

JUN 09 2022

RECEIVED

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

CONFIDENTIAL

In re: Celso Alfonso,

Respondent.

Complaint No. 22-009

ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Complaint and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

RESPONDENT/COMPLAINANT

Respondent, Celso Alfonso, was a candidate for the State Senate. Complainant is Liliana Gorelick of Miami, Florida.

JURISDICTION

The Executive Director of the Commission on Ethics determined that the Complaint was legally sufficient and ordered a preliminary investigation for a probable cause determination as to whether the Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on June 6, 2022.

ALLEGATION

Respondent is alleged to have violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2019 CE Form 6, "Full and Public Disclosure of Financial Interests."

APPLICABLE LAW

Article II, Section 8, Florida Constitution provides:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

* * *

(i) Schedule-On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return;

or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

* * *

Section 112.3144(1), Florida Statutes, provides as follows

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

ANALYSIS

Respondent was a candidate for Florida Senate, District 39. (ROI 1) On June 11, 2020, Respondent filed a CE Form 6, "Full and Public Disclosure of Financial Interests," for the year 2019.¹ (ROI 8, Complaint 5-6) Respondent chose December 31, 2019 as his reporting date for his net worth, assets, and liabilities for his 2019 form. (ROI 5, Complaint 5) Complainant alleges Respondent failed to disclose an asset on his 2019 form. (ROI 2)

Under Part B – Assets, Respondent was required to disclose his assets that exceeded \$1,000 in value as of December 31, 2019. (Complaint 5) Respondent acknowledged that he had an asset that met that threshold which he failed to disclose. (ROI 5, 7) The asset was a bank account that had a value of \$1,672 as of December 31, 2019 which is a disclosable interest. (ROI 7)

The public was deprived of access to information to which it was entitled. As the date of the Report of Investigation, Respondent had not submitted a CE Form 6x, "Amendment to Full and Public Disclosure of Financial Interests." (ROI 7)

Therefore, based upon the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

RECOMMENDATION

It is my recommendation that:

There is probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2019 CE Form 6, "Full and Public Disclosure of Financial Interests."

¹ Respondent filed an almost identical form on June 10, 2020. (ROI 8, Exhibit 8)

Respectfully submitted this 9th day of June, 2022.



MELODY A. HADLEY

Advocate for the Florida Commission
on Ethics

Florida Bar No. 0636045

Office of the Attorney General

The Capitol, PL-01

Tallahassee, FL 32399-1050

(850) 414-3300, Ext. 3704