

NOV 25 2014

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

**In re: JAMES L. MANFRE,
Respondent.**

Complaint No.: 14-097

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

Respondent, James L. Manfre, by and through his undersigned Counsel, 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 the Complaint, Respondent served as Sheriff of Flagler County Florida, and therefore is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. A sworn Complaint was filed with the Commission on Ethics on May 27, 2014, alleging that Respondent violated the Code of Ethics.
3. On June 5, 2014, 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 Respondent violated Sections 112.313(6), and 112.3148(8), Florida Statutes.
4. Respondent filed a Response to Complaint on July 8, 2014.

5. The Report of Investigation was released on September 15, 2014.
6. Respondent filed a Response to Report of Investigation on October 2, 2014.
7. The allegations are:

Respondent is alleged to have violated Section 112.313(6), Florida Statutes, by requesting and receiving a paycheck in advance of the normal pay date.

Respondent is alleged to have violated Section 112.313(6), Florida Statutes, by using Sheriff's Office vehicles for out-of-state personal transportation.

Respondent is alleged to have violated Section 112.313(6), Florida Statutes, by using a credit card issued and paid by Flagler County Sheriff's Office to charge meals for non-employees and alcohol.

Respondent is alleged to have violated Section 112.3148(8), Florida Statutes, by failing to properly report a gift.

8. In October 2014 Advocate filed her Recommendation requesting that the Commission find probable cause as to Allegations Two, Three, and Four as follows, respectively:

There is probable cause to believe that Respondent violated Section 112.313(6), Florida Statutes, by using Flagler County Sheriff's Office vehicles for out-of-state personal transportation. (Allegation Two)

There is probable cause to believe that Respondent violated Section 112.313(6), Florida Statutes, by using a credit card issued and paid by Flagler County Sheriff's Office to charge meals for non-employees and alcohol. (Allegation Three)

There is probable cause to believe that Respondent violated Section 112.3148(8), Florida Statutes, by failing to properly report a gift. (Allegation Four)

9. Advocate recommended that the Commission find no probable cause as to Allegation One.

10. Respondent admits the facts as set forth in the Report of Investigation, which is

incorporated by reference, as they related to Allegation Two of the Recommendation.

STIPULATED CONCLUSIONS OF LAW

11. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

12. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

13. Respondent admits Allegation Two as set forth in paragraph seven (7) of the Stipulated Findings of Fact above.

14. Respondent believes that a better practice is to have a policy in place that provides for specific instructions regarding the use of County owned vehicles.

15. Because the Flagler County Sheriff's Office did not have a policy regarding vehicle use that applied to the Respondent, the Respondent implemented a policy by General Order on April 4, 2014 that prohibits persons such as him from using their assigned vehicle to travel more than three hours from Flagler County.

16. Respondent has reimbursed the agency for mileage for two of the trips taken in the agency issued vehicle and will submit the final reimbursement upon issuance of the Executive Order.

STIPULATED RECOMMENDED ORDER

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

18. 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.

19. Therefore, the parties request 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 112.313(6), Florida Statutes, by using Flagler County Sheriff's Office vehicles for out-of-state personal transportation.

- (c) The Commission's Final Order and Public Report reflect that Allegations One, Three, and Four are dismissed.

- (d) The Commission's Final Order and Public Report include a recommendation for:

Fines and Restitution.

**Allegation Two:
\$1,500 fine, and
Restitution for the use of a Flagler County Sheriff's Office
vehicle for the trip to Pigeon Forge, Tennessee of \$845.50.**

FURTHER STIPULATIONS

20. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this 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.

21. 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.

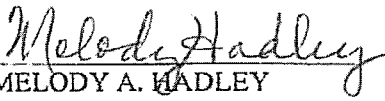
22. Respondent and the Advocate stipulate that this Pre-Probable Cause Joint

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.


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

Signed, dated and entered into:

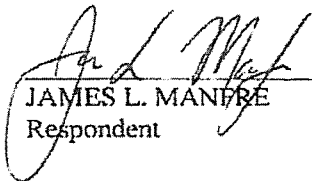
this 24th day of Nov., 2014.


MELODY A. HADLEY
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this 24th day of November, 2014.


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this 24th day of November, 2014.


JAMES L. MANFRE
Respondent