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Appeal
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COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re R. C. "RICK" LUSSY,

Respondent.

Complaint No. 20-186
DOAH Case No. 21-3687EC
Final Order No. 22-022

FINAL ORDER AND PUBLIC REPORT

This matter came before the State of Florida Commission on Ethics ("Commission"), meeting in public session on June 3, 2022, on the Recommended Order ("RO") of an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings ("DOAH") rendered on March 23, 2022.

Background

This matter began with the filing of an ethics complaint by Gaylord A. Wood, Jr., ("Complainant") against R. C. "Rick" Lussy ("Respondent"). By an order filed on November 2, 2020, the Executive Director of the Commission on Ethics determined that the complaint was legally sufficient to indicate possible violation of the Code of Ethics and ordered Commission staff to investigate the complaint, resulting in a Report of Investigation dated January 19, 2021.

By order rendered March 10, 2021, the Commission found probable cause to believe the Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to list liabilities exceeding \$1,000 on his 2019 CE Form 6, "Full and Public Disclosure of Financial Interests."

On December 8, 2021, the matter was transmitted to DOAH for assignment of an ALJ to conduct a formal hearing and prepare a recommended order.

7-48
P 1599

6/3/22
(2017)

On December 22, 2021, the Commission on Ethics received a document from the Respondent purporting to be a petition filed in the Supreme Court of the United States for an Extraordinary Writ of Mandamus titled, "Rehearing for Remand: Motion to Correct Clerk Error FRCP 60(a) With Extrinsic Frauds by MCA § 25-7-103 Mandamus: Leave to File a Bill to Amend Complaint: 4-Cameras with Attached Motion for Leave to Proceed In Forma Pauperis."

On January 3, the Respondent filed at DOAH:

- a Motion to Stay (seeking to vacate the Judgment Awarding Attorney's Fees to the City of Naples, issued by a judge in the 20th Judicial Circuit on September 15, 2005, and an Amended Final Order awarding attorney's fees in favor of Gaylord Wood, Jr., issued by the Florida Elections Commission on November 28, 2017); and
- a Motion to Stop (seeking to preclude Advocate from serving discovery requests in instant matter at DOAH pending resolution of Respondent's motion to vacate the Final Judgment and the Amended Final Order).

On the same day, Advocate filed at DOAH:

- a Motion to Strike Respondent's Motion to Stay; and
- a Request for Official Recognition (seeking the ALJ's official recognition of the Judgment Awarding Attorney's Fees to Defendant City of Naples, issued on September 15, 2005; the Amended Final Order of the Florida Elections Commission, issued on November 28, 2016; the Form 6 financial disclosure form, signed by Respondent on April 20, 2020; a blank copy of a Form 6 financial disclosure form including the instructions; and Section 95.11, Florida Statutes (2019)).

On January 7, 2022, the ALJ held a motion hearing to resolve Respondent's Motion to Stay, Respondent's Motion to Stop, Advocate's Motion to Strike Respondent's Motion to Stay,

I-49
1600

6/3/2021

3 of 17

and Advocate's Request for Official Recognition. On January 10, 2022, the ALJ denied Respondent's Motion to Stay, denied Respondent's Motion to Stop, denied Advocate's Motion to Strike Respondent's Motion to Stay as moot, and granted Advocate's Request for Official Recognition.

Later that day, on January 10, 2022, at DOAH, the Respondent filed a motion titled, "Respondent's Motion for Time Extension to February 2, 2022: To Prosecutor-Advocate's Request for Admission; First Request for Production of Documents; First Set of Interrogatories & Notice of Discovery Request." Essentially, the Respondent sought an extension of time to respond to Advocate's discovery requests to challenge the validity of the liabilities that were allegedly undisclosed on his CE Form 6 filing and formed the basis of the instant complaint. On January 13, 2022, the ALJ issued an order denying the motion.

On January 21, 2022, the Respondent filed a pleading at DOAH titled, "Motion Pleading Special Matters & Special Damages FRCP 1.120(b)(g)." On January 31, 2022, the ALJ denied the motion.

On February 1, 2022, DOAH transferred the matter to a different ALJ.

On February 8, 2022, the Respondent filed at DOAH a pleading titled, "Motion to Rehear Feb. 3, 2022 Hearing: Unusual Circumstances Two Atty Fee Frauds: F.S. 112.3144(5)(3.)(g): Court Omitted Rick's Rebuttal & Closing Statement: Prosecutor/Advocate Missed Evidence & Missed Witnesses to Rule a Default: Should Favor Pro Se Rick!" On February 10, 2022, the ALJ denied the motion.

On February 14, 2022, the Respondent filed a pleading titled "Petitioner's Motion for Relief from Order & Judgment." On February 18, 2022, the ALJ denied the motion "for the same reasons articulated in the Orders dated January 10, 13, and 31, 2022."

I-50

1601

1601 Final 13 of 17

6/8/22
4 of 17

On February 3, 2022, the ALJ held a formal hearing in Fort Myers, Florida, whereby the Respondent appeared in person and Advocate appeared by Zoom video conference. The ALJ admitted Advocate's Exhibits 2, 3, and 5 through 7 and Respondent's Exhibits 1 through 6. Advocate and Respondent filed proposed recommended orders with the ALJ.

On March 23, 2022, the ALJ entered his RO recommending that the Commission on Ethics enter a final order and public report finding that Respondent violated Article II, Section 8, Florida Constitution, and imposing a public censure and reprimand, and a civil penalty of \$500. The ALJ further found in the RO that the Respondent did not violate Section 112.3144, Florida Statutes.

On April 7, 2022, Advocate timely submitted to the Commission her exceptions to the RO. Also on April 7, 2022, Respondent timely submitted his exceptions to the RO. On April 11, 2022, Advocate submitted her response to Respondent's exceptions. On April 15, 2022, Respondent submitted a document that appeared to be responsive to Advocate's April 11, 2022 submission.

Both Respondent and Advocate were notified of the date, time, and place of the Commission's final consideration of this matter and both were given the opportunity to make argument during the Commission's consideration.

Standards of Review

The agency may not reject or modify findings of fact made by an ALJ unless a review of the entire record demonstrates that the findings were not based on competent, substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law. See, e.g., Freeze v. Department of Business Regulation, 556 So. 2d 1204 (Fla. 5th DCA 1990), and Florida Department of Corrections v. Bradley, 510 So. 2d

I-51

1602

1122 (Fla. 1st DCA 1987). "Competent, substantial evidence" has been defined by the Florida

6/3/2013
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Supreme Court as such evidence as is "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusions reached." DeGroot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

The agency may not reweigh the evidence, may not resolve conflicts in the evidence, and may not judge the credibility of witnesses, because such evidential matters are within the sole province of the ALJ. Heifetz v. Department of Business Regulation, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985). Consequently, if the record of the DOAH proceedings discloses any competent, substantial evidence to support a finding of fact made by the ALJ, the Commission on Ethics is bound by that finding.

Under Section 120.57(1)(l), Florida Statutes, an agency may reject or modify the conclusions of law over which it has substantive jurisdiction and the interpretations of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion or interpretation and must make a finding that its substituted conclusion or interpretation is as or more reasonable than that which was rejected or modified.

An agency may accept a hearing officer's findings of fact and conclusions of law, yet still reject the recommended penalty and substitute an increased or decreased recommended penalty.

Criminal Justice Standards and Training Comm'n v. Bradley, 596 So. 2d 661, 664 (Fla. 1992).

Under Section 120.57(1)(l), Florida Statutes, an agency may reduce or increase the recommended penalty only upon a review of the complete record, stating with particularity the

I-5J
1603

6/3/2017
(6 of 17)

agency's reasons for reducing or increasing the recommended penalty, and citing to the record in support of its action.

Having reviewed the RO, the complete record of the proceeding, Advocate's exceptions, Respondent's exceptions, and responses from both parties submitted after the submission of the exceptions, and having heard the arguments of Advocate and Respondent, the Commission on Ethics makes the following rulings, findings, conclusions, recommendation, and disposition:

Ruling on Advocate's Exceptions

Advocate submitted two exceptions, which we address together here. In her first exception Advocate takes issue with paragraph 19, page 7 of the RO, which provides:

19. The Advocate did not prove that Respondent also violated section 112.3144, because this statute does not impose any independent obligation on Respondent to list liabilities exceeding \$1,000 on his 2019 Form 6. Instead, section 112.3144 provides additional instruction for the requirement imposed by Article II, Section 8 to make a full and public disclosure of financial interests. For example, for the requirement imposed by Article II, Section 8 to disclose each liability exceeding \$1000, section 112.3144(6)(b) provided instructions for joint and several liabilities not at issue in this case.

Advocate asks that paragraph 19 be deleted.

ALJ Brian A. Nowak
FBN 475e

In her second exception Advocate takes issue with the Recommendation, which states:

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that a final order and public report be entered finding that Respondent violated Article II, Section 8, Florida Constitution, and imposing a public censure and reprimand, and civil penalty of \$500.

Without reducing or increasing the recommended penalty, Advocate seeks the inclusion of a citation to Section 112.3144, Florida Statutes, after the citation to the Florida Constitution, to reflect the changes to the RO's conclusions of law in paragraph 19 of the RO resultant from the potential granting of her first exception.

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Page 1 of 1
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I-53
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COE FINAL (6 of 17)

6/3/2017
(7 of 17)

Advocate agrees with the ALJ that Section 112.3144 does not provide an independent obligation to disclose liabilities exceeding \$1,000 on Form 6, but notes that the inclusion of Section 112.3144 in the sole allegation at issue in the hearing "is integral to give full effect to the violation." Later, Advocate also states, "The Commission never intended for there to be two separate violations (i.e., a statutory violation and a constitutional violation) . . . This inclusion does not add a violation but perhaps is intended to incorporate the requirements found in the Code of Ethics. At the very least, it provides notice to the respondent of the corresponding law." Essentially, Advocate argues that the allegation that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, was intended as a single, unitary charge and not intended to be two independent charges of which Respondent could independently be found in violation.

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The Order Finding Probable Cause, issued by this Commission on March 10, 2021, ordered a public hearing to determine whether Respondent violated Article II, Section 8, and Section 112.3144, Florida Statutes, the determination of which necessarily is a conclusion of law over which we have substantive jurisdiction.

We understand and agree with the ALJ that Section 112.3144 does not explicitly contain an independent obligation to disclose liabilities over \$1,000 separate and apart from that which is contained in Article II, Section 8. We do recognize, however, that Article II, Section 8, and Section 112.3144, together, create a legal framework requiring Form 6 filers to disclose certain liabilities over \$1,000; allowing Form 6 filers to amend their disclosures to change or add additional liabilities; prescribing deadlines for filing, amending, and having the amendment be considered as part of the original filing; and creating rulemaking authority for the Form 6 and additional its instructions. In recognizing that, and to provide Respondent complete notice of the

I-54
1605

6/3/2017
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nature of the allegation against him, both provisions were listed in the Order Finding Probable Cause to form a single, unitary issue for a public hearing.

The ALJ made findings of fact and conclusions of law sufficient to find that Respondent violated Article II, Section 8, Florida Constitution, by failing to disclose two liabilities exceeding \$1,000. Where Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, form a single, unitary allegation, we find that it is more reasonable to conclude, instead, that the findings of fact in the RO demonstrate that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes. For this reason, Advocate's first and second exceptions are granted. In granting the second exception, we note that it is not our intent to increase or reduce the recommended penalty.

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Ruling on Respondent's Exceptions

Respondent makes 12 total exceptions.¹ We note at the outset that the syntax Respondent employed in his presentation of his exceptions made comprehension strenuous and, at times, impossible. Each of Respondent's 12 exceptions appears to be a grievance that, as far as we can decipher, lacks any explicit suggestion of how to remedy the grievance; we note the inherent difficulty of granting any exception when there is no explicit, clearly-stated request for relief.

In his first exception, Respondent takes issue the first paragraph on page 1 of the RO, which states:

The final hearing in this matter was conducted before Administrative Law Judge Brian A. Newman of the Division of Administrative Hearings ("DOAH"), pursuant to sections 120.569 and 120.57(1), Florida Statutes (2021), on February 3, 2022, in Fort Myers, Florida.

¹ A close reading of Respondent's pleading reveals his exceptions are numbered 1-11 and then 13. Respondent did not include an exception that was numbered 12.

I-55
1606

6/3/2017

(9 of 17)

After citing the first paragraph of the first page of the RO, Respondent does not appear to engage with the content of that paragraph of the RO, instead appearing to object to the fact that the RO recommends a penalty that is not derived from a "jury trial verdict . . . with four cameras for documentation." Additionally, Respondent further argues the Judgment Awarding Attorney's Fees to Defendant City of Naples and also the Amended Final Order of the Florida Elections Commission are improper. This exception is rejected. This paragraph contains no findings of fact, conclusions of law, or recommendations for a penalty; it is a procedural history of the case and Section 120.57(1)(l) permits us only to reject or modify findings of fact, conclusions of law, and the penalty. Additionally, Respondent does not indicate what, if anything, is actually wrong with the content of the paragraph. Furthermore, the exception fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception as required by Section 120.57(1)(k), and it does not include appropriate and specific citations to the record as required by Section 120.57(1)(k).

In his second exception, Respondent takes issue again with the first paragraph of page 1 (quoted above). Respondent seems to object that certain testimony apparently was disallowed at the hearing. This exception is rejected. As noted above, the excepted paragraph is a procedural history of the case and not a finding of fact, conclusion of law, or a penalty. Respondent does not seem to indicate that anything is actually wrong with the paragraph. It fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In his third exception, Respondent appears to take issue with either the first paragraph on the first page of the RO or with paragraph 6 of the RO; both are cited. If we correctly understand the exception, it appears Respondent states he was harmed by the ALJ's consideration of the

I-56

166

9

COE FINAL (9 of 17)

6/3/2021
(16 of 17)

"fraud order" (the Amended Final Order of the Florida Elections Commission) and the "fraud judgment" (the Judgment Awarding Attorney's Fees to Defendant City of Naples). This exception is rejected. It fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In his fourth exception, Respondent takes issue with the sixth paragraph on page 2, which is numbered as paragraph 1 in the RO and states:

1. The Commission serves as the "guardian of standard [sic] of conduct for officers and employees of the state." It is the "independent Commission provided for in Article II, Section 8(f), responsible for administering, maintaining, records, reviewing complaints, and disciplining individuals who violate Article II, Section 8, and section 112.3144." [Citations omitted.]

Respondent's fourth exception predominantly argues that the attorneys' fees awards that formed the basis of the omitted liabilities on his Form 6 are invalid because they were not based on live witness testimony, among other reasons. This exception is rejected. Once again, Respondent does not seem to indicate that anything is actually improper about the paragraph, taking the opportunity instead to present grievances on matters not related to the text of the paragraph. Additionally, it fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In this fifth exception, Respondent takes issue with the first paragraph on page 4, which is numbered in the RO as paragraph 7. Paragraph 7 of the RO states:

7. Respondent's 2019 Form 6 was incomplete and inaccurate because he omitted these two liabilities that exceeded \$1,000.

I-57
1608
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COE FINAL (16 of 17)

6/3/2017
(16 of 17)

If we understand the content of Respondent's fifth exception, it appears he argues that the fact in paragraph 7 was a "jury verdict question." Thereafter, the exception appears to address jurisdiction, though it is difficult to follow. This exception is rejected. Respondent does not seem to indicate that anything is actually improper about the excepted paragraph, taking the opportunity instead, we think, to present arguments about jurisdiction. Additionally, the exception fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k). Respondent does not identify a legal basis for the exception; for example, he does not cite to any legal basis allowing or requiring a jury verdict to establish the facts in paragraph 7. Also, the exception does not include appropriate and specific citations to the record.

In his sixth exception, Respondent once again takes issue with the first paragraph on page 4, which is numbered in the RO as paragraph 7 (quoted above). In this exception, Respondent argues that the paragraph contains a clear error and that the liabilities did not need to be disclosed because he was still challenging them. Because of this, he asserts, the liability values² were unknown in 2019. The exception is rejected. In disputing this finding of fact in paragraph 7, Respondent ignores the pleading requirements of Section 120.57(1)(k); he does not include appropriate and specific citations to the record in support of the exception and also does not identify any legal basis for the exception.

In his seventh exception, as he did in his fifth and sixth exceptions, Respondent takes issue with the first paragraph on page 4, which is numbered in the RO as paragraph 7 (quoted above). Specifically, Respondent states that the Judgment Awarding Attorney's Fees to Defendant City of Naples and the Amended Final Order of the Florida Elections Commission are a "fraud on the court," "hearsay," and "manipulated and false public records." The exception is rejected. Respondent fails to comply with the pleading requirements of Section 120.57(1)(k).

² He refers to them as "asset values" in the exception. See Respondent's Exceptions, p. 10.

6/3/2021
(13 of 17)

because he does include specific and appropriate citations to the record to support these assertions of fraud, which is a pleading requirement.

In his eighth exception, Respondent excepts to pages 1-8 of the RO, which we note is the entire RO. Respondent argues that the RO lacks the input of missing evidence and witness testimony. Then, Respondent's exception transitions into a critique of his opponent in the 2020 Republican primary for Collier County Property Appraiser for nearly five pages. Then, Respondent then attempts to re-litigate the merits of the Judgment Awarding Attorney's Fees to Defendant City of Naples and the Amended Final Order of the Florida Elections Commission. This exception is rejected. It fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In his ninth exception, Respondent takes issue to paragraph 19 of the RO (quoted above). Respondent does not explain what his objection is to paragraph 19 of the RO. Instead, Respondent's brief discussion under the heading of the exception includes topics ranging from the Florida Rules of Civil Procedure, to the Montana Code Annotated, to a jury trial with four cameras, to sovereign immunity, to an allegation that the American Bar Association is a cartel, to, finally, an allegation that the American Bar Association are paid contractors of Respondent's opponent in the 2020 Republican primary for Collier County Property Appraiser. The exception is rejected. It fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

I-59

1610

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COE FINAL (13 of 17)

6/3/22
(13 of 17)

In his tenth exception, Respondent excepts to the second paragraph of the second page of the RO, which is part of the Preliminary Statement of the RO, detailing the procedural history of the case. The paragraph states:

Respondent filed repeated motions challenging the validity of the order and judgment that are the liabilities omitted from his 2019 Form 6. These motions were denied because DOAH lacks jurisdiction to order such relief.

If we understand the exception, it appears Respondent's issue with this paragraph relates, in some uncertain way, to the ALJ's oath of office. The exception is rejected. The excepted paragraph is a procedural history of the case and not a finding of fact, conclusion of law, or a penalty. Furthermore, it fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In his eleventh exception, Respondent excepts to the first paragraph of the second page of the RO, which is part of the Preliminary Statement of the RO, detailing the procedural history of the case. The paragraph states:

On March 10, 2021, the Florida Commission on Ethics ("Commission") filed an Order Finding Probable Cause ("Order") to believe that Respondent, as a candidate for Collier County Property Appraiser in 2020, violated Article II, Section 8 and section 112.3144 by failing to list two liabilities exceeding \$1,000 on the Form 6 he submitted for 2019 (hereafter the "2019 Form 6"). On December 8, 2021, the Commission requested a public hearing on the matter at DOAH.

We are unable to discern any relation between this paragraph and Respondent's discussion of the exception in his pleading and lack confidence in our ability even to summarize the exception. The exception is rejected. The excepted paragraph is a procedural history of the case and not a finding of fact, conclusion of law, or a penalty. Additionally, it fails to adhere to

I-60

1611
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COE FINAL (13 of 17)

6/3/22
14 of 17

the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

In his twelfth and final exception, which, as explained above, he labels as his thirteenth exception, Respondent appears to take issue with the first paragraph on page 1 of the RO (quoted above), as he did in his first, second, and third exceptions. Here, Respondent, we think, attempts to discuss the valuation of the liabilities at issue in this case. The paragraph at issue in the RO is not a finding of fact, conclusion of law, or a penalty; it is a statement of the ALJ's name, the statutes authorizing the hearing, and a statement of the date and place of the hearing. The exception is rejected. The paragraph is not a finding of fact, conclusion of law, or penalty, and, therefore, Section 120.57(1)(l) does not authorize us to reject or modify it. Additionally, the exception fails to adhere to the basic pleading requirements set forth in Section 120.57(1)(k); it does not identify a legal basis for the exception, and it does not include appropriate and specific citations to the record.

Findings of Fact

The Commission on Ethics accepts and incorporates into this Final Order and Public Report the findings of fact in the Recommended Order from the Division of Administrative Hearings.

Conclusions of Law

Except to the extent modified above in granting Advocate's first and second exceptions, the Commission on Ethics accepts and incorporates into this Final Order and Public Report the conclusions of law in the Recommended Order from the Division of Administrative Hearings.

I-61

1612

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COE FINAL (14 of 17)

6/3/22
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Penalty

As concluded above, the Commission on Ethics finds that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes. Although the ALJ recommended in the RO that the penalty for filing an inaccurate 2019 CE Form 6, "Full and Public Disclosure of Financial Interests," be a civil penalty of \$500 and a public censure and reprimand, we opt instead to increase the recommended civil penalty to \$5,000 along with a public censure and reprimand.

In support of his recommendation of a \$500 civil penalty, the ALJ wrote in the RO:

The Advocate recommends a public censure and reprimand and a civil penalty of \$500 in this case. The undersigned finds the Advocate's proposed penalties appropriate. Although low, the \$500 civil penalty is enough to deter any further violation given Respondent's negative net worth and modest annual income.

(¶ 20, Recommended Order.)

We agree with the ALJ's assessment that the civil penalty is "low" and disagree with the ALJ's assessment that Respondent will be deterred from repeating his violative conduct by such a fine. Our disagreement stems from our observations of Respondent's pursuit of his interests in this very administrative action. We sincerely doubt that Respondent would be deterred from repeating his unethical conduct merely because this Commission recommended a low penalty within his ability to pay.

For example, Respondent filed a motion to vacate the Judgment Awarding Attorney's Fees to Defendant City of Naples and the Amended Final Order of the Florida Elections Commission at DOAH on January 3, 2022, and that motion was denied. See Order (DOAH, January 10, 2022). Respondent was undeterred, however, from refileing the same motion with the tribunal three more times. See Order Denying Motion for Relief from Order & Judgment

I-61
1613

6/3/22
(16 of 17)

(DOAH, February 18, 2022) (stating "ORDERED that Respondent's motion is DENIED. This motion is being denied for the same reasons in Orders dated January 10, 13, and 31, 2022.") At the public hearing, Respondent informed the ALJ that he remained undeterred and would continue to litigate the issue of vacating the Judgment Awarding Attorney's Fees to Defendant City of Naples and the Amended Final Order of the Florida Elections Commission, even though the *Supreme Court of the United States* had denied his appeal on the matter and even though no other appeals of those matters were pending. (Transcript, pp. 12-13). This vignette, in our view, demonstrates that Respondent will not be deterred from pursuing a course of action just because an authority has ruled against him. We have no confidence that a "low" fine would ever suffice to deter Respondent from making the same or similar omissions on a CE Form 6 as a candidate in the future.

The material facts concerning Respondent's unethical conduct in this case resemble the facts in In re Daphne Campbell, Complaint No. 18-090, Final Order No. 22-010, DOAH Case No. 21-1192EC (March 9, 2022). Here, as in Campbell, Respondent filed a CE Form 6 as a candidate for a constitutional office. (¶ 2, Recommended Order). Here, as in Campbell, Respondent failed to make multiple required disclosures, depriving the public of information to which it was entitled in advance of an election. (¶¶ 3-7, Recommended Order). Here, as in Campbell, the record showed that the public endured a protracted deprivation of transparency; Respondent's inaccurate disclosure went uncorrected until Respondent filed an amendment to his CE Form 6 on January 31, 2022. (¶ 8, Recommended Order). In Campbell, we found three violations of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes—one for each of three CE Form 6s with inaccurate disclosures—and recommended a civil penalty of \$7,500 per violation along with a public censure and reprimand. In the instant case, we

I-63

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COE FINAL (16 of 17)

6/3/22
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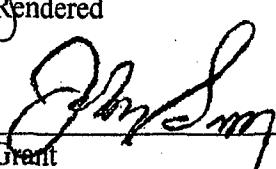
believe a civil penalty of \$5,000 along with a public censure and reprimand would be consistent with our recommendation in Campbell.

Disposition

Accordingly, the Commission on Ethics determines that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and recommends that the Governor publicly censure and reprimand Respondent and impose a civil penalty of \$5,000 upon Respondent.

ORDERED by the State of Florida Commission on Ethics meeting in public session on June 3, 2022.

June 8, 2022
Date Rendered


John Grant
Chair, Florida Commission on Ethics

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or John Andley
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John Alan
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THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

cc: Mr. Rick Lussy, Respondent
Ms. Elizabeth A. Miller, Commission Advocate
Mr. Gaylord A. Wood, Jr., Complainant
The Honorable Brian A. Newman, Division of Administrative Hearings

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I-64
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COE FINAL (17867)

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

R.C. "RICK" LUSSY,

Appellant,

v.

FLORIDA COMMISSION ON ETHICS,

Appellee.

No. 2D22-2191

October 28, 2022

Appeal from the Florida Commission on Ethics.

R.C. "Rick" Lussy, pro se.

Elizabeth A. Miller, Advocate for the Florida Commission on Ethics,
Tallahassee, for Appellee.

PER CURIAM.

Affirmed. See Fla. R. App. P. 9.315(a).

NORTHCUTT, VILLANTI, and SLEET, JJ., Concur.

Opinion subject to revision prior to official publication.

2/14/23 (7 of 10)

*Recd
3/8/2023*

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-4070

RICHARD LUSSY,

Appellant,

v.

DEPARTMENT OF LEGAL AFFAIRS,

Appellee.

On appeal from the County Court for Leon County.
George S. Reynolds III, Judge.

March 1, 2023

PER CURIAM.

DISMISSED.

B.L. THOMAS, RAY, and M.K. THOMAS, JJ., concur.

*Not S.A.Y.
Mervin W. M.
10-22-4070*

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Richard Lussy, pro se, Appellant.

Supreme Court of Florida

TUESDAY, NOVEMBER 12, 2002

CASE NO.: SC01-849

Lower Tribunal No.: 4D00-2813

CASE NO.: SC01-933

Lower Tribunal No.: 4D99-2921

RICK C. LUSSY vs. FOURTH DISTRICT COURT OF APPEAL

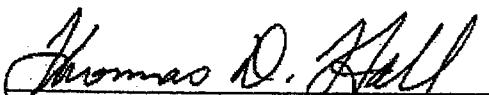
RICK C. LUSSY vs. JOHN FENNIMAN, ETC., ET AL.

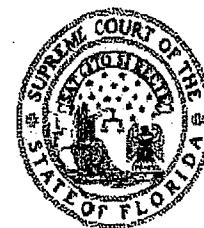
Petitioner(s) Respondent(s)

Petitioner's Motion for Clarification of Your September 26, 2002 Order Received September 28, 2002 for the \$500 Due and Payable to Mr. Lussy for Winning Appeal for Mrs. Buob and an Additional Order Allowing the Plaintiff-Appellant Lawyer Written Amended Complaint for 100% Trial by Jury has been treated as a Motion for Rehearing and is hereby stricken as untimely.

A True Copy

Test:


Thomas D. Hall
Clerk, Supreme Court



oh

Served:

RICHARD C. LUSSY
ARTHUR BRIAN BRANDT
JOHN FENNIMAN
MYRON H. BURNSTEIN
HON. MARILYN BEUTTENMULLER, CLERK
THOMAS WEIKSNAR
LINDA LENARTOWICZ WEIKSNAR
RICHARD LEVENSTEIN
JANE KREUSLER-WALSH

I-137

Exhibit A-8612 (8 of 9)

**Additional material
from this filing is
available in the
Clerk's Office.**