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December 14, 2009

Okaloosa Citizens Alliance, Inc.
P.O. Box 238
Fort Walton Beach, FL 32549-0238

RE: Report on Improper Deferred Compensation Payments at Okaloosa County Tax
Collector's Office

Dear Sirs and Madams:

In response to the above-referenced Report, please be advised that the Commission on Ethics only has the authority to investigate a particular situation if it receives a sworn complaint alleging a possible violation of Florida's ethics laws. The complaint process and the appropriate complaint form are available at the Commission's website, www.ethics.state.fl.us.

The jurisdiction of the Commission on Ethics is limited to the conflict of interest and financial disclosure laws found in the Code of Ethics for Public Officers and Employees (Part III, Chapter 112, Florida Statutes), and Article II, Section 8, Florida Constitution. A guide brochure to those laws is enclosed for your information.

One of the provisions in the Code of Ethics prohibits the corrupt misuse of official position. It provides:

MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

For purposes of this prohibition, the Legislature defined the word "corruptly" as follows:

'Corruptly' means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting

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from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

In order to violate this prohibition, the public officer or employee must have taken some action in his or her official capacity that is knowingly inconsistent with the proper performance of public duties, with the intent to convey a special privilege or benefit on himself, herself, or another.

In addition, the Legislature has limited the Commission's authority to investigate, so that only actions that took place within the five years immediately prior to the date the complaint is filed can be the subject of an investigation. See Section 112.3231, Florida Statutes. Therefore, the Commission would be unable to investigate any allegations regarding actions that occurred in 1999.

If you have any questions, please do not hesitate to contact our office.

Sincerely,



Philip Claypool
Executive Director
and General Counsel

Enclosure: Guide