that impeded the full and faithful discharge of his public duties.

6. Respondent admits the facts as set forth in the Report of Investigation as to Allegations II, III, and IV as incorporated by reference in this Joint Stipulation.

7. Respondent denies Allegation I. In reviewing the case, the parties agree the facts do not warrant proceeding on allegation(s) that reflect a benefit specific to Respondent.

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 as filed in this proceeding and over Respondent.

10. Respondent admits Allegations II, III, and IV as set forth in paragraph five (5) of the Stipulated Findings of Fact, above.

11. With this admission, Respondent acknowledges that while his former business and/or business associate received a benefit, the County received high quality equipment at a cost savings to the County.

12. Respondent violated Section 112.313(6), Florida Statutes, by using his position to secure a privilege, benefit, and/or exemption for another.

13. Respondent violated Section 112.313(3), Florida Statutes, by doing business with his agency.

14. Respondent violated Section 112.313(7)(a), Florida Statutes, by having a conflicting employment and/or contractual relationship either with a business entity doing business with his agency and/or that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that impeded the full and faithful discharge of his public duties.

STIPULATED RECOMMENDED ORDER

15. The Advocate accepts Respondent's admission in this proceeding.

16. 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.

17. Therefore, the parties request and the Advocate recommends that:

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

(b) The Commission on Ethics enter a Final Order and Public Report dismissing Allegation I;

(c) The Commission on Ethics enter a Final Order and Public Report finding that Respondent violated Sections 112.313(3), 112.313(6), and 112.313(7)(a), Florida Statutes, and recommend:

A civil penalty of:

\$2,000 for Allegation II,

\$1,000 for Allegation III,

\$1,000 for Allegation IV,

Total \$4,000.

FURTHER STIPULATIONS

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

19. 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.

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

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

Signed, dated, and entered into:
this 6th day of October 2022.


Melody A. Hadley, Esquire
Advocate for the Florida
Commission on Ethics
Florida Bar No.: 0636045
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32301
(850) 414-3300, Ext. 3704

Signed, dated, and entered into:
this 5th day of October 2022.


Curtis Scott Fallgatter, Esquire
Attorney for Respondent
Florida Bar No.: 213225
Fallgatter Catlin & Varon, P.A.
200 East Forsyth Street
Jacksonville, Florida 32202-3320
(904) 353-5800

Signed, dated, and entered into:
this 5th day of October 2022.


Richard Nelson
Respondent