

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS
DATE RECEIVED
JUN 23 2008

In re: **Scott Brannon,**

Respondent.

Complaint No. 07-197

ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Complaint and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

PARTIES

Respondent, Scott Brannon, served as a member of the Freeport City Commission from 2000 until 2004 and has served as a member of the Walton County Board of County Commissioners since 2004. (ROI 4) The Complainant is Dari Bradley of Niceville.

JURISDICTION

The Executive Director of the Commission on Ethics determined that the Complaint was legally sufficient and ordered a preliminary investigation for a probable cause determination as to whether the Respondent violated Article II, Section 8(a) and (i), Florida Constitution and Section 112.3144, Florida Statutes. On April 21, 2008, the Executive Director issued an Amended Determination of Investigative Jurisdiction and Order to Investigate. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on May 20, 2008.

ALLEGATION ONE

Respondent is alleged to have violated Article II, Section 8(a) and (i) of the Florida Constitution, and Section 112.3144, Florida Statutes, by failing to properly complete his CE Form 6, Full and Public Disclosure of Financial Interests, for calendar years 2003 and 2005 and failing to timely file and properly complete his CE Form 6 for calendar year 2006.

APPLICABLE LAW

Article II, Section 8(a) and (i) of the Florida Constitution provides:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

*

*

*

(i) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or
b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

Section 112.3144(1), Florida Statutes, provides as follows

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

ANALYSIS

Investigation confirmed many of the alleged deficiencies in the Respondent's CE Form 6's for those three calendar years. Respondent's 2003 Form 6 has mathematical errors on his reported net worth, has insufficient descriptions and addresses for his assets, did not include his co-ownership of two companies, does not report any bank accounts, and does not include the complete address for a creditor. (ROI 6-18) Respondent's 2005 Form 6 has insufficient descriptions and addresses for his assets, and does not report any bank accounts. (ROI 19-24) Respondent's 2006 CE Form 6 was filed ten days late, does not report his net worth, has insufficient itemization of his sources of income, does not report any bank accounts, and does not include a complete copy of his federal income tax return. (ROI 25-39) Respondent's 2004 CE Form 6 has similar deficiencies. (ROI 40) Respondent has filed CE Form 6X's correcting the deficiencies in his CE Form 6's for calendar years 2003, 2005, and 2006. (ROI 16, 18, 23-24, 37-38) Respondent has also paid a \$150 fine on March 15, 2008 for his late filing of his 2006 Form 6. (ROI 26-27) While Respondent's payment of a fine and correction of the deficiencies might in some instances warrant a recommendation of no further action, such recommendation is not included because of Respondent's numerous errors over a period of time indicating Respondent's consistent inattention to his reporting responsibilities. Therefore, based upon the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Article II, Section 8(a) and (i), Florida Constitution, and Section 112.3144, Florida Statutes.

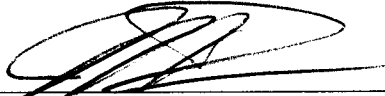
RECOMMENDATION

It is my recommendation that:

There is probable cause to believe that Respondent violated Article II, Section 8(a) and (i) of the Florida Constitution, and Section 112.3144, Florida Statutes, by failing to properly

complete his CE Form 6, Full and Public Disclosure of Financial Interests, for calendar years 2003 and 2005, and failing to timely file and properly complete his CE Form 6 for calendar year 2006.

Respectfully submitted this 23rd day of June, 2008.



JAMES H. PETERSON, III
Advocate for the Florida Commission
on Ethics
Florida Bar No. 0473057
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 4702