

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS

In re TIMOTHY NARGI,

Respondent.

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Complaint No. 22-094

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, September 9, 2022, the Commission on Ethics met in its *executive session* and considered *this complaint* for *legal* sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint *to* allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Meredith Shreve of Apollo Beach, Florida
2. The Respondent, Timothy Nargi, allegedly serves as a Supervisor with *the* Harbor Bay Community Development District (the CDD).
3. The complaint alleges the Respondent sent a letter to the declarant of the CDD—a copy of which is included in the complaint—regarding the "derogatory treatment of residents" by a member of the CDD's architectural review committee, whom the letter did not name. In *the* letter, the Respondent identified himself as a CDD Supervisor and stated the concerns with the committee member had affected him as "residents come to me constantly over the same person." The Respondent further stated in the letter that he wanted to meet with representatives of the declarant to "put an end to this behavior before it escalates to the courts." The letter concluded by

stating that, if the matter was not resolved, the "only recourse [is] to go to the court system which I prefer not to do but, if left no choice..."

4. The complaint alleges the Complainant is the committee member who was the subject of the Respondent's letter referenced in paragraph 3. The complaint indicates the Respondent was using his position by referring to himself as a COD Supervisor in the letter-to prompt the declarant to remove the Complainant from the architectural review committee, an action that was "" thin the declarant's authority. The complaint states the declarant was attempting to "ease out of the [COD]" and needed the cooperation of the CDD's Board of Supervisors, a fact o of which the complaint claims the Respondent was aware.

5. The complaint indicates the Complainant does not know the Respondent's "end game" in attempting to remove her from the architectural review committee. Despite this, the complaint cites "speculation" that the Respondent may be attempting to "get[] even" with her for working on opposing political campaigns, that he may be attempting to remove her so his wife can take the vacant seat on the committee, and that he may be attempting to discredit her reputation in the event that she runs for the CDD's Board of Supervisors.

6. The complaint claims the allegations in paragraphs 3 through 5, above, indicate possible violations of Section 112.313(6), Florida Statutes.

7. Section 112.312(6), Florida Statutes, states:

MJSUSJ: 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. [Section 112.313(6), 1-Florida Statutes]

Section 112.312(9), Florida Statutes, defines "corruptly" as

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

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 indicate a possible violation of this provision, a complaint must substantively allege that a respondent completely used or attempted to use his or her public position or resources within his or her public trust, or corruptly performed his or her official duties, in order to *benefit* himself/herself or another; it is not enough that a *detriment* to a complainant or another is alleged.

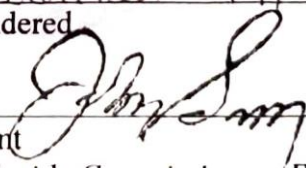
8. The allegations in paragraphs 3 through 5, above, fail to indicate a possible violation by the Respondent of Section 112.313(6). Even accepting as true that the Respondent's letter concerned the Complainant, and even considering that he identified himself as a COD Supervisor in the letter, the allegations identify only a detriment to the Complainant, which, as explained above, cannot provide a basis for investigation under Section 112.313(6). The complaint lacks any factual, nonconclusory allegation that this conduct was for the purpose of securing a special private capacity benefit for the Respondent-or any other individual with whom he had a private capacity nexus-as would support the wrongfulness required to indicate a possible violation of Section 112.313(6). While the complaint alleges the Respondent may have been attempting to "get0 even" with Complainant regarding past political campaigns, and may have been attempting to discredit her reputation prior to her running for a position on the CDD's Board of Supervisors, the complaint admits these allegations are speculation, and, regardless, they identify *only* a detriment to the Complainant, not the type of special private capacity benefit to the Respondent that would trigger a violation of the statute. And concerning the claim that the Respondent was attempting to remove the Complainant so his wife could replace her on the architectural review committee, this allegation 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.

While the complaint further alleges the Respondent has made "relentless and cruel" social media posts concerning past members of the CDD's architectural review committee, this allegation likewise fails to indicate a possible violation of Section 112.313(6), because-even assuming the posts were made in the Respondent's public capacity-it identifies only a detriment to the past board members, not a special private capacity benefit to the Respondent or any other individual, with whom he shared a private capacity nexus.

10. We note the allegations discussed in paragraphs 3 through 9 also do not trigger the application of the prohibition currently found in Article II, Section **8(g)** of the State Constitution as they do not identify in a factual, nonconclusory manner any disproportionate benefit to the Respondent, the Respondent's spouse, children, or employer, or any business with which the Respondent contracts, in which he is an officer, partner, director, or proprietor, or in which he owns an interest.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, September 9, 2022.

September 17, 2022 J.
Date Rendered

John Grant
Chair, Florida Commission on Ethics

JG/gps

cc: Mr. Timothy Nargi, Respondent
Ms. Meredith Shreve, Complainant