

To the State of Florida
Commission on Ethics

In re: George Neugent, Respondent

Complaint No. 14-149

SECOND AMENDED RESPONSE TO JOINT STIPULATION OF FACT, LAW,
AND RECOMMENDED ORDER

By Complainant, Richard Boettger

I object to points 4. I., 9, and 15 (b) (2). The finding of fact, conclusion of law and recommended order regarding Respondent's violation of FS 112.3148 (8) all regard the violation as singular.

But Florida Ethics Statute 112.3148 (7)(g) says, "Membership dues paid to the same organization during any 12-month period shall be considered a single gift." This is already generous to the violator, as in each year four violations were committed, in that four quarterly filings were missed, as the gift was received in each of the four quarters.

Respondent admits he became a "summer member" in 1992, but he could not remember when he stopped paying the membership fee. The current office manager only knows he did not pay the fee for the five years she served while he was getting the gift. So the gift he got, which cost regular members \$500/month, was worth between \$30,000 and \$96,000 dollars.

Note that Respondent was given two violations on his two improperly filed Form 6's, the disclosure of financial interest—one for each year. It is just as clear he should get a violation for each year he did not file his gift forms. That means between 5 and 16 violations for what actually were between 20 and 64 unfiled gift forms, already a reduced violation due to the beneficence of 112.3148 (7)(g).

Also note that The Commission added complaints to my own which it then denied. One stimulated by my gift complaint was for FS 112.313(2), vote influence from the gift. The Investigator looked only as to whether the golf club had any business before the commission. The club is an aggregation of its members. I asked the investigator whether Neugent voted on any business of the members who were gifting him? He did not, and refused to value the question. This should be germane. Imagine an extreme version. Two citizens form a "Luxury Dinner Club." They each pay \$3,000/month to have a \$100 restaurant meal every day. Then they give their local Commissioner an "Honorary Dinner Membership." The citizens are major developers with business before the Commission regularly.

The golf club IS its members. If many of them had business before the County Commission, it would be relevant to see how the Commissioner voted on his benefactors' issues. The charge was brought up, but inadequately investigated. Perhaps none of the members had business. Perhaps many of them did, and Neugent voted against their interests. We will not know, because the question was not asked.

I have been told by Ms. Stillman that I will not be allowed to address the Commissioners. But according to Rule

34-5.020 Stipulations, Settlements, and Consent Orders. *Informal disposition of the complaint may be made of any proceeding by stipulation, agreed settlement, or consent order between the Advocate and the Respondent, upon approval of the Commission in a public*

meeting, so long as a public report is made.

(1) The Advocate is not required to present or propose to the Commission a stipulation, settlement, or consent order offer from the Respondent unless the Advocate agrees to the terms of the offer.

(2) Commission staff shall send to the complainant a copy of the proposed stipulation, settlement, or consent order; notify the complainant of the meeting at which the Commission will consider the proposed stipulation or order; and advise the complainant that any written response to the proposed stipulation or order submitted by the complainant will be provided to the Commission for its consideration. If the complainant files a written response, a copy of it will be provided to the Respondent and the Advocate by Commission staff.

Part (2) does not forbid discussion, and the Rule opens with “Informal disposition . . . in a public meeting...” These words plainly allow for discussion, which is what happens informally in meetings. Thus I beg leave to address the Commissioners in rebuttal of the Advocate's response to the above on Friday morning, Oct 21, 2016.

Not allowing discussion is manifestly unfair and inequitable to the Complainant. I have already made my arguments in a timely fashion, as above, requesting similar material in rebuttal. But it appears that you will decide, or the Advocate will have decided how to respond, and if I disagree, I have no chance to rebut.

This is a continuation of unfair process I find it hard to believe is countenanced by the good citizens on the Commission. Please note the following ways I have been unfairly and inequitably treated, in reverse temporal order:

- As above, not being allowed to address the Commissioners on the Stipulations.
- As above, not being given arguments before the meeting, though I have had to give mine.
- Not being allowed to address the Commissioners at the July 2016 meeting.
- Not being given the Advocate's recommendations until the actual meeting began, though Respondent had received them in advance (which I only know because Respondent's attorney left them in plain view on a bench before the closed session began).
- Not being sent the Director's recommendations for Complaints to investigate beforehand, though Respondent probably did (I don't even know, not having seen them on a bench).
- Having the Director investigate complaints I had no intention of making, and then ruling against them. More on the specifics below.
- Most importantly, having a system of investigation and prosecution impossibly stacked against Complainants. Two hours of research revealed that for 116 complaints of misuse of official position made in 2015 and early 2016, only three were put forward by the Advocate for probable cause, and two of those were overruled by the Commissioners. The only one that went forward (actually a single event split into two cases due to two Clerks doing the same offense) was put forward by a State Attorney after the FDLE's investigation led to their recommending prosecution for Felony Grand Theft. This is an appallingly high bar. Your system is absurdly stacked in favor of the public officials.
- Due to the above, Complainants are materially harmed by the Ethics Commission for doing their public duty to hold our officials accountable, by attempting to use a

Commission they have every right to believe exists to help them. Instead, by holding the official innocent, the honest aggrieved citizen is made to look like a false accuser, “maliciously maligning a fine public servant.”

- As a case in point on the public embarrassment, even though my three-part complaint was upheld on the reporting counts for a total of three violations (though, as above, the last part should have resulted in at least 5 counts), the Respondent was able to make himself look fine and me look like (from multiple reports, even by friends), that “Rick, don't you have a hard-on for George Neugent!” This is because the three losing charges filed by Director Doss led off the Press Release put out by our public officials being able to say Neugent was found innocent of the serious charges, and just made a few clerical errors on his forms. (I would be glad to show you copies of newspaper articles making Neugent a winner and me an ass.)
- This press release was put out when I was still waiting in the Tallahassee airport to fly home. Because the Respondent had a copy of the Advocate's Report well in advance, they were able to “spin” it before I could get in front of it with my own release.
- Worst, when I asked Director Doss to write me a letter correcting errors in the County's press release, correcting “No evidence” to “insufficient evidence” and noting that three of the dismissed complaints were the initiative of her Commission, not my own, she refused. (Full email exchange available upon request.)
- What is particularly aggrieving is that the three dismissed complaints she put forward were simply bad legal practice, and not at all aligned with the point of my submitting my complaints. To my misuse complaint, she added a second one, that it was for the benefit of friends. This is like asking for second degree murder when all you want is manslaughter. For the gift non-reports, I had no reason to believe they were to buy influence (which, as above, was not even investigated properly) or represented compensation. The point of my financial reporting complaints was to show how terrible our Commissioner's own financial reports had been, while he and the County were bankrupting and ruining the life of a contractor on the basis of her financial reports, which were in fact sterling (I think I'm the only one around here with a PhD in business and a record of service on the editorial board of a major accounting journal, so I am able to say this with authority). That was all I wanted to show with my financial reports complaints, which turned out to prove his appalling disregard of his official duties over his signature.

All in all, my research and personal experience find your Commission to be more a sham, betraying the public trust of the taxpaying citizens you have been created to protect. Instead, you uphold official misconduct and demean the good citizens who report it. A hideous version of this occurs regularly in India. A woman who is gang raped and reports it to the police is gang raped by the police themselves. It makes me feel better that my experience with you is trivial by compare, but nonetheless isomorphic.

I am going to make a personal argument for my having the moral authority to judge you thusly. I started early, winning the national Spirit Honor Medal in Basic Training, the top award in an 850-man battalion (look it up). I could have used my Top Secret Clearance from the Army Security Agency to get a job with the CIA when I separated from the Service (as a partially disabled Veteran), but books I read by disgruntled operatives helped me avoid killing Contras

in Nicaragua, and a career of shame divulged in *A Legacy of Ashes*. At Yale Law School, the awful clients for whom I was supposed to advocate in class cases made me sure I did not want a career doing so, costing me at least \$10,000,000 in lifetime earnings (over those of a business professor). I left tenure as such when my earnest MBA students couldn't get jobs, and one killed himself. (I instead wrote a successful book explaining our national economy.) I adopted a 12-year-old girl who had been raped and abandoned though I was just a semi-employed single man. Since retiring to Key West 20 years ago at 48, I have worked tirelessly on behalf of those wronged by people like Neugent.

I am in the process of becoming an Altruistic Kidney Donor.

This is the kind of man you have wronged. In the thousands of other cases where you belittled the righteous and honored the malefactors, I am sure there are many as good as I am or better.

If you are not upon reflection chagrined and appalled at your Commission's own Legacy of Ashes, and terribly unfair processes, and wanting to begin to change them for the better, you should be ashamed of yourselves.

October 26, 2016

Richard Boettger

cc:

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