

REPORT OF INVESTIGATION



Complaint Number 22-164

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. *See Section 112.3215, Florida Statutes, regarding executive branch lobbying matters and confidentiality.

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

REPORT OF INVESTIGATION

TITLE: HEATHER POST
County Council Member
Volusia County
DeLand, Florida

COMPLAINT NO.: 22-164

INVESTIGATED BY:


Charles E. Shotwell

Distribution:

Commission on Ethics
Respondent
Advocate
File

Releasing Authority:


Kerrie J. Stillman
Executive Director


Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 22-164**

(1) The Complaint in this matter was filed by Phyllis Stauffenberg a resident of DeLand, Volusia County, Florida, who alleges the Respondent, Heather Post, a Volusia County Council Member, violated the Code of Ethics for Public Officers and Employees.

(2) The complaint alleges the Respondent failed to file a 2021 CE Form 6 "Full and Public Disclosure of Financial Interests" which she is required to submit as a member of the County Council.

(3) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaint, the above-referenced allegation was sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statute (Financial Disclosure).

(4) The Complainant advised by telephone that she monitors the activities of local government officials, and, in her opinion, local officials should be held responsible for fulfilling the requirements of the position, such as filing annual financial disclosure.

(5) The communication history between the Respondent and the Financial Disclosure Section of the Commission on Ethics includes the following:

- June 3, 2022 – An e-mail was sent to the Respondent's Volusia County e-mail address explaining her CE Form 6 had not yet been received by the Commission on Ethics. Filing deadlines and potential fines were also explained in the e-mail.
- August 1, 2022 – A certified letter was sent to the address on file for the Respondent, and an e-mail was sent to the Respondent's Volusia County e-mail address, explaining that her 2021 CE Form 6 had not been received and, if it was not filed by September 1, 2022, automatic fines would be imposed.
- August 18, 2022 – A courtesy postcard reminder was mailed to the address on file for the Respondent, and an e-mail was sent to the Respondent's Volusia County e-mail address, explaining the disclosure deadlines and fines.
- August 25, 2022 – An e-mail was sent to the Respondent's Volusia County e-mail address explaining the disclosure deadlines and fines.

- September 1, 2022 – The certified letter mailed on August 1, 2022, was returned as unclaimed. An e-mail was sent to the Respondent's Volusia County e-mail address explaining the disclosure deadlines and fines.
- September 8, 2022 – An e-mail was sent to the Respondent's Volusia County e-mail address explaining her 2021 CE Form had not been received and automatic fines were being assessed as the grace period for filing had expired.
- September 12, 2022 – The Respondent called the Commission on Ethics, Financial Disclosure Section, advising she had injured herself after falling down a flight of stairs in April 2022. She said she would "take an UBER to get the form overnighted" to the Commission on Ethics. However, no form was ever received.
- September 13, 2022 – A courtesy notice, explaining that fines were accruing due to Respondent's failure to file her disclosure, was sent to the Respondent's address on file.
- September 15th, 23rd, and 30th, 2022 - E-mails were sent to the Respondent's Volusia County e-mail address explaining her 2021 CE Form 6 had not been received and fines were accruing.
- October 13, 2022 – A cell phone number for the Respondent was discovered on the Respondent's campaign documents and a message was left regarding her failure to file her 2021 CE Form 6. No response was received.
- October 26, 2022 – An e-mail was sent to the Respondent's Volusia County e-mail address explaining her 2021 CE Form 6 had not been received and fines were accruing.
- November 28, 2022 – A collection letter was sent by certified mail to the Respondent's Volusia County Government office advising her that she had accrued a maximum fine of \$1,500.00 and the matter would be referred to a collection agency.

(6) The Respondent has filed her CE Form 6 for the years 2016 through 2020, CE Form 6 has not been filed for 2021 and no extension request has been received for 2021. There have not been any extension requests from the Respondent for the years 2016 through 2020.

(7) Ms. Karissa Green, Deputy Clerk to the Volusia County Council and the County's Financial Disclosure Coordinator, confirmed by telephone that she never received a copy of the Respondent's CE Form 6 for 2021. Ms. Green said she specifically reminded the Respondent in July 2022 that she needed to submit her CE Form 6.

(8) During the investigation of this matter, both voice mail and e-mail messages were left for the Respondent. Specifically, voicemail messages were left on the Respondent's cell phone and office phones. None of the messages were returned by the Respondent.

(9) As of the date of this report, no 2021 CE Form 6 from the Respondent has been received.

END OF REPORT OF PRELIMINARY INVESTIGATION