

IN THE BROWARD COUNTY, FLORIDA, CHARTER SECTION 12.01
ENFORCEMENT HEARINGS FORUM

JOHN W. SCOTT,
Broward County Inspector General,
Plaintiff,

CASE NO. EH- 2015-001

v.

ERIC L. HAYNES,
Defendant.

_____ /

2015 SEP 18 AM 9:38
BROWARD
INSPECTOR GENERAL
Agency Clerk

COMPLAINT

Plaintiff JOHN W. SCOTT, the Inspector General in and for Broward County, Florida, by and through the undersigned Ethics Counsel for the Broward County Office of the Inspector General, files this Complaint against Defendant ERIC L. HAYNES for violations of Section 1-19 of the Broward County Code of Ordinances (“Ethics Code”), as averred herein.

STATEMENT OF JURISDICTION

The Broward County Charter Section 12.01 Enforcement Hearings Forum has jurisdiction over this matter pursuant to Section 12.01.C.(2) of the Broward County Charter.

FACTS UPON WHICH THE PLAINTIFF IS ENTITLED TO RELIEF

1. Plaintiff JOHN W. SCOTT is the Inspector General for Broward County.
2. At all times material to this Complaint, until on or about November 4, 2014, Defendant ERIC L. HAYNES was a member of the governing body of a municipality within Broward County, Florida, to-wit: a Commissioner for the city of Lauderdale Lakes, Broward County, Florida (“the City”).
3. At all times material to this Complaint, Defendant ERIC L. HAYNES was a Manager of Inner Urban Asset Management of Ft. Lauderdale, LLC, a Florida limited liability company.

4. From on or about October 18, 2012, continuing through on or about November 4, 2014, Defendant ERIC L. HAYNES was a Manager of Inner Urban Asset Management, LLC, a Florida limited liability company.

5. At all times material to this Complaint, Defendant ERIC L. HAYNES was a Manager or Managing Member of Inner Urban Holdings, LLC, a Florida limited liability company.

6. For the calendar year of 2012, Defendant ERIC L. HAYNES received \$42,217 in self-employment earnings from Inner Urban Asset Management of Fort Lauderdale, LLC.

7. For the calendar year of 2013, Defendant ERIC L. HAYNES received \$9,969 in self-employment earnings from Inner Urban Asset Management of Fort Lauderdale, LLC.

8. For the calendar year of 2013, Defendant ERIC L. HAYNES received \$20,614 in self-employment earnings from Inner Urban Asset Management, LLC.

9. On or about August 18, 2013, an unknown person caused to be filed with the City Clerk a "Broward County Elected Official Code of Ethics Outside/Concurrent Employment Disclosure Form for Municipal Elected Officials" (2012 Outside Employment Form) for Defendant ERIC L. HAYNES as Commissioner, City of Lauderdale Lakes.

10. The 2012 Outside Employment Form referred to in Paragraph 9 of this Complaint asserted that, during the prior year, Defendant ERIC L. HAYNES had no outside or concurrent employer and received remuneration in the amount of "N/A."

11. The 2012 Outside Employment Form referred to in Paragraph 9 of this Complaint was filed for public inspection with the City's searchable internet database on or after August 18, 2013.

12. No “Broward County Elected Official Code of Ethics Outside/Concurrent Employment Disclosure Form for Municipal Elected Officials” for Defendant ERIC L. HAYNES was filed with the City Clerk, other than the 2012 Outside Employment Form referred to in Paragraph 9 of this Complaint.

13. No “Broward County Elected Official Code of Ethics Outside/Concurrent Employment Disclosure Form for Municipal Elected Officials” for Defendant ERIC L. HAYNES was filed for public inspection with the City’s searchable internet database, other than the 2012 Outside Employment Form referred to in Paragraph 9 of this Complaint.

14. On or about May 14, 2015, the City Clerk caused to be filed with her a copy of a Florida Commission on Ethics “Form 1 Statement of Financial Interests 2013” (2013 Form 1) for Defendant ERIC L. HAYNES.

15. The 2013 Form 1 referred to in Paragraph 14 of this Complaint was filed for public inspection with the City’s searchable internet database on or about May 14, 2015.

16. On or about May 14, 2015, the City Clerk caused to be filed with her a copy of a Florida Commission on Ethics “Form 1X Amendment to Form 1 Statement of Financial Interests” amending the Form 1 filed for the year 2013 (2013 Form 1X) for Defendant ERIC L. HAYNES.

17. The 2013 Form 1X copy referred to in Paragraph 16 of this Complaint was filed for public inspection with the City’s searchable internet database on or about May 14, 2015.

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RELEVANT LAW

18. Ethics Code Section 1-19(a), “Statement of Policy,” states:

“It is the policy of Broward County that the Board of County Commissioners work for the benefit of the citizens of the County and elected officials of municipalities work for the benefit of the citizens of their respective municipalities. County Commissioners and elected municipal officials shall not receive any personal economic or financial benefit resulting from their service on their local governing bodies beyond legally authorized direct compensation. It is the responsibility of each County Commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their services, and to avoid even the appearance or perception of impropriety.”

19. Ethics Code Section 1-19(c), “Standards of Conduct,” provides:

“In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply to each Elected Official.”

20. Ethics Code Section 1-19(c)(2), “Outside/Concurrent employment,” provides in relevant part:

“All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Broward County Attorney’s Office. The disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by Municipal Officials. The disclosure form must be filed for public inspection.”

21. Ethics Code Section 1-19(c)(7), “Financial Disclosure,” provides:

“a. Each County Commissioner, contemporaneously with the annual filing of the Form 6 Disclosure of Financial Interest with the State of Florida Commission on Ethics, shall file such form for public inspection. Each Municipal Official, contemporaneously with the annual filing of the Form 1 Statement of Financial Interests with the State of Florida Commission on Ethics, shall file such form for public inspection.”

22. Ethics Code Section 1-19(b), “Definitions,” provides in relevant part:

(1) “‘Elected Official’ means any member of the Board of County Commissioners and any Municipal Official as defined below....

(4) “‘Filed for Public Inspection’” means that the form is completed legibly and is filed with the applicable governmental entity's chief administrative official or clerk, with a copy of the form or all information contained thereon inputted into the applicable governmental entity's database, which database shall be searchable by internet. For any municipality that does not maintain a website sufficient to meet the requirements of this paragraph, the form or information may be inputted into a database maintained by the Broward League of Cities, provided that database is searchable by internet.

(9) “‘Municipal Official’ means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County....

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COUNT ONE

23. Paragraphs 1 through 17 are re-averred as if fully stated herein.

24. On or about August 18, 2013, while a member of the governing body of the city of Lauderdale Lakes, Broward County, Florida, Defendant ERIC L. HAYNES failed to disclose and file for public inspection his self-employment or employment with Inner Urban Asset Management of Ft. Lauderdale, LLC, and remuneration therefrom for the calendar year 2012, in violation of Section 1-19(c)(2)b. of the Broward County Code of Ordinances.

COUNT TWO

25. Paragraphs 1 through 17 are re-averred as if fully stated herein.

26. Between on or about January 1, 2014, and on or about November 4, 2014, while a member of the governing body of the city of Lauderdale Lakes, Broward County, Florida, Defendant ERIC L. HAYNES failed to disclose and file for public inspection his self-employment or employment with Inner Urban Asset Management of Ft. Lauderdale, LLC, and remuneration therefrom for the calendar year 2013, in violation of Section 1-19(c)(2)b. of the Broward County Code of Ordinances,

OR

Between on or about January 1, 2014, and on or about November 4, 2014, while a member of the governing body of the city of Lauderdale Lakes, Broward County, Florida, Defendant ERIC L. HAYNES failed to disclose and file for public inspection his self-employment or employment with Inner Urban Asset Management, LLC, and remuneration therefrom for the calendar year 2013, in violation of 1-19(c)(2)b. of the Broward County Code of Ordinances.

COUNT THREE

27. Paragraphs 1 through 17 are re-averred as if fully stated herein.

28. Between on or about January 1, 2014, and on or about November 4, 2014, while a member of the governing body of the city of Lauderdale Lakes, Broward County, Florida, Defendant ERIC L. HAYNES failed to file for public inspection a copy of his State of Florida Commission on Ethics Form 1 Statement of Financial Interests 2013, in violation of 1-19(c)(7)a. of the Broward County Code of Ordinances.

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DEMAND FOR JUDGMENT FOR RELIEF

WHEREFORE Plaintiff demands judgment against Defendant ERIC L. HAYNES in the amount of \$15,000.00 (for three fines in the amount of \$5,000.00 each) for violation of two counts of Ethics Code Section 1-19(c)(2)b. and one count of Ethics Code Section 1-19(c)(7)a.

Respectfully submitted,

by:



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