

SEP 11 2023

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

CONFIDENTIAL

In re: Heather Post,

Respondent.

Complaint No: 22-164

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, Heather Post, and the Advocate for the Florida Commission on Ethics enter into this 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. Respondent is a former Volusia County Councilmember 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 October 12, 2022, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on December 5, 2022.
4. On January 27, 2023, the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida

Statutes.

5. The allegation is:

Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to timely file a 2021 CE Form 6, "Full and Public Disclosure of Financial Interests."

6. Respondent admits the facts as set forth in the Report of Investigation, which is specifically incorporated by reference in this Joint Stipulation. On February 8, 2023, Respondent filed her 2021 CE Form 6 and, on February 9, 2023, paid the statutorily imposed \$1,500 fine for failure to timely file her 2021 form.

STIPULATED CONCLUSIONS OF LAW

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

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

9. Respondent admits the allegation as set forth in paragraph five (5) of the Stipulated Findings of Fact, above.

10. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to timely file a 2021 CE Form 6, "Full and Public Disclosure of Financial Interests."

STIPULATED RECOMMENDED ORDER

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

12. 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.

13. Therefore, the parties request and the Advocate recommends that:

(a) The Commission on Ethics approves this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties;

(b) The Commission on Ethics enters a Final Order and Public Report finding that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and recommend:

- (1) Public censure and reprimand of Respondent; and
- (2) A civil penalty of \$1,000.

FURTHER STIPULATIONS

14. 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 the Joint Stipulation of Fact, Law, and Recommended Order.

15. Respondent and the Advocate stipulate and covenant, that in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, Respondent and the Advocate accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

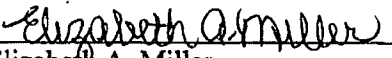
16. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose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

17. 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 will conduct herself in any future public office in a positive way.

18. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

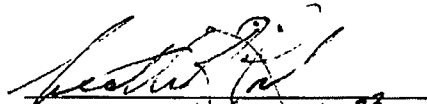
Signed, dated, and entered into:
this 11th day of September, 2023.


Elizabeth A. Miller
Advocate for the Florida
Commission on Ethics
Florida Bar No.: 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32301
(850) 414-3300, Ext. 3702

Signed, dated, and entered into:
this _____ day of September, 2023.

Digitally signed by Mark Herron
DN: cn=Mark Herron, o=LAWFLA, ou=Messer Caparello,
email=mherron@lawfla.com, c=US
Date: 2023.09.11 08:19:20 -04'00'

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Counsel for Respondent
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Heather Post
Respondent 09/08/2023