



U.S. OFFICE OF SPECIAL COUNSEL  
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October 23, 2012

Mr. Frank Meeker  
41 Conchise Court  
Palm Coast, Florida 32137

*Sent via e-mail to: [fmeecker@bellsouth.net](mailto:fmeecker@bellsouth.net)*

Re: OSC File No. HA-12-4423

Dear Mr. Meeker:

This letter is in response to a complaint the U.S. Office of Special Counsel received alleging that your candidacy in the 2012 partisan election for Flagler County, District 2 Commissioner is in violation of the Hatch Act. OSC is authorized to investigate Hatch Act violations pursuant to 5 U.S.C. § 1216 (a)(2). We understand that you are employed as a senior regulatory scientist at the St. Johns River Water Management District. After reviewing this matter, we are closing our file for the reasons stated below.

Persons covered by the Hatch Act, 5 U.S.C. §§ 1501-1508, are subject to certain protections and restrictions with respect to their political activity. For instance, Section 1502(a)(2) protects employees from being coerced into political activity. On the other hand, the Hatch Act prohibits covered employees from: 1) using their official authority or influence to interfere with or affect the result of an election; 2) directly or indirectly coercing, attempting to coerce, commanding, or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose; and 3) being candidates for public office in partisan elections, *i.e.*, elections in which any candidate runs as a representative of, for example, the Republican or Democratic Party. 5 U.S.C. §§ 1502(a)(1) – (3).

Covered employees are those individuals principally employed by a state, county or municipal executive agency who perform duties “in connection with” programs financed in whole or in part by loans or grants made by the United States or a federal agency. 5 U.S.C. § 1501(4). Coverage does not depend on whether the employee actually administers the federal funds or whether he has policy duties attendant to the federal funds. *See Special Counsel v. Williams*, 56 M.S.P.R. 277, 283-84 (1993), *aff’d*, *Williams v. M.S.P.B.*, 55 F.3d 917 (4th Cir. 1995). What is more, coverage does not depend on the source of the employee’s salary. *See id.* Rather, the deciding factor is whether the employee, as a normal and foreseeable incident of his principal position or job, performs duties in connection with the federally funded activities. *In re Hutchins*, 2 P.A.R. 160, 164 (1944); *Special Counsel v. Gallagher*, 44 M.S.P.R. 57 (1990).

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OSC learned that the St. Johns River Water Management District is funded through taxes it collects and by federal grants that are used for specific projects. As a senior regulatory scientist, you inspect construction development projects and ensure compliance with the consumptive use or environmental resource permits that have been issued by the agency. You perform inspections of such projects during construction and after completion to ensure that the "as built" construction is in accordance with the plans utilized in order to obtain the permits.

In a conversation with Ms. Robin Hudson and Ms. Barbara Johnson, OSC learned that the federal grant funding received by the St. Johns River Water Management District is used exclusively to fund projects to revamp and improve existing waterways; projects that you do not work on in any capacity.

Based upon the preceding information, we find that you do not perform duties in connection with a federally funded program at this time. Therefore, you are not covered by the provisions of the Hatch Act, and the Act does not prohibit your candidacy for Flagler County, District 2 Commissioner.<sup>1</sup>

For reasons explained above, we are closing our file on this matter. Please contact Brittany Muetzel at (202) 254-3600, extension 2541 if you have any questions regarding this matter.

Sincerely,



Mary Larsen  
Attorney, Hatch Act Unit

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<sup>1</sup> Because OSC determined that you do not have duties in connection with federally funded activities, at this time we have made no further determination as to whether the St. Johns River Water Management District is an executive agency for purposes of the Act.