

APR 16 2019

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

In re: Dennis McDonald,

Respondent.

Complaint No. 16-062

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, Dennis McDonald, 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. At all times material to the Complaint in the above-styled case, Respondent was a candidate for the Flagler County Commission and Florida Senate, and was subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On April 15, 2016, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent had 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 September 10, 2018.
4. On December 7, 2018 the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8, Florida Constitution and Section 112.3144, Florida Statutes.

The allegations are:

I. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets and primary source(s) of income on his 2011 CE Form 6, "Full and Public Disclosure of Financial Interest."

II. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets and primary source(s) of income on his 2013 CE Form 6, "Full and Public Disclosure of Financial Interest."

5. Respondent admits the facts as set forth in the Report of Investigation as they relate to failure to disclose assets in Flagler County, Florida and failure to properly describe real estate holdings in the Towns of Sherman and Danbury, Connecticut. The Report of Investigation is specifically incorporated by reference in this Joint Stipulation.

6. The facts do not support the allegations that Respondent failed to make disclosures of his primary sources of income on his 2011 and 2013 CE Form 6s, "Full and Public Disclosures of Financial Interests."

7. Respondent has filed 2011 and 2013 CE Form 6Xs to reflect the omissions.

STIPULATED CONCLUSIONS OF LAW

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

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

10. Respondent admits the allegations as set forth in paragraph four (4) of the Stipulated Findings of Fact as they relate to failure to make required disclosures as to assets.

11. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets on his 2011 CE Form 6, "Full and Public Disclosure of Financial Interest."

12. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets on his 2013 CE Form 6, "Full and Public Disclosure of Financial Interest."

STIPULATED RECOMMENDED ORDER

13. The Advocate accepts Respondent's admission(s) in this proceeding.

14. The Advocate and Respondent recommend the Commission on Ethics amend the Allegations as follows:

I. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets on his 2011 CE Form 6, "Full and Public Disclosure of Financial Interest."

II. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to make required disclosures as to assets on his 2013 CE Form 6, "Full and Public Disclosure of Financial Interest."

15. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings before the Commission in this cause.

16. Therefore, the Advocate recommends that:

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

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

A civil penalty of
\$250 for Allegation I,
\$250 for Allegation II

For a total civil penalty of \$500.

FURTHER STIPULATIONS

17. 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 Joint Stipulation of Fact, Law, and Recommended Order.

18. 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.

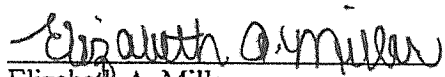
19. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose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

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

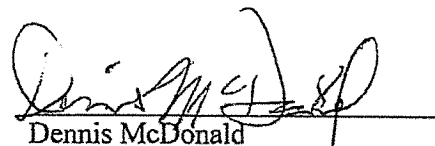
Signed, dated and entered into:

Signed, dated and entered into:

this 15th day of April 2019.


Elizabeth A. Miller
Advocate for the Florida
Commission on Ethics
Florida Bar No.: 578411
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
(850) 414-3300

this 12 day of APRIL 2019.


Dennis McDonald
Respondent
5 Twisted Oak Place
Palm Coast, FL 32137