

COLIN BAENZIGER  ASSOCIATES
EXECUTIVE RECRUITING

Section 6

John S. Turner

*Fort Pierce City Attorney
Candidate Report*

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Resume

JOHN S. TURNER, ESQ., B.C.S.
P.O. Box 670
Fort Myers, FL 33902
239-691-0575
floridafirm@embarqmail.com

Senior-level trial attorney with excellent qualifications and experience in all areas of trials and appeals of civil cases in State and Federal courts. Proven ability to work under pressure with attention to detail and meeting critical deadlines to provide the highest quality legal representation possible to the client and its departments and employees. Highly developed skills in analyzing/interpreting issues and problem solving. Board Certified by The Florida Bar in City, County, and Local Government Law.

CAREER HIGHLIGHTS:

1. Represented local government in \$24 million civil rights and inverse condemnation claims by developer in Federal court and on appeal, resulting in favorable verdict and award of attorney's fees and costs for the client.
2. Successfully defended local government in federal courts involving the following issues: Family Medical Leave Act, Title VII claims, ADEA claims, ADA claims, FAA claims, violations of First Amendment free speech, Fourteenth Amendment due process and equal protection claims, inverse condemnation and civil rights claims, Telecommunications Act claims, and abandonment proceeding before Surface Transportation Board.
3. Initiated in-house defense of Workers' Compensation claims by local government saving substantial amounts on outside counsel costs and fees.
4. Successfully represented local government in attempts to stop construction of bridge projects.
5. Defended local government in attempt to overturn adoption of County Charter.
6. Represented local government in personal injury and property damage claims under the sovereign immunity provisions of section 768.28, Fla. Stat. saving substantial amounts on outside counsel costs and fees.
7. Handled numerous eminent domain and Bert Harris claims and trials for local government projects including Department of Transportation, Utilities, Natural Resources, and County Lands.

John S. Turner
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PROFESSIONAL EXPERIENCES:

Private practice since 2015 in the areas of civil trial and city, county, and local government law, including eminent domain, inverse condemnation, Bert Harris claims, personal injury and employment law.

Associate attorney with the firm of Kevin F. Jursinski & Associates, 15701 S. Tamiami Trail, Fort Myers, FL, 33908, in 2015, with primary emphasis in the areas of construction defects and mortgage foreclosure defense.

Senior Assistant and Chief of Litigation Section in the Lee County Attorney's Office, P.O. Box 398, 2115 Second Street, Fort Myers, FL, 33902, from 1991 to 2015. Responsible for trial and appeal of federal and state actions involving eminent domain, inverse condemnation, due process takings, Bert Harris claims, personal injury defense, workers' compensation defense, employment law, contract disputes, construction actions, constitutional law, civil rights claims, public records complaints, zoning and land use issues and actions. Supervised and trained trial attorneys, paralegals, and legal assistants.

Prior to moving to Florida in 1991, I was in private law practice in Tulsa, Oklahoma, and also served as a Municipal Court Judge in Tulsa, Oklahoma.

EDUCATION:

Juris Doctorate, University of Tulsa College of Law, Tulsa, OK; B.A. in Business Administration, University of Tulsa.

DESIGNATIONS/AFFILIATIONS:

Certified by The Florida Bar in City, County, and Local Government Law.

AV rated by Martindale-Hubbell.

Circuit Court Mediator.

Oklahoma Bar Association.

Florida Bar Association.

Member of the U.S. Supreme Court, Eleventh Circuit Court of Appeals, United States District Court for Middle District of Florida.

Section 6

Candidate Introduction

JOHN S. TURNER

I. INTRODUCTION

This candidate for the position of City Attorney for the City of Fort Pierce is an experienced and well-qualified attorney in all areas of local government law, and is certified by the Florida Bar in City, County, and Local Government Law. It is the goal of this applicant to provide the highest quality legal representation possible to the City of Fort Pierce, its departments and employees in an efficient and timely manner, and to implement the policies as directed by the City Commission to the best of his ability in a professional manner.

II. EXPERIENCE

As a Senior Assistant and Chief of the Trial Section for the Lee County Attorney's Office, I was responsible for the trial and appeal of state and federal claims involving eminent domain, inverse condemnation, regulatory and due process takings claims, land use and zoning disputes, personal injury defense for County departments, workers' compensation, Title VII, ADA, ADEA, FMLA, civil rights claims, and contract preparation and litigation. In addition to representing the County in litigation matters, I attended meetings of the Board of County Commissioners, advised County Commissioners and staff on the Sunshine and Public Records Laws, conducted Chp.164 meetings to resolve disputes with other governmental agencies to avoid litigation, advised Board and staff on pending litigation for the purposes of settlement and litigation strategy, provided input and advice on ordinances and resolutions, zoning actions, code enforcement cases, quasi-judicial proceedings, and handled writs of certiorari in Circuit Court and Comprehensive Plan challenges.

While in the County Attorney's Office I supervised attorneys in the Trial Section, made hiring decisions and recommendations, prepared annual evaluations and reviews, trained and instructed staff and paralegals on legal research, trial strategy, case outlines, witness preparation, exhibit files and discovery. It was our goal to be totally prepared in every case so the County Commissioners and staff could be fully advised as to the most appropriate course of action. Each claim was analyzed with the risk-benefit ratio in mind. Only cases or defenses that had a reasonable assurance of success would be pursued.

Some specific examples of litigation matters that demonstrate my experience and qualifications handling local government issues, include the following:

- Successfully defended EMS in a Federal jury trial for alleged violation of the Family Medical Leave Act.
- Successfully represented DOT in an eminent domain jury trial for roadway improvement project and in appeal to Second District Court of Appeal.

JOHN S. TURNER

- Lead counsel in over a dozen personal injury jury trials against various County departments to verdict, including over six defendant's verdicts.
- Lead counsel for the County in hundreds of eminent domain cases filed and prosecuted in Circuit Court, including 17 cases to jury verdict.
- Lead counsel for workers' compensation cases brought against the County in the Office of the Judges of Compensation Claims.
- Assisted in defense of a constitutional challenge to County's impact fee ordinance including appeal to Second District Court of Appeal.
- Successfully represented Port Authority in defense of claims by taxicab operators and courtesy vehicle companies for breach of contract, substantive due process and equal protection claims in federal and state courts.
- Lead counsel in defense of state whistle-blower claims filed by seven employees who were terminated after creating a hostile workplace.
- Defended and settled claims in federal court by property owner for illegal destruction of property from unconstitutional building code in violation of substantive and procedural due process.
- Successfully defended water service franchise agreement in action by municipality concerning coverage terms including appeal to Second District Court of Appeal.
- Defended County in Title III ADA claims for lack of accommodations in 11 public parks and buildings in federal court. Settled claims but successfully argued that County was not liable for plaintiff's attorneys fees and costs.
- Successfully defended County in federal and state courts from inverse condemnation claim involving a road construction project for taking of access, injunctive relief, denial of due process.
- Successfully defended in state court breach of contract and injunctive relief claims by municipality to prevent construction of new bridges and a causeway.
- Successfully defended County in federal court and on appeal to the Eleventh Circuit Court of Appeals and the U.S. Supreme Court on a claim by property owner that special assessment violated its constitutional rights.

- Successfully defended in federal court and on appeal to Eleventh Circuit Court of Appeals claims for over \$16 million by a telecommunications company for violation of the Telecommunications Act, substantive and procedural due process violations.
- Successfully tried eminent domain action for property necessary for expansion of airport. Property owner demanded \$1 million but jury awarded \$240,000.
- Successfully defended in federal court two claims of retaliation for hostile work place against County Manager. Third claim for First Amendment violation was settled after mistrial.
- Successfully tried age discrimination claim in federal court wherein the Plaintiff claimed damages of \$600,000.
- Successfully tried disability claim in federal court under ADA against claim for damages of \$400,000.
- Successfully tried race discrimination claim in federal court against claim for damages of \$400,000.
- Prosecuted action against consultant and designer of supporting structure for 16” waterline installed under a bridge. Settled claim for \$95,000.
- Successfully defended in state court and on appeal to Second District Court of Appeal a challenge to adoption of county charter.
- Assisted in trial and defense of \$24 million inverse condemnation and civil rights claim in the federal courts (seven different judges) and on appeal to Eleventh Circuit Court of Appeals. Obtained judgment for costs and attorneys’ fees of \$600,000 and collected \$320,000 that was returned to the county.
- Defended Bert Harris claims for FEMA floodway maps and for inverse condemnation.
- Defended claims by property owners for regulatory takings for failure to rezone from residential to commercial and for mining operations.

JOHN S. TURNER

III. EDUCATION

Postgraduate: Juris Doctorate, University of Tulsa College of Law, Tulsa, OK.

Undergraduate: B.S. in Business Administration, University of Tulsa, Tulsa, OK, and University of Arkansas, Fayetteville, AR.

IV. EMPLOYMENT

Currently in private practice in Fort Myers since April of 2015, representing clients in the areas civil trial, local government law, and related land use issues. Prior to moving to Florida in 1991 and accepting a position with the Lee County Attorney's Office, I was in private practice in Tulsa, Oklahoma, with focus in civil litigation, business disputes, real estate development, zoning, real estate law, and business franchising. I also served as a full-time Municipal Court Judge for the City of Tulsa handling traffic, misdemeanor, and code violation cases, and conducting jury and non-jury trials.

V. ACTION PLAN

If the City Commission should select this candidate as its new City Attorney, I would immediately address the following matters:

- Obtain direction from City Commission as to its goals, expectations, and objectives with respect to the City Attorney's office.
- Prepare a plan of action to transition from the current outside firm to the new city attorney to ensure that the City's legal interests are properly protected.
- Outline the requirements for the office of the new city attorney including staff, office facilities, and budget.
- Schedule meetings with all department directors to discuss needs and be included in staff meetings to give legal direction in the areas of public records laws, sunshine laws, lines of communications and expectations.
- Meet with citizens' board members to establish open lines of communication.

The important job skills that I can offer to the City Commission for this important position are: (1) to establish an open, clear and direct line of communication; (2) implement organizational controls to keep track of tasks, ensure that deadlines are met and advise the

JOHN S. TURNER

Commission as to status of all matters to avoid surprises; and (3) apply proven and objective problem solving techniques.

VI. Recent Salary

At the time of resignation from the county attorney's office, my compensation was approximately \$150,000.00 per year.

CB&A Background Checks

**Background Check Summary for
JOHN S. TURNER**

Criminal Records Checks:

Nationwide Criminal Records Search	No Record Found
County Lee County, FL	No Record Found
Federal Florida	No Record Found

Civil Records Checks:

County Lee County, FL	No Record Found
Federal Florida	No Record Found

Motor Vehicle Florida	No Record Found
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Credit	Excellent
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Bankruptcy	No Record Found
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Education	Results Pending
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Employment	Confirmed
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Bar Certification/License	Member in Good Standing Bar #869570
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**Background Check Summary for
JOHN S. TURNER**

THE FLORIDA BAR

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John Stanley Turner

Member in Good Standing

Bar Number: 869570
Mail Address: PO Box 670
 Fort Myers, FL 33902-0670
 United States
 Office: 239-337-2345
 Cell: 239-691-0575
Email: floridafirm@embarqmail.com
Personal Bar URL: www.floridabar.org/mybarprofile/869570
vCard:  ?

County: Lee
Circuit: 20
Admitted: 11/26/1990
10-Year Discipline History: None
Law School: University of Tulsa College of Law

Eligible to Practice Law in Florida



Board Certifications:	Area	Year
	City, County and Local Government Law	1997

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about attorneys licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, through this directory The Florida Bar allows individual attorneys the opportunity to provide for public information certain expanded personal and professional data. It is the attorney's responsibility to routinely review and update those expanded listings. The information contained in those expanded listings is presented by the Bar "as is" with no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents thereof are not responsible for the accuracy of that additional data. Publication of attorneys' contact information within this listing should not be construed as their consent to receive unsolicited communications in any form. Certain unauthorized uses of this data may result in civil or criminal penalties. The Find a Lawyer directory is not a lawyer referral service.



**Background Check Summary for
JOHN S. TURNER
Personal Disclosure**

Personal Disclosure Questionnaire

Name of Applicant: John S. Turner

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

1. Have you ever been charged or convicted of a felony?
Yes No
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
Yes No
3. Have you ever declared bankruptcy, or been an owner in a business that did so?
Yes No
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
Yes No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
Yes No
6. Have you ever been convicted of driving while intoxicated?
Yes No
7. Have you ever sued a current or former employer?
Yes No
8. Do you have a personal My Space, Face Book or other type of Web Page?
Yes No
9. Do you have a personal Twitter Account?
Yes No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
Yes No
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: 
Signature of Applicant

Please email this form via PDF DOCUMENT to _____ or via fax to _____
(888) 539-6531

(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

CB&A Reference Notes

Reference Notes
John Turner

Mike Figueroa – Risk Manager, Lee County, FL 239-533-2221

Mr. Figueroa first met Mr. Turner in 2004. They worked together on various legal issues until Mr. Turner left in 2015. They have had no further contact since then.

Mr. Figueroa and Mr. Turner interacted on a daily basis during the time they were both employed at the County. Mr. Turner was the attorney of record for all of the personal injury and worker's compensation cases. He was a fountain of knowledge in regards to legal issues, however, if he did not know an answer off the top of his head he researched it and quickly followed up. He ensured to take his time and go over all aspects of an issue to ensure the best outcome for the County.

Mr. Turner was always responsive and operated with an open door policy. He gave sound legal advice, however, when working with Mr. Figueroa they both came to the mediation table with input on how to proceed in regards to each case. Even though they did not always agree on issues, Mr. Turner made decisions based on the best interest of the County ensuring that he represented his client well.

Mr. Figueroa is aware of several circumstances where the elected body did not follow Mr. Turner's legal advice and went in a different direction. Unfortunately, he is unaware of the outcomes as most of those issues were discussed during board meetings where he was not present.

Mr. Turner was good at keeping Mr. Figueroa informed of what was happening in regards to their mutual cases. He was excellent at finding solutions for problems and had a good command of many areas of the law including; contracts, land use, and labor and personnel issues.

Mr. Figueroa is not aware of Mr. Turner being involved in anything controversial that was not part of his job description as a County Attorney. He knows of nothing in his background that would be construed as embarrassing if the press were to investigate. He is uncertain why he left the County, but suspects he was a casualty of the new Administration. He would absolutely hire him as a City or County Attorney because of his wealth of knowledge and experience. It was a pleasure working with him.

Words or phrases used to describe John Turner:

- Interesting,
- Knowledgeable,
- Confident, and
- Pleasure to work with.

Reference Notes
John Turner

Strengths: Extremely knowledgeable in several aspects of the law and operates with the best interest of his client in mind.

Weaknesses: None identified.

**John J. Renner – Chief of Trial Section, Lee County Attorney’s Office, Lee County, FL
239-560-3915**

Mr. Renner first met Mr. Turner in 1991. He became Mr. Turner’s direct supervisor in the mid to late 1990’s until 2010. They have seen each other on occasion since that time, but have had no real further contact.

Mr. Turner is a capable attorney. He was much easier to deal with than some of the other attorneys in the County. Mr. Renner was confident sharing the heavy lifting with Mr. Turner and could delegate his workload to him without second charring it. He has a good command of the law, but because it is always evolving he does his research and keeps up with current information on his given subject matter.

In their work with the County Commissioners, Mr. Renner and Mr. Turner worked closely with the Board and made the best recommendations that they could. It was their job to make the recommendations so that the Commissioners could make their decisions based on their advice. Mr. Turner did a fine job of walking that tightrope and navigated the political waters well. Mr. Renner cannot recall the elected officials ever rejecting Mr. Turner’s recommendations.

Mr. Renner eventually handed over all of the liability cases to Mr. Turner where he worked closely with the Risk Manager to negotiate on behalf of the County. He did a fine job negotiating each case and always tried to resolve each one based on a cost benefit analysis. He did not want to bankrupt the County just to prove that they were right and always had the best interest of the client at the forefront of his process.

Mr. Turner has experience in many aspects of municipal law. He is knowledgeable in constitutional law, contracts, environmental law, land use, and labor and personnel matters. He has fantastic trial skills and works well independently. Mr. Renner did not have to do much supervising or hand holding when it came to Mr. Turner. Additionally, he was good at keeping Mr. Renner informed of what was happening in his area of responsibility through weekly meetings and daily information sharing.

Mr. Renner is not aware of Mr. Turner having been involved in anything controversial nor does he have any knowledge of any embarrassing item in his background. He has the skill set, experience, and knowledge to handle a City Attorney position.

Reference Notes
John Turner

Words or phrases used to describe John Turner:

- Bright,
- Works independently,
- Somewhat reserved, and
- Familiar with the rules and can be aggressive without being brash.

Strengths: Extremely capable attorney who is easy to work with and works well independently.

Weaknesses: Because Mr. Turner did like to work independently he did not work well as a co-chair on cases. On a case for which he is given full responsibility, he prefers to have full discretion of the decisions.

Donna Marie Collins – Chief Hearing Examiner, Lee County, FL 239-533-8100

Ms. Collins first met Mr. Turner in 1991. She was an Assistant County Attorney and they both became Chief Litigators during the time they worked together in Lee County. She left that office in 2013 but continued to have contact with him and his staff in relation to her current position. Since Mr. Turner left Lee County in 2015 they have had some occasional contact.

Mr. Turner is a highly skilled litigator. In his role at the County he worked on all matters with litigation that local government faces. He has much experience in many areas of law including contracts, environmental law, land use, and labor and personnel matters. In closed meetings with the Board he gave the elected officials sound advice. She did not always agree with him, but the intended outcome was always reached. The only instances where the elected body did not follow his advice is when the Commissioners did not want to settle a matter right away, but wanted to keep it going a little longer.

Mr. Turner is the type of attorney who looks for solutions. He was on the end of the law where all of the issues were already escalated, therefore he was constantly searching for solutions to resolve them. He offered input on a very high level of workings in that office while he was there.

Working with the elected officials was something Mr. Turner did well. He was keenly aware of what was involved in regards to certain decisions regarding litigation. He prepared them as witnesses if necessary and helped them to navigate through litigation issues.

Ms. Collins is not aware of Mr. Turner being involved in anything controversial since she has known him. She is not privy to any information in his past that would be considered embarrassing. She would certainly consider him as a candidate for a City or County Attorney position because of his intelligence and experience.

Reference Notes
John Turner

Words or phrases used to describe John Turner:

- Intelligent,
- Reliable,
- Humorous,
- Can become cranky at times, and
- Focused.

Strengths: Highly intelligent and experienced litigation attorney who works well with his elected officials.

Weaknesses: At times his personal style can be a little rigid.

Cecil Pendergrass – Commissioner, Lee County, FL 239-533-2227

Mr. Pendergrass grew up in the Lee County area and has known Mr. Turner since about 1991. However, he did not truly work with him until he was elected to the Board in 2012. He has had some occasional contact with Mr. Turner since he left in 2015.

Mr. Pendergrass was happy with Mr. Turner's performance as an attorney. He was professional, proficient, and managed his time well. They worked together on a few cases and Mr. Pendergrass was always confident in his recommendations. He made substantial decisions and recommendations weighted with good merit.

Mr. Turner was solution oriented, but was also clear about what was allowed by the law. He did well to find a fair balance between those two items. Although Mr. Turner was a knowledgeable and experienced attorney, Mr. Pendergrass only worked with him on land use issues and can only speak to his experience in that area.

In regards to communication, Mr. Turner kept Mr. Pendergrass in the loop regarding those issues in which they were involved. He sent him emails or spoke with him during scheduled meetings. He had a calm demeanor and an easy going communication style. Mr. Pendergrass always felt comfortable speaking with him.

Mr. Pendergrass is not aware of Mr. Turner being involved in anything controversial. He does not know of anything in his background that would be thought to be unflattering if the press were to investigate. He was surprised at Mr. Turner's departure, but a new County Attorney had come on board and the elected officials are not involved with those personnel aspects because of their County charter. He would definitely be in Mr. Pendergrass' top three picks if he were hiring a City or County Attorney.

Reference Notes
John Turner

Words or phrases used to describe John Turner:

- Calm demeanor,
- Informative,
- Knowledgeable about the issues, and
- Good communication skills.

Strengths: Proficient attorney who has excellent communication skills and is knowledgeable about the law.

Weaknesses: None identified.

John Manning – Commissioner, Lee County, FL 239-533-2224

Mr. Manning first met Mr. Turner in 1991. He was on the Commission until 2001 and then left. He then returned in 2010 and worked somewhat with Mr. Turner from that time until Mr. Turner left in 2015. They have had no further contact.

Although Mr. Manning did not work with Mr. Turner much he knows that he was a diligent worker. He spoke with him on occasion and was always given sound legal advice. He is the type of attorney to work through the issues and not just say that the law does not allow something to happen.

When Mr. Turner did interact with the elected officials he did so professionally and gave them a clear interpretation of the law. He was experienced and knowledgeable and knew the answers when the Commissioners asked about legal matters.

Mr. Manning is not aware of Mr. Turner being involved in anything controversial. He does not know of any item in his past history that would be construed as embarrassing if the press were to investigate. The only reason he can think of as to why he was let go is because the new County Attorney is moving in a different direction. He would be a good City or County Attorney for a small municipality.

Words or phrases used to describe John Turner:

- Diligent,
- Hard working,
- Gives good legal advice, and
- Knowledgeable of the law.

Reference Notes
John Turner

Strengths: Diligent professional who knows the law and gives sound legal advice.

Weaknesses: None identified.

Frank Mann – Commissioner, Lee County, FL 239-533-2225

Mr. Mann knew of Mr. Turner before joining the Commission in 2006, however, he did not really get to know him and work with him until that time. He has run into him in town a few times since he left in 2015.

Mr. Mann has always had a good opinion of Mr. Turner. He knows him through his fairly successful litigation practices with the County. He seemed to have picked up on the culture of the County fairly quickly and performed quite well.

Mr. Turner was the expert and Mr. Mann always felt that he was given good recommendations. He does not recall the Council ever not taking his advice and going in a different direction. He was always inclined to take his advice and had no regrets in doing that.

Although Mr. Turner was one to find solutions to issues, he did strike a balance between solutions and upholding the restrictions of the law. He was very good at keeping Mr. Mann informed and up to speed in regards to issues for which he was responsible.

Mr. Mann is not aware of Mr. Turner being involved in anything controversial since he has known him. He does not have any information about his past history that would be considered embarrassing if the press were to go digging. He would certainly make the short list if he were looking to hire a City Attorney.

Words or phrases used to describe John Turner:

- Competent,
- Balanced,
- Good communicator, and
- Gives sound legal advice.

Strengths: Successful litigator who gives good legal advice to his elected body and ensures to keep them well informed.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

Fort Myers News- Press
July 4, 2015

John Turner joins Fort Myers law firm

The Law Office of Kevin F. Jursinski & Associates announced the addition of its newest associate attorney, **John S. Turner**.

Turner specializes in the practice area of civil trial law. He is board certified in city, county and government law with special emphasis in business, real estate and construction litigation.

He was previously the senior assistant county attorney for Lee County. For more than 20 years, he represented and defended the county in cases involving real estate and business related legal matters.

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

News-press.com (<http://www.news-press.com/story/news/2015/03/07/purge-county-attorneys-office-lee/24557759/>)
March 7, 2015

Two fired at county attorney's office in Lee County

Author: Heather Wysocki

Lee County Attorney Richard Wesch's office is down three attorneys but up two new ones in a recent internal shakeup. On Feb. 20, Assistant County Attorneys **John Turner**, Jack Peterson and Dawn Perry-Lehnert were "no longer employees of Lee County," Wesch stated in a memo to county commissioners. Perry-Lehnert, a 21-year employee of the office, retired. But **Turner**, a 23-year veteran who served in some supervisory capacities as chief assistant county attorney, and Peterson, a 25-year employee, were terminated, county spokeswoman Betsy Clayton said in an email.

Wesch released a brief statement on the terminations, thanking the employees and stating only that his office "has an ongoing commitment to analyzing efficiencies in furtherance of its commitment to continuous quality improvement." Both **Turner** and Peterson's annual employee evaluations from the past five years show an overall level of work that was deemed at the very least average, and often well above that. But each had specific marks on their records as well, according to those documents.

Turner is described in the reviews as an "extremely skilled trial attorney" but as "inconsistent" in terms of how he treats attorneys under him. He "tolerates low performance in some employees yet (is) rigid in expectations of others which creates tension in the Section," Deputy County Attorney Andrea Fraser wrote in a 2012 review.

The biggest black mark on Peterson's file in the last five years was that he was "not prepared" for a trial "and it showed in the verdict," which **Turner**, his supervisor at the time, wrote in a 2012 evaluation. In that case, county commissioners eventually approved a \$2 million settlement, according to county documents. Peterson disagreed with **Turner's** assessment

Wesch's office has already filled in the gaps left by two of the former attorneys with two new hires. Corris McIntosh, formerly of Buchanan Ingersoll Rooney/Fowler White Boggs, and Mark Trank, who ran his own practice, started as assistant county attorneys Thursday, according to a Tuesday memo from Wesch.

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

The Pine Island
February 16, 2013

Lee County Commissioners Discuss the Ceitus Controversy
Author: Phil Buchanan

John Turner, Assistant Lee County Attorney, today as scheduled, provided the Lee Commissioners a briefing on the Ceitus mediation and litigation. Neither the public nor any experts on the subject were allowed to speak, and only the commissioners were allowed to respond. He said what started off as a boat lift or sheet flow issue has, per his consultant Kevin Erwin, become a broader issue and they need to develop a strategy for the entire area, which he described as 15 to 16 miles of shoreline. He said as regards pre-trial mediation, which is scheduled for 6 March, they have three options: (1) go to mediation and present our data, or (2) delay mediation and gather more data, or (3) end mediation. He asked for BOCC guidance.

Commissioner Tammy Hall said the Natural Resources Director (Roland Ottolini) should be in charge of this issue and not the County's Attorney's Office. [Note: Ottolini lives only a block or two behind the Barrier and in fact was one of the Cape Coral people that arranged for the Barrier to be removed—he was excluded from the mediation/litigation because he has a direct conflict of interest.] Hall said the \$1.5 million set aside for the barrier reconstruction should be used for more worthwhile environmental projects. She said the “citizens committee spent two years coming up with a list of projects that would be better than rebuilding the Barrier.” [Note: That statement is incorrect. Cape Coral presented that group a list of city projects that they preferred the money (including County money) be spent on; but the group, which is known as the Environmental Management Agreement, voted 14 to 4 to reject that list based on a finding that restoration of the Barrier would provide greater environmental benefits. The EMA vote was and still is legally binding.] Hall noted that the consultants have spent \$300,000 of the \$500,000 set aside for the litigation and have accomplished nothing—she claimed that eventual costs of the litigation could be \$1.5 million. Hall also claimed the BOCC had not approved Commissioner Manning as the BOCC representative to the pre-trial mediation. She said the matter should be turned over to Ottolini, who should start doing other projects.

Commissioner John Manning said we should go to mediation, which is a precondition to litigation, and then revisit the issue. Commissioner Frank Mann said he was frustrated. He noted they had previously voted unanimously to continue the fight, but there was no progress—“only talking and no listening.” He said he “accepted at face value the word of the Cape representatives” that (1) “tidal increase changes science” and (2) that “no evidence of damage has been presented—where are the dead mullet, where are the dead sea grasses?” [Note: We have presented dozens of photographs of dead marine life including tunicates, sponges, oysters, and sea grasses as well as sea grass beds and oyster beds smothered in siltation, plus dozens of photographs of horrendous algae blooms. We even presented to the EMA sample bodies of the dead marine life (not including mullet and other fish, which in adult form are generally unaffected by the excess fresh water). Second note: Sea level rise has been about 4 inches since the North Spreader was built, but it takes 16 inches of spreader canal rise provided by the Ceitus

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

Barrier to regain historical flows into the wetlands—that’s real science and it does not change.] Mann said we should give the Cape one last chance to agree, and that we should ask the DEP for their view.

Commissioner Larry Kiker demanded to know who is in charge of this issue, and said having “lawyers running business” is bad. He insisted that “Ottolini be involved.” He also said he prefers that Ceitus funds be reallocated. Commissioner Cecil Pendergrass said he personally wanted to know why the Ceitus permit was denied by DEP. He also said the big issue is water quality. **Turner** said a formal motion was unnecessary and that he had the guidance he needed. He said they would proceed with the 6 March mediation proceeding and that Ottolini would be involved. He also said they would check with DEP and the Corps of Engineers.

My personal comment: The loss of environmental expert Ray Judah and his leadership from the Board of County Commissioners has changed the BOCC from a dependable protector of the environment (with consistent 5 to 0 votes on Ceitus and many other environmental matters) to what you see in the above discussion.

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

NBC-2.com
February 7, 2012

Boat lift has county threatening to sue Cape Coral

Author: Alex Boyer

LEE COUNTY - The City of Cape Coral could be headed to court. Lee County is threatening to sue the city if the city council refuses to reinstall the controversial Ceitus Boat lift. A contentious meeting Tuesday ended with no deal in sight. "Why are we hear today? Because the law requires it. We're not here to share information," said Cape Coral Finance Director Victoria Bateman.

On one side of the table were Cape Coral city leaders - including the interim city manager and finance director. On the other side was Assistant Lee County Attorney **John Turner**, who was only interested in having one question answered. "What we need to know is what the city wants to do as far as the boatlift is concerned," he asked Tuesday. He was referring to the controversial Ceitus Boat Lift, which the county wants to see reinstalled in north spreader canal system.

The city refuses to reinstall the barrier - opting for a water quality improvement plan that doesn't include the barrier. "That's exactly what we want to do by unanimous consent of council," said Cape Coral Civil Engineer Oliver Clarke. But that's not what the county wants. "Frankly, that plan has been reviewed and, as determined by the county commissioners, does not solve the problem," **Turner** said.

According to **Turner**, the "lack of barrier" is depriving the large areas of mangroves west of the north spreader canal from seasonal flushing required to support the ecosystem and estuaries. So the county's only offer to the city is reinstall the Ceitus Boat Lift, or they will be taken to court. "It appeared Mr. **Turner** was under the direction of his client to come here and say, 'We'll see you later,'" said interim Cape Coral City manager Steve Pohlman. We tried talking to **Turner** after the meeting, but he wasn't interested in speaking to the media. The next step will be for the Cape Coral City Council and the Lee County Commissioners to meet. That meeting date has not been set.

Internet – Newspaper Archives Searches
John Turner
(Articles are in reverse chronological order)

Bonita Daily News (Bonita Springs, FL)
August 12, 2006

Lee, disabled citizens group settle suit

Author: Kristen Zambo

Lee County and a disabled citizens advocacy group have settled a year-old federal lawsuit accusing the county of discriminating against the physically impaired at more than a dozen parks. Disabled residents Dana Lamb and Tony Lucibello and Access Now Inc. filed suit against the county in U.S. District Court in Fort Myers in May 2005. They said in the discrimination suit that a Bonita Springs site and 13 Lee County parks violated the Americans with Disabilities Act. Court records show the two sides have settled the lawsuit, but terms of the agreement were not disclosed.

A message was left Friday for Stephan Nitz, the attorney for Lamb, Lucibello and Access Now, but he was unavailable for comment. Lamb and Lucibello could not be reached for comment on the settlement. A message was left Friday for **John Turner**, a county attorney, but he was unavailable for comment.

The suit named the Bonita Springs Community Hall, 27381 Old 41 Road, as one of the parks that did not make adequate provisions for those with disabilities. It was unclear, though, if the suit instead meant to name the Bonita Springs Recreation Center at 26740 Pine Ave. The recreation center has tennis courts, a swimming pool, picnic tables, playing fields, recreational center and a playground, some of the amenities that could not easily be accessed by wheelchair-bound visitors. None of those amenities are available at Community Hall. The city was not named as a defendant in the lawsuit.

Other sites listed in the lawsuit were Alva Community Park/Center, Boca Grande Community Park, Pine Island Park, Hancock Community Park, Lehigh Acres Community Park, Veteran's Community Park, Bay Oaks Community Park/Recreation Center, Brooks Community Park, Harlem Heights Community Park, Judd Community Park, Milton Burke Community Park, Matlacha Community Park, and North Fort Myers Community Park.

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John Turner
(Articles are in reverse chronological order)

Naples Daily News (FL)
November 23, 2005

Lee County ready to sue over Corps' Lake O releases
Author: KATE SPINNER

If Lee County sues the U.S. Army Corps of Engineers and the South Florida Water Management District over Lake Okeechobee releases, it won't be the first time. County attorneys advised commissioners Friday that if they bring suit, they will be fighting an uphill battle. But attorneys said the county will at least have lessons from the past to draw upon. County commissioners met after their regular session Tuesday to discuss putting a stop to the Army Corps' practice of sending high levels of polluted water from Lake Okeechobee down the Caloosahatchee River.

To prevent flooding, the Army Corps releases lake water into the river when stormwaters fill the lake beyond its capacity. Local leaders, environmentalists and residents say the lake water is ruining the river, its estuaries and business interests that depend on a healthy environment. In hopes of pressuring the South Florida Water Management District (SFWMD) and the Army Corps into finding an alternative to releasing water west, commissioners and leaders in Sanibel, Fort Myers Beach, Bonita Springs and Cape Coral have been considering legal action. "The time for politeness is gone and we need to just cut to the chase on this," Sanibel City Councilman Steve Brown said. Almost directly opposite from the mouth of the Caloosahatchee River, water quality around Sanibel Island and in San Carlos Bay has been particularly damaged from the lake releases.

Commissioner Ray Judah said that instead of exploring all the options available to them, the Army Corps and the district have been destroying the Caloosahatchee River and its estuaries by sending lake waters west. He said the district has not made a strong enough effort to find farmers south of the lake who are willing to be compensated for storing water on their fields. Chip Merriam, deputy executive director of water resources for SFWMD, said Judah's suggestion could cause damage to unwilling property owners. "The problem is you don't have the ability to surgically place water in that system," Merriam said.

Judah disagreed, saying the fields are in cells that are routinely flooded to rid the fields of pests without affecting adjacent fields. Commissioner John Albion agreed the district had not explored its options thoroughly, but he said it is not up to the county to decide where water should be stored. Albion, Judah and Hall agreed the county should urge the district and the corps to invoke emergency measures to send water anywhere but the Caloosahatchee River or the St. Lucie River to the east. Merriam warned that quick fixes don't solve long-term problems. "Should we delay a permanent fix for the short-term benefit to the estuaries?" Merriam asked. He said moving water to the farm fields will not provide a meaningful remedy to the problem.

Almost five years ago, when the Army Corps and the SFWMD adopted the shared adversity plan, which called for sending lake overflows to the east and west estuaries, Lee County filed suit in circuit court. Seeking a temporary injunction, the county argued that introducing the lake's

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nutrient-laden waters into the river violated the Environmental Protection Act. The water management district argued that the discharges resulted from the unpredictable variability of nature, Lee County Attorney **John Turner** told commissioners. The court ruled in the district's favor. The county appealed, but the ruling was not overturned. "From the 2000 litigation we learned a lesson," **Turner** said.

That lesson was that if the county wants the courts to impose a temporary injunction, the county has to prove the lake releases are not due to the variability of nature, but rather to the district's failure to remedy a known problem. While Lee County contemplates, the River's Coalition, a task force formed around the St. Lucie estuary, has already decided to pursue a lawsuit with the help of Earthjustice -- a non-profit organization that helps other entities fight environmental battles in court. "The conduct of the district and the Corps of Engineers has caused an environmental and ecological catastrophe to the people of Martin County," said David Guest, attorney with the Earthjustice office in Tallahassee. "That catastrophe will not go unchallenged."

Judah said Lee County should also consult with Earthjustice. At the next commission meeting on Tuesday, commissioners will hear more legal advice. Judah said he hopes to put the matter to a vote then. "I would like to see a time frame and what it means to us," Commissioner Tammy Hall said. "If we can't receive an injunction immediately, it's not going to give us any relief."

County Attorney David Owen will tell commission members at their board meeting next Tuesday how long it could take to stop the lake releases through the court system. He said the time-frame depends on the theory behind the suit and whether the suit is filed with the state or federal court. Albion warned that if the county does sue, much needed communication between the county and the corps will shift to the attorneys.

Commissioners on Tuesday expressed a desire to keep relations amicable between the Army Corps and the district. They asked the district to provide them with frequent updates on long-term projects that will help the river, the lake and the estuaries on both coasts recover from decades of management that did not take environmental considerations into account. "Once you shoot the bullet, it doesn't go back in the gun," Albion said.

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John Turner
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Naples Daily News (FL)
November 16, 2005

Businesses sue county over Alico Road median

Author: JAMIE HENLINE

The businesses are seeking an injunction to prevent the county from building the median because they say they cannot safely navigate U-turns with their equipment. Tractor-trailers loaded with thousands of tons of asphalt and oversized machinery will be forced onto U.S. 41 if the Lee County Department of Transportation builds a median across the Alico Road-Pennsylvania Avenue intersection, representatives of three San Carlos Park businesses and a property owner said Tuesday in Lee County Circuit Court. Three Florida companies, Coastal Precast, Guymann Construction and Ajax Paving Industries, and James L. Mann, owner of the property the businesses are on, are suing Lee County. The suit accuses the county of renegeing on a promise to leave the intersection open so the companies could make left turns onto Alico Road to access Interstate 75. The four businesses are seeking an injunction to prevent the county from building the median because they say they cannot safely navigate U-turns with their equipment.

U-turns are possible at the Schwab Driveway-Alico intersection, and larger trucks can still get to I-75 via another interchange, said Assistant Lee County Attorney **John Turner**, who moved to dismiss the case. Lee DOT moved the traffic signal from Pennsylvania to Schwab to satisfy a settlement with Seminole Gulf Railway, a railroad company that owns a short spur on Alico Road. Plans for projects such as roadway improvements often change, **Turner** added, and there was no written agreement between the county and the plaintiffs. "This is part of the police powers of the county to control how traffic travels on the right of way as a matter of public interest," **Turner** said.

James Mann, who has owned property on Pennsylvania Avenue since 1979, said that in his 29 years in the construction business, he had never seen plans change so drastically that an entire intersection was moved. "If most (plans) changed as much as Alico Road — I use a walking stick — I would have most likely broke it on that guy's head," Mann said. The larger trucks would have to take up all six lanes to navigate a U-turn, and some trucks would not be able to do it at all, said Theodore Petritsch, a consultant who acted as an expert witness for the plaintiffs. Both situations create public safety issues, he said. "The issue with the railroad is about money. It's not a public safety issue," said Rebein. "If it costs the county more, then the county will have to live with that." The plaintiffs will have to increase their prices to accommodate the extra 13 or so miles added to each of the hundreds of truck trips made daily, which will make them uncompetitive in the market and damage their businesses, said their attorney, Paul Rebein. Lee Circuit Judge William C. McIver said he would make his decision after both sides submitted detailed orders listing what their ideal outcomes of the case would be. The documents are due Dec. 1.

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John Turner
(Articles are in reverse chronological order)

NBC-2.com
May 7, 2004

Four counts of causeway lawsuit dismissed

LEE COUNTY- Friday afternoon Judge James Seals dismissed the city of Sanibel's lawsuit against Lee County over replacing the drawbridge on the Sanibel causeway. The judge said an interlocal agreement between the city and the county is null and void because the county doesn't have the power to make promises about county road maintenance to a city.

The city of Sanibel opposes the replacement of the span A drawbridge with a fixed span bridge and sued the county claiming the county violated an interlocal agreement that allowed Sanibel a say in causeway improvements. County officials are pleased with the decision. "Legally we are ready to proceed, we are able to proceed. The judge has given us the go ahead for the public safety and the various reasons we can't wait to get started full force," said Assistant County Attorney **John Turner**.

County officials say the county is looking into recovering the cost of defending themselves against the lawsuit. The judge dismissed all but one point in the lawsuit. Sanibel has 20 days to provide more information on that issue, whether the county maintained the causeway as it should have.

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John Turner
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Naples Daily News (FL)
December 23, 2003

Stadium transfer deal violated city's own law, suit says: Fort Myers' City of Palms Park was transferred to Lee County as part of a 15-year lease agreement with the Boston Red Sox

Author: CHARLIE WHITEHEAD

A Fort Myers resident has sued the city and Lee County over the deal that transferred the Boston Red Sox Spring Training stadium from the city to the county. Earl Smith, brother of former mayor Wilbur Smith, whose administration built the City of Palms Park, says in the suit that the city violated its own ordinance in making the transfer. Smith, who couldn't be reached for comment, said the city didn't follow its own legal guidelines on the transfer, including not giving adequate public notice. The county took over the stadium complex as part of a deal that included a new 15-year lease with the Red Sox. The team had threatened to leave the city because of poor maintenance of the facility.

Mayor Jim Humphrey structured the deal. He said the county's ability to provide the maintenance the Red Sox wanted and keep the team in town was the most important reason for the transfer. "With the county maintenance and operation, the Red Sox agreed to extend the lease for 15 years, and also to expand the use," he said. "We had a beautiful facility that cost a lot of money and it was used two months a year." The Red Sox's use of the stadium was exclusive, meaning the stadium and its practice facilities sat empty most of the year. The cash-strapped city had also let the maintenance slip to the point the county will be spending \$1.5 million on repairs almost immediately.

Humphrey said that's money the city won't have to spend. He said transferring ownership to the county will save city taxpayers around \$500,000 every year. That's less than it's been costing. The city is still paying between \$700,000 and \$900,000 every year to retire the bonds that built the stadium, and those payments will not go away. Humphrey said the city has lost money every year. "I compare it to having a nice boat," he said. "When you buy it it's only the beginning."

The city and the county will jointly defend against the lawsuit, with the city hiring outside counsel. Humphrey had asked that the county do the same, making the request after two assistant county attorneys wrote a letter to the News-Press criticizing the city for the deal. Assistant county attorneys **John Turner** and Jack Peterson, both Fort Myers residents, wrote in their letter the city was mismanaged and talked of creating a new town and calling for citizen involvement. Humphrey called County Attorney Jim Yaeger, the men's boss. "First I confirmed it was them that wrote the letter," Humphrey said. "I was certain it was, because I know them."

Humphrey said he has no problem with citizens expressing their opinions, but worried about two lawyers potentially involved in the city's defense. "I'm concerned if the office is aggressive and diligent," he said. "I understood one was assigned to the case." Neither is, Yaeger said. "What

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they do on their own time as citizens and taxpayers is really their issue," he said. "They are city taxpayers."

Yaeger said he talks with all his employees about what it means to represent the county. "They always represent the office, but there is a line," he said. "They have a right on their own to express their opinions." Yaeger said he wasn't sure that the lawsuit had been filed when the letter was sent. The county was served with lawsuit papers on Dec. 10. The letter appeared in the paper Dec. 14.

Regardless, Humphrey said he was assured by Yaeger the county will vigorously defend against the suit. Humphrey was himself the first full-time Lee County attorney back in the 1970s. He said he was shocked by the letter. "I would have expressed my disappointment," he said. "I don't mind them of course having a private life, but this is an issue of a client. You publicly expressed an opinion that's different than the client has." The city and county have until mid-January to respond to the suit.

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John Turner
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Naples Daily News (FL)
June 20, 2000

The county will pay out a total of \$174,200 to three property owners
Lee County ready to settle Old 41 lawsuits
Author: CHARLIE WHITEHEAD

FORT MYERS -- The Old 41 Road project is almost done -- physically and fiscally. Lee County is ready to settle lawsuits with three Old 41 property owners today, paying out a total of \$174,200. The settlements, assuming county commissioners approve them this morning, will leave three outstanding cases, two of which Assistant County Attorney **John Turner** said he expected to be settled only in court.

Project Manager Saeed Kazemi said there were only a few minor items left to wrap up, and the four-laning project through the heart of Old Bonita Springs is coming in under budget. The project, which got under way early last year, was expected to cost \$4.8 million, but Kazemi said today's settlements will bring the project cost to about \$3.7 million. "We did very good financially," he said. "Especially on the right of way." Business damages were expected to be a major part of the right-of-way cost, Kazemi said, but it hasn't happened that way.

Turner said settlements have included waivers of buffering requirements, and relocations of parking lost to the widening. The Community Redevelopment Agency is installing landscaping through a voluntary program that provides matching funds, but the waivers are for requirements included in the countywide land development code. "There is a certain amount of landscaping the county is putting in as part of the project," CRA planner Ellie McKuen said. "Anything above that is voluntary."

The Old 41 landscaping is the final chapter for the Bonita Springs CRA. McKuen said the county will probably be out of the mix by the end of July. The remaining land cases involve a private home, and two businesses owned by James Harris: Bonita Radiator and J & G Auto. **Turner** said the business cases are likely to end up in court, since the two sides remain far apart and court-ordered mediation has failed to produce a settlement. As for the project itself, Kazemi said the county and city are planning a ribbon-cutting ceremony for later this month. "We know we'll be under budget," he said. "We just don't know how far."

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John Turner
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Naples Daily News (FL)
January 20, 1999

The panel's acceptance closes the door on a legal battle with speculator Ron Francisco that dates back to the late 1980s.

Lee County Commission

\$300,000 lawsuit settlement OK'd

Author: CHARLIE WHITEHEAD

FORT MYERS -- A long, sad chapter in Lee County history could finally be drawing to a close. County commissioners approved the settlement Tuesday of a legal battle that dates back to the late 1980s, when speculator Ron Francisco first sued the county over a future road that county officials moved away from his property near Southwest Florida International Airport. The bankrupted Francisco, who filed suit against the county in 1991, is out of the picture, with the land trust he represented now being handled by local accountant Gerald McHale.

The lawsuit claimed county officials, including then-County Administrator Marsha Segal George, now Fort Myers Beach town manager, conspired first to delay development orders for a resort and convention center he planned and to move the route of Daniels Parkway, which became the main busy route to the airport, away from Francisco's property. Media accounts probed Francisco's supposed chummy relationships with some commissioners and other officials, and ethics complaints were filed against attorneys on both sides. Francisco eventually lost the \$28 million suit, and the county was awarded attorneys' fees and costs. The \$300,000 settlement commissioners agreed to on a unanimous vote Tuesday isn't the millions county attorneys once claimed to have invested their time and effort, an amount the court disputed, but it does cover the county's out-of-pocket expenses. The money would come from the land trust. "I didn't think I'd be here at this point," Assistant County Attorney **John Turner** said. "My recommendation is to accept this to close the case, hopefully, after eight years."

Francisco's troubles began in the high-flying 1980s, when Lee County land development was booming. He has provided inside information to federal investigators and private attorneys looking to clean up after several land deals of that era, including the deals that landed prominent local attorney Morton Goldberg in federal prison and litigation a West Coast financial institution is still pursuing against Barnett Bank and former bank officers. Some of Francisco's trust lands have already been bought by the airport, but the buy came much too late for him.

Land speculation was rampant in the late 1980s as huge public works projects such as the airport and the \$200 million county incinerator were under way. The settlement would close the chapter, but only if the promised \$300,000 payment is received within 90 days. If the payment isn't received, commissioners told **Turner**, they want him to pursue recovering taxpayers' money on all available fronts.

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John Turner
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Naples Daily News (FL)
March 21, 1997

ACTIVISTS LOSE BID TO OVERTURN CHARTER VOTE

Author: CHARLIE WHITEHEAD

FORT MYERS - A circuit court judge has rejected a move by two Lee County activists to overturn voters' approval last November of a charter form of government for the county. Circuit Judge William McIver turned down claims that the ballot language was misleading and that county attorneys improperly changed the wording on the ballot after commissioners approved the language. McIver ruled the ballot language was sufficiently clear and unambiguous and that the ballot question voters answered was substantially in the same form as the one county commissioners approved. McIver also ruled the addition of the words Home Rule to the ballot question, the change that Brian Griffin of Matlacha and Steve Maxwell of Alva claimed county attorneys made to assure the success of the referendum, would not mislead a person of ordinary intelligence.

We're very pleased with the decision, said **John Turner**, the assistant county attorney who argued the county's case. He said we followed the statute and the allegation "Home Rule" was ambiguous was without merit. I think it means the people of Lee County have opportunities they never had before, said County Administrator Don Stilwell. It gives local control, which was what it's all about. Maxwell said Thursday he's not yet seen the judge's ruling. We haven't really read it yet, he said. But we'll look it over and decide about an appeal. County voters have approved a new government charter twice. In 1994, 56 percent voted to adopt a charter, but Griffin challenged.

JUMP INFORMATION APPENDED

Hopefully, this will end the litigation, said Commissioner John Albion, who supported the charter. We're still basically headed the same direction, but it's good to have it over with. Charter supporters point to the initiative and recall powers it gives voters. Under a charter form of government, voters also can place ordinances on the ballot through petition. Opponents, however, say so many areas are excluded from that process - including matters like taxes, budget, salaries and individual capital improvement projects - that charter government has no real power.

Turner said he's confident the county would win any appeal. I'm definitely confident if there's an appeal, he said. I think they'd have a very difficult time. McIver specifically reserved jurisdiction on a possible award of fees and costs. Even though Griffin won the first challenge, he ended up paying portion of his own legal bills. Since the pair lost this round, Griffin and Maxwell could end up paying the county's tab. **Turner** said that's a possibility he'd have to take up with county commissioners.

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John Turner
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Naples Daily News (FL)
March 28, 1996

PUTATIVE PUEBLO PROBERS STAY MUM

Author: ALISON GERBER

The federal team that toured the Pueblo Bonito site won't say what they're doing, but the accusations of housing discrimination leveled against Lee County are no secret. BONITA SPRINGS - When attorneys with the Justice Department came to Lee County earlier this month, they toured the site of proposed farmworker community Pueblo Bonito, Manna Christian RV Park and other sites in Bonita Springs. But don't ask Justice Department officials whether they're conducting an investigation into whether the county discriminates in providing housing. They won't tell you.

The tricky thing, said Justice Department spokesperson Myron Marlin, is that we cannot comment on whether an investigation exists. The county already is under investigation by the U.S. Department of Housing and Urban Development, which is examining why Lee County rejected the zoning needed to build Pueblo Bonito - a 150-unit farmworker housing development in Bonita Springs.

While HUD has the authority to pull the county's community block grant money, the Justice Department could file a civil suit, asking for damages and punitive awards. If HUD determines the county discriminated against Hispanic farmworkers, it could turn their findings over to the Justice Department for legal action. The Justice Department also has the power to act alone against the county - but only if it has evidence of a pattern of discrimination.

PROBE2D
JUMP INFORMATION APPENDED

Some Hispanics see a pattern of discrimination. The visit from Justice Department officials in early March is one of the worst-kept secrets in Lee County. But when county attorneys contacted Justice Department attorneys recently, all they could get was a confirmation that the Justice Department had been here. That's about all they said, said Assistant County Attorney **John Turner**. I initiated the call. They said they were down here, but it's my understanding that they let HUD do all the investigating work and then they come in if they decide to. They weren't necessarily here because of the (Pueblo Bonito) case. It could have been anything else in Lee County or Fort Myers or the City of Naples.

Some Hispanic advocates say a pattern of discrimination emerged during last year's floods in eastern Bonita Springs. They say Lee County did not act swiftly enough to find alternate housing for 1,700 flood victims - many of them Hispanic residents left homeless by the disaster. Those victims spent up to 10 weeks in shelters.

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In October, as they chanted “We need housing”, members of the Farmworker Association of Florida protested outside the county emergency management center in North Fort Myers. Protesters said Hispanic flood victims were not provided adequate shelter nor enough interpreters. More recently, Lee County dropped plans to apply for federal hazard mitigation funding to buy Manna Christian RV Park after a flood committee, under the wing of the Bonita Springs Chamber of Commerce, objected. The county instead combined the Manna application with the South Florida Water Management district's application for funding. Manna Christian has flooded three times in the past five years. It is home to about 1,100 flood victims.

In December, Lee County commissioners refused to re zone from mobile home to multi-family the 26.5-acre tract on which Partnership in Housing wanted to build Pueblo Bonito. Commissioners said the development proposed too great a density to be compatible with surrounding neighborhoods. HUD stepped in at the request of several would-be Pueblo Bonito residents who claimed discrimination. Chris Larson, attorney for Florida Rural Legal Services and Partnership vice president, said she is hopeful the intervention of the federal government will result in an agreement. I'm hoping there will be a solution, she said. We don't want to be deadlocked

Research Compiled by: Cara Slade
 Colin Baenziger & Associates