

JAN 05 2015

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BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

CONFIDENTIAL

In re: Barbara Sue Revels,

Respondent.

Complaint No. 14-082

**PRE-PROBABLE CAUSE JOINT STIPULATION OF FACT, LAW, AND
RECOMMENDED ORDER**

Respondent, Barbara Sue Revels, and the Advocate for the Florida Commission on Ethics enter into this Pre-Probable Cause 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. At all times material to this Complaint, Respondent served as a Flagler County Commissioner, 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 May 19, 2014, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics. On June 30, 2014, an amended Complaint was filed.

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 July 8, 2014 ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. On October 24, 2014, an Order for Supplemental Investigative of Facts Materially Related to Complaint was issued. The Report of

Investigation was released on December 1, 2014.

4. The allegations are:

I. Respondent violated Section 112.3143(3)(a), Florida Statutes, by voting on a May 6, 2013 matter that inured to the special private gain or loss of a business associate(s).

II. Respondent violated Section 112.3143(3)(a), Florida Statutes, by voting on an August 1, 2013 matter that inured to the special private gain or loss of a business associate(s).

III. Respondent violated Section 112.313(4), Florida Statutes, by accepting a thing of value meant to influence her vote.

5. On September 19, 2011, the Advocate filed her Advocate's Recommendation in this case recommending that:

As to Allegation I and II, the Commission on Ethics find probable cause to believe Respondent violated the applicable Florida Statute.

6. Advocate recommended that the Commission find no probable cause as to Allegation III.

7. Respondent admits the facts as set forth in the Report of Investigation, which is incorporated by reference, as they relate to Allegations I and II of the Recommendation.

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 the allegations as set forth in paragraph four (4) of the Stipulated Findings of Fact, above as they relate to Allegations One and Two of the Recommendation.

11. Respondent violated Section 112.3143(3)(a), Florida Statutes, by voting on a May 6, 2013 matter that inured to the special private gain or loss of a business associate(s).

12. Respondent violated Section 112.3143(3)(a), Florida Statutes, by voting on an August 1, 2013 matter that inured to the special private gain or loss of a business associate(s).

13. Respondent attended the mandated ethics training sponsored by the Florida Association of Counties and believed she had a clear understanding of what constitutes a voting conflict. Accordingly, 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 she conducts herself as a public official in a positive way.

STIPULATED RECOMMENDED ORDER

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

15. 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.

16. 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 finding that Respondent violated Section 112.3143(3)(a), Florida Statutes, regarding Allegations I & II and recommending:

A civil penalty of:

\$1,250.00 for Allegation I.

\$1,250.00 for Allegation II.

Total \$2,500.00

(c) The Commission's Final Order and Public Report reflect that Allegation III is dismissed.

FURTHER STIPULATIONS

17. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Pre-Probable Cause 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.

18. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Pre-Probable Cause 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.

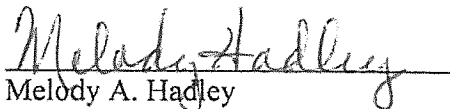
19. Respondent and the Advocate stipulate that this Pre-Probable Cause Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall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

20. Effective upon approval of this Pre Probable Cause Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, all subsequent hearings in this proceeding are waived by Respondent.

21. By her signature hereto, Respondent waives any and all confidentiality with respect to these proceedings.

Signed, dated and entered into:

this 5th day of January, 2015.



Melody A. Hadley
Advocate for the Florida
Commission on Ethics
Florida Bar No. 0636045
Office of the Attorney General
The Capitol, PL-01
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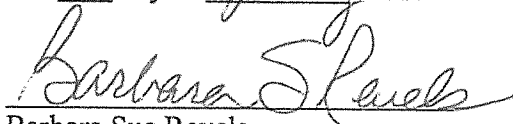
this ____ day of _____, 2015.

Mark Herron

Digitally signed by Mark Herron
DN: cn=Mark Herron, o, ou,
email=mbherron@lawfla.com, c=US
Date: 2015.01.05 13:32:52 -05'00'

Mark Herron
Attorney for Respondent
Florida Bar No. 0199737
Messer Caparello
P.O. Box 15579
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(850) 222-0720

this 5th day of January, 2015.



Barbara Sue Revels
Respondent