

DATE FILED

MAY 05 2021

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

CONFIDENTIAL

In re DOUGLAS UNDERHILL,)
)
 Respondent.)
_____)

Complaint No. 20-060

AMENDED DETERMINATION OF INVESTIGATIVE JURISDICTION
AND ORDER TO INVESTIGATE

UPON REVIEW of this complaint, I find as follows:

1. This complaint was filed by David M. Bear, of Pensacola, Florida.
2. The Respondent, Douglas Underhill, allegedly serves as County Commissioner for Escambia County.
3. The complaint claims the Respondent established a legal defense fund to assist in the payment of personal legal expenses. The complaint alleges the Respondent accepted multiple contributions to the fund exceeding \$100 and failed to disclose these contributions as gifts on a CE Form 9. This indicates possible violation of Sections 112.3148(4) and 112.3148(8), Florida Statutes, by the Respondent.
4. The complaint claims the Respondent publicized the legal defense fund on a social media page affiliated with the County. This indicates possible violation of Section 112.313(6), Florida Statutes, by the Respondent.
5. The complaint claims the Respondent accepted personal legal services provided without charge and failed to disclose the cost of these services as gifts on a CE Form 9. This indicates possible violation of Sections 112.3148(3), 112.3148(4), and 112.3148(8), Florida Statutes, by the Respondent.

6. The complaint claims the Respondent solicited reimbursement for travel expenses and the cost of shipping certain equipment from a private not-for-profit organization that accepted funding from the County. The complaint alleges the Respondent failed to disclose the reimbursed travel expenses and shipping costs as gifts on a CE Form 9. This indicates possible violation of Sections 112.313(7)(a), 112.3148(3), 112.3148(4), and 112.3148(8), Florida Statutes.

7. The complaint also asserts the Respondent received a \$10,000 loan from a local bank, which he disclosed on his 2017 CE Form 6, but did not disclose on his 2018 CE Form 6. The complaint concludes the loan must have been forgiven or omitted, and, therefore, should have been reported as a gift on a CE Form 9. Because there are no substantive allegations that the loan was forgiven or omitted, as opposed to having been paid in full, this claim is conclusory; and while material assertions of fact are taken as true in an analysis of legal sufficiency, conclusions or unwarranted deductions of fact are not a sufficiently specific basis for investigation.

8. This paragraph of the Amended Order to Investigate is based on allegations on pages 2 and 4 of the complaint, which indicate—regarding the establishment of the legal defense fund addressed in paragraph 3, above—that the Respondent solicited contributions for the fund. This indicates possible violation of Section 112.3148(3), Florida Statutes.

WHEREFORE, staff of the Commission on Ethics shall, in addition to conducting a preliminary investigation of this complaint for a probable cause determination pursuant to the initial Determination of Investigative Jurisdiction and Order to Investigate entered in this matter, conduct a preliminary investigation for a probable cause determination of whether the Respondent

has violated Section 112.3148(3), Florida Statutes, as set forth in paragraph 8, above.

4 May 5, 2021
Date

C. Christopher Anderson, III
C. Christopher Anderson, III
Executive Director
Florida Commission on Ethics

by
CA

CCA/gps