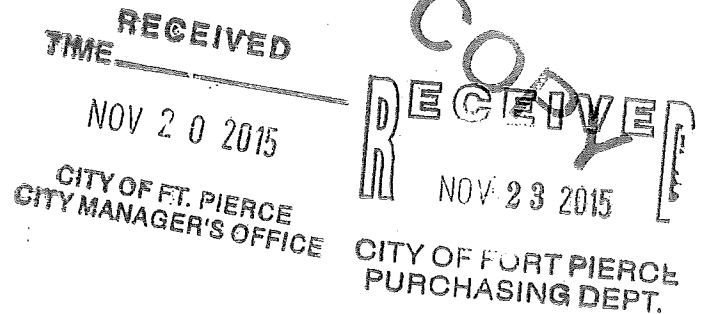

MESSER CAPARELLO
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November 18, 2015

Nicholas "Nick" Mimms
Interim City Manager
City of Ft. Pierce
100 North U.S. Highway 1
Ft. Pierce, FL 34950



RE: *In re Thomas K. Perona, Complaint No. 14-041 and 14-123 (Ethics Commission)*

Dear Mr. Mimms:

The purpose of this correspondence is to request, on behalf of Thomas K. Perona, a member of the City of Ft. Pierce City Commission, that he be reimbursed for the payment of attorney's fees and costs associated with the successful defense of the above-referenced complaints filed with the Commission on Ethics.

Both case law and Attorney General's opinions authorize payment or reimbursement of legal fees in connection with the successful defense of a complaint filed with the Ethics Commission when the public official was performing official duties while serving a public purpose.

Briefly, the complaints filed against Mr. Perona can be summarized as follows:

- **Complaint 14-041:** This complaint was filed by Rick Reed and alleged, among other things, that Mr. Perona accepted publicly funded legal representation by the City Attorney in connection with a lawsuit against the Mr. Perona which alleged a defamatory act committed during a time when the Mr. Perona held no public position and which named the Mr. Perona individually as the sole defendant. The complaint also alleges that the Respondent voted on measures related to the lawsuit referenced above in paragraph 3 during open City Commission meetings on July 1, 2013, and July 15, 2013, and that he participated in "shade" meetings on September 23, 2013, and December 16, 2013, during which the Commission discussed or voted on confidential settlement/mediation issues related to the lawsuit.
- **Complaint 14-123:** This complaint was filed by Rick Reed and alleged, among other things, that Mr. Perona, as a candidate for reelection to the City Commission, publicly referred to the City Clerk and the City Marketing Manager as "my team

Nicholas "Nick" Mimms
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from City Hall" and that he directed them to work on his campaign while "on the clock" as City employees and to use City resources for the campaign.

Both of these complaints were found to be legally sufficient to warrant investigation and, following investigation by the Commission on Ethics and a probable cause hearing before the Commission on September 11, 2015. A copy of the Public Report dismissing both complaints is included with this letter. Underlying the Commission's finding of "no probable cause" is a determination that Mr. Perona was performing official duties while serving a public purpose in connection with his actions that were the subject of the complaints.

Our firm has billed Mr. Perona \$3,015.00 in connection with the defense of this matter. The services of Mark Herron and J. Brennan Donnelly have been billed at the hourly rate of \$300 per hour. Copies of billing statements regarding these fees and costs included with this letter as well.

Thank you for your attention to this request. If you have additional questions or concerns, or need any additional information, with respect to this request, please let me know.

Sincerely,



Mark Herron

cc: Thomas K. Perona, City Commissioner