DATE FILED

BEFORE THE STATE OF FLORIDA COMMISSION ON ETHICS

'AUG 03 20111

COMMISSION ON ETHICS

In re JAMES E. FLYNT,)	Complaint No. 10-143
Respondent.)	
)	
)	

ORDER FINDING PROBABLE CAUSE

Based on the preliminary investigation of this complaint and on the recommendation of the Commission's Advocate, the Commission on Ethics finds that there is probable cause to believe the Respondent, as a member of the Bunnell City Commission, violated Section 112.313(6), Florida Statutes, by disposing of used tires at the City dumpster and/or by obtaining access to that dumpster by misuse of an automatic gate opener.

In addition, based on the investigation and recommendation, the Commission finds that there is probable cause to believe the Respondent violated Section 112.313(3), Florida Statutes, by doing business with the City.

Further, based on the investigation and recommendation, the Commission finds that there is probable cause to believe the Respondent violated Section 112.313(7)(a), Florida Statutes, by having a conflicting employment or contractual relationship regarding the City.

However, based on the investigation and recommendation, the Commission finds that there is no probable cause to believe the Respondent violated Section 112.313(6), Florida Statutes, by directing a City police officer's response in regard to an incident involving his privately-owned business; finds that there is no probable cause to believe the Respondent violated Section 112.313(6) by directing a City employee to deal with correspondence for his privately-owned

business; and finds that there is no probable cause to believe the Respondent violated Section 112.313(6) by possessing and/or using a City police radio for private business; as alleged in the complaint. Accordingly, the allegations referenced in this paragraph are dismissed and will not be at issue at any hearing held in this matter.

Therefore, the Commission orders a public hearing as to whether the Respondent violated Sections 112.313(6), 112.313(3), and 112.313(7)(a), Florida Statutes, as set forth above. A formal notice of hearing of the matters on which probable cause has been found will be prepared and sent to the Respondent and to the Advocate. Under Commission Rule 34-5.020, F.A.C., the Commission may resolve a complaint proceeding through a stipulation, settlement, or consent order entered into by the Respondent and the Commission's Advocate and approved by the Commission. If the Respondent wishes to pursue a settlement of this case, he should contact the Commission's Advocate at (850) 414-3300 to discuss the terms of a possible settlement.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on July 29, 2011.

Date

Robert J. Sniffen

Chair

cc: Mr. James E. Flynt, Respondent

Ms. Melody A. Hadley, Commission Advocate

Mr. Elbert Tucker, Complainant