



**THE FLORIDA SENATE**  
**COMMITTEE ON ETHICS AND ELECTIONS**

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Senator John Legg, *Vice Chair*

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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

April 22, 2015

The Honorable Andy Gardiner  
President of the Senate  
409, The Capitol  
Tallahassee, FL 32399-1100

RE: Suspension of:  
ROWLAND, Shawn Leigh  
Notary Public

Dear President Gardiner:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Shawn Leigh Rowland.

By Executive Order Number 14-111 filed with the Secretary of State on March 25, 2014, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Rick Scott, Governor, suspended Shawn Leigh Rowland as a Notary Public. The Executive Order alleges she had been convicted on or about April 8, 2013, of Acting as an Insurance Agent with a Suspended or Revoked License, a third degree felony pursuant to s. 624.310(8), F.S. The Executive Order also alleges she failed to notify the Department of State of the conviction and failed to update the Department about changes to her legal name and her address as required by s. 117.01(2), F.S. Ms. Rowland's commission is set to expire on October 24, 2015.

On March 12, 2015, this matter was referred to Senate General Counsel George Levesque to act as special master ("Special Master"). Pursuant to Senate Rules, he was required to conduct a hearing and to recommend whether Ms. Rowland should be removed from or reinstated to the office of Notary Public. The Special Master conducted the hearing on April 3, 2015. As required, a Special Master's Final Report was prepared on April 10, 2015. The Special Master presented the Report to the Committee on Ethics and Elections on April 15, 2015.

The Special Master's Final Report states that at the hearing the Governor's counsel only argued that Ms. Rowland failed to provide written notification of the change in her criminal history, name, and address within 60 days. Both parties stipulated that on April 8, 2013, Ms. Rowland entered a nolo contendere plea to the criminal charge and that adjudication of guilt was withheld. The parties also stipulated that Ms. Rowland changed her name and address on

October 11, 2013. The Special Master found that on March 24, 2014, Ms. Rowland notified the Notary Section in the Office of the Governor with her change in name and address. This occurred after being contacted by the Notary Section concerning changes in Ms. Rowland's criminal history.

Concerning Ms. Rowland's testimony, the Special Master stated he found Ms. Rowland to be a credible witness and accepted her testimony as true. The Special Master's Final Report indicates that Ms. Rowland asked for leniency and provided additional background. Ms. Rowland testified that she was embroiled in divorce proceedings during 2013. She testified that to bring closure to the ordeal, she accepted a nolo contendere plea offer which included a withhold of adjudication. Ms. Rowland stated that her public defender advised her that she would not have to report the plea as a conviction because adjudication of guilt was not imposed. Based on that advice, she was not aware that she was obligated to report the criminal charge and resolution of the matter. During this time period, Ms. Rowland was not employed. Nor was Ms. Rowland using her notary commission. Additionally, Ms. Rowland provided general letters of recommendation to the Special Master, one of which was from an attorney that she has known for approximately 30 years.

The Special Master concluded:

Based on the foregoing, it is my opinion that counsel for the Governor has demonstrated appropriate grounds for Shawn Rowland to be suspended and removed from office. I make this finding based upon a clear violation of the law. As counsel for the Governor argued, notaries public are public officers subject to a higher standard. My recommendation is based on the law and the facts as proven. While Shawn Rowland presented as a sympathetic and credible witness, it is not my role to say whether leniency or a lesser penalty should apply. This conclusion and report is only a recommendation to the President and the Senate. If leniency or mercy is to be granted, it is within the power and discretion of the Senate to grant it.

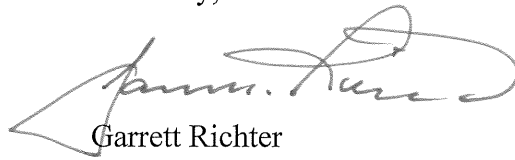
At the Committee on Ethics and Elections meeting on April 15, 2015, the Special Master presented the report and responded to questions from members concerning the facts and findings contained therein. Some committee members expressed concern regarding the technical nature of the allegations. To that point, the Special Master acknowledged that no evidence had been presented to suggest Ms. Rowland used her notary commission improperly or for nefarious purposes. Further, some members of the committee viewed the advice provided by Ms. Rowland's public defender that she did not have a felony conviction on her record as an additional mitigating factor. The Special Master was asked whether or not "we've caught a criminal." The Special Master responded in the negative. Further, he explained that in a criminal context, these facts would support the case for leniency. However, he also indicated the issue dealt with the privilege of holding a public office and not a criminal prosecution, and reasonable people may disagree as to how high the standard should be and whether leniency would be

The Honorable Andy Gardiner  
April 22, 2015  
Page 3

appropriate. In light of the technical nature of the violations and the mitigating circumstances, the Committee voted to reject the Special Master's Final Report and recommend to the Senate that Ms. Rowland be reinstated as a Notary Public.

Based on the foregoing, I advise and recommend that the Senate reinstate Ms. Shawn Rowland to the office of Notary Public.

Sincerely,

A handwritten signature in dark ink, appearing to read "Garrett Richter", with a large, stylized flourish extending from the end of the signature.

Garrett Richter  
Chair