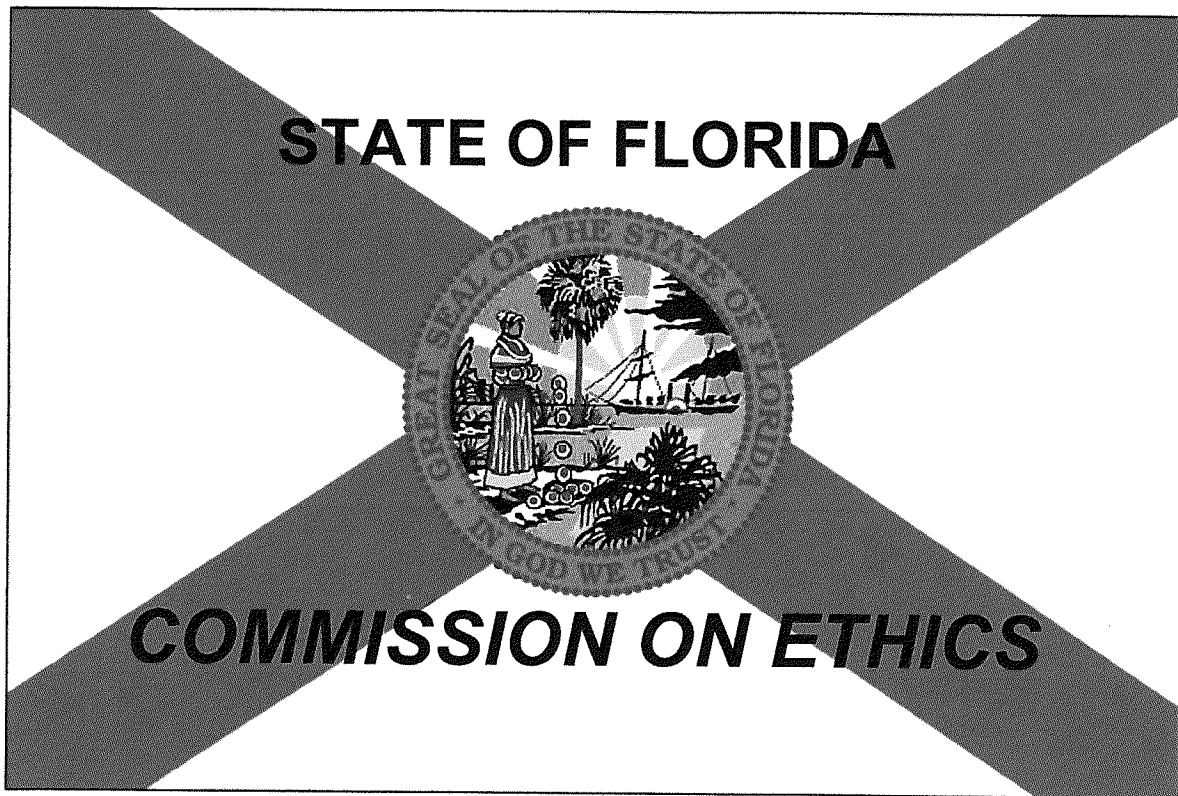


REPORT OF INVESTIGATION



Complaint Number 14-097

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: JAMES MANFRE
Sheriff
Flagler County
Bunnell, Florida

COMPLAINT NO.: 14-097
Exhibits A through F

INVESTIGATED BY: 
Robert G. Malone

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: 
Executive Director

9/13/14
Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 14-097**

(1) The complaint in this matter was filed by Ms. Linda Bolante of St. Augustine, Florida, who alleges that the Respondent, Flagler County Sheriff James L. Manfre, misused his public position by having his first paycheck as Sheriff issued early; by using Sheriff's Office vehicles for personal or private purposes; and by purchasing food and drink, including alcoholic beverages, for himself and others using a Sheriff's Office credit card. The Complainant further alleges that the Respondent failed to disclose a gift that he received, namely spending five consecutive nights in a co-worker's cabin.

(2) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaint, the above-referenced allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Sections 112.313(6), Florida Statutes (Misuse of Public Position), and 112.3148(8), Florida Statutes (Reporting and Prohibited Receipt of Gifts by Individuals Filing Full or Limited Public Disclosure of Financial Interests and by Procurement Employees).

(3) The Respondent, interviewed in the presence of his attorney, Ms. Linda B. Edwards, stated that he first served as the Flagler County Sheriff from January 2001 to January 2005. He noted that he ran again in 2012, and was elected and took office on January 8, 2013. On October 24, 2012, The Palm Coast Observer reported a list of questions and answers from the Respondent relative to his political campaign for the Sheriff's Office. In response to the question, "Why should people vote for you instead of your opponent?" Sheriff Manfre said, "The public should vote for me rather than my opponent due to his pattern of unethical behavior over the past nine months that has affected his credibility and that of the department. I will return the office to community policing, high ethical standards and a business approach to budgeting." The article further reported, "Manfre points out three ethical errors made by Fleming [the incumbent Sheriff he was running against]. . . The second accusation is the gift of membership at Hammock Beach, which Manfre said 'violated the public trust . . . You're not supposed to use your position to get things other people cannot get . . . He's the Sheriff; . . . ignorance of the law is not a defense.'"

ALLEGATION THAT THE RESPONDENT HAD HIS PAYCHECK ISSUED EARLY

(4) The Complainant advised that she worked for the Flagler County Sheriff's Office (FCSO) from July 2001 through March 31, 2014, as the Business Services Director and that her duties involved serving as the chief financial officer, finance manager, and grants administrator for the Sheriff's Office. She added that she supervised the Business Services Division which was responsible for accounts payable, payroll, purchasing, and records requests. Ms. Bolante maintains that she retired from the FCSO on March 31, 2014, because she was forced to retire or face termination at the direction of the Respondent.

(5) The Complainant alleges that the Respondent requested during his first two weeks as Sheriff that she issue his first paycheck approximately one week early to allow him to purchase a new refrigerator, as he preferred not to draw from his savings to make this

purchase. She stated that this had not previously been done for any employee of the Sheriff's Office or the Respondent's predecessor sheriff. Ms. Bolante noted that as a result of his request, the County issued the Respondent's full paycheck on Friday, January 18, 2013, when it was not scheduled to be issued to him until Friday, January 25, 2013. She clarified that the pay period in question actually ended on Tuesday, January 22, 2013, three days prior to the scheduled issuance of the paycheck. The Complainant maintains that this resulted in the Respondent being paid in advance for two days that he had not yet worked, January 21 (which was the Martin Luther King, Jr. holiday) and January 22, 2013. Ms. Bolante added that she was not pressured by the Respondent to do this.

(6) The Respondent advised that his first day serving as Sheriff (January 8, 2013) was the first day of the agency's scheduled pay period. The Respondent confirmed this pay period ended on January 22, 2013, with paychecks scheduled to be issued for this pay period on January 25, 2013. Sheriff Manfre acknowledged that he requested the Complainant to issue his paycheck early. However, he maintains that he only requested to be paid for four days - January 8, 2013 through January 11, 2013. He does not know why the Complainant paid him for the entire two week pay period. He added that the reason for his request was not because of the purchase of a refrigerator, but rather because he had closed his law practice prior to taking office, it was right after Christmas, and he needed some "cash flow." The Complainant, he continued, did not advise him that she considered his request inappropriate and she issued him his paycheck on January 18, 2013. He stated that if she had told him that he could not be issued a paycheck early, he would have waited until the regular payment date. He maintains that as a salaried constitutional officer, he was entitled to the money that he received and that receiving his paycheck a few days before the regularly scheduled payday was not a special benefit or privilege.

(7) The Complainant does not recall that the Respondent requested to be paid for only four days of the pay period. Ms. Bolante and the Respondent each advised that the Sheriff's Office has no written policy that addresses the advance issuance of paychecks.

ALLEGATIONS OF USE OF COUNTY VEHICLE

(8) The Complainant alleges that during January 2013, the Respondent drove a FCSO unmarked black Ford Crown Victoria to Destin, Florida, to attend the Florida Sheriffs Association's mid-winter conference. Ms. Bolante maintains that at the conclusion of the conference on January 30, 2013, the Respondent drove the Sheriff's Office vehicle from Destin to New Orleans, Louisiana, for a short vacation with his wife (who attended the Sheriffs Association conference with the Respondent). She stated the Respondent stayed in New Orleans for only one night before returning to Flagler County. Ms. Bolante reported that while on the trip, the Respondent was stopped by a highway patrol trooper from another state and, as a result of being stopped, he (the Respondent) contacted the Sheriff's Office by telephone to inquire about the registration on the vehicle he was driving. The Complainant stated that the trip to New Orleans did not serve a public purpose and that the Respondent did not reimburse the Sheriff's Office for his personal use of the County vehicle until after she filed this instant complaint.

(9) The Complainant acknowledged that the Respondent talked to her about using the FCSO vehicle to travel to New Orleans after his return from the trip. She explained that she did not warn him that this use might have been inappropriate because it did not occur to her at that time. Ms. Bolante noted that FCSO policy allows deputies to use FCSO vehicles for personal use, but they are only to be used within Flagler County or to travel outside of the County for training purposes. She stated that she is not aware of any special equipment in the FCSO vehicle that the Respondent would have to have with him while traveling out of the state. She added that Sheriff Manfre has an agency-issued cellular telephone that he can use for contact with the Sheriff's office when he is not in Flagler County.

(10) Undersheriff Richard Staly advised that he is second in charge of the FCSO and was employed by the Respondent on January 8, 2013. He stated that he attended the Florida Sheriffs Association's mid-winter conference in Destin with the Respondent. He recalled that the Respondent told him during the conference that he and his wife were going to take a few vacation days to go to New Orleans because it was a shorter drive there from Destin than from Flagler County. He stated that it appeared the trip to New Orleans was planned during the Respondent's attendance at the conference. Undersheriff Staly confirmed that the Respondent drove his assigned Sheriff's Office vehicle (unmarked black Crown Victoria) on this trip. The Undersheriff said the Respondent indicated his plan was to stay in New Orleans with his wife for two or three days, but that the Respondent actually stayed only one night because the NFL Super Bowl was being held in New Orleans and hotel rooms were too expensive. Undersheriff Staly confirmed that the Respondent contacted him about the registration of the agency vehicle when he was stopped by a law enforcement officer while on the trip. Undersheriff Staly reported that he did not say anything to the Respondent about using the FCSO vehicle for personal use because it did not occur to him at the time. He added that he is not aware of any special equipment in the FCSO vehicle that would require the Respondent to use the vehicle when he travels on personal trips. However, he noted, if an emergency arose in Flagler County while the Respondent was traveling out of the area, he could return to the county more quickly in the FCSO vehicle because it is equipped with lights and siren.

(11) The Respondent acknowledged that he drove the FCSO Crown Victoria to New Orleans following the Florida Sheriffs Association conference. He stated that he traveled from Flagler County to Destin for the work-related conference and decided to go to New Orleans for one night because the NFL Super Bowl festivities had begun there. The Respondent confirmed that he drove to New Orleans with his wife and that the trip from Destin to New Orleans served no public purpose. He noted that having recently been employed in the private sector, he was not entirely focused on the fact that he was driving his Sheriff's Office vehicle. Sheriff Manfre further maintains that the Complainant told him at some point prior to this trip that his predecessor as sheriff used the vehicle to travel for personal reasons and, therefore, he did not think about the legal ramifications of using it for personal travel. He verified that as a result of this instant complaint being filed, he reimbursed his office \$223.50 on July 9, 2014, for the roundtrip mileage from Destin to New Orleans.

(12) The Complainant stated that she does not know if the Respondent's predecessor as sheriff ever used the FCSO-assigned vehicle for personal use and that she did not tell the Respondent that this had occurred.

(13) The Sheriff's Office written policy in effect during the date of the above-referenced trip concerning the use of agency vehicles stated, "Vehicles will not be taken out of county without permission. All members taking a Flagler County Sheriff's Office vehicle out of Flagler County must obtain permission from their Supervisor." The Respondent opined that this policy (Number 41.3.11) pertains to vehicles driven by employees of the Sheriff's Office and is not directed towards his use of agency vehicles. This policy has an original effective date of December 1, 2003, which was during the Respondent's first term as Sheriff, and was amended on April 1, 2007, April 25, 2008, and January 13, 2009 (these three dates were during the tenure of the Respondent's predecessor).

(14) The Respondent updated this policy by "General Order" on April 4, 2014. The new policy (General Order Number 046, IV.D.3 and 4) notes in pertinent part, "Vehicles will not be taken out of county or out of state without permission except as provided in the CBA. Non-Executive Staff employees must obtain permission from their supervisor before taking a FCSO vehicle out of Flagler County." It further notes, "Sworn Executive staff members who are subject to emergency recall may use their assigned vehicle within a three hour emergency recall area of Flagler County. This is necessary to ensure a rapid return to Flagler County in the event of an emergency or critical incident. However, in no event shall an agency vehicle be driven out of state while off-duty unless on official business with prior approval." The Respondent explained that he decided to update the vehicle use policy to include executive staff members because he learned that the general public did not agree with deputies being held to a different standard than executive staff.

(15) Ms. Linda Tannuzzi, the Accounting Specialist for the Business Services Division, confirmed that the Respondent reimbursed the Sheriff's Office \$223.50 on July 9, 2014, for the roundtrip mileage between Destin and New Orleans. She noted that the mileage was calculated at 251.12 miles using "Mapquest," and that the Respondent reimbursed at a rate of 44.5 cents per mile, which is the rate used by the State of Florida for mileage reimbursement purposes.

(16) The Complainant also alleges that the Respondent drove a Sheriff's Office vehicle (an unmarked white Dodge Charger) to Pigeon Forge, Tennessee, when he vacationed there from May 3, 2013, through May 7, 2013. Ms. Bolante stated that the reason for the trip was to vacation at a cabin owned by Undersheriff Staly, and that the Respondent's wife accompanied him on this trip. She maintains that there was no public purpose for this trip and that the Respondent has not reimbursed the Sheriff's Office for this trip. Ms. Bolante acknowledged that she did not see which vehicle the Respondent used for this trip, and, therefore, cannot confirm he used the County-issued vehicle for this trip.

(17) Undersheriff Staly confirmed that the Respondent stayed at his cabin during the dates noted above, but he could not confirm what vehicle was used by the Respondent for this travel.

(18) Sheriff Manfre initially said he did not use the Sheriff's Office vehicle for his travel to Pigeon Forge. He stated that he used his personal vehicle for this trip because, at that time, "something was going on" with the white Dodge Charger he had been issued by the Sheriff's Office, and so he decided not to use it for the trip. The Respondent said he otherwise would have taken the FCSO vehicle because it would have allowed him to return to Flagler County faster in the event of an emergency at the FCSO. He noted that his personal vehicles at that time were a light blue 2007 BMW and a brown 2006 or 2007 Nissan Altima. He recalled that he drove the BMW on this trip. The Respondent could not provide any photographs or documents to verify that he used his personal vehicle for this trip. He noted that he traveled from Flagler County to Pigeon Forge, visited a relative in Charlottesville, Virginia, and then returned to Flagler County by way of Pigeon Forge.

(19) Mr. Chet Lagana, the Fleet Services Coordinator for Flagler County, stated by telephone that the FCSO obtains gasoline for its vehicles from the County's Fleet Maintenance gasoline pumps. He explained that the procedure used for a County employee to obtain gasoline from the pumps requires the driver of the vehicle to enter the odometer reading for the vehicle that is being fueled. He provided records which reflect that the Respondent obtained gasoline for the vehicle in question on May 2, 2013, and entered the odometer reading as 2,500 miles. The records reflect that the Respondent next refueled the vehicle on May 10, 2013, and entered the odometer reading as 4,400 miles, a difference of 1,900 miles. The records show that over a three month period of time which included May 2013, the Respondent averaged 450 to 500 miles between fill-ups.

(20) Mapquest reflects that roundtrip travel from Flagler County to Pigeon Forge and Charlottesville is approximately 1,920 miles.

(21) Mr. Lewis Bicknell, a part owner of "Accommodations by Parkside" (the rental management company that manages the Undersheriff's cabin), recalled by telephone that the Respondent stayed at Undersheriff Staly's cabin for a few days in May 2013. He reported that the Respondent was driving a white car during his stay. However, Mr. Bicknell could not recall the make or model of the vehicle.

(22) Mr. Paul Contrereas, the maintenance supervisor for Accommodations by Parkside, stated by telephone that he recalled the Respondent drove a white Dodge Charger with tinted windows during his stay in Pigeon Forge. He explained that he recalled the vehicle because the Respondent complained about the noise that his work crew was making in the vicinity of the cabin.

(23) The Respondent stated when questioned about the odometer readings that it is possible he may have used the FCSO vehicle for this trip. However, he maintains that he cannot remember. He noted that his wife reminded him that they drove their personal vehicle (the BMW) to Naples around the same period of time that they traveled to Pigeon Forge and Charlottesville. The Respondent said he may be confusing these two trips and because of two other personal trips he took around the same period of time he cannot confirm whether he used the FCSO vehicle for the trip in question. He added that, during this period of time, he

was still under the impression that there was no problem with his using the FCSO vehicle for personal trips because it would allow him to return quickly to Flagler County in the event of an emergency at the FCSO.

NOTE: The vehicle use policy described above in paragraph 12 was still in effect at the time of this trip.

(24) The Complainant further alleges that the Respondent took a FCSO vehicle (the unmarked white Dodge Charger) on a personal trip to Virginia, in August 2013, to visit relatives and look at colleges for his son to attend. Ms. Bolante noted that the vehicle was damaged on this trip when another vehicle backed into it in a parking lot. The Complainant stated that this matter was reported by the local media on October 8, 2013, and according to an article published by FlaglerLive.com, the Respondent conceded that taking the vehicle to Virginia was an error and a poor choice. She maintains that the Respondent ultimately reimbursed the Sheriff's Office \$667.50 for the mileage driven, but did not do this until after the matter was reported publicly.

(25) Undersheriff Staly recalled that he learned about this incident after the fact when he saw the Respondent with the owner of a local paint and body shop, and the Respondent told him that the Sheriff's vehicle had been involved in a minor accident. Undersheriff Staly said the Respondent indicated that he took the car to Virginia and that the damage to the vehicle occurred when someone towing a U-Haul trailer scraped the bumper of the car in a parking lot. The Undersheriff said he saw the car and noticed that the damage was "very minor." He said he suggested to the Respondent that he write an internal report about the accident and Sheriff Manfre responded that he would think about it. Approximately one week later, Undersheriff Staly continued, the Respondent called him into his office and told him that the editor of FlaglerLive.com was inquiring about his trip in the vehicle. Staly recalled the Respondent stating he did not take his personal BMW on the trip because it had high mileage and he did not trust it mechanically for use on a long trip.

(26) Undersheriff Staly said he advised the Respondent that because he used the vehicle for a personal trip, he should either reimburse the Sheriff's Office for the mileage driven or find out how much it would cost to rent a car for a week and reimburse that amount to the agency. He said that the Respondent told him, "I'm not doing that." The next day, Undersheriff Staly related, the Respondent asked him to call the General Counsel of the Florida Sheriffs Association to see if there was a problem with him using the department-issued vehicle for personal use. Undersheriff Staly recalled speaking to an attorney (whom he does not recall) at the Sheriffs Association who told him "you can't un-ring the bell [concerning using the agency vehicle], but you can minimize the damage if a complaint is filed by reimbursing the agency." He said he told this to the Respondent who then said that he would reimburse the mileage at 20 cents per mile. Undersheriff Staly maintains he told the Respondent that he should reimburse the agency at the rate used by the State for reimbursement purposes and he learned that the Sheriff subsequently reimbursed the agency at this rate (44.5 cents per mile).

(27) The Respondent acknowledged that he drove the Sheriff's Office vehicle to Virginia and the Washington D.C. area for four or five days on a personal trip to visit his daughter. He reported that his wife and son accompanied him on the trip so that his son could visit college campuses in the Washington area. Sheriff Manfre explained that he drove the FCSO vehicle on this trip to allow him to return to Flagler County quickly in the event of an emergency at the FCSO. When this matter was reported by FlaggerLive.com, the Respondent continued, Undersheriff Staly told him that he should reimburse the FCSO for the mileage driven. He asked Undersheriff Staly for clarification of the vehicle use policy that is noted above in paragraph 12. He said that after reviewing the policy, he concluded there was no prohibition to using the FCSO vehicle. However, he said that due to public perception, he decided to not use the vehicle for personal travel in the future. He added that he also decided to reimburse the agency \$667.50 for the mileage driven, an amount calculated by the Complainant or her staff. Sheriff Manfre explained that he did not reimburse the mileage for the trip to New Orleans at the same time because he did not think about it.

(28) FCSO Accounting Specialist Tannuzzi verified that the Respondent reimbursed the Sheriff's Office \$667.50 on October 17, 2013, for the mileage driven on his trip to Virginia.

ALLEGATIONS OF CREDIT CARD USE

(29) The Complainant alleges that the Respondent used the Sheriff's Office credit card to purchase food and beverages, including alcoholic beverages, for himself and others. Ms. Bolante stated that this matter came to light in October 2013, after a public records request from Mr. Greg Weston, a former employee of the Sheriff's Office. She stated that on October 14, 2013, Mr. Weston requested all of the credit card statements and expenditures that the Respondent made on the FCSO credit card from the time he took office in January 2013, through October 2013. The Business Services Department, Ms. Bolante continued, responded to the records request by providing Mr. Weston with copies of the receipts that the Respondent had submitted to her office soon after making the purchases in question. Ms. Bolante indicated that on October 28, 2013, Mr. Weston responded back, indicating that he did not believe the FCSO had fully complied with his request and that he wanted the backup documentation for each receipt which itemized the purchases. The Complainant recalled that when this request was made it was discovered by staff of her division that they did not have the necessary itemized information on the credit card receipts, as the Respondent had only provided her staff with receipts that showed total purchase prices without specifically itemizing what was purchased. Ms. Bolante said the Respondent was asked for this documentation and when he stated that he did not have the itemized receipts, staff obtained, at the direction of FCSO General Counsel Sidney Nowell, the itemized receipts from the establishments where the purchases were made. The Complainant noted that the Respondent did not request per diem for any of the trips during which he used the agency credit card.

(30) The Complainant noted that the itemized receipts reflect that the Respondent used the agency credit card on May 14, 2013, at the "Madhatter" restaurant located in Washington, D.C., to pay a \$235.76 bill for meals and beverages. She stated that this meal occurred while the Respondent and some FCSO deputies were attending the National Law Enforcement Memorial in Washington, D.C. Ms. Bolante said it was determined from the itemized receipts

that the meals and beverages were purchased for 12 people and that six of these people were not employees of the Sheriff's Office. She added that it was determined one of the meals was purchased for the Respondent's wife and that the itemized receipt showed that an alcoholic beverage (one beer) also was charged to the credit card.

(31) Ms. Bolante advised that there was not a detailed written policy concerning the use of the agency credit card at the time that these charges were made by the Respondent. However, she maintains it was her understanding that because the FCSO is a state accredited law enforcement agency, they follow state policy which prohibits the use of agency credit card for the purchase of alcohol and meals.

(32) FCSO Accounting Specialist Tannuzzi provided a copy of the written policy (appended as Exhibit A) that she recalled was in effect at the time of the above-referenced purchases. This undated written policy entitled, "Credit Card Purchases," notes, "Sheriff will make only agency-related purchases and return receipts to Finance." Ms. Tannuzzi advised that the policy concerning the use of the agency's credit cards was updated by the Respondent on January 10, 2014, by General Order Number 152. This general order specifically notes that food and restaurant purchases, as well as the purchase of alcohol, are unauthorized charges that are strictly prohibited. A copy of General Order Number 152 is appended as Exhibit B.

(33) The Complainant stated that records reflect the Respondent next used the agency credit card on July 16, 2013, to pay an \$86.50 charge at the "Headwaters Lounge" located at the Rosen Hotels Shingle Creek Resort in Orlando. Ms. Bolante advised that this charge occurred when the Respondent was attending the National Association of School Resource Officers conference. The itemized receipt reflects that the charge was for food and three alcoholic beverages, and included tax and tip. She said she does not know for whom the food and alcoholic beverages were purchased, but the Respondent reimbursed the FCSO for all of the alcoholic beverages and a bowl of soup.

(34) The Complainant alleges that the Respondent next used the agency credit card to make four purchases at the Marriott Hotel in Marco Island while attending the Florida Sheriffs Association conference from August 3, 2013, through August 7, 2013. These charges included: \$158.50 for four dinners for the Respondent, the Undersheriff, and their wives and one alcoholic beverage at "Kurrents;" \$12.46 at the "Golf Grill" for two alcoholic beverages; \$62.21 at "Quinns" for two dinners for the Respondent and his wife, as well as one alcoholic beverage; and \$54.58 at "Tropiks" for two breakfast buffets for the Respondent and his wife. Ms. Bolante reported that the Respondent claimed that he did not purchase any alcoholic beverages at the Golf Grill and disputed the bill. The Golf Grill, she continued, could not produce a signed receipt and ultimately credited the Sheriff's Office for this amount.

(35) Ms. Bolante recalled that she advised Undersheriff Staly that the itemized receipts obtained as a result of Mr. Weston's public records request reflected that the Respondent had used the agency credit card to purchase alcoholic beverages and meals for people who were not FCSO employees. Undersheriff Staly, she continued, arranged a meeting on October 31, 2013, between himself, her, the Respondent, and General Counsel Nowell to discuss this

matter. It was decided during the meeting that the Respondent would reimburse FCSO for all of the alcoholic beverages purchased with the agency credit card and all of the meals purchased for people who were not FCSO employees.

(36) Undersheriff Staly stated he and his wife had dinner with the Respondent and his wife at the Kurrents Restaurant during the Florida Sheriffs Association's summer conference held at Marco Island in August 2013. The Undersheriff recalled that in addition to their meals, he and his wife had water and the Respondent's wife had wine. When the bill came, he continued, the Respondent said that he would pay. The Undersheriff stated he assumed that the Sheriff paid for the meals using a personal credit card because he (Staly) does not use the FCSO credit card to purchase meals. Undersheriff Staly said he had no idea that the Respondent used the Sheriff's Office credit card to pay for the meal until the Complainant informed him after Mr. Weston made the public records request in late October 2013. He reported that when he learned of the credit card use, he was upset because this had happened without his knowledge. He recalled that he provided Ms. Bolante with a check for \$71.23 on October 31, 2013, to reimburse the Sheriff's Office for the cost of his meal and his wife's meal. A copy of the memorandum that he gave to Ms. Bolante with the reimbursement check is appended as Exhibit C. The Undersheriff said:

I was not happy. First off, I have been in management a long time, and a cop a long time, been around government a long time. You don't buy meals for your spouses; you don't buy alcohol [with a department-issued credit card]. There are things you don't do. Okay, now here I am, I got a public records request from a renegade employee. Now I'm dragged in and making it look like I partied on the taxpayers' dollars. That just don't cut it with me.

(37) Undersheriff Staly confirmed that he and Ms. Bolante met with the Respondent and advised him that he needed to reimburse the FCSO for the meals that were purchased with the agency credit card for people who were not FCSO employees and for all of the alcoholic beverages that were purchased with the credit card.

(38) The Respondent acknowledged that he used the Sheriff's Office credit card to purchase meals and beverages for deputies and their family members who accompanied him to the National Law Enforcement Memorial in Washington, D.C. He further acknowledged that he made the other purchases (with the exception of the Golf Grill purchase) that are listed above with the FCSO credit card. Sheriff Manfre maintains that he did this because soon after he began his tenure as Sheriff in January 2013, he asked Ms. Bolante how he should use the FCSO credit card. He claims she told him that when he traveled for FCSO-related business, her assistant would book his hotel room with the credit card, and that he should take the card with him and charge any other expenses to it while on the trip. Ms. Bolante, the Respondent continued, told him that upon his return to Flagler County from his travel, her office would then calculate his total per diem amount and deduct any charges to the credit card from his per diem. He related that she further told him that if the amount charged to the credit card was more than his per diem amount, he would then have to reimburse the FCSO for the difference.

(39) Sheriff Manfre stated that he has never seen the above-referenced undated written credit card policy (Exhibit A). He maintains that all he knew about using the FCSO credit card was what he was told by the Complainant soon after he took office. He indicated Ms. Bolante first informed him in November 2013 that using the credit card to purchase meals for members of the public or alcohol was prohibited.

(40) The Respondent recalled that when Ms. Bolante advised him in early November 2013, that there was a problem with his use of the FCSO credit card and that he would have to reimburse the agency for some of the charges, he became upset and told her that she should have told him about this problem earlier as it was her responsibility to advise him on FCSO finance matters. The Respondent said he told the Complainant that she was either incompetent or was "setting him up" and that she was responsible for this problem.

(41) The Respondent stated that in hindsight, he should not have used the credit card to purchase meals for people who were not employees of the Sheriff's Office, or have purchased alcoholic beverages using the credit card. However, he reiterated that although he takes full responsibility for his actions by not following up on the charges to the credit card that obviously were larger than his per diem total, he was very busy and depended on the Complainant as the Business Services Director to advise him if he was not using the credit card properly. Sheriff Manfre stated that Ms. Bolante never told him that he had to submit an itemized receipt for meals charged on the agency's credit card or that he should not use the credit card to purchase meals or alcohol for people who were not employees of the agency until November 2013. He added that he did not think about there being an issue by making these purchases with the FCSO credit card because he always intended to reimburse the agency for the charges after his per diem amount was deducted. The Respondent said that when this matter was brought to his attention he reimbursed the Sheriff's Office \$344.03, which was the total amount calculated by Ms. Bolante or her staff.

(42) FCSO Accounting Specialist Tannuzzi confirmed that the Respondent reimbursed the Sheriff's Office a total of \$344.03 on October 31, 2013, for the meals and beverages that he charged to the agency's credit card. She provided a copy of a memorandum (appended as Exhibit D) that she produced which shows the itemized amounts that the Respondent reimbursed the agency for each of the above-referenced restaurant purchases. This amount included reimbursement for all alcoholic beverages and meals purchased for people who were not FCSO employees at Madhatter, Kurrents, Quinns, Tropiks, and Headwaters Lounge.

(43) The Complainant stated that she did not talk to the Respondent about his use of the FCSO credit card for the purchase of alcoholic beverages and meals for people who were not employees of the FCSO until after Mr. Weston's public records requests because the Respondent only submitted receipts to her office showing the total amount of the bill, and did not reflect the number of meals purchased or that alcohol had been purchased. She maintains that if she had known earlier, she would have advised him that his use of the agency credit card was inappropriate. She further stated that she never told him that if he used the credit card for purchases while traveling, her office would deduct this amount from his per diem.

(44) Ms. Tannuzzi advised that her duties as the FCSO Accounting Specialist include reviewing and paying the charges that appear on the billing statements for the FCSO credit card that was issued to the Respondent. She recalled that when she reviewed the credit card bill in June 2013 that included the meal at the Madhatter Restaurant, she noticed that the amount of the meal was over \$200 and asked the Respondent's administrative assistant for the receipt related to this purchase. Ms. Tannuzzi said that when she was given a receipt that showed only the total of the meal, she requested a list of who attended the meal and was given a list of twelve names. She maintains that she brought this to Ms. Bolante's attention who then instructed her to obtain an itemized receipt from the restaurant. Ms. Tannuzzi reported that when this receipt confirmed the Respondent had purchased meals for his wife and people who were not FCSO employees, Ms. Bolante indicated she (Bolante) would talk to the Respondent and tell him that he should reimburse the FCSO for the inappropriate charges on the credit card. She recalled that Ms. Bolante later told her that the Respondent did not agree that he should reimburse the agency for these charges. Ms. Tannuzzi said it was not until after Mr. Weston made his public records requests that the Respondent reimbursed the FCSO for the meals purchased for people who were not employed by the FCSO, and for the alcoholic beverages purchases.

(45) The Complainant does not recall Ms. Tannuzzi having brought this matter to her attention until October 2013, as a result of Mr. Weston's public records request.

(46) Ms. Bolante noted that during the meeting held on October 31, 2013, with the Respondent to discuss this matter, FCSO General Counsel Nowell told the Respondent that he could write a policy that would allow him to use the FCSO credit card to make whatever purchases he deemed appropriate. However, Ms. Bolante said, the Respondent declined and the written policy concerning the use of the agency credit card subsequently was updated to specifically prohibit the use of the credit card for the purchase of alcohol or meals. She added that when General Counsel Nowell advised the Respondent during this meeting that he should not use his personal credit card for the purchase of alcohol and meals for people who are not FCSO employees while on future official FCSO travel, the Respondent said he did not want to have to use two different credit cards and he surrendered his FCSO credit card to her. The Complainant reported that the Respondent later requested that she return the credit card him.

(47) Ms. Bolante advised that the agency credit cards were obtained during the Respondent's previous service as Sheriff and that he did not use the credit card during that time to purchase alcohol, or meals for people who were not employees of the FCSO. The Complainant recalled that during the Respondent's 2001 – 2005 term in office, he also submitted itemized receipts to her division after making purchases with the agency credit card.

(48) Ms. Tannuzzi reported that she was employed with the FCSO during the Respondent's 2001 – 2005 term, and she also does not recall him using the FCSO credit card during this term of office for the purchase of alcoholic beverages, or for meals for people who were not employed by the FCSO.

ALLEGATION THAT THE RESPONDENT FAILED TO DISCLOSE A GIFT

(49) The Complainant alleges that from May 3 to May 7, 2013, the Respondent used Undersheriff Staly's vacation cabin in Pigeon Forge, Tennessee, and only paid for the cleaning cost of the cabin. The Complainant alleges that the cabin normally is rented by the Undersheriff for \$430 per night and she does not know if the Respondent reported this lodging as a gift on a quarterly gift disclosure form.

(50) Undersheriff Staly verified that the Respondent stayed at his cabin for a vacation with his wife from May 3 to May 7, 2013. He noted that this is the only time that the Respondent has used the cabin and he does not know if Sheriff Manfre stayed at the cabin for all of the nights between May 3 to May 7. Undersheriff Staly recalled that he offered the use of the cabin to the Respondent with the understanding that Sheriff Manfre would only pay the cleaning fee of approximately \$75. He explained that the cabin rental is managed by a rental company named "Accommodations by Parkside," and he confirmed that the rental rate for May 3 through May 7, 2013, typically would have been \$430 dollars per night. He noted that the price of the cabin differs depending on the season and that the management company will sometimes discount the rental rate to as low as \$370 per night during the season that the Respondent stayed there. He verified that the Respondent only paid the cleaning fee for the cabin and did not reimburse him or the management company for the rental rate of the cabin. Undersheriff Staly explained that he uses the cabin in question for vacations approximately two or three times a year, taking a week or an extended weekend on each occasion. However, he stated that it primarily is an investment property which grosses around \$60,000 dollars per year in rental income.

(51) Undersheriff Staly recalled that in late 2013, or early 2014, the Florida Sheriffs Association held a series of conference calls for the purpose of ethics training. At the conclusion of one of these sessions, he related, the Respondent came to his office and said that Orange County Sheriff Jerry Demings had asked whether he (Demings) needed to file a gift disclosure form if he stayed at a friend's house and was told by the Sheriffs Association's attorney that he should file the form claiming the stay as a gift. Undersheriff Staly maintains that when he told the Respondent that he agreed with the Sheriffs Association's attorney and that the Respondent should claim the stay at his cabin as a gift on a disclosure form, Sheriff Manfre responded that he was late in filing the disclosure form and that he was concerned that he would be penalized if he submitted the form. Approximately one or two days later, the Undersheriff continued, the Respondent told him that he was contemplating claiming that the value was only \$99 per night. Undersheriff Staly maintains he told the Respondent that he should not do that because the cabin was advertised on the internet as having a \$430 per night rental rate. Undersheriff Staly said the Respondent did not talk to him again about this matter until May 2014, when the Sheriff told him that he had learned an ethics complaint was going to be filed against him by Ms. Bolante. He recalled that when he suggested to the Respondent that he should list the full amount of the rental rate, Sheriff Manfre said that he had been advised that he could claim the value of the lodging at \$44 per night because that is what is noted in the instructions for the gift disclosure form. The Undersheriff added that the

Respondent said \$132 (by valuing the amount of the rental at \$44 for each of the nights of his stay) looked better on the disclosure form than \$1,300.

(52) Florida Sheriffs Association Administrative Assistant Patty Dergance stated by telephone that her office's records reflect that the Respondent participated in the Association's webinar Ethics Law Training Series on October 17, 2013, and October 31, 2013. The webinar held on October 31, 2013, was entitled, "Code of Ethics for Public Officers and Employees Part II." The PowerPoint presentation (appended as Exhibit E) for this webinar is posted on the Association's website and reflects that gift acceptance and reporting was one of the ethics issues discussed (Exhibit E, page 4). The training materials note that "Gifts exceeding \$100 from non-lobbyists or non-vendors must be reported," and that if the reporting individual is in doubt, report the gift (Exhibit E, pages 5 and 8). The PowerPoint includes "lodging" as an example of what constitutes a gift (Exhibit E, page 11) and notes that the value of lodging in a private residence is \$44 per night (Exhibit E, page 13). Finally, the webinar advised that the Ethics Commission can impose fines for violations of this statute (Exhibit E, page 20).

(53) Florida Commission on Ethics records reflect the Respondent filed a CE Form 9, "Quarterly Gift Disclosure," on May 27, 2014, listing his lodging at Pigeon Forge as a gift. A copy of this disclosure form is appended as Exhibit F. Sheriff Manfre reported on the form that he stayed at the cabin from May 3 to May 5, 2013, and he calculated the value of the lodging on the disclosure form at \$44 per night for a total of \$132. The instant ethics complaint was filed with the Commission on Ethics on the same date that the Respondent filed the gift disclosure form.

(54) The instructions for the CE Form 9 note under the heading, "How Do I Determine the Value of a Gift?" note, "Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at \$44 per night."

(55) The Respondent acknowledged that he stayed at Undersheriff Staly's and did not pay a rental fee. He maintains that he stayed there only three nights between May 3 to May 7, 2013, because he and his wife traveled to Charlottesville, Virginia, for one night during this period of time to visit their daughter. Sheriff Manfre noted that although the number of nights listed and the value of the lodging on the above-referenced CE Form 9 are correct, he should have listed his last date of his stay at the cabin as May 7, 2013. He explained that he did not timely report this as a gift on a CE Form 9 because he had no idea that a stay at a friend's home was considered a gift. He maintains that Undersheriff Staly told him that he and his wife could stay there for free because the month of May was a slow rental period. He recalls that he did not learn that he was required to report his stay at the cabin as a gift until this instant complaint was filed and he talked to FCSO General Counsel Nowell about it. The Respondent stated that if he had known that his stay at the cabin should have been reported as a gift, he would have reported it in a timely manner. He does not recall having talked to Undersheriff Staly about the Florida Sheriffs Association's conference call or being told the amount of the cabin's daily rental rate. He further recalled that his Executive Assistant advised him that the instructions on the CE Form 9 stated to value lodging at \$44 per night.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A

CREDIT CARD PURCHASES

All purchases should be conducted through Purchasing unless extenuating circumstances exist. No unauthorized purchase will be made by any employee of the Flagler County Sheriff's Office.

Occasionally, a vendor will not honor a purchase order and a credit card will need to be used; however, a purchase requisition/purchase order must be completed.

1. Credit cards for use of employees of the Sheriff's Office are to be signed out from Finance.
2. The procedures for routine credit card purchase are the same as for a routine purchase.
3. Under emergency conditions, the procedures for credit card purchase are the same as for an emergency purchase.
4. An authorized (signed, coded, and approved) requisition for purchases will need to accompany the request for a credit card. Exceptions:
 - Human Resources may reserve class space, hotel accommodations, class registrations, airfare and/or other approved travel accommodations with approved training request.
 - Sheriff will make only agency-related purchases and return receipts to Finance.
5. Receipts from the purchase will be returned with the credit card to Finance by the close of business the day the card is checked out.
6. Using an agency credit card during an on-going investigation requires the following be adhered to:
 - Food only amount specified by per diem rate, must include overnight stay.
 - No cash advances.
 - No car rentals without approval of the Sheriff.
 - Travel voucher to be completed upon return.
 - Receipts to be attached to travel voucher.

Gas Credit Card Purchases

****Do Not Leave Gas Card in Vehicle at Any Time****

Commercial gas cards are issued on a permanent or temporary basis. Finance issues all gas credit cards. The following personnel are authorized permanent gas credit cards: Sheriff, Chief Deputy, Motorcycle traffic units, others as approved by Sheriff.

1. The Sheriff is automatically issued new cards upon expiration. All other gas cardholders are responsible for keeping track of when their cards expire and bringing them to Finance for exchange.

AI

EXHIBIT B

EXHIBIT B

FLAGLER COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: January 10, 2014	<input checked="checked" type="checkbox"/> New <input type="checkbox"/> Rescinds: <input type="checkbox"/> Amends:	Number: 152
Subject: Credit Card Use		
Distribution: All Employees	CALEA Standards: CFA Standards: None PSCAP Standards: FCAC Standards:	

- I. Scope and Purpose** - This General Order (GO) applies to all Flagler County Sheriff's Office (FCSO) personnel and establishes policy and procedures to ensure fiscally sound use of FCSO credit cards.
- II. Discussion** - FCSO employees are entrusted and empowered to make credit card purchases. Along with this empowerment comes responsibility. Card holders are expected to make sound business decisions that are in the best interest of the FCSO, i.e., obtain best pricing, etc., and to always comply with the policies and procedures set forth in this GO.
- III. Policy** - FCSO credit cards will only be used for authorized purchases for which a public purpose can be demonstrated.
- IV. Forms:**
- Training and Travel Form. FCSO Form # TRNG-014.
- V. Procedure:**
- A. Authorized Use:
1. FCSO credit cards issued to individual employees on a temporary basis after approval from the Business Services Division (BSD) Senior Director, Undersheriff or Sheriff will have the FCSO name, account number and expiration date, and are to be used for authorized purchases only.
 2. FCSO credit cards issued to the Sheriff, Undersheriff and Senior Commanders/Directors will have the FCSO name, individual employee's title and name, account number, expiration date and are to be used for authorized purchases only.
 3. Authorized purchases consist of all travel or training or investigative related purchases and other Division Commander/Director approved operating

B/

expenses that require immediate purchase. Travel, training and investigative related expenses include, but are not limited to:

- a. Car rental.
 - b. Lodging.
 - c. Registration fees.
 - d. Parking.
 - e. Miscellaneous travel related emergencies.
 - f. Airfare.
 - g. Fuel.
4. Exceptions to the authorized purchases noted above must be approved by the Division Sr. Commander/Director.
 5. Credit cards will not be used for any personal transactions. Improper use of the credit card will result in consequences ranging from suspension of the card to termination of employment. Employees will be required to reimburse the FCSO for purchases that are determined by the Business Services Division to not be an authorized public expenditure.

B. Unauthorized Charges:

1. Items of personal convenience are strictly prohibited. Examples of personal conveniences include but are not limited to:
 - a. Cash advances.
 - b. Food and restaurant purchases.
 - c. Entertainment.
 - d. Employee moving expenses.
 - e. Third party payments (PayPal, another merchant processes the charge).
 - f. Charges for non-FCSO employees.
 - g. Items used generally for the personal convenience of employees (portable heaters, fans, refrigerators, microwaves, coffee pots and clocks, lamps or picture frames for private offices, etc.). This does not preclude items necessary for overall division or section operation.
 - h. Surcharges or convenience fees. Merchants are not allowed to charge a fee for accepting a credit card payment unless the fees are charged for all methods of payment (cash, check, debit cards, vouchers, etc.).
 - i. Alcohol, unless approved by a Senior Commander or designee for an operational necessity.

C. Division Responsibilities:

1. Each Division is responsible for ensuring that sufficient funds are budgeted in their expense line account to cover purchases made with a FCSO credit card.

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2. Items will not be charged to the FCSO credit card if the item is available via a purchase order and it is not an urgently needed purchase.
3. The FCSO is a Florida Sales Tax Exempt agency. Each Division is responsible for providing merchants with a copy of the FCSO Sales Tax Exempt Certificate to ensure that sales tax is not charged when making purchases. The FCSO tax exempt number is 85-8012621909C-1. Copies of the FCSO Sales Tax Exemption Certificate can be obtained from the BSD's Finance Unit. If a Florida merchant insists on imposing the Florida state sales tax after being presented with the FCSO tax exemption number, the employee will pay the tax. The Finance Unit is responsible for obtaining reimbursement of the tax paid.
4. Each Division is responsible for notifying the Purchasing and Inventory Manager that an item(s) purchased on the FCSO credit card is to be delivered to the FCSO's Purchasing and Inventory Unit and to be placed on the inventory list, if applicable.
5. Back up documentation, such as original receipts/invoices, must be obtained for all transactions charged to the credit card and an explanation for the charge written on the receipt. Receipts should reflect what was purchased.
6. If a credit card is lost or stolen, the individual assigned is responsible for immediately notifying the BSD Senior Director to minimize the liability to the FCSO. After hours, the BSD Senior Director or designee shall be immediately contacted.

C. BSD Finance Unit Responsibilities:

1. Maintain the credit card database and file all documentation.
2. Coordinate the issuance, replacement or cancellation of credit cards.
3. Pay the monthly credit card invoices.
4. Review all charges for compliance with this policy. Policy violations shall be immediately reported to the BSD Sr. Director who shall notify the individuals immediate Division Commander/Director or the Undersheriff.
5. Immediately collect reimbursement for unauthorized charges from the employee.
6. The BSD Finance Assistant will review the monthly credit card invoice for all charges ensuring accuracy of amounts and approving those charges for payment. The assistant will code all charges with the 14-digit expense account number and attach the credit card invoice with the back-up documentation.
7. The BSD's Finance Assistant will be responsible for handling any disputed charges with the Credit Card Company and/or vendor.

JAMES L. MANFRE
 Sheriff of Flagler County

EXHIBIT C



Flagler County Sheriff's Office

James L. Manfre
SHERIFF

Accountability • Integrity • Respect

MEMORANDUM

October 31, 2013

TO: Sr. Director Linda Bolante
FROM: Undersheriff Rick Staly
SUBJECT: Reimbursement

On October 30, 2013, while reviewing charges on the Sheriff's credit card and closing out FY2012-13 financial records, you advised me that Sheriff Manfre had indicated a charge on his agency credit card was "Dinner with undersheriff" but further review indicated four meals were purchased. Upon my review I determined that this meal was for a dinner on August 3, 2013 that Sheriff Manfre had invited my wife and me to during the FSA Training Conference. I did not know this meal had been paid for on the Sheriff's agency credit card.

As the agency records will reflect and, as you know, I have never charged a meal or asked the agency for reimbursement for any agency related business meals for myself or anyone else. (I have personally spent over \$5750.00 in business meeting meals, uniform dry cleaning and miscellaneous items since January 8, 2013.) As such, in keeping with my past practices attached you will find my personal check in the amount of \$71.23 for reimbursement (2 salmon dinners @ \$28.00/ea; gratuity @ 20% - \$11.20; and sales tax @ 6% - \$4.03).

FREDERICK J STALY DEBRA LYNN STALY [REDACTED] FL 32137		2336 63-751/63
PAY TO THE ORDER OF <u>FCSO</u>		10/30 2013
<u>Seventy One and 23/100</u>		\$ 71. <u>23</u> / <u>100</u>
WELLS FARGO BANK 222 Palm Coast Parkway Palm Coast, FL 32137		DOLLARS
FOR <u>Reimbursement</u>		<u>[Signature]</u> 2336

C

EXHIBIT D

Tannuzzi, Linda

To: Johnson, Debra
Subject: RE: NEW Public Records Request

The Under Sheriff reimbursed us for dinner for himself and his wife including taxes and tip @ Kurrents charged on the Sheriffs credit card \$ 71.23

The Sheriff reimbursed us for vehicle travel @ 44.5 cents/mile \$ 667.50 Check # 7659
The Sheriff reimbursed for meals \$ 344.03 Check # 0927 Breakdown as follows:

Kurrents – 1 dinner 28.00
1 wine 11.00
tax & tip 10.34 for a total of \$ 49.34

Quinns 1 dinner 25.00
1 wine 8.00
tax & tip 7.98 for a total of \$ 40.98

Tropiks 1 breakfast 24.00
Tax & tip 6.06 for a total of \$ 30.06

Golf Grill 12.46 This charge was reimbursed, disputed and a credit from the restaurant is forthcoming

MadHatter 6 Dinners 89.00
Drinks(1 beer 9 non- alcoholic) 29.59
Tax & tip 40.17 for a total of \$ 158.76

Headwaters Lounge 1 Dinner 21.75
3 wine 21.00
Tax & tip 9.68 for a total of \$ 52.43

Linda Tannuzzi
Accounting Specialist
Business Services Division
Flagler County Sheriff's Office
Office Direct: 386-586-4832
Fax: 386-586-4833
Email: ltannuzzi@flaglersheriff.com
www.flaglersheriff.com

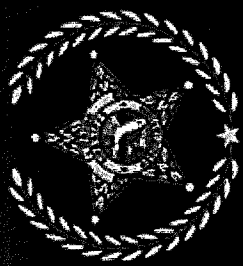


Accountability - Integrity - Respect

From: Johnson, Debra
Sent: Wednesday, November 06, 2013 10:04 AM

EXHIBIT E

FLORIDA SHERIFFS ASSOCIATION



Protecting, Leading, Uniting Since 1893

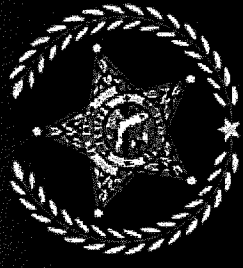


FSA Headquarters • 2617 Mahan Drive • Tallahassee, Florida



F1

Webinar/Presentation



Protecting, Leading, Uniting Since 1893

Thank you for joining us!

- Please mute your phones during the presentation.
- Please do not put the conference call on hold.
- This presentation will be posted to our website this afternoon.



TRANSPARENCY IN THE PUBLIC SECTOR

Part IV: Code of Ethics for Public Officers and Employees

GOT
ETHICS?

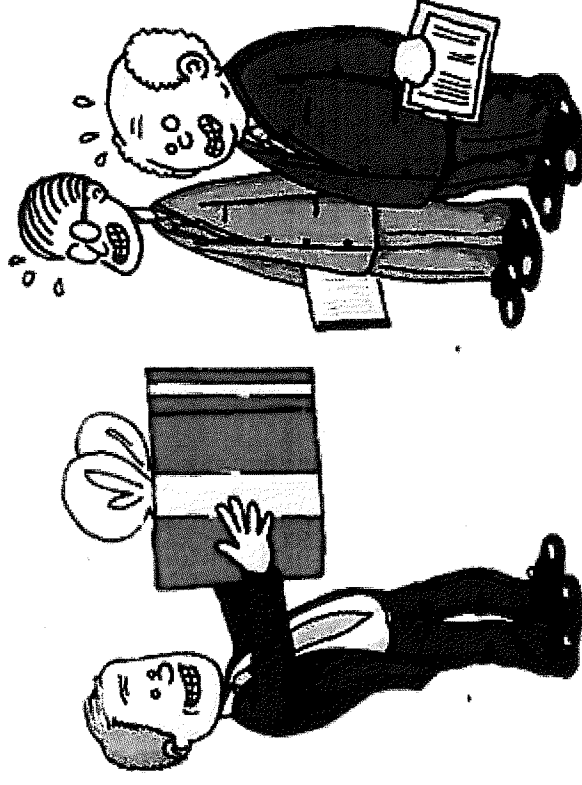
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Wayne Evans
General Counsel, FSA
Allen, Norton & Blue, P.A.
906 North Monroe Street
Tallahassee, FL 32303
(850) 561-3503
revans@anblaw.com



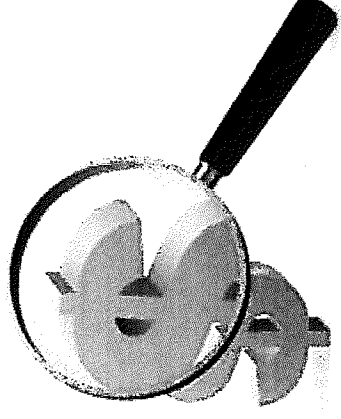
PROVISIONS FOR DISCUSSION

- Gift Acceptance and Reporting
 - Sections 112.3148, F.S., 112.31485, F.S.
- Solicitation or Acceptance
 - Section 112.313(2), F.S.
- Unauthorized Compensation
 - Section 112.313(4), F.S.
- Honoraria
 - Section 112.3149, F.S.
- Training
 - Section 112.3142, F.S.
- Penalties
 - Section 112.31455



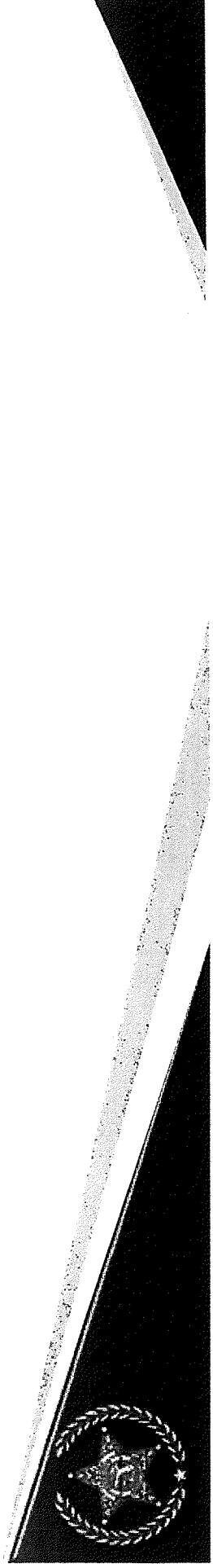
WHO IS A "REPORTING INDIVIDUAL" (R.I.)?

SHERIFFS



- **Gift reporting required (CE Form 9)**
 - Gift reports required if applicable, e.g. gifts exceeding \$100 in value
- **Financial disclosure (CE Form 1)**

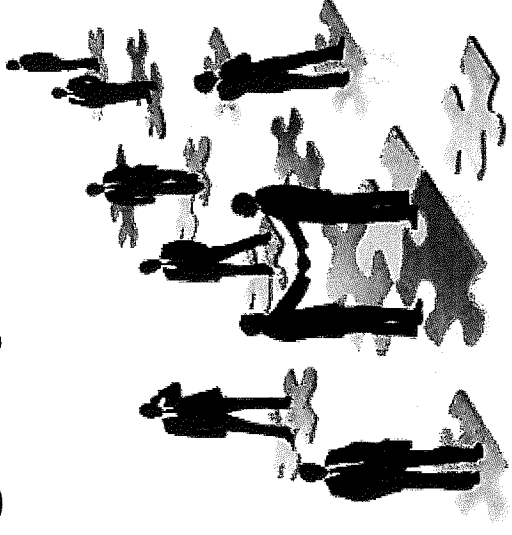
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WHO IS A "LOBBYIST?"

- Anyone who, for compensation, sought in past 12 months to influence decision-making of R.I. or that of your agency, or to encourage the passage, defeat, or modification of any proposal by R.I., or your agency
- Section 112.3148(2), F.S.

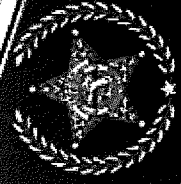
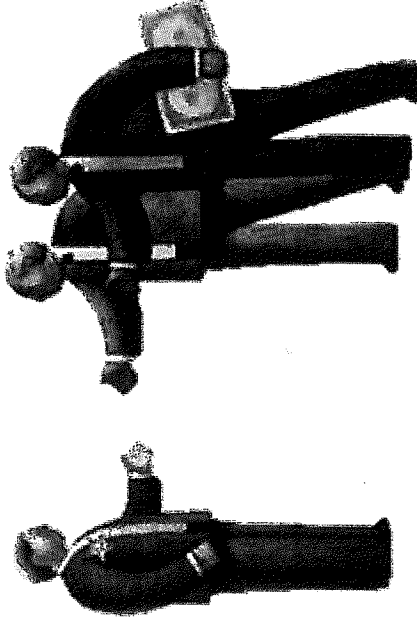
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WHO IS A "VENDOR?"

- A BUSINESS ENTITY WHICH IS DOING BUSINESS DIRECTLY WITH A SHERIFF'S OFFICE

- Section 112.3148(2)(f)



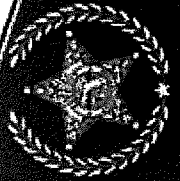
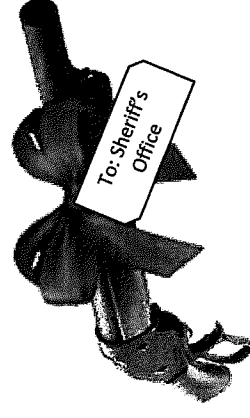
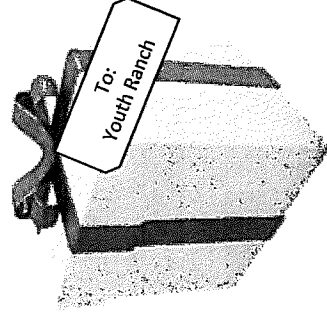
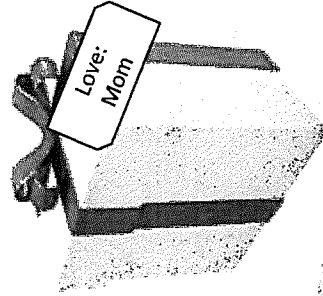
GIFT ACCEPTANCE BY R.I.

- Gift valued in excess of \$100 cannot be accepted from lobbyist or vendor.
 - 90 days from receipt to reimburse in part or in full
- Gifts exceeding \$100 from non-lobbyists or non-vendors must be reported.
 - If in doubt, report the gift
- ▶ Reporting on quarterly statement required by lobbyist or vendor of gift valued at over \$25 and not more than \$100 (CE Form 30)
 - Section 112.3148(4),(5), F.S.



WHAT GIFTS CAN BE ACCEPTED BY R.I.?

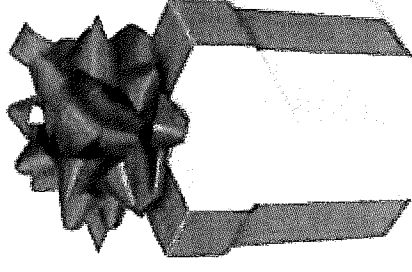
- Gifts from relatives: Section 112.3148(1)
- Gifts on behalf of charities or agency: Section 112.3148(4)
- Gifts from vendors or lobbyists that are less than \$100:
Section 112.3148(4)
- Gifts from non-vendors or non-lobbyists (must report if
more than \$100): Section 112.3148(8)



WHAT IS A GIFT?

- Anything accepted for person's benefit, directly or indirectly for which equal or greater consideration is not given within 90 days of receipt
- Section 112.312(12), F.S.

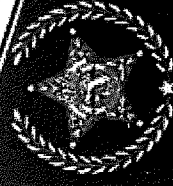
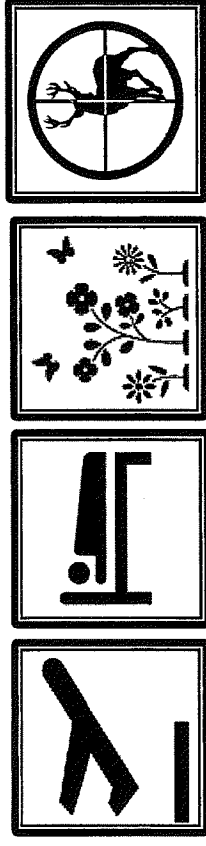
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WHAT IS A GIFT?

■ EXAMPLES:

- Transportation, lodging, parking
- Food or beverages
- Dues, fees, and tickets
- Plants and flowers
- Personal services if a fee is normally charged
- Hunting trips, green fees, county club memberships
- Section 112.312(12), F.S.



CAMPAIGN CONTRIBUTIONS

- Soliciting or accepting a gift from P.A.C.
prohibited
- Gift: Anything of value not primarily related
to campaign activities
- Section 112.31485, F.S.

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VALUATION:

Is it worth more than \$100?

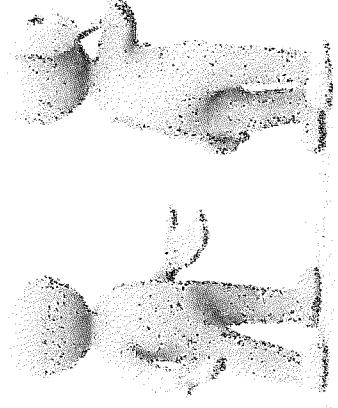
- **General rule is: Cost to the donor**
- **Lodging in a private residence - \$44 per night**
- **Transportation, lodging and recreation or entertainment must be added together when calculating the value of a trip**
- **Section 112.3148(8), F.S.**



QUARTERLY GIFT DISCLOSURE:

Form 9

- Filing required by end of calendar quarter
- Receipt of gift valued more than \$100
- Excluded: Gifts from relatives
 - Section 112.3148, F.S.

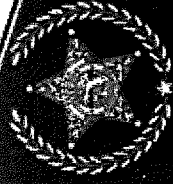


Solicitation of Gifts from Lobbyist or Vendor

- A reporting individual may not solicit any gift of any amount from a lobbyist or the partner, firm, employer or principal of the lobbyist, or vendor.
- Section 112.3148(3), F.S.

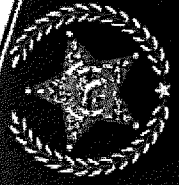
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NO SOLICITING



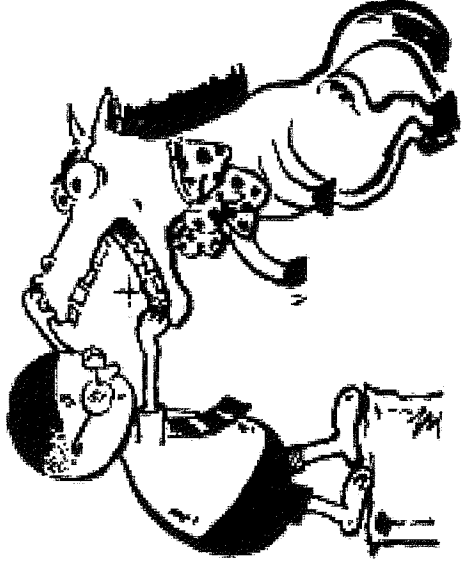
SOLICITATION OR ACCEPTANCE OF GIFTS

- Prohibits public officer or employee from asking for, or accepting, *anything* of value based on an understanding that it will influence official action
- If contract for services or goods is pending, don't accept a gift from prospective vendor
- Section 112.313(2), F.S.



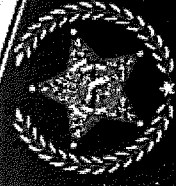
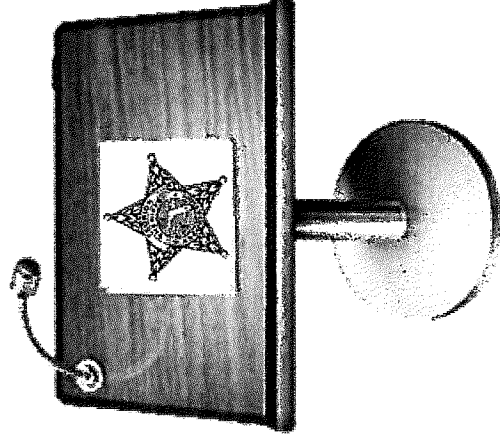
UNAUTHORIZED COMPENSATION

- Prohibits public officer or employee from accepting anything of value knowing or having reasonable notice, based upon the circumstances, that it is being given to influence official action
- Section 112.313(4), F.S.
- “Look a gift horse in the mouth” – question the motivation



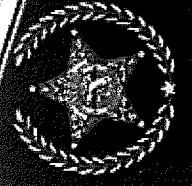
HONORARIUM

- **Payment of money or anything of value:**
 - *Speech or other oral presentation*
 - *Writing, other than a book, which has been or is intended to be published*
 - *Excludes reasonable expenses (e.g., lodging, food)*
- **Solicitation of payment by R.I. for speaking engagement or writing related to official duties is prohibited**
 - **Section 112.3149(1), F.S.**



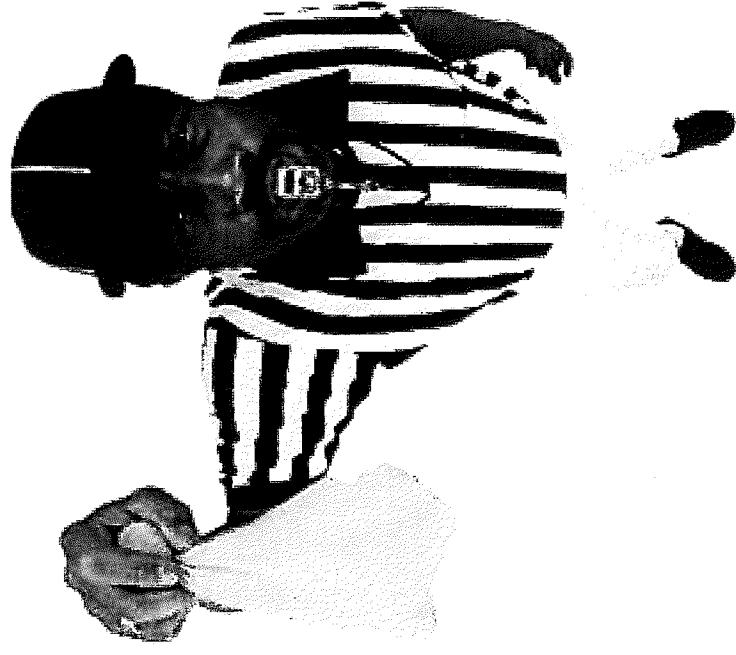
HONORARIA

- The honoraria law prohibits a reporting individual from accepting fee from a lobbyist or vendor for speaking, but allows acceptance of actual or reasonable expenses:
 - *Transportation*
 - *Lodging*
 - *Food and beverage*
 - *Registration fees*
- If invited, R.I. can speak on subject related to official duties (or any other matter)
- Disclosure of expenses required on annual report to Commission on Ethics (CE Form 10)
 - Section 112.3149, F.S.



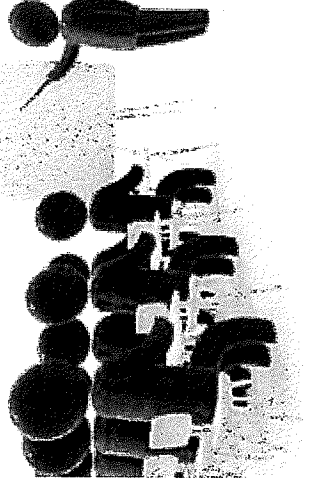
PENALTIES

- **Ethics Commission can impose fines for violations**
- **Collection of fines:**
 - Salary deductions
 - Garnishments
 - **Section 112.31455, F.S.**

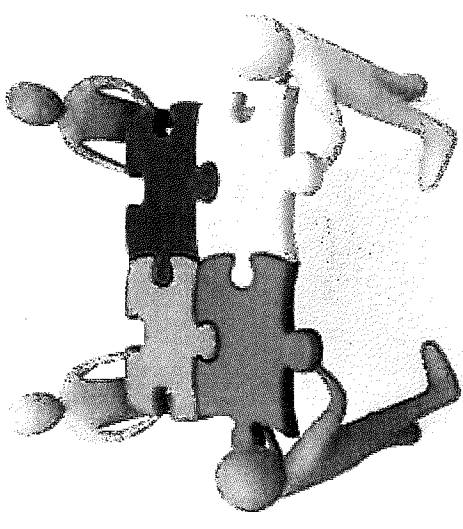


ETHICS TRAINING

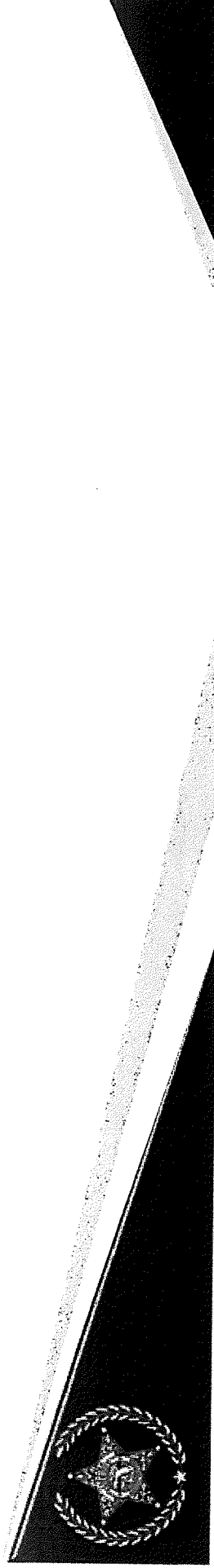
- As of May 1, 2013, all constitutional officers are required to complete 4 hours of ethics training annually that addresses, at a minimum:
 - *Art. II §. 8 of the Florida Constitution (Sunshine Amendment),*
 - *The Code of Ethics for Public Officers and Employees, and*
 - *The public records and Government in the Sunshine laws of Florida*
 - **Section 112.3142, F.S.**



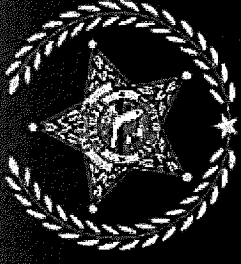
RESOURCES



- **Ethics Commission website:**
www.ethics.state.fl.us
- **Guide to Sunshine Amendment and
Code of Ethics**
- **Ethics Commission Staff: 850-488-7864**



Questions?



Protecting, Leading, Uniting Since 1893

Wayne Evans
General Counsel, FSA
Allen, Norton & Blue, P.A.
906 North Monroe Street
Tallahassee, FL 32303
(850) 561-3503
revans@anblaw.com



EXHIBIT F

44156

Form 9		QUARTERLY GIFT DISCLOSURE (GIFTS OVER \$100)		FLORIDA COMMISSION ON ETHICS	
LAST NAME -- FIRST NAME -- MIDDLE NAME: Manfre James L.			NAME OF AGENCY: May 27 2014 Flagler County Sheriff's Office		
MAILING ADDRESS: 51 River Trail Drive			OFFICE OR POSITION HELD: RECEIVED Sheriff		
CITY: Palm Coast, FL	ZIP: 32137	COUNTY: Flagler	FOR QUARTER ENDING (CHECK ONE): <input checked="" type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER		
			YEAR 2014		

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. **You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT
May 3 to May 5, 2013	Lodging at Pigeon Forge TN	\$44.00 per night= \$132.00	Rick Staly	135 Heron Drive Palm Coast, FL 32137

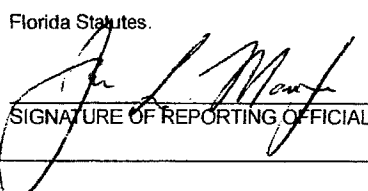
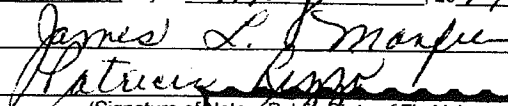
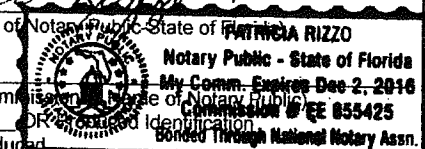
☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C — OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.  SIGNATURE OF REPORTING OFFICIAL	STATE OF FLORIDA COUNTY OF <u>Flagler</u> Sworn to (or affirmed) and subscribed before me this <u>21st</u> day of <u>May</u> , 20 <u>14</u> by <u>James L. Manfre</u>  (Signature of Notary Public - State of Florida)  (Print, Type, or Stamp Commission of Notary Public) Personally Known <input checked="" type="checkbox"/> OR Required Identification Type of Identification Produced _____
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PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)

F1



Office of the Flagler County Sheriff

James L. Manfre
SHERIFF

Accountability • Integrity • Respect

May 21, 2014

FLORIDA
COMMISSION ON ETHICS

MAY 27 2014

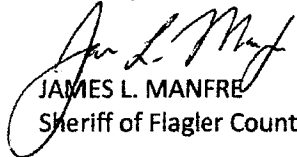
RECEIVED

Commission on Ethics
325 John Knox Road, Building E, Suite 200
Tallahassee, Florida 32303

To Whom It May Concern,

Enclosed please find Form 9 for Quarterly Gift Disclosure (Gifts over \$100) for your review.
If you have any questions in this matter please do not hesitate to contact me.

Sincerely,


JAMES L. MANFRE
Sheriff of Flagler County

JLM/pr



A State Accredited Law Enforcement Agency

F2