C I T Y O F F O R T P I E R C E

CITY COMMISSION AGENDA

Special Meeting - Selection of City Attorney Finalists - Monday, November 26, 2018 - 4:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **COMMENTS FROM THE PUBLIC**

   Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to fifteen minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

5. **DISCUSSION REGARDING CITY ATTORNEY SEMI-FINALISTS SELECTION PROCESS - COLIN BAENZIGER**

6. **REVIEW OF APPLICANTS - INFORMATION ATTACHED**

   a. Overview Memorandum and Complete Interview Book

   b. John J. Anastasio

   c. Lysia H. Bowling

   d. Cynthia A. Everett

   e. Susan M. Garrett

   f. Abigail "Abby" F. Jorandby

   g. Harlene S. Kennedy

   h. Iola T. Mosley

i. Gary K. Oldehoff

j. Peter "Pete" J. Sweeney

k. V. Lynn Whitfield

7. **SELECTION OF SEMI-FINALISTS TO BE INTERVIEWED**

8. **ADJOURNMENT**

Any person seeking to appeal any decision by the City Commission with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.
In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Overview Memorandum and Complete Interview Book

Attachments

Cover Memo and Summary

Candidate Binder

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:08 PM

Final Approval Date: 11/20/2018

MEMORANDUM

COLIN BAENZIGER & ASSOCIATES

TO: Mayor and City Council
Fort Pierce, FL

FROM: Colin Baenziger **DATE:** November 19, 2018

RE: City Attorney Search Update: Recommended Candidates

The following is a summary of the ten candidates that we are recommending the City consider to be its next City Attorney. We believe all the candidates are very strong and that any one of them would do an excellent job for Fort Pierce. Brief summaries of their credentials follow.

The Recommended Candidates

- **John J. Anastasio:** Mr. Anastasio has had a private law practice in the Treasure Coast community since 1989. His leadership style is that of a servant leader. He believes that the Marine Corps sums it best with its philosophy of "officers eat last" and "lead from the front". A leader exists not for themselves but to make their team better. One of his successes involved a review of a multi-million-dollar settlement for a minor who had burns over 90 percent of his body from a large commercial plane crash. Mr. Anastasio spent three days reviewing boxes upon boxes of records and was able to reduce the attorney fees by $250,000 for the young man. Also he recently challenged the validity of the decades old public records retention system of the State of Florida. The Attorney' General's office admitted that it was invalid which required the entire system to be re-evaluated. That involved public hearings across the state and the later adoption of valid retention schedules. The twin philosophies of "question everything" and "think outside the box" brought that tremendous litigation victory. Mr. Anastasio has a Bachelor in Government and a Juris Doctor from Seton Hall University. He also completed coursework towards a Masters in Public Administration but discontinued the program to attend law school.

- **Lysia H. Bowling:** Ms. Bowling has been the City Attorney for Pensacola, FL (population 52,590) since 2015. Prior to this she was the City Attorney for San Angelo, TX (population 99,803), for six years and the Assistant City Attorney for Miami, FL (population 416,577), for two years. She has always been regarded as a team player and an integral part of the management. Her goal is to contribute to the success of the management team. She ensures that the office never turns inward or works in isolation and she collaborates with other members of the organization. She has been fortunate to work closely and collaborate with many leaders and professionals from diverse governmental arenas to benefit operations and to improve customer service. To that end, she has successfully proposed and instituted a variety of mechanisms to streamline enforcement programs and facilitate citizen compliance for the good of the community. Ms. Bowling has a Bachelor in Political Science and Latin American Studies from Yale and a Juris Doctorate from the University of Virginia.

- **Cynthia A. Everett:** Ms. Everett was most recently the City Attorney for the City of Fort Lauderdale, FL (population 180,072), for five years. Prior to that she was the Village Attorney for the Village of Pinecrest, FL (population 19,201), for fourteen years. She has a collegial, flexible style of management as she believes that no one style is appropriate for all situations. Employees have different backgrounds and experiences, and those factors must be taken into account. Throughout her legal career she has achieved several "firsts" and had other notable accomplishments. She was the first black, woman division chief in the Miami-Dade State's Attorney's Office, the first black woman to serve as the municipal attorney for the Village of Pinecrest (serving there for 13 years), and the first black lawyer and first woman lawyer to serve as the city attorney for the City of Fort Lauderdale. She has had the honor of successfully arguing before the Florida Supreme Court and being elected to The Florida Bar Board of Governors. However, she feels that her greatest achievement to date is being a role model and inspiration to others. Throughout her legal career, students, lawyers, non-lawyers and staff have told her how they admire her leadership, professionalism and career guidance to them over the years. Ms. Everett has a Bachelor in Government from the Florida State University and a Juris Doctor from the George Washington University.

- **Susan M. Garrett:** Ms. Garrett has been with the City of Atlanta, GA (population 486,290), since 2012 and she has been the Deputy City Attorney since August of 2018. Prior to this she was the Assistant City Attorney for East Point, GA (population 35,433), for three years. She also served as the Chief Procurement Officer (CPO) for the City of Atlanta on an interim basis for fourteen months. Ms. Garrett's management style is collaborative and collegial but not laissez-faire. She assumes full responsibility for setting goals, making decisions, and giving direction in a clear and timely manner. After doing so, she endeavors to step back and allow staff to perform their roles with an appropriate level of autonomy, with advice and oversight from her, but without needless micromanaging. Her greatest achievement in recent years was her tenure Interim CPO (on loan from the Law Department). The Procurement Department was in turmoil after the prior CPO was terminated after being implicated in a federal bribery investigation. It was her first experience leading a large organization and holding a cabinet level position in the City administration. She quickly restored staff morale and improved productivity. She left the department far better than she had found it - running more smoothly and happily than it had in years. Ms. Garrett has a Bachelor in French from McGill University and a Juris Doctor from the Emory University School of Law.

- **Abigail F. Jorandby:** Ms. Jorandby has been the Assistant General Counsel with the Lohman Law Group since 2014, and prior to that, she was the Assistant General Counsel with Corbett White & Davis for five years. Both are well respected firms providing legal counsel to local governments. Earlier in her career, she was an Estates and Trust Associate with the Keane Law Firm for one year, and the Assistant State Attorney for seven years. Her management style is clear, direct and goal-oriented. She likes to set forth the parameters of the project and determine the role that each person will take in order to complete the project. One of her greatest achievements was working with a severally disabled witness in a criminal trial. She was the Felony Prosecutor and the young man, an essential witness to the case, was about twenty years old but had an understanding of an eight-year-old. She worked closely with the witness to prepare him for trial, which included bringing him to the courtroom the day before the trial to see the environment and become familiar with the

surroundings. She was able to qualify him as a witness and his testimony resulted in the defendant pleading guilty before the jury could even deliberate. The witness was very proud of his contribution. Ms. Jorandby has a Bachelor in Spanish from the Florida Atlantic University, a Master in Elder Law from Stetson University, and a Juris Doctor from the University of Florida.

- **Harlene S. Kennedy:** Ms. Kennedy has been the Senior Assistant General Counsel for the Dallas Area Rapid Transit (DART) since 2013. Prior to this she was Of Counsel for Weiss Serota Helfman for six years and an Assistant City Attorney for the City of San Antonio (population 1,318,000) for eight years. Ms. Kennedy uses a collaborative approach whenever possible and gives credit whenever it is due. She enjoys having an open door and using an unstructured approach whenever possible. She uses an informal demeanor unless circumstances dictate otherwise. A lack of formality and plain friendliness puts people and the public at ease. She is particularly proud of a transaction for DART that will result in interactive Wi-Fi kiosks being placed throughout north Texas. That will provide public transit passengers multiple features that are currently unavailable and should increase ridership as well as benefit the traveling public. A successful project of this nature provides her with satisfaction in providing outstanding public service. Ms. Kennedy has a Bachelor in English from the University of Miami and a Juris Doctor from the University of Oklahoma.

- **Iola Mosley:** Ms. Mosley has been the Senior Assistant City Attorney for Fort Pierce, FL (population 45,581), since 2016. Prior to that she worked for the School District of Palm Beach County for eleven years as a Senior Counsel, in the Office of the State Attorney for the 15th Judicial Circuit for three years, as a Public Defender for nine years, in private practice for four years, and briefly for the City of West Palm Beach. Ms. Mosley's management style uses a team approach. A law office functions best when all of the staff are informed and involved. Shared discussion of issues by staff is an excellent way to develop expertise and proficiency while delivering faster and more efficient service. One tool that she is proud of developing is the form for the routing of legal services. The Request for Legal Services from the Office of the City Attorney provides a timeline for the completion of tasks. She has streamlined the process which has allowed the annual accomplishments of the City Attorney's Office to be more efficiently memorialized. She has also created an enhanced training protocol for Boards and Committees in the areas of Open Government Law (Sunshine), Public Records, and Ethics for Public Officers; which she has presented to the City Boards and to individual Board members upon their appointments. She has a Bachelor in Philosophy and a Juris Doctor from Howard University.

- **Gary K. Oldehoff:** Mr. Oldehoff has been a partner with Lewis Stroud & Deutsch since 2007. In this capacity he has represented the Florida League of Cities, the Palm Beach County Sheriff's Office, and several municipalities in Florida. Prior to that he was the Assistant County Attorney for Sarasota County for five years and worked in the Martin County Attorney's for eleven years rising to the level of County Attorney. Mr. Oldehoff's management style is extremely team-based, and includes a close working relationship with the City Manager. Mr. Oldehoff's greatest achievements include assembling a staff in Martin County that rivaled the best local government attorney's offices in the state. He is also very proud of his work representing the Florida League of Cities and the Florida Association of Counties in the Florida Supreme Court and the United States Supreme Court

in the *Stop the Beach Renourishment v. Department of Environmental Protection*. He also played a large part in drafting the Interlocal Service Boundary/Annexation Agreement between Sarasota County and the City of Venice. Mr. Oldehoff earned a Bachelor in History, Political Science, and Anthropology from State University of New York and a Juris Doctor from the University of Virginia School of Law. He has also completed graduate studies in Estate Planning from the University of Miami School of Law.

Peter J. Sweeney: Mr. Sweeney is currently a Deputy City Attorney for the City of Palm Bay, FL (population 111,657), since 2012. Prior to this he was an Associate Attorney for Vocelle & Berg for eight years. Mr. Sweeney's management style is above all respectful. He has managed various personalities including different generations, ethnicities and educational levels and treated each and every one with respect, dignity, and encouragement. He believes in investing in staff members. His greatest achievement is to have been a key member of the transition team of bringing all risk management litigation in-house. He was specifically hired in 2012 to lead the team and defend the city from all tort lawsuit. The entire program hinged on his ability to efficiently and effectively protect the city and it has been an incredible success. Palm Bay has not lost a single tort case during his tenure and he has saved the city million dollars. He has also had the privilege of leading, mentoring and developing the rest of the team which has been just as important to the overall success of the program. Mr. Sweeney has Bachelor Degrees in both Management and Multinational Business, as well as a Juris Doctor from the Florida State University. He is also the only attorney in Florida that is board certified in both City, County & Local Government Law and Construction Law by the Florida Bar.

- **V. Lynn Whitfield:** Ms. Whitfield has been the president of VLW Enterprise since 2016. Prior to this she was the City Attorney for Hallandale Beach, FL (population 39,624), for five years and the City Attorney for North Miami, FL (population 61,062), for five years. She has a teaching management style. It is important that everyone work together as a team. She notes, the Director is only as good as the people who work with and for them. She likes to acknowledge the good work of the staff and help them learn what they might have done better. Her greatest achievement is becoming an attorney at all. She is the first college graduate and the first graduate of a professional school in her family. She suffered a setback early in her career which resulted in a six-month suspension from the Florida Bar. The fact that she was able to rebuild her career, and have a successful one in government, says much about her determination. Ms. Whitfield has a Bachelor in Sociology from Brandeis University and a Juris Doctor from the University of Miami.

Next Steps

I plan to reach out to you over the next few days to discuss the candidates. I will be in Fort Pierce to help you select finalists on November 26th. The finalists will come to Fort Pierce for a tour, public reception and formal interviews on December 6th and 7th with a selection then or shortly thereafter. In the meantime, if you have any questions, please do not hesitate to call me.

Fort Pierce, FL

City Attorney
Semi-Finalists

Colin Baenziger & Associates
2055 South Atlantic Avenue
Suite 504
Daytona Beach Shores, FL
32118
Cell: (561) 707-3537

Fort Pierce: City Attorney Semi-Finalists

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Candidate Materials: Reviewing and Interpreting Them

Suggestions for Reviewing Candidate Materials

The materials contained herein are prepared to provide you with information concerning the candidates we are recommending you consider. The materials we and the candidates prepare are designed to provide you with information first and foremost concerning the candidate's ability to do the job. You can then review the materials and determine which candidates you wish to interview.

As you can see, what we have for each candidate is often fairly extensive. When you review the materials, we recommend you begin with:

- The Candidate's Resume. This document provides a brief history of the candidate's employment and possibly some personal information.

- The Candidate's Cover Letter and Introduction. These have been prepared by the candidate and offer insight into what the individual feels is important and his/her ability to communicate.

- The References. These materials provide information concerning what people who know the candidate think about the individual. It is important to note that people are often reluctant to say anything negative about a candidate so even though we push fairly hard to get them to identify weaknesses, the weaknesses and negatives are often limited. Further, if a candidate's references are poor or if we see significant red flags, we generally do not present that individual. We also attempt to reach references who know the candidate but were not provided.

The other materials for each candidate are important as well but probably do not need the same level of attention. They are:

- The Internet / Newspaper Archives Materials. These materials provide information concerning the issues the candidate has dealt with and what he/she has done well and not so well. We do not recommend that you read these materials word for word but rather you scan them and carefully read the sections you feel are the most important. Please also see the following pages for comments concerning the Internet's limitations.

- The Background Checks. For the most part, the Candidates we present tend to have very few if any items of note on their records.

It is important to understand what is provided in the background checks and what it not. First, National Criminal Information Center (NCIC) is the gold standard for reviewing someone's criminal past. Its use, however, is limited to law enforcement agencies for specific purposes. It is not something we have access to. Our nationwide criminal checks are run through a database assembled from data from a wide range of state and local agencies and is not as complete as the NCIC database. Nonetheless, we have confidence in it and have used it successfully for years. Further, we supplement it with checks of the databases of the county and state of residence.

You also need to be aware the criminal databases we use contain convictions and not allegations, complaints, or arrests (unless these lead to a conviction). We also do not check records in family court. The reason is cases are often emotional and parties are not always truthful in attempting to achieve their desired goal. If the allegations are serious and substantiated, they are generally found in the criminal records or covered in the newspaper, at least for people with significant positions in the public sector. Further, a substantial body of law exists concerning what can and cannot be considered in government employment. For example, it is illegal to use a bankruptcy as the basis for not considering a candidate.

Overall, we try to focus on someone's ability to perform the duties of their job. We do not delve into their personal lives which can be murky. It should also be noted that a large body of law exists concerning what can and cannot be considered and it varies from state to state. We try to stay safely on the right side of the line, both for our own sake and that of our clients.

The other thing to consider is we do not want you to be surprised. Even if you cannot legally use a matter in your decision making, if it has been reported, we want you to hear about it from us rather than a third party. That way we can present you with a fair and unbiased analysis of the situation and you can determine what weight is appropriate to give the matter in your decision making.

Interpreting the Internet

When considering material gathered from the Internet, it is important to read carefully and to understand the Internet's limitations.

In part of each candidate's materials is what CB&A's staff gleaned from the Internet and from newspaper archives concerning the semi-finalists. While we would like to think everything published is accurate, we know it is not. For example:

1) Some news sources have biases concerning particular individuals or write with incomplete information. Further, reporters have different capabilities and some do not understand the matters they are reporting on. Hence the story may not be accurate.

2) Occasionally, governments purposely provide information to the media that is not accurate or the full story, particularly when someone is leaving their employment.

3) Some elected officials occasionally make allegations concerning managers or staff members for political reasons whether or not the allegations are based in fact. Further, officials sometimes shoot from the hip without a complete understanding of the real issue and/or all the facts.

4) Some residents make allegations that are inaccurate or untrue and which are repeated in the media.

5) An employee may be blamed for issues and problems that come to the surface during his/her tenure but existed long before the individual took office. In fact, occasionally an employee uncovers a problem and is dealing with it. That very action can bring problems to light and result in a news story that reflects badly on the person who is actually trying to fix the problem rather than the person who let it fester for years and did nothing.

6) Managers/Directors may have more articles than, say, assistants because of the nature of their work. Assistants tend to be much lower profile and hence, less is written about them. Further when assistants make mistakes, the manager/director tends to get blamed.

Further, the Internet changes daily. Articles are added and removed. What is provided here is a snapshot in time concerning what was available on the Internet the day(s) we did the research. If someone were to search the internet tomorrow concerning information on these candidates, additional information or less information might be found. Search engines take up to six weeks

to “find” stories after they are posted on websites. By the same token, a story appearing on a website yesterday may be deleted and may not be there tomorrow.

We should also note we have not included everything we found. Many articles mentioning the candidate’s name have little if any relevance to the candidate’s qualifications. Hence these are often been excluded. Further, if multiple articles exist concerning the same issue, we often select the most relevant and complete articles and do not include the rest.

Where issues of concern were found in the following articles, we have attempted to research them and determine their true nature. Where we found information that we believed was serious in nature and the result of the candidate’s actions or that would could potentially embarrass you, our client, we would have dropped the candidate from consideration and his/her information would not be in this notebook.

One final note is that we generally do not include information from blogs as they are notoriously slanted and unreliable.

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 2

John J. Anastasio

Fort Pierce City Attorney Candidate Report

Section 2

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Cover Letter and Resume

John J. Anastasio
Counselor-At-Law
3601 South East Ocean Boulevard, Suite 203
Stuart, Florida 34996
(772) 286-3336
E-mail: Contact.Office@psllaw.net

If we could read the secret history of our enemies, we should find in each man's life, sorrow and suffering enough to disarm all hostility.

- Longfellow

19 October 2018

Colin Baenziger, President
Colin Baenziger & Associates
2055 South Atlantic Avenue, Suite 504
Daytona Beach Shores, Florida 32118
Email: Recruit37@cb-asso.com

Re: Fort Pierce City Attorney

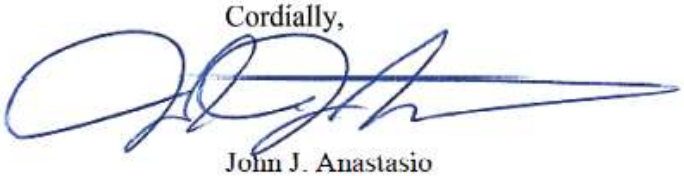
My dear Mr. Baenziger:

Attached to this email is my resume for the above advertised position.

Under separate cover I am forwarding to you a copy of my, ***A Blueprint for the City of Delray Beach City Attorney's Office*** and ***A Blueprint for the Village of Indiantown Village Attorney's Office*** This presents in detail my legal, philosophical, and managerial thoughts on local government and governing bodies, both for an established and a startup municipality.

Thank you for taking time to review my application, in preparation for my interview.

Cordially,



John J. Anastasio

Email attachment: Resume

JOHN J. ANASTASIO

10410 South Ocean Drive # 502
Jensen Beach (St. Lucie County) Florida 34957
john@psllaw.net **(772) 286-3336**

SUMMARY

A self-motivated, self-sufficient, and accomplished lawyer offering more than 37 years of broad experience in the field of municipal law, involving the representation government entities, officials, employees and citizens.

Relevant experience includes expertise in the fields of:

Land Development Regulations
Community Redevelopment law
Public employee discipline under chapter 112
Fair Labor Standards Act (FLSA)
Drug Free Workplace and testing
Occupational Health and Safety Act (OSHA)
Health Insurance…Act (HIPAA)
Local government Section 1983 liability
Federal and Florida Tort Claims Act
Commercial, contracts and construction litigation
Public policy analysis and rule drafting
Root cause and methodology analysis
Equal Opportunity Employment Comm. (EEOC)
Administrative hearings, jury trials, and appeals
Public Employment Relations Commission
Real estate and foreclosure law
Employee grievances and hearings
Family Medical Leave Act (FMLA)
Americans With Disabilities Act (ADA)
Labor Contract Issues
Chapter 120 Administrative Procedures Act
Land Development Regulations
Injury, med-mal, and workers compensation
Florida and federal jury trials, non-jury trials
Contract and pension plan analysis
Investment and financial statement analysis
Public records law and Sunshine Law

LOCAL GOVERNMENT LAW EXPERIENCE

Public Entity and Public Official Representation:

Counsel to the Honorable Joann Faiella
Mayor, City of Port Saint Lucie
Commissioner, Saint Lucie Fire District

Engaged in rendering daily legal advice to former Mayor on all aspects of local government law. See profile summary for a partial list of issues.

Municipal Attorney's Office
Young Dorsey & Fisher
With Senator Dorsey serving as Municipal Attorney providing day to day legal support for the municipalities of:

- Butler
- Dover
- East Hanover
- Montville Municipal Utilities Authority

Special counsel for Parsippany on hiring issues.

This involved all aspects of municipal law, (see summary) including legal advice at public meetings, zoning, land use, redevelopment law, housing, police and other employee discipline, state and federal labor issues, Public Employment Relations Commission (PERC), eminent domain issues, construction and contract review and dispute litigation, municipal tax appeals, municipal electric company issues involving the Federal Energy Regulatory Commission (FERC), public records and public meeting acts, drafting ordinances and resolutions, Guidance at Public Meetings, real property tax appeals, and Municipal Utility Authority (MUA) issues involving rate making methodology.

Attorney for the statutory Mount Arlington, Municipal Investigating Committee

Closed door Municipal Investigating committee authorized by statute, conducted the investigation of the Mount Arlington Police Department, drafted procedures for conducting closed door investigation hearings and procedures for disciplinary hearings, advised the governing body and the committee in all aspects of the proceedings, drafted charges brought against the defendants.

Special Prosecutor for Mount Arlington

Prosecution of the chief of Police and two other officers for violation of municipal regulations.

Authority Attorney for the Dover Housing Authority

Housing development, Section 8 low income housing, and related admirative and lability issues.

Eminent Domaine Commissioner

Appointed by Superior Court as one of the Commissioners to conduct a wide-ranging inquiry into valuation of condemned property and make findings and recommendations as to real property valuation.

SELECTED OTHER EXPERIENCES

Invalidated public records law records retention regulations, in an administrate rule challenge before the Division of Administrative Hearings, in which the State of Florida was forced to adopt a valid system for public records retention.

Numerous successful career service hearings under Chapter 112, including the only successful Career Service Board hearing in the Saint Lucie County Sheriff's Office, along with a number of successful appeals. Numerous other successful local government administrative hearings.

Extensive ligation experience in public records and Sunshine law litigation, successfully resulting in the dismissal of all charges against Mayor Faiella.

More than 75 appeals before the Fourth district court of appeals, and numerous appeal state and federal in other courts. Numerous reported appeal decisions, including *Finnegan v. Deutsche Bank*

Nat'l Tr. Co., 96 So. 3d 1093 (Fla. 4th DCA 2012) and *Dominko v. Wells Fargo Bank, N.A.*, 102 So. 3d 696 (Fla. 4th DCA 2012)) in the areas of real property foreclosure law, *Mancini v. Personalized Air Conditioning & Heating*, 702 So. 2d 1376 (Fla. 4th DCA 1997) in defamation law, *Dalem v. Dep't of Corr.*, 720 So. 2d 575 (Fla. 4th DCA 1998), involving public employee termination before Public Employees Relations Commission, *Gramm v. Port St. Lucie*, 574 So. 2d 1163 (Fla. 4th DCA 1991) and *Bernas v. Knowles*, 648 So. 2d 272 (Fla. 4th DCA 1995) involving police discipline, *Rauch v. Rauch*, 711 So. 2d 582 (Fla. 4th DCA 1998) involving the application of the full faith and credit provision of the United State constitution, *Janos v. State*, 763 So. 2d 1094 (Fla. 4th DCA 1999) involving the double jeopardy clause of the constitution

Authored *A Blueprint for the City of Delray Beach City Attorney's Office*, this mapped out most aspects of a City Attorney's Office and *A Blueprint for the Village of Indiantown Village Attorney's Office*. mapping out a Village Attorney's Office for a startup community, and The *Municipal Investigating Committee,* which mapped out procedures for the conduct of an investigating committee.

37 years involvement in numerous other fields of law, including civil trial, criminal trial, family law, civil rights law, and real estate development.

Appointment by the court as guardian ad litem for a minor in a multi-million-dollar settlement, resulting in the reduction of the minor's attorney fees by $250,000.00.

Member of the Supreme court's electronic service committee.

FORMAL EDUCATION AND SEMINARS

Bachelor of Arts	Major: Government Minor Labor Relations	Seton Hall University
M.P.A. Program (Discontinued to go to law school).		New York University
Juris Doctor		Seton Hall University

SELECTED SEMINARS (FROM DOZENS):

Association of Municipal Attorneys Annual Seminar	Annual Environmental Law Seminar
City, County & Local Gov't Law Certification Review	Sunshine Law and Records & Ethics
Public Employment Labor Relations Forum	Civil Trial Certification Review
Criminal Trial Certification Review	Appellate Law Certification Review
Advanced Legal Writing and Drafting	Circuit Court Mediator Certification

MANAGEMENT

Managed law practice involving 1 to 4 employees over a 36-year period. Lead the Florida Bar Traffic Rules Committee with 40 judges, state attorneys, public defenders, clerks, motor vehicle administrators in the legislative drafting of court rules.

COURTS

Florida supreme Court, all federal courts in Florida, 11th Circuit Court Of Appeals, United States Supreme Court.

U.S. Court Southern District of Florida — Member of Arbitrator Panel

PROFESSIONAL ACTIVITES

Florida Bar Traffic Rules Committee	Member 1992-1996, 2010-2014 Chairperson 2012
Florida Bar Rules of Judicial Administration	Member 2010-2011

Florida Bar City, County & Local Government Law and Environmental and Land use Sections

Pro Bono Awards: Numerous awards for service from Florida Rural Legal Services, including being nominated for Statewide Pro Bono Award.

PERSONAL INFORMATION

Selected Periodical Subscriptions: *Harvard Business Review, Foreign Affairs, Foreign Policy, The Economist* (European version of Time Magazine), *Army War College Review, Parameters* (War College Strategic Studies Institute), *Security Week, Analog Science Fiction/ Science Fact.*

Interests: Strategy, Decision Making Theory, Military and Diplomatic History, Operational and Strategic Level Conflict Simulations, Constitutional Law, philosophy, cooking, jazz, writing.

Deep Background:

Eagle Scout age 15 (with Fire Safety and First Aid merit badges.)
First job out of college: District Executive with the Boy Scouts of America
First came to Port Saint Lucie in 1970, when my grandparents moved there.

Candidate Introduction

John J. Anastasio

EDUCATION

Bachelor of Arts	Major: Government Minor Labor Relations	Seton Hall University
M.P.A. Program	(Discontinued to go to law school).	New York University
Juris Doctor		Seton Hall University

EXPERIENCE

I am a self-motivated, self-sufficient, and accomplished lawyer offering more than 37 years of broad experience generally. And, in the field of municipal law, involving the representation of government entities, officials, employees and citizens. My post graduate personal and professional studies include all fields of human endeavors.

BACKGROUND

Since 1989, I have served the Treasure Coast community offering legal services in many areas of law. This included most facets of municipal law, representing public officials, public employees and citizens. I have spent a lot of my life in the Sunrise City.

I have received a number of awards through the years, from Florida Rural Legal Services, for free civil and family cases performed for the poor on the Treasure Coast.

My first contact with the Treasure Coast was in 1969, when my maternal grandparents moved to Port Saint Lucie, then a city of 400 people. My ancestral homeland is the great state of New Jersey.

I first started learning leadership and organization through becoming an Eagle Scout. Later my first job out of college was as a District Executive with the Boy Scouts. My leadership training and experience has continued throughout my life.

My own law practice of 36 years has employed between 1 and 4 employees, including using 1 or 2 contract attorneys during the foreclosure crisis.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

As City Attorney, I am not in charge of legal affairs that are just a “necessary evil” or just part of the bureaucratic overhead. A properly lead City Attorney’s Office for Fort Pierce adds value to the City. It does this not merely by addressing current legal issues. The City Attorney’s Office must address future problems and issues. I can do so through forecasting techniques,

including environmental scanning of present circumstances and horizon scanning for future problems. Simply waiting for an issue to become a problem is unacceptable. Continuous analysis of all legal aspects of City operations to avoid surprise, build trust, and save tax dollars, must be the standard.

Leadership

My leadership style is that of servant leadership. While much has been written on this, I believe the Marine Corps sums it best with its philosophy of "officers eat last" and "lead from the front". A leader exists not for themselves, but to make their team better. It is a leader's first obligation to see to their team's personal and professional welfare. It is the obligation to first be human in dealing with team members, as well as the people we serve. Only in this way can I leverage my own personal talents, in the service of the City.

A leader's primary job is to train their replacement. This means every day seeking continual professional and personal development of each of your team members. Talent management and succession planning is essential. In this way I will produce for you a high-performance legal team for the City of Fort Pierce.

Trust

Trust building is essential. The Fort Pierce City Attorney's Office has recently faced two crises of trust. The first on billing issues resulting in the creation of an in-house City Attorney's Office. The next crisis followed in short order from toxic leadership, and conflict between the City Attorney and Senior Assistant City Attorney, resulting in the departure of the City's first in-house City Attorney.

As City Attorney my number one priority is rebuilding trust with the Commission, the staff, and the community. Trust is a pragmatic, tangible, actionable asset that can be systematically created. It involves proving: integrity (showing you walk the talk), good intent (showing good motives), credibility (the ability to perform), and establishing a good track record (personal and team performance). It also means, transparency, transparency, transparency, in all things. It's not the mistakes we make, but what we learn from them, that improves as well as defines us.

What will you say about me when I'm gone?

The legacy I seek working for the City is the creation of a permanent culture, that embodies respect, vision and productivity as its goals. In the same way the police department motto is to "protect and serve", as City Attorney the motto of the City Attorney's Office will be "Law, Logic, and Compassion".

Priorities. Dust in the wind, or…

John J. Anastasio

Again, and again, in business and government, we see promising initiatives fail, and promises and programs turn to memories, dust in the wind. We chuckle at the saying, "When you're up to your waist in alligators, it's hard to remember your objective was to draining the swamp." How will I avoid that problem? With two techniques.

First, as part of a book I am currently writing titled *Legal Operations in Local Government*, I have developed what I call City Attorney Leadership Focal Points or LFPs. It is a concept to provide vision, order, and disciple despite hectic day to day operations, which can distract any City Attorney from achieving their goals.

It involves categorizing important activities, prioritizing them, and allocating time for each weekly without fail, so that things do not get lost in the rush. It is the time allocation which is essential and allows constant movement forward of essentials. See graphic attached.

Second, long term priorities (6 to 12 months), will be achieved through the *4 Disciples of Execution*. Working on the wildly important (1 or 2 projects only that will make a difference). Acting on lead measures (20% of activities produce 80% of the results). Keeping a compelling scoreboard (keeping each team member on track with a scoreboard that motivates). Creating a cadence of accountability (a weekly process that highlights successes, analyzes failures, and course-corrects).

These two techniques will allow me as City Attorney and my legal team, to keep on track and sustain a performance management system, that produces a high-performance legal team.

Priorities Long Term (6 to 12 months)

1. Top down review of every ordinance, resolution, policy, procedure and contract.

2. Development of a City Attorney Policy Manual, Procedure Manual, including procedures for the creation, organization, and publication of formal City Attorney Opinions, and creating of procedures for turning the City Attorney's Office into a Center for Lessons Learned.

Implementation of the first set of long-term priorities

These priorities are on an ongoing process. It is an expansion of Goal G8 of the 2018 City Strategic Plan, to be done in-house. Each month the City Commission and the City manager will be presented with finished work for that month, for consideration, revision and approval. Chapter by chapter of ordinances, department by department of policies and procedures, contracts by topic areas and City Attorney policies and procedures.

Monthly in small strides, step by step we will avoid the problem of giving someone a drink with a fire hose, rather than a garden hose. It's time to get off the information overload merry-go-round with large legal projects.

John J. Anastasio

Immediate priorities

1. Relationship development with the Commission, City Staff, other local governments, Non-governmental Organizations (NGOs), and the public

2. Establishing new impact related metrics for evaluating City Attorney Office. All ordinances and resolutions are not created equal. A ceremonial resolution should not be scored the same way as a land development regulation or some other regulatory function.

3. Immediately scrapping the City Attorney's Office Mission Statement. The present mission statement provides neither operational or ethical guidance.

4. Immediately scrapping the City Attorney's Guidelines on providing legal services. The present Guidelines are unworkable, and violate civil and criminal law.

5. Establishing accountability rules for the use of outside counsel when needed. This includes rules for timekeeping, legal budgets, litigation monitoring, and compliance with the Public Records Law.

Implementation of immediate priorities

Spending regular quality time and thoughtful discussions with the Mayor and each City Commissioner at least weekly, to impartially provide full support for each governing body member's political agenda. And, develop a deep working relationship with each member.

Spending the time daily to learn what the City Manager and each Department head really needs, to "plow the road" and reduce legal distractions, so they can spend the maximum time managing.

Relationship development with city employees, other local governments, Non-governmental Organizations (NGOs), and citizens. Frequent police ride-alongs, visits to community associations, churches, temples and mosques and consultations with other government attorneys, to provide depth to legal public policy options generated.

I guess I'm not having breakfast or lunch alone for the foreseeable future, and perhaps even dinner.

Other Challenges

In an appearance before the Tallahassee City Commission earlier this year, I was asked what the most significant legal issue faced by City government in Florida. My response was compliance with the Public Records law and the Sunshine Law. This was because these issues had the greatest potential to impact City Commissioners on personal, political, and legal (civil and

criminal) levels. Too often City Attorneys do not proactively protect governing body members, so that they can do the job of representing the people.

Litigation style.

There are exceptions. Some people are inherently unreasonable. Sometimes time is too short. But, generally, if the City faces litigation, I would consider it a failure on my part as City Attorney not to have avoided litigation.

If the City or its employees or policies are wrong, then we squarely face it. And, when necessary, promptly pay full and fair compensation. If the City is right, then aggressive tactics to swiftly bring the ligation to a conclusion must be pursued. On occasion, even initiating litigation, if it is advantageous.

But, we must always remember that we're the good guys (and gals). The question for every piece of litigation, and every action taken by the me as City Attorney, but always being with the question, "But, is it right?"

Final thoughts

My successes

Two come to mind. A number of years ago I was appointed by the Circuit Court as guardian ad litem, to review a multi-million-dollar settlement for a minor, who suffered burns over 90 percent of his body, from a large commercial plane crash. I spent three solid days reviewing boxes upon boxes of records in West Palm Beach. In the end, I was able to reduce the attorney fees by $250,000.00 for the young man. I insured the young man received just not just from the airline, but from his own attorney.

A few years ago, in connection with the representation of Port Saint Lucie Mayor Joann Faiella, I challenged the validity of the decades old public records retention system of the State of Florida. I forced the Attorney General's office to admit it was invalid, requiring the entire system to be re-evaluated after public hearings across the state, and later adoption of valid retention schedules. The twin philosophies of "question everything" and "think outside the box" brought that tremendous litigation victory.

A failure.

A few years ago, I received a $500,000.00 jury verdict in federal court. I did not push my client hard enough to settle for less than the judgment amount. (The post judgment offer was $347,000.00) Later the court reduced the judgment to $35,000.00. A valuable, but costly lesson in humility.

Employee terminations

I have had to fire a few staff in my time. The best way to summarized my employment approach is hire slow and fire fast. It does no good to keep an employee on any longer than necessary. It is not fair to the employee and poses a danger to the organization.

The Media

I have always had what I consider a good relationship with the press. In the past I have when appropriate, initiated contact with the press.

Leisure.

I freely admit my addiction. That's right, I'm a book addict. I enjoy sucking up information on every field of human endeavor. I particularly enjoy studying strategy, decision science and public policy analysis. Of course, while listening to any kind of jazz. But, since a person does not live by bread alone, I'll put myself up against any chef in the county.

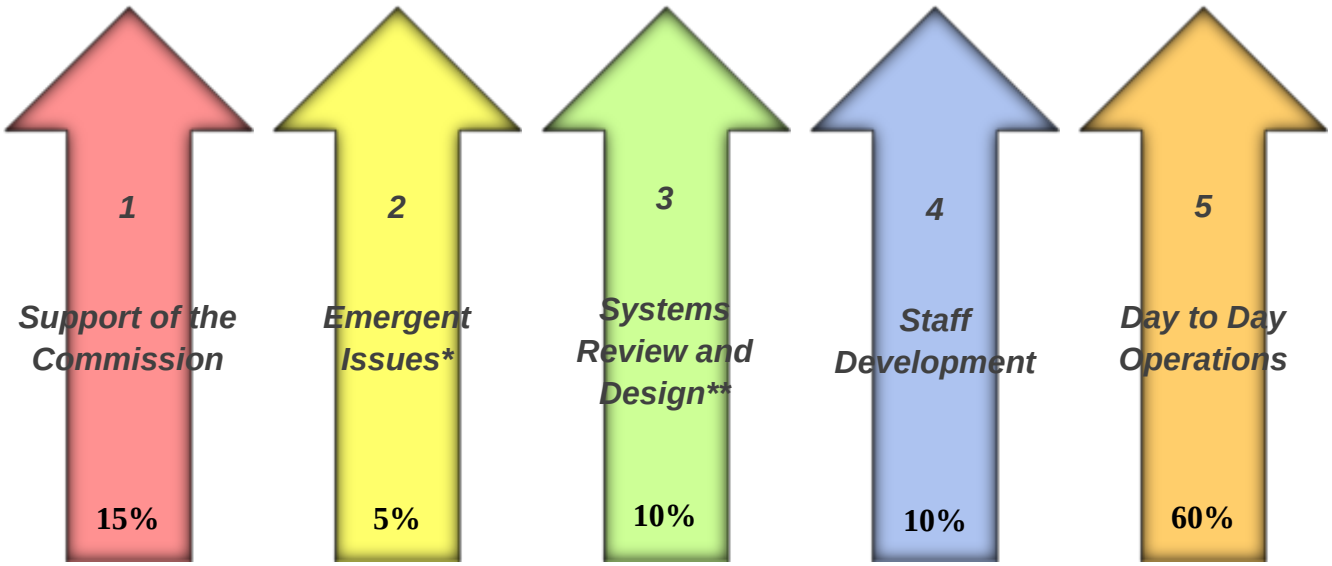
SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

1. Communicative
2. Driven
3. Meticulous
4. Dedicated
5. Creative
6. Team player

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

One-hundred years ago, the richest man in history, measured by today's dollars, John D. Rockefeller said, I spent half a lifetime acquiring a fortune and the other half giving it away. I have spent half a lifetime acquiring legal and public policy knowledge and experience. I wish to spend the second half of my life giving that knowledge and experience away in public service.

City Attorney
Prioritized Leadership Focal Points (LFP)



* *I Includes: Design of contingency and crisis action planning protocols.*
** *Includes: Charter, ordinance and policy review; trust building, innovation, quality management system, strategic planning, communications, and policy, procedure, and legal operations design.*

Note: *Numbers are priorities.*
Percentages are budgeted time allocations.

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CB&A Background Checks

Background Check Summary for
JOHN J. ANASTASIO

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
St. Lucie County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
St. Lucie County, FL	No Records Found
Federal	
Florida	No Records Found
Motor Vehicle	
Florida	No Records Found
Credit	Satisfactory
Bankruptcy	Results Pending
Education	JD – Seton Hall University Enrollment – New York University ***Confirmed*** BA – Seton Hall University ***Verifications Pending***
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #722367

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
JOHN J. ANASTASIO
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: John J. Anastasio

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.

Please explain any yes answers on a separate sheet of paper.

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? (not used)
   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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Section 2

CB&A Reference Notes

Alan Bernstein – Attorney, Law Office of Alan S. Bernstein P.A., FL (954) 347-1000

Mr. Bernstein has known Mr. Anastasio since 1998 where they met at a seminar. Mr. Anastasio is sharp and he has an excellent command of the law. On one occasion he was asked an administrative law question and knew the answer right away. He meticulously covers all the details. He does a great deal of work in the appellate courts; a person has to have a deep knowledge of the law to accomplish this.

Mr. Anastasio has a great ability to look at a situation analytically, figure it out, put the pieces together and get to the bottom of the situation. He is an extremely hard worker; he is dedicated to getting tasks completed. Many times, he completes tasks ahead of time. When he starts something, he finishes it. Mr. Anastasio is responsive and his responses are timely. He solves problems very well and at times can see a problem and solve it before it comes up.

Mr. Anastasio helps his fellow attorneys. He came to watch part of a trial Mr. Bernstein was working on. Afterwards, they went to the office and were discussing the case. Mr. Bernstein had some questions and Mr. Anastasio helped out. He is a really smart individual and by the end of the night, Mr. Anastasio had the details of the case down.

Mr. Anastasio makes solid recommendations to elected bodies. When counseled on a situation, he did the research, saw how things were running, and then came up with a suggestion to help their efficiency. He seeks to always follow the law, but looks for solutions to meet the desires of his client. He is a consensus builder and does it within the parameters of the law.

Mr. Anastasio has a reputation for being thorough and a hard worker. He makes excellent decisions when dealing with the law and negotiates incredibly well on behalf of the party he represents almost to the chagrin of opposing counsel. In one case Mr. Bernstein and Mr. Anastasio were negotiating, the other side became quite aggressive and disrespectful. Mr. Anastasio did not stoop to that level; he kept his cool and got everyone to a consensus.

Mr. Bernstein is aware of Mr. Anastasio's experience in the following areas: constitutional law, contracts, dealing with a homeless population, utilities (represented the Mayor in a case regarding utilities), labor and personnel matters, and development, redevelopment and land use.

Mr. Anastasio stays on top of things and does a good job of managing the office as well as handling the legal affairs of his office. He has an excellent person who works with him as well. They anticipate each other's needs. Mr. Anastasio keeps Mr. Bernstein informed of the cases he is working.

Mr. Anastasio is an experienced, smart speaker. He thinks before he talks and works well with the public. He also works well with elected officials and is considered responsive.

Mr. Bernstein is not aware of Mr. Anastasio being involved with anything controversial. He does not know of anything in Mr. Anastasio's background which would cause a reasonable person

concern. There are always people who have issues with other people, however Mr. Bernstein does not personally know of anyone who shares a different opinion of Mr. Anastasio than the one he has shared.

Mr. Anastasio will make an amazing City or County Attorney. Mr. Bernstein would hire him; he is the smartest person Mr. Bernstein knows! A City Attorney needs to be aware of the multiple administrative legal issues which can come up. Mr. Anastasio has the knowledge to combat those issues. He is good at bringing people together for a consensus. He comes up with solutions. He is a likeable, intelligent person who has the knowledge, intellect and drive to succeed. You could not find a more qualified or quality person than Mr. Anastasio.

Words or phrases used to describe John Anastasio:

- Relentless,
- Intellectual,
- Thoughtful,
- Hard working,
- Politically correct, and
- Knowledgeable in the law.

Strengths: Analytical ability to look at something, knowledgeable, gives thorough answers, good at seeing the issues and does not give up.

Weaknesses: None identified.

JoAnn Faiella – Former Mayor, Port St. Lucie, FL (772) 708-8052

Ms. Faiella has known Mr. Anastasio since 2010. She considers Mr. Anastasio a long time friend. He is a great, passionate attorney who has represented her in the past. He shows his passion by working hard, long hours, working pro bono and helping people out. He has a good command of the law. He answers questions, but also researches to have the best facts available for his clients. He is a compassionate man who fights for what he believes in.

Mr. Anastasio has great communications skills. He has experience dealing with the public and is good at it. He is incredibly verbal and being transparent is important to him. He breaks down complex ideas to make them understandable to his clients and lays out the options which are available.

Mr. Anastasio is responsive and responds in a timely manner. He accomplishes tasks on time. He solves problems and finds solutions; he is very honest and will not get involved in anything illegal. Mr. Anastasio negotiates well on behalf of his client. Ms. Faiella went to Mr. Anastasio in reference to the city she represented. He advised her on which direction to take a situation to be

successful. He makes good recommendations to elected bodies. He also makes solid decisions when dealing with the law. Mr. Anastasio works well with elected officials, City Manager, Department Heads, City Attorneys and staff. They all like him.

Mr. Anastasio does a good job of managing the office as well as handling the legal affairs through delegating to his staff. He has reliable people working with him. Mr. Anastasio keeps Ms. Faiella informed of what he is working on. While working on Sober Homes in Port Saint Lucie, Mr. Anastasio informed Ms Faiella on the way things were structured and ordinances which were in place to ensure reasonable accommodations. With this knowledge, they placed six residents per house.

Mr. Anastasio has experience in constitutional law, contracts, environmental law, utilities, dealing with a homeless population, labor and personnel matters, and development, redevelopment and land use. He is incredibly knowledgeable about city and county ordinances.

Ms. Faiella does not know of anything in Mr. Anastasio's conduct or background which would concern an employer. She does not know of anyone who may have a different opinion of Mr. Anastasio, he is well spoken of.

Ms. Faiella would hire Mr. Anastasio as a City Attorney. He will make an excellent City or County Attorney because of his passion and commitment to people. He will let you know if you are wrong and tell you if you are right and support you. He gives back to the community. He is a very impressive person.

Words or phrases used to describe John Anastasio:

- Loyal,
- Respectful,
- Conscientious,
- Into his work, and
- Wants to do the right thing.

Strengths: Loves his work, does the best for his clients, stubborn, does not relax.

Weaknesses: None identified.

Sylvia Majik - Attorney, Municipality Corporation or Organization, FL (772) 212-5632

Ms. Majik has known Mr. Anastasio since 1989. Mr. Anastasio is an off the chart attorney. He is the one no one likes to see walk into the courtroom if they are not 100% prepared because they know he will be. He works long hours to prepare. Mr. Anastasio is extremely intelligent and has an incredible memory; he remembers statutes. He is a good educator; he relayed knowledge to Ms. Majik in a way which was accessible. They interact on both a professional and personal basis. Mr. Anastasio is a sociable, nice man. He is approachable.

Mr. Anastasio is responsive and his responses are timely. He has an excellent support staff. He does a great job of managing the office as well as the legal affairs. Mr. Anastasio keeps his clients informed of progress along the way. He keeps others apprised of what he is working on through face-to-face meetings. Mr. Anastasio works well with elected officials. Even though he may be in charge, Mr. Anastasio involves others and makes everyone feel involved. At times he may seem hurried, but he works really well with people.

Mr. Anastasio unequivocally solves problems! He comes up with solutions and different avenues to accomplish the goals of the client. He accomplishes tasks in a timely manner. He makes good decisions when dealing with the law by examining all the options, weighing the pros and cons, and deciding the best course of action. He does all this within the confines of the law.

Mr. Anastasio negotiates well on behalf of the party he represents. There was a case from couple of years ago; his client wanted something which Mr. Anastasio viewed detrimental to the client. Mr. Anastasio told the client, the client reviewed Mr. Anastasio's opinion and followed his advice and was not sorry. Mr. Anastasio teaches as he goes. He does not make recommendations without understanding the flip side of things; he is well rounded in this way.

Ms. Majik is aware of Mr. Anastasio's experience in constitutional law, contracts, and development, redevelopment and land use. He has a great deal of experience dealing with the public and is better at it than most attorneys.

Ms. Majik is not aware of anything in Mr. Anastasio's background or conduct which would concern an employer. She does not know of anyone who may have a different opinion of Mr. Anastasio than the one she has shared. He has a reputation for being a hard worker and a diligent advocate.

If Ms. Majik needed an attorney, she would hire Mr. Anastasio. He is a generous, big hearted person. Mr. Anastasio is driven, approachable, and quite knowledgeable; however he is not intimidating about it. He has been in the area for 30 years and knows local lawyers and politicians. He makes contacts well, he can put himself out there; he is not reticent. Mr. Anastasio will make an excellent City or County Attorney. He will work hard for the City. If the City needs items brought up to date, reprogramming or exposure, he will do it. He will be a very strong leader.

Words or phrases used to describe John Anastasio:

- Hard worker,
- Loves his job,
- Persistent,
- Thorough,
- Teaches when appropriate, and
- Always prepared.

Strengths: Intelligent, knows the law, good memory, good educator, diligent, persistent and a hard worker.

Weaknesses: Can come off as aggressive.

Michael Flee – Legal Secretary, Law Office of John J. Anastasio, FL (772) 979-6900

Mr. Flee has known and worked for Mr. Anastasio since 2002. Mr. Anastasio is an extremely competent attorney. He has handled personal legal issues for Mr. Flee's family as well. Mr. Flee holds a great deal of faith in Mr. Anastasio; he always puts the client first. Mr. Anastasio has a strong command of the law, but always double checks his work to make sure he is giving up to date information.

Mr. Anastasio is a problem solver. He tries to find solutions and a way to make it work within the means of the law. He has done what all other attorneys said was impossible. On one occasion he got a client's license reversed from a habitual traffic offender status. He helps with foreclosures. Most of this assistance to his clients has all been done through research.

Mr. Anastasio manages his office well and handles legal affairs. He relies on his staff to look over work he has completed and make sure wording is understandable to everyone. He is a positive, uplifting employer who encourages his employees to follow their passions. He keeps Mr. Flee informed of cases he is working on. They have regular discussions on cases, so Mr. Flee can do some of the ground work.

Mr. Anastasio accomplishes tasks in a timely manner. He responds quickly to clients. He makes good decisions when dealing with the law. One client did not take Mr. Anastasio's advice in a legal matter, he returned years later and said Mr. Anastasio was correct in the advice he had given. Mr. Anastasio negotiates well on behalf of the party he represents. He makes good recommendations to elected bodies, and works well with elected officials and the staff at the City. He likes to socialize and get people's input on what he does.

Mr. Anastasio has experience with contracts, constitutional law, environmental law, dealing with the homeless population, utilities, labor and personnel matters and development, redevelopment and land use. He is also experienced in dealing with the public. Mr. Anastasio has dealt with the news with some older cases. He thinks about what he wants to say and has it written out. He does not answer a question in which he does not know the answer.

Over the many years Mr. Flee has known Mr. Anastasio, he has not been aware of anything controversial in his conduct or background. Mr. Flee does not know of anyone who may have a different opinion of Mr. Anastasio. Clients only have a positive opinion of him. Mr. Flee would hire Mr. Anastasio, given the chance. He will make an exceptional County or City Attorney.

Words or phrases used to describe John Anastasio:

- Smart,
- Hard working,
- Dedicated,
- Trustworthy,
- Responsible, and
- Charismatic.

Strengths: Research, troubleshooting and problem solving,

Weaknesses: Time, sometimes over thinks issues.

Troy McDonald – Former City Commissioner, City of Stuart, FL (772) 260-9458

Mr. McDonald has known Mr. Anastasio since 1998. Mr. McDonald has used Mr. Anastasio's services through Mr. McDonald's personal business. They have interacted with regards to legal situations as well as discussing working in government and governmental law. Mr. Anastasio is a smart and capable attorney. He has a great command of the law.

Mr. Anastasio is responsive. He responds and accomplishes tasks in a timely manner. His success as an attorney demonstrates his excellent decision making skills when dealing with the law. Mr. Anastasio seeks to find solutions to problems or situations. He is experienced dealing with the public and constitutional law. He has done criminal defense and had some high profile cases.

Mr. Anastasio has encountered controversial situations as an attorney. He represented the former mayor of Port Saint Lucie on non-criminal public records violation. He successfully represented her as her private attorney. Mr. McDonald is not aware of anything controversial or concerning in Mr. Anastasio's personal background or conduct. Mr. McDonald does not know of anyone who may have a different opinion of Mr. Anastasio than the one he has stated.

Mr. Anastasio was up for the City Attorney position while Mr. McDonald was the City Commissioner for the City of Stuart. Mr. McDonald voted against hiring Mr. Anastasio. He had to compare Mr. Anastasio to the other candidate, who had a slight edge. If Mr. McDonald were looking for a City Attorney, Mr. Anastasio would make the short list. He will make a great City or County Attorney.

Words or phrases used to describe John Anastasio:

- Intelligent,
- Smart,
- Intuitive,
- Able,
- Capable, and
- Flexible.

Strengths: Incredibly smart and intellectual person with a strong personality.

Weaknesses: None identified.

Barbara Davis - Client, Hobe Sound, FL (772) 214-6941

Ms. Davis has known Mr. Anastasio since 1998. Mr. Anastasio is a fantastic attorney. He is quite helpful and has a good amount of patience in explaining things. He interacts well and does wonders for his clients, is a good person, and a joy to work with. He is very knowledgeable. When asked a question, typically Mr. Anastasio knows the answer right off the top of his head.

Mr. Anastasio is responsive and does so in a timely manner. He always accomplishes tasks on time, and does what he says he is going to do. He solves problems in an exceptionally efficient manner. He makes first-rate decisions when dealing with the law and makes good recommendations to elected bodies. He has worked well, in the past, with the City Manager for the Town of Stuart. Ms. Davis has been part of the mediation process with Mr. Anastasio and he negotiates incredibly well on behalf of his client.

Mr. Anastasio finds solutions to problems. If the law does not allow it, he will not do it. He gives his client reasons and definitions of the law and why something cannot be done. If it is possible, he tells how he is going to do it and why.

Ms. Davis is aware of Mr. Anastasio's experience in environmental law, dealing with a homeless population, and labor and personnel matters. As a client, Mr. Anastasio kept Ms. Davis informed of the developments in her case. He or his office contacted her personally as well as following up with letters; everything was down on paper. Mr. Anastasio does a good job managing the office as well as the legal affairs. He is experienced at dealing with the public and is good at it.

Ms. Davis is not aware of anything controversial in Mr. Anastasio's past or present which would cause concern. She does not know of anyone who may have a differing opinion of Mr. Anastasio. She would hire Mr. Anastasio and thinks he would make an ideal City or County Attorney.

Words or phrases used to describe John Anastasio:

- Reliable,
- Efficient,
- Trustworthy,
- Competent,
- Positive, and
- Good attitude.

Strengths: Punctual, reliable, honest, diligent and expedient in his processes.

Weaknesses: None identified.

Michael Spotts - Attorney, Spotts Law Offices, FL (772) 781-7878

Mr. Spotts has known Mr. Anastasio since 1989. They have interacted professionally that entire time. Mr. Anastasio is an exceptional attorney. He has a command of the law in a great many areas, due to his experience working in many different areas of law. If Mr. Spotts did not have experience in a particular area of law, he refers a client to Mr. Anastasio because of his experience.

Mr. Anastasio communicates clearly. He breaks down complicated issues and puts them into understandable and meaningful terms. He is candid; he tells a client what they need to know under the circumstances. He is responsive and does so in a timely manner.

Every time Mr. Spotts has gone against Mr. Anastasio in a case, he has been a tough opponent. He is good at what he does and is very thorough. He does not play games or try to hide anything, everyone knows when you work with Mr. Anastasio you know what you are getting. He fights hard-nosed and does it within in the bounds of the law. While working on cases, they kept each other up to date on what they were working on.

Mr. Anastasio is a problem solver and solution oriented. He expresses to his clients their best options. He tries to find solutions before going into litigation. He makes quality decision in regards to the law. Mr. Anastasio is an extremely accomplished negotiator. He knows where he can push an issue because of his strength in that position and where he should back off.

Mr. Anastasio has experience in constitutional law, contracts, utilities, labor and personnel matters, as well as development, redevelopment and land use. Mr. Anastasio finds obscure procedural issues fascinating. He has experience dealing with the public while working on high profile cases. Mr. Anastasio managed the press well and stayed clear and to the point.

Mr. Anastasio manages his office as well as his legal affairs. He has always been on the cutting edge of technology, he is computer savvy. Mr. Anastasio constantly looks for ways to increase the efficiency in the office.

Mr. Anastasio was involved in a controversial case where he represented a police officer who had been fired. Mr. Anastasio got the firing overturned and the officer was reinstated. Mr. Spotts has only interacted with Mr. Anastasio professionally; he has no knowledge of anything in his professional life which would concern an employer. Mr. Spotts does not know of anyone who may have a differing opinion than the one he has stated about Mr. Anastasio.

As a former Assistant City Attorney for Fort Pierce, Mr. Spotts has a good understanding of municipalities. The City will get the information they need to know in every area of the situation if they hired Mr. Anastasio. Mr. Anastasio should be the first choice for a new hire. He has lived on the Treasure Coast for close to 30 years. He has connections to the community, knows the law, and knows what municipal lawyers need to do in this area of Florida to accomplish what their client needs. He has seen the growth of the community and has been a resident through all of those changes.

Mr. Anastasio has a nice way about him. He is approachable and does not put off airs. A person would not be intimidated to ask him questions. Mr. Anastasio would bring stability to the City. He is highly capable and will make an excellent City or County Attorney.

Words or phrases used to describe John Anastasio:

- Candid,
- Diligent,
- Vast command of many different areas of the law,
- Responsive, and
- Smart.

Strengths: Ability to communicate, his candor, and he informs his clients of a number of different options available to them.

Weaknesses: Has a strong New Jersey accent, can lead to preconceived notions about him.

Jennifer Wildonger – Administrative Assistant, Law Office of John J. Anastasio, FL
(772) 626-3875

Ms. Wildonger has known and worked for Mr. Anastasio since 2014. Mr. Anastasio is an incredibly capable attorney. He has a huge amount of passion for his work, is meticulous and spends a great deal of time on a case. He makes first-rate decisions in regards to the law and has a good command of it. He gives good advice right off the top of his head. He is an avid researcher who researches every angle.

Mr. Anastasio is a laid back employer who does not lose his temper. He is always professional yet friendly and is great to work for. He is responsive and accomplishes tasks in a timely manner with help from his staff. He always makes deadlines. Mr. Anastasio spends more time than any lawyer Ms. Wildonger knows, making sure the client gets the best possible service. He negotiates well on behalf of his clients

One of Mr. Anastasio's strengths is solving problems. He looks at a situation from all angles to find the best solution. He always finds a solution if there is one to be had. He had a client who was having troubles with a construction company. Some of the evidence was not making sense; Mr. Anastasio dug up old statutes and history and laid it out to win the case.

Mr. Anastasio has chaired multiple committees; he takes the time to give advice which is easy to understand, yet direct. He makes excellent recommendations to these elected bodies.

Reference Notes
John J. Anastasio

Mr. Anastasio ran for congress so he has experience in and a good grasp of constitutional law. He has touched base on some environmental law. He has experience with contracts, utilities, labor and personnel matters, and development, redevelopment and land use. Ms. Wildonger believes he worked with the homeless population in New Jersey.

Ms. Wildonger is kept informed of what Mr. Anastasio is working on through email, notes, and text messages. He keeps her up to date so she is aware of the happenings in the office. Mr. Anastasio manages the office well; he is on top of everything. He has a good handle of the office as well as the legal affairs.

Mr. Anastasio works well with the public; juries warm up to him quickly. He does a great deal of pro bono work. He has done speeches and spoken at conferences. He is quite personable and gets along well with people. He is responsive, including with elected officials. He is very diplomatic and tries to understand everyone's view point. He does a great deal of research and brings the facts. He calmly listens to all sides, lays out the facts and advises on how to proceed.

Ms. Wildonger is not aware of anything in Mr. Anastasio's background which would concern an employer. He has not been involved in anything controversial in the time she has known him. Mr. Anastasio maintains good relationships; Ms. Wildonger has not met anyone who has not liked Mr. Anastasio. She is not aware of anyone who may have a different opinion of Mr. Anastasio.

Ms. Wildonger would hire Mr. Anastasio as a City Attorney. He will make a good City or County Attorney because Mr. Anastasio's first love is Government Municipal Law. It is where he started, and he is passionate about it. He is good at delegating and enjoys challenges; he will thrive in this environment. Mr. Anastasio wants to make a difference and could accomplish that through being City Attorney.

Words or phrases used to describe John Anastasio:

- Thoughtful,
- Meticulous,
- Responsible,
- Approachable,
- Hard working, and
- Dedicated.

Strengths: Meticulous with the details, does what it takes to get a task done, great personality, very personable, easy to get along with and tough but fair.

Weaknesses: Time management, spends a great deal of time on a case.

Susan Morgan - Client, Jensen Beach, FL (772) 260-3474

Ms. Morgan has known Mr. Anastasio since 2008; he has handled legal situations for herself and others. Mr. Anastasio is an extremely efficient and effective attorney. He has a great command of the law and has a better understanding of constitutional, local and federal laws than anyone Ms. Morgan has spoken with. He is as efficient with family and business law as he is with prosecution.

Mr. Anastasio interacts professionally with his clients. He accomplishes tasks in a timely manner and is responsive and does so quickly. He communicates via email or phone calls. He responds between two to six hours later, but no later than the next business day. When presented with a question, Mr. Anastasio thoughtfully considers all sides and then advises immediately. He is persuasive so the client can make an informed decision quickly and effectively. He sticks to the point and brings up arguments which are to the point and suggest an effective way to handle a situation.

Mr. Anastasio manages the office well as well as handles the legal affairs. He has a dedicated employee; the shop is run in an exceptionally effective manner.

One of Mr. Anastasio's greatest talents is solving problems and assisting his clients. Due to his knowledge base, he gives responses or reactions based on law and not conjecture. He seeks to find solutions, if the law does not fit the circumstance, he searches for a law which does fit it and negotiates from that position.

Mr. Anastasio makes high-quality decisions when dealing with the law. With the many projects he has worked on, he has made decisions which have resulted in success. His presentation of a law suit or case is incredible effective. In Ms. Morgan's personal cases and the ones she has referred to him; he has been successful. Mr. Anastasio is humble in his success. He has worked effectively with a few different city governments.

Mr. Anastasio has a great deal of experience with contracts. With his wealth of experience, he is very strong in constitutional law. One of his special interests is environmental law; he is an encyclopedia on the subject. One of Mr. Anastasio's greatest talents is his negotiating skills. He works with both sides to come to a binding agreement.

In every case, Mr. Anastasio has been faced with some level of controversy. He handles it well. As to his personal life, Ms. Morgan is not aware of anything in his background or conduct which would concern an employer. Ms. Morgan has not encountered anyone who has had an unkind or unprofessional word to say about Mr. Anastasio.

Mr. Anastasio has a big heart. He is filled with compassion and is kind and thoughtful. Any elected body will be blessed with his participation and would be amazed at his ability to effectively communicate. He has a complete base understanding of laws and how they are written and pulls laws and statutes out from his wealth of knowledge to answer questions. Ms. Morgan would hire

him. His value would best be realized by working for the public as a City or County Attorney. He is a tremendous asset.

Words or phrases used to describe John Anastasio:

- Knowledgeable,
- Compassionate,
- Effective,
- Good humored,
- Brilliant, and
- Humble.

Strengths: Knowledge base, has helped people on both sides of the legal field (defense and prosecution), efficient in all areas of the law.

Weaknesses: None identified.

Prepared by: Stephanie Bailey
Colin Baenziger & Associates

Section 2

CB&A Internet Research

St. Lucie News Tribune (FL)
September 16, 2015

Ex-PSL Mayor Could Face Trial
Author: Nicole Rodriguez

Former Mayor JoAnn Faiella could be back in court after the appellate court reversed last year's dismissal of charges that she violated Florida's Government-in-the-Sunshine Law. A Martin County judge in May 2014 dismissed two civil charges against Faiella for deleting text messages — which are considered public records — from her city-issued cellphone and speaking with another City Council member about city business outside of a public meeting, both in violation of the Sunshine Law. Judge Kathleen Roberts dismissed both cases, ruling they had expired under the speedy-trial rule of criminal proceedings. Prosecutors appealed. The dismissal was reversed Aug. 25 by a panel of circuit judges that serves as the appeals court, documents show. "The Florida Rules of Criminal Procedure do not apply," the ruling stated. "The case is reversed and remanded for disposal on the merits." Faiella's attorney, **John Anastasio**, said he plans to appeal the decision this week. "It was just kind of odd they threw up their hands and said the rules of criminal procedure don't apply, but they don't tell us what applies," **Anastasio** said Tuesday. If the appellate court upholds the ruling, the case could go to trial in March, **Anastasio** said. Faiella could not be reached for comment Tuesday, but is taking the ruling "all in stride," **Anastasio** said.

Faiella was charged on Dec. 3, 2013, after then-city manager and now Mayor Greg Oravec publicly released 85 pages of emails and text messages in February 2013 that suggested city officials were not conducting government business in public and communicating privately about ousting him from his position. The release prompted an investigation by the State Attorney's Office. Oravec received a severance package from the city when he left his post shortly after the documents were released. Councilman Ron Bowen and Councilwoman Shannon Martin also were charged as a result of the 10-month long investigation. Bowen, who was charged with a second-degree criminal misdemeanor and suspended from the council for four months, pleaded no contest to a civil infraction of using former City Attorney Roger Orr to poll council members on Oravec's employment. He paid a $300 fine and was reinstated to the City Council in April 2014. Bowen sued the city for reimbursement for his legal fees. The case is still pending. Martin was charged with a civil infraction for deleting text messages and paid $250.

The Stuart News (FL)
June 19, 2014

Faiella Lawsuit Placed on Hold
Author: Nicole Rodriguez

A suit filed by Mayor JoAnn Faiella against the state, alleging it didn't follow its own protocol in making Florida records retention schedules, has been put on hold until at least September. Tallahassee Judge Lawrence P. Stevenson issued an order Tuesday, canceling a Monday morning administrative hearing in St. Lucie County and suspending it until Sept. 23, court documents show. "Going forward with the scheduled hearing under these circumstances would be a waste of time and resources of all concerned," Stevenson wrote in the order. The delay gives the Division of Library and Information Services time to hold a series of workshops that gives the public a chance to give input on the rule-making process and incorporate the comments in its general records retention schedule, documents state. The Department of State is also listed as a respondent. The workshops are scheduled for July, September and November. An initial workshop will be held July 30 at 11 a.m. in the R.A. Gray Building, 500 S. Bronough St., in Tallahassee, State Department documents state. Subsequent workshops were not scheduled but will be held at various locations around the state.

John Anastasio, Faiella's Stuart attorney, said the state scheduling the workshops is a win. It should have held the hearings years ago when the retention rules were made, he said. Faiella is challenging the same record retention rules that prompted state prosecutors to cite her last year with a noncriminal infraction for allegedly deleting text messages from her city-issued phone. She faced a second civil infraction for allegedly privately discussing city business on her phone when a public meeting wasn't scheduled. Both infractions were dismissed May 9 in a ruling being appealed by the State Attorney's Office. Martin County Judge Kathleen Roberts threw out the citations on the grounds that Faiella's right to a speedy trial had expired. The state has appealed that decision. **Anastasio** filed a motion Wednesday to dismiss the appeal, citing the dismissal by Roberts and the pending case against the state. The challenge involves several statements of the library services division that **Anastasio** claimed meet the definition of being a "rule" under the state's Administrative Procedure Act, but should be stricken because they were not properly adopted, according to the division's rule-making procedures.

Specifically, **Anastasio** claimed that when the library services put into place retention schedules relied upon by local governments to aid in complying with public record laws, officials violated the law by failing to follow public notification policies, and by not identifying specific retention schedules being adopted. He wants Stevenson to rule that, as "unadopted rules," the retention schedules should be voided until officials initiate a new adoption process that complies with the law. "If they didn't follow the adoption rules, then it's an invalid creation," **Anastasio** said in a previous interview with Scripps Treasure Coast Newspapers. "If it's an invalid creation, then it's an invalid charge."

The Stuart News (FL)
May 25, 2014

Faiella Records Challenge Could Have a Big Impact
Author: Melissa E. Holsman

When Port St. Lucie Mayor JoAnn Faiella faces an administrative law hearing June 23, she'll be asking a Tallahassee-based judge to strike down long-held record retention rules that local governments use to make sure laws for preserving or destroying public records are followed. If Faiella wins her administrative law challenge, her Port St. Lucie attorney, **John Anastasio**, and state prosecutors have said the victory could have significant consequences for city and county governments. It could mean that until new retention rules were formally adopted, state officials would be prohibited from eliminating any public record, whether digital, electronic or paper. That's because by statute, all state entities — from city governments and county commissions to the State Attorney's office — are allowed only to destroy public records in accordance to retention schedules established by the Department of State's division of Library and Information Services to ensure compliance with government-in-the-sunshine laws.

"I can't think off the top of my head of something that would have a greater impact on local, county and state government than the resolution of this issue," **Anastasio** said. "Because any records that were disposed of — based upon invalid retention schedules — were improperly disposed of. Think of that: all those records that are now gone that shouldn't have been gone? At all levels of government?" Faiella is challenging the same record retention rules that prompted state prosecutors to cite her last year with a noncriminal infraction for allegedly deleting text messages from her city-issued phone. She had faced a second infraction for allegedly privately discussing city business on her phone when a public meeting wasn't scheduled. Both were dismissed May 9 in a ruling being appealed by the State Attorney's Office. Martin County Judge Kathleen Roberts threw out the citations on grounds that Faiella's right to a speedy trial had expired. Still, she and **Anastasio** are expected to lay out their challenge before Administrative Law Judge Lawrence P. Stevenson, who will appear via teleconference.

THE PETITION
The challenge involves four statements of the Library Services division that **Anastasio** claimed meet the definition of being a "rule" under the state's Administrative Procedure Act, but should be stricken because they were not properly adopted according to the division's rule-making procedures. Specifically, **Anastasio** claimed that when the Library Services put into place retention schedules relied upon by local governments to aid in complying with public record laws, officials violated the law by failing to follow public notification policies, and by not identifying specific retention schedules being adopted. He wants Stevenson to rule that as "unadopted rules," the retention schedules should be voided until officials initiate a new adoption process that complies with the law. **Anastasio** claimed that by virtue of Faiella's prosecution by a state agency relying upon "unenforceable" record retention schedules, she was subjected to possible sanctions, a fine and damage to her "good name." Brittany Lesser, spokeswoman for the Department of State, said they expect to continue using retention schedules currently in place.

"The retention schedules have been relied upon by state agencies and local governments for decades," Lesser noted, "and the department is committed to continuing to administer the retention process in a transparent manner." Lawyers with the state Attorney General's office assigned to the case declined to comment, but court papers shed some light on potential defenses.

RULE, OR NOT A RULE

In court papers, lawyers with the state's Attorney General's office have urged Stevenson to reject Faiella's challenge against two staff "manuals" cited in her complaint that discuss records management practices. The lawyers contended that as manuals designed to aid employees in retaining and disposing of public records, they aren't "rules" that must comply with agency rule-making procedures. The manuals, "Electronics Records and Records Management Practices," and "The Basics of Records Management, Revised," merely provide an accurate summary of existing law, assistant general counsel Ashley E. Davis noted in court papers. Ryan Butler, a state prosecutor litigating the appeal filed against the court order that dismissed the infractions Faiella had faced, agreed that if her rules challenge prevails, the impact could be onerous and widespread. "A successful effort to invalidate the public records retention schedule for local governments means that no local government would be able to dispose of any public record, even phone messages on post-it notes, until new retention schedules are proposed and enacted," Butler said. "That would certainly tax the resources of any city or county."

St. Lucie News Tribune (FL)
May 15, 2014

Ruling in Faiella Case Appealed
Author: Melissa E. Holsman

The State Attorney's Office is appealing a Martin County judge's May 9 ruling that dismissed civil infractions against Port St. Lucie Mayor JoAnn Faiella for allegedly violating public records laws, court records show. A notice of intent to appeal Martin County Judge Kathleen Roberts' ruling was filed Tuesday. The appeal will seek to overturn Roberts' order that threw out the noncriminal infractions filed against Faiella last year on grounds that her right to a speedy trial had expired. Since December, Faiella had faced a pair of civil infractions for allegedly deleting text messages — considered public records — from her city-issued cellphone and speaking with another council member about city business outside of a public meeting in violation of Florida's Government-in-the-Sunshine Law. Roberts ruled both cases expired under the rules of speedy trial and recapture periods, under criminal proceeding laws.

Assistant State Attorney Ryan Butler said the state is appealing "because the court made an error. "A person shouldn't escape justice," he said, "just because the court makes a mistake." He said the state's appeal will argue Roberts committed an error by dismissing the citations Faiella faced, because there is no right to a speedy trial for noncriminal infractions. "The court erred as a matter of law in holding that there was," he said Tuesday. Roberts further erred, Butler said, "in changing a prior judge's order that the speedy trial rule did not apply." That's a ruling Butler said St. Lucie County Judge Phillip J. Yacucci Jr. made in March before he stepped off the case and it was reassigned to Roberts. Yacucci ruled that speedy trial periods would not hold up because there is no mention of them in regard to noncriminal infractions under criminal proceeding laws. "(Roberts) didn't have any authority to change the prior judge's ruling," insisted Butler, "because that was already the law of the case."

Faiella's lawyer, **John Anastasio**, on Tuesday disagreed with Butler, and said they will fight the appeal. "I am shocked that they would waste more taxpayer money," **Anastasio** said. A key issue now, he insisted, is that the state convinced the first judge on the case, St. Lucie County Judge Kathryn Nelson, to rule that applying the rules of criminal procedure was proper for resolving the civil infractions she faced, rather than rules of civil procedure, which opened the door to Faiella's right to a speedy trial. "Judge Roberts correctly asked the question to the state, do you agree that the rules of criminal procedure apply? The state said yes," **Anastasio** recalled. "And then she asked 'if the rules of criminal procedure apply, why wouldn't the speedy trial in the rules of criminal procedure apply?' "The state essentially said it applies, but not this rule," he noted. "Judge Roberts looked at (prosecutors) and said 'you're either all in or all out, and you said the rules applied but now you're picking what rules apply?' She wouldn't buy that argument and I don't think the appellate panel will buy that argument." The appeal eventually will be heard by a panel of three circuit judges. It could be late summer before the state files its brief and **Anastasio** is expected to file a written response. It could take from six months to a year for the appeal to be ruled upon.

St. Lucie News Tribune (FL)
May 8, 2014

Faiella Set to Fight Sunshine Law Charges
Author: Brittny C. Valdes

Mayor JoAnn Faiella's attorney, **John Anastasio**, is preparing to fight a lengthy battle on Friday to defend the mayor against charges she violated Florida Sunshine Laws in 2013. **Anastasio**, who is based in Port St. Lucie, will present several motions before Judge Kathleen Roberts at 9 a.m. in the Martin County Courthouse. The motions are aimed to discredit a pair of misdemeanor charges filed against Faiella after former City Manager Greg Oravec submitted 85 pages of emails and text messages to the State Attorney's office when he resigned. Faiella also faces an infraction for discussing Oravec's employment with other council members through City Attorney Roger Orr when an open meeting wasn't scheduled.

The basis of **Anastasio's** arguments include:
Text messages Faiella is charged with deleting still exist. The messages were retained by Oravec and then submitted to the State Attorney's Office. **Anastasio** will ask the court to take notice of that as a public record. He will also question the scientific methodology used to determine that the texts were in fact deleted from her phone. The evaluation of the state's public records retention laws and clarification of which part of the retention schedule Faiella violated. "Point out which part of the retention schedule we violated because there are a lot of transitory messages that don't need to be kept," he said. "Something dictated as public record is not dictated by its location, but by its content." The expiration of Faiella's speedy trial request. Speedy trials for misdemeanors are normally 90 days with a 17-day extension period, but **Anastasio** said the mayor's request for a hearing to dismiss the charges has surpassed that time frame.

The expiration of the Florida statute of limitations for a civil case. **Anastasio** said the text messages the State Attorney's Office are alluding to date back more than one year from the time Faiella was charged, which is against the statute. Investigators from the State Attorney's Office never read Faiella her Miranda rights upon her questioning. Faiella and the State Attorney's Office could not be reached for comment Wednesday. "The point is, she's the elected head of the eighth-largest city in the state of Florida, and she should not admit to something she didn't do," said **Anastasio**, adding if the mayor wins, she will request the city pay her legal fees. Council members Ron Bowen and Shannon Martin also were charged in the investigation. After a four-month suspension, Bowen pleaded no contest to a misdemeanor charge of using Orr to poll council members on Oravec's employment, and he paid a $300 fine. Martin paid a $250 fine for deleting text messages. Interim City Attorney Pam Booker said the city did not pay Bowen or Martin's legal fees.

St. Lucie News Tribune (FL)
February 15, 2014

Mayor's Lawyer: Case is too old
Author: Isadora Rangel

Mayor JoAnn Faiella's attorney says the statute of limitations has expired for the civil infraction Faiella is facing for allegedly deleting text messages, and therefore she did not violate Florida's public record retention laws. Faiella is accused of deleting messages she exchanged with former City Manager Greg Oravec from May 30, 2012, through Jan. 28, 2013, records show. Florida statute states prosecution for a noncriminal violation must be commenced within one year after it is committed, Stuart-based lawyer **John Anastasio** wrote in a motion filed last week to dismiss her case. **Anastasio** claims the statute of limitations expired on Jan. 31. However, it is unknown when Faiella allegedly deleted the text messages. The state Attorney's Office filed a civil infraction against Faiella in November. Oravec provided screen shots of the text messages to the State Attorney's Office, which conducted a 10-month investigation into potential violations of the Sunshine Law by the Port St. Lucie City Council. The investigation ended with complaints filed against Faiella, Councilman Ron Bowen and Councilwoman Shannon Martin.
Faiella's conversations with Oravec are mostly transitory, **Anastasio** claims. Most of the text messages were about setting up meetings or talking about city events. Faiella also praised Oravec in many of those messages. "Great job!" Faiella wrote on Dec. 7, 2012. "I am proud of you. ... This is what I wanted in leadership."

Anastasio wrote in his motion that there is no set schedule for how long transitory text messages must be retained — the Florida Department of State establishes different time frames for which a record must be stored according to its importance. He also claims the alleged deleted text messages could be copies of the ones Oravec kept and therefore those records have not been destroyed. **Anastasio** said in an interview on Friday that the city and not Faiella should have been responsible for storing the text messages. "At worst, (the state Attorney's Office) should have sued the city as an agency for not properly maintaining public records," he said. "The agency is the only who should be liable." Faiella faces a civil infraction and a potential $500 fine for allegedly deleting text messages, which are considered public record by Florida's Sunshine Law. Martin faced the same infraction and paid $250 in December. Bowen has been charged with a second-degree criminal misdemeanor for allegedly using City Attorney Roger Orr as an intermediary to discuss with other council members Oravec's continued employment. He has been suspended from office. Faiella faces a civil infraction for allegedly using Orr as an intermediary to discuss Oravec's employment. Oravec entered into a separation agreement with City Council in February 2013, after the alleged Sunshine Law violations. The Sunshine Law prohibits elected officials from discussing issues that could come up for vote outside of an open scheduled meeting. **Anastasio** said Faiella could pay the $500 fine but is fighting the infractions because those could tarnish her reputation. "The problem is they assume everybody is going to behave like Shannon Martin and roll over and pay the fine," **Anastasio** said. "The mayor isn't going to do that because she didn't do anything wrong."

St. Lucie News Tribune (FL)
December 13, 2013

Faiella Details Talk in Inquiry
Author: Isadora Rangel

Mayor JoAnn Faiella said she talked to the city attorney privately about a former city manager but didn't know that information would be shared in what the state says is a violation of Florida's open meetings laws. Faiella's statement is included in a 10-month investigation by the State Attorney's Office, which accuses Faiella and two council members of violating Florida's Government-in-the-Sunshine Law. The investigation, released Wednesday, has more than 46 files and 5,000 pages of phone logs, emails, city memorandums and interviews. The State Attorney's Office says evidence gathered in those documents shows Faiella committed an infraction when she discussed the employment of former City Manager Greg Oravec with another council member through an intermediary, City Attorney Roger Orr. Florida's Sunshine Law prohibits two or more elected officials from discussing public business outside of an open scheduled meeting or using an intermediary to do so.

Faiella's interview shows she allegedly was negligent when she answered a poll by Orr about whether to offer a severance package in exchange for Oravec's resignation in February, Assistant State Attorney Jeff Hendricks said. There is no proof, however, that Faiella knew she was participating in a private meeting to discuss public business, Hendricks said. That is why she is facing a civil infraction — and not a criminal charge, he said. The State Attorney's Office has charged Councilman Ron Bowen with a second-degree criminal misdemeanor for also allegedly using Orr as a conduit. Bowen said he instructed Orr to poll other council members about a severance package for Oravec, according to a report released with the investigation. According to Orr's August interview at the State Attorney's Office, Faiella was the only council member who answered his poll. Faiella and Councilwoman Shannon Martin also faced civil infractions. The State Attorney's Office accused them of destruction of public records by deleting text messages. Martin paid a $250 fine last week.

Here are some key points from a transcript of Faiella's interview at the State Attorney's Office in August: ORAVEC. Faiella said Oravec was a good worker but she had an issue with his personality. "There was so much turmoil," she said. "Mr. Oravec in the last eight months has threatened to quit or resign many times."

THE PHONE CALL
On a Saturday in early February, Faiella said Orr called her and told her a council member asked him to ask City Council about Oravec's resignation. Orr did not disclose who that council member was, but he said he was also calling other council members besides her, Faiella said. "I says, 'Roger (Orr), you know what? I'm done,' " Faiella said. " 'I mean, it's whatever (Oravec) wants to do now. I'm tired of him threatening me he was going to quit or he had enough. The ball's in his court. I'm not asking him to leave. He's a great city manager but, you know, every other month something comes up.' " In phone interview with a reporter Thursday, Faiella's

Stuart lawyer, **John Anastasio**, said she made the statement above in a second phone conversation. The first time Orr called her, their connection was interrupted, **Anastasio** said. When Orr called a second time, he did not say he was polling City Council and simply asked what Faiella's thoughts on Oravec's resignation were. But Hendricks said by answering Orr's question, Faiella was negligent because she indicated how she would vote. City Council on Feb. 7 approved a separation agreement with Oravec and to give him a $102,000 severance package.

WHAT OTHER COUNCIL MEMBERS SAID
Martin changed the subject during her phone conversation with Orr and declined to comment, Hendricks said. Had she given Orr an answer, Hendricks said, she could have faced an infraction. Councilwoman Michelle Lee Berger told Orr to stop the polling, Orr said. Orr couldn't reach Vice Mayor Bartz, he said.

FAIELLA, BOWEN TALK
Faiella said she talked to Bowen by phone after Orr called her. Bowen did not mention he talked to Orr earlier in the day, Faiella said. Before that conversation in February, Bowen had issues at City Hall, Faiella said. He felt city staff didn't like him. He had trouble with the council's secretaries and was upset he didn't have a fob for his key, Faiella said, and because his business cards were not printed out. He also demanded a refrigerator and brought in a new coffee maker because he didn't like the one City Hall provided. During their phone call in February, Bowen and Faiella did not discuss city business, she said. They talked about a toy drive. Faiella said she was trying to get Bowen familiarized with some of the city's committees and churches because he had recently been elected in late 2012.

ATMOSPHERE AT CITY HALL
Faiella said the council offices are next to each other and she can hear conversations by other council members. She said she has talked to Orr about this. "You get a developer, for argument's sake, who's lobbying the council, whoever it is, and he goes into the conference office and pulls us one at a time to talk about what's going to go on the agenda," she said. "He happens to come out of the office and he says, 'Mayor, thank you for your support' ... but council's sitting at the desk ... is that breaking Sunshine?"

TEXT MESSAGES
"Because my phone only holds so many gigabytes I was told that if you have things there lingering ... to delete them," Faiella said, in an interview with investigators. She said she didn't know how many gigabytes her phone has and one of her secretaries told her to delete the messages. Some of the messages were city-related, she said, but Orr told her those would be stored on a city server. Orr said he could have misspoken or maybe Faiella misunderstood him. He could have thought Faiella was referring to emails, which are automatically stored, he said. Port St. Lucie does not have a database to store text messages and it is the city's responsibility to preserve public records, **Anastasio** said, not Faiella's. He said by not being in compliance with public record retention laws, the city should be to blame for the deleted text messages. "Had (the city) been in compliance and backed up everything, this would have never occurred," **Anastasio** said. "She's not the custodian of those records."

The Stuart News (FL)
November 6, 2012

Defamation Suit against Port St. Lucie Mayor Resolved
Author: Christin Erazo

A resolution has been reached in a former police captain's defamation suit against Mayor JoAnn Faiella. Joe D'Agostino claimed Faiella authored an anonymous handwritten letter which accused him of using a friend as a confidential informant and refers to $10,000 in missing money from the Port St. Lucie Police Department narcotics division. Faiella has denied she wrote the letter. Terms of the resolution were not disclosed late Monday afternoon and neither party nor their attorneys provided additional comment, according to a news release from D'Agostino's attorney, Guy Rubin. Calls to Faiella and Rubin for comment were not returned. All of the terms of the resolution are, and will remain, confidential, states the release. There will be no further comment to this private matter. Details of the settlement could be subject to public record, but it's still left to be determined, said City Attorney Roger Orr Monday. As of July, TRICO, the city's self-funded insurance company, had covered more than $44,000 of its $50,000 cap toward Faiella's initial legal fees.

Both parties had a hearing scheduled Monday afternoon before 19th Circuit Court Judge Dwight L. Geiger, but it was abruptly canceled. **John Anastasio**, Faiella's attorney, said before the resolution was reached the hearing was for a summary judgment to dismiss the case. **Anastasio** and Rubin agreed it was time to end the lawsuit, according to the release. It's time to put this behind them, so that the Mayor can continue her work as a public official and Mr. D'Agostino can get on with his law enforcement career, said **Anastasio** in the release. Faiella, whose April 2011 personal emails indicated she was trying to gather what she called ammo against D'Agostino, said in the release she's glad she and D'Agostino were able to resolve the matter. This has been a distraction from serving the people of Port St. Lucie, Faiella said. D'Agostino, who was laid off in April by City Manager Greg Oravec as part of a Police Department restructuring, echoed Faiella's statement and pointed to a pending wrongful termination suit filed by six former Police Department employees who were also let go by Oravec in April. I'm glad that Mayor Faiella was able to clear the air in this case. But the city will still need to account for its wrongful acts in violating my rights and the rights of my colleagues, D'Agostino stated in the release. D'Agostino was Faiella's supervisor when she worked in the crime intelligence analysis division at the Police Department. Faiella later voluntarily transferred to the department's records division before taking a leave of absence for her 2010 mayoral run.

Fort Pierce Tribune (FL)
December 5, 2000

Attorney Ordered to Repay $17,500 in Estate Case
Author: Jeni Brock Steele

Even King Solomon would have been challenged by a complicated case last week that stretched over two afternoons and involved more attorneys than witnesses. In the end, Judge Marc Cianca ruled that Port St. Lucie attorney **John Anastasio** has only 30 days to put $17,500 back into an estate that three other attorneys are still trying to straighten out. Cianca ruled late Thursday that **Anastasio** must replace the money that he took in several different increments for what he claimed were his legal fees. **Anastasio** took the money from the estate of Raimo Suikki, who died in December 1996 at age 62. Suikki left no will. He did leave two heirs: a daughter, Ariane Brown, 40; and a son, Johans Suikki, 36, who has Down syndrome. Suikki lives with his mother, Maile Suikki in Port St. Lucie. Raimo Suikki also left property in Alaska (where he worked for many years) Arizona, and Port St. Lucie.

In early 1997, Brown hired **Anastasio** to handle her father's estate. Nearly four years later, the estate -- originally estimated by **Anastasio** to be worth $110,000 -- has no money. All of the property has been sold, and only about $5,500 can be positively accounted for in payments of medical bills for Johans Suikki. **Anastasio** said the final value of the estate was far less than the original estimate, attributing the discrepancy to an overestimate of the property value. The second draft of the final accounting placed the estate's value at about $40,000. Another complicating facet of the case was the provision of a guardian for Johans since payments from the estate could not be paid to him. **Anastasio** failed to properly handle the guardianship requirement, according to a previous order. As a consequence, Maile Suikki was removed as Johans' guardian despite the fact that he continues to live here, where he has always lived.

In the best interests of the ward, a legal guardian, Elsie Meleski, was appointed by the court because **Anastasio** failed to file the guardianship requirement in a timely manner. The court appointed Port St. Lucie attorney Charles Ray to complete the guardianship requirement of the estate. Another attorney, Kevin Hendrickson, was hired to represent Meleski and protect her interests. When Brown realized there was money missing from the estate, she hired attorney Marydenyse Ommert of the firm John A. Racin & Associates to represent her interests. The three attorneys -- Ray, Hendrickson, and Brown -- grew concerned about the estate and how it was handled, and filed for a hearing with Cianca, which started a week ago Monday.

Jodi Dudeney, a former legal secretary for **Anastasio**, was the first to take the stand. She testified about files she handled in regard to the estate and also said **Anastasio** at one point had told her to "dummy up" the files in order to cover up payments that he made to himself. "And that is what prompted me to leave his employment," she said. **Anastasio** disputed Dudeney's testimony, maintaining that fees were paid to him from the estate for legal work he did for Brown on a variety of misdemeanor charges for her and her family members. He said that legal work was completely separate from the estate and the guardianship. During earlier testimony that Monday,

Ray called the condition of the estate "a nightmare." "And these errors are **Mr. Anastasio's**," he said. "There are multiple problems here, and why was the personal representative paid without the court's approval?"

Brown testified that she was never paid as the estate's personal representative and that she never received "a penny from the estate." During testimony, it was revealed that property was sold from the estate without any appraisals. A 10-acre parcel in Alaska with a three-bedroom, two-bathroom home on it was among the property sold. It was sold for $20,000 and after a state mortgage was paid, the estate received $5,000. "The property didn't even need to be sold," Hendrickson said. "It could have just been deeded to the heirs. [**Anastasio**] knew he had an illiquid estate, which means it could not easily be converted to cash." **Anastasio** said paying back the estate is a temporary setback, remedied simply by transferring funds from one account and then applying to the court for the monies back. "I did a lot of work outside the estate, and now it's just the client trying to rip me off," he said.

Hendrickson said it's not that simple. "He presented no experts," Hendrickson said. "He presented no documents to prove what he did. There are no time records for the work he did. It's a shame what he's done to this case." Hendrickson said when the money is returned to the estate, he will appeal to the court for the three attorneys now involved to be paid by **Anastasio**, instead of from the estate. "Why should the attorneys be burdened by trying to collect our fees?" he asked. "The reason we're involved is the result completely of what **John [Anastasio**] didn't do."

The Palm Beach Post (FL)
November 6, 1999

PSL Attorney Judge Decision Language Fine Ethics
'Jesus Christ' Exclaimer Loses Contempt Appeal
Author: Pat Moore

When a Port St. Lucie attorney spouted the words "Jesus Christ" in disgust in a crowded courtroom last year, his comment was not protected by laws affording freedom of religion. A panel of Treasure Coast judges rejected attorney **John Anastasio**'s appeal of a contempt of court conviction and the $500 fine imposed by St. Lucie County Judge Tom Walsh for "enunciating Jesus Christ in a profane manner" during an August 1997 court hearing. **Anastasio** argued he was simply exclaiming disgust when he looked down at a document and discovered an arrest warrant for one of his clients. In their Tuesday ruling upholding Walsh's order finding **Anastasio** in contempt of court, the three-judge panel sided with Walsh, who found the tone of **Anastasio's** words offensive and profane. "Judge Walsh did not order (**Anastasio**) to study the ethics of St. Thomas Aquinas. . . . **Mr. Anastasio** was not required to study the Torah or to say Kaddish for a departed soul," the judges wrote. They found the words "Jesus Christ" are accorded with reverence and worship to believing Christians. "When used in this context, they express anger, dissatisfaction and even opprobrium," according to the opinion written by Circuit Judges John Fennelly and Ben Bryan and Indian River County Judge David Morgan. Bryan added he believed that Walsh would have been justified in finding **Anastasio** in contempt had he said "Geronimo."

The Palm Beach Post (FL)
July 31, 1999

Attorney Protest Fine Religion Language Court Issue
Lawyer Appeals Fine for Saying 'Jesus Christ!' in Court
Author: Pat Moore

A panel of Treasure Coast judges pondered Friday whether a Port St. Lucie attorney would be fighting a criminal contempt conviction had he disgustingly quipped "Oh Mohammed" or "Oh Buddha" rather than spouting the words "Jesus Christ" during a court hearing last year. St. Lucie County Judge Tom Walsh found attorney **John Anastasio** guilty of the contempt charge and fined him $500 for "enunciating Jesus Christ in a profane manner" during an August court hearing. **Anastasio** said he exclaimed "Jesus Christ" as he looked down at a document that he discovered was an arrest warrant for one of his clients. "I explained to (Walsh) that I was talking to myself out loud in a complete state of shock that something so fundamentally unfair could occur," **Anastasio** told the appeals panel. "It was like: I can't believe this. It's terrible."

Walsh declared **Anastasio** guilty, finding "the tone and manner of **Mr. Anastasio's** utterances were clearly offensive, uttered in a profane way and heard by every person in open court." **Anastasio** appealed the conviction, arguing that the words "Jesus Christ" are not obscene or profane and that his comment was protected by his rights of freedom of speech and freedom of religion. "If he'd said, `Oh Mohammed,' do you really think we'd be in here today?" Circuit Judge Ben Bryan asked a prosecutor trying to persuade the three-judge appeals panel to uphold **Anastasio's** contempt conviction. "It all depends on how he said it when he said it and who he said it to," Assistant State Attorney Dean Merten said. He argued the words "Jesus Christ" are appropriate when said in church - or even by a father on a Sunday afternoon when his team lost the game - but not in court. "He's a lawyer. He was in a courtroom. He should be held to a higher standard," Merton said. The panel did not issue a ruling Friday.

The Stuart News (FL)
September 23, 1998

Court Jesters: Lawyers Show They Can Take It – And Dish it out
Author: Barbara Lowell

Did you hear about the three guys who went fishing off the Jupiter Inlet last week? There was a doctor, a lawyer and an accountant. They were all having a good time, when suddenly a shark jumped out of the water and gobbled up the doctor. A few minutes later, the big fish did the same to the accountant. Then, the shark jumped into the air, looked at the lawyer, smiled a toothy grin, and dove back underwater. Wonder why the shark didn't devour the lawyer? Professional courtesy. Hee hee hee hee hee. "Very funny," says Stuart attorney Philip DeBerard, who says he has heard his share - and then some - of lawyer jokes. Funny thing is, he means it. He likes them. "Lawyers need to lighten up. They're too stuffy," DeBerard said. "When you see a lawyer, you know he or she is one, because we all seem to have adopted the same uniform - dark suit, somber expression, black briefcase, purposeful walk. It's fun to make fun of people who take themselves so seriously."

To prove he's not above poking fun at himself or his profession, DeBerard quickly launches into his favorite lawyer joke: A busload of folks show up at the Pearly Gates, where they are greeted by St. Peter. Suddenly a group of angels rushes out and pulls one man from the bus. They shower him with gifts and affection, throw feathers down onto the ground so his walk is cushioned, and escort him to a huge palace that will be his home. Seeing this, the other passengers feel a little slighted, since they are left to get off the bus alone and make their way to their own nice, but not exactly palatial, homes. One of them tugs on St. Peter's sleeve and asks, "Who's that?" "That's a lawyer," St. Peter replied. "We don't get too many of them up here." "I love that one," DeBerard said. "People need to laugh, because face it, a lawyer's day is filled with hostility, anger, lies. There's nothing fun about their occupation.

"If you've committed a crime, if you're getting a divorce, if your house is being foreclosed upon - these are not fun situations, but you need a lawyer to help you through them." The jokes don't bother Stuart attorney Jeffrey Kirsch. He understands that they go with the territory. "If you can't laugh at a job, then what have you got? You can't take it personally," he said. "Of course people make fun of lawyers. There's a common bond - everybody hates lawyers because the only time you see them is when you're miserable. "You don't hear any gardener jokes, do you?" Bad seeds and ill weeds notwithstanding, lawyer jokes are nothing new. Benjamin Franklin had a saying: A countryman between two lawyers is like a fish between two cats. And William Shakespeare sneaked a zinger into his Henry VI, Part II with the line, "The first thing we do, let's kill all the lawyers."

"People dislike lawyers because lawyers do exactly what they're paid to do," insists Port St. Lucie attorney **John Anastasio**. "The fact is, most people are scumbags. They call lawyers to get them out of trouble. "Lawyers are a mirror of society, and when people look into that mirror, they don't like what they see, so they take it out on the lawyers. Don't look for an end to lawyer

jokes - this kind of thing will keep going on until people are different." Meanwhile, it's fun to crack jokes at the pinstripe suit-wearing, torte-writing lot. Here's a favorite from **Anastasio's** files: A 29-year-old lawyer dies in a car accident and goes to heaven. Puzzled, he asks St. Peter why he's there at such a young age. "But you're over 200 years old," St. Peter tells the man. "No I'm not," the lawyer replies. "According to your billing records you are," says St. Peter. Lauri Goldstein, who has law offices in Stuart and Fort Pierce, said she isn't bothered by lawyer jokes either. "Hey, I'm a Jewish female and I laugh at Jewish jokes," she said. "There's good and bad in every profession, and jokes about jobs are usually all in good fun." In fact, lawyer jokes cross her desk every day. A friend gave her a Lawyer Joke-A-Day calendar as a gift. "Some of them really crack me up," she said.

Still, not everybody is laughing. Carole Post, an attorney with Watterson, Hyland & Klett in Palm Beach Gardens, insists the Bard didn't intend that Henry VI line as a slam against lawyers at all. "The phrase was uttered out of a show of respect for lawyers, not disdain," she wrote in a column for The Jupiter Courier in June. "The phrase is spoken in context of a group of rebels plotting the overthrow of King Henry VI. The rebels singled out the lawyers because of their status in society - the overthrow of lawful society would never be successful if the lawyers were there to preserve law and order." And although lots of local lawyers say they enjoy a good joke, some admit they're a bit irked that they are categorically classified as bloodthirsty ambulance chasers. DeBerard, for example, has initiated numerous programs for children, including an annual bike rally and fingerprinting session. He sponsors baseball, football and hockey programs for kids, too. "Most of the lawyers in this area are very active in the community. They're a real compassionate bunch," he said. He thinks the negative public perception began years ago, when lawyers were allowed to advertise on television. "Before Florida got regulations that lawyers had to talk in a monotone and directly into the camera while saying certain things, there were some really silly commercials," he remembers. "You had guys yelling, "If you've been bumped by a car, see me' and "If the bank is on your back, I can get them off'. "That was garbage, and it really demeaned our profession."

On the other hand, television programs showing good, capable and honest lawyers often do equal justice to boost the profession. "When L.A. Law first came out, law school applications went through the roof," DeBerard said. "People thought that was great - actors sat around every morning drinking coffee and talking about all the big cases they had, then you saw them getting into their $100,000 cars and driving off to fancy lunches. Those of us who were already lawyers were sitting here thinking, "too bad it's not really like that.'" "Now you've got Ally McBeal, who comes across like a real person who makes good, honest choices. She's not a wicked person who'd sell your soul for a buck." Then again, if you were standing before a judge whose hand was poised on a book he meant to throw at you, who would you want defending you? Goldstein, who is originally from Fort Lauderdale, was driving on I-95 near her old neck of the woods recently, where she spotted a billboard with a shark on it. "It said, "If you want a real shark, call this guy' and it gave a lawyer's name and number," she said. "At first I thought it was odd, then, hmmm. I thought to myself, "Wow. What an ad.'"

CASE IN POINT: LOCAL ATTORNEYS SHARE THEIR FAVORITE JOKES

There's no burden of proof that attorneys can't take a joke, but to argue the point, here is a sampling of what makes local lawyers laugh.
* What is a criminal lawyer? Redundant.
* What's black and brown and looks good on a lawyer? A Doberman pinscher.
* What do you have when a lawyer is buried up to his neck in cement? Not enough cement.
* Why should lawyers be buried 100 feet deep? Because deep down, they're really good people.
* How many law professors does it take to change a light bulb? Heck, you need 250 just to lobby for the research grant.
* How can you tell when a lawyer is lying? His lips are moving.
* What do you get when you cross The Godfather with a lawyer? An offer you can't understand.
* How do you save a drowning lawyer? Take your foot off his head.
* God decided to take the devil to court and settle their differences once and for all. When Satan heard this, he laughed and said, "And where do you think you're going to find a lawyer?"
* How many lawyers does it take to roof a house? Depends on how thin you slice them.
* If a lawyer and an IRS agent were both drowning and you could save only one of them, would you go to lunch or read the newspaper?
* What's the difference between God and a lawyer? God doesn't think he's a lawyer.
* Why did the lawyer cross the road? To get to the car accident on the other side.
* Did you hear about the terrorist who hijacked a 747 full of lawyers? He threatened to release one every hour if his demands weren't met.
* What's the difference between a lawyer and a herd of buffalo? The lawyer charges more.
* Why does California have so many lawyers and New Jersey have so many toxic waste dumps? New Jersey got to pick first.
* A man walked into a bar with his alligator and asked the bartender, "Do you serve lawyers here?" "Sure do," replied the bartender. "Good," said the man. "Give me a beer and I'll have a lawyer for my gator."
* It was so cold last winter I saw a lawyer with his hands in his own pockets.
* What's the difference between a good lawyer and a bad lawyer? A bad lawyer can let a case drag on for several years. A good lawyer can make it last even longer.
* What did the lawyer name his daughter? Sue. And his son? Bill.
* How many lawyers does it take to change a light bulb? How many can you afford?
* Signs you might need a different lawyer: He tells you that his last good case was a Budweiser. When the prosecutors see who your lawyer is, they high-five each other. He picks the jury by playing "duck-duck-goose." He tells you that he has never told a lie. A big sign in his office says "Don't ask me." A prison guard is shaving your head.
* Arguing with a lawyer is like mud wrestling with a pig. After a while, you realize that the pig actually enjoys it.
* Why did the post office stop making the new lawyer stamps? People couldn't tell which side to spit on.
* What's wrong with lawyer jokes? Lawyers don't think they're funny, and nobody else thinks they're jokes.

The Stuart News (FL)
August 29, 1998

Lawyer: Deputies Denied Justice
Author: Sarah Eisenhauer

An attorney for two St. Lucie County sheriff's deputies who were disciplined last year for blowing a co-worker's cover at a beachside bar told a panel of judges Friday that the officers deserved a hearing before being placed on six months of probation. Attorney **John Anastasio** said the sheriff's office denied Deputies Dean Sackos and Vincent Gosden their right to a hearing where they could argue their case after probation was imposed in November. Although a set of Florida laws called the Career Service Act does not list probation as punishment that requires a hearing, **Anastasio** asked Circuit Judges Paul Kanarek, John Fennelly and Charles Smith to rule that a hearing was necessary. The sheriff's office suspended the deputies for five days and placed them on probation after they gave away the identity of an undercover deputy Oct. 18 to a patron at a Hutchinson Island bar, reports said. They were told "You're on probation. You're on probation, but you have no right to a hearing,' **Anastasio** said. The sheriff has the right to fire a deputy on probation without cause, he said.

But attorney Dwayne Evans, who represents the sheriff's office, said because the laws do not specifically mention probation as a punishment that requires a hearing, it should be up to the sheriff to decide whether one is necessary. He said the issue is moot for Sackos and Gosden because their probation period is over, but he acknowledged that the issue could come up again. The judges will issue their ruling within the next few weeks, Evans said. The sheriff's office said Gosden and Sackos, who were both off duty, were at an oceanfront club when they saw a fellow deputy, who was working undercover, sitting on the patio. Gosden saw an intoxicated friend at the undercover deputy's table and, worried that his friend might say something incriminating, introduced his friend to the undercover deputy. A few minutes later, Sackos came over and whispered into the undercover deputy's ear, wanting to know whether she was on duty, the investigation report said. The report found the deputies guilty of improper conduct. Undersheriff Dennis Williams said in a Nov. 13 letter that he decided not to fire Sackos because of the overall circumstances, and that Gosden's excellent work record spared him from being fired. Both deputies had clean records before the incident.

The Stuart News (FL)
July 25, 1998

Family Suing Sheriff Over Hanging
Author: Thomas W. Kruase

The mother and sister of a man who hanged himself at the St. Lucie County jail in 1996 have filed a wrongful death suit against Sheriff R.C. "Bobby" Knowles, claiming he was aware of problems that contributed to the man's death, but did nothing to correct them. On July 26, 1996, 33-year-old William Clark of Fort Pierce hung himself with a bed sheet wrapped around a sprinkler head. At the time, he was in the jail's medical wing. Clark was not on suicide watch, but jail rules stipulate all inmates in the medical wing are to be checked every 15 minutes. In the midst of an internal affairs investigation, detention deputy Barbara Bates resigned. The investigation determined that she failed to watch Clark at the specified intervals and attempted to cover up her actions by altering the medical wing logbook.

Two years before Clark's death, Douglas Moran, of Freeport, N.Y., hung himself in a similar fashion at the medical wing. **John Anastasio**, the lawyer for Ana Jean Clark and Norrita Clark, said Knowles was aware of the previous suicide and should have altered the surroundings to prevent the situation from recurring. "This hanging took place in the exact same way, in the exact same spot of the exact same medical unit," **Anastasio** said. Knowles is legally responsible for the actions of his deputies, **Anastasio** said. He is therefore responsible for the lack of supervision for Clark and the coverup. The disciplinary action against the deputy and the admission of the coverup, however, may benefit Knowles in the eyes of a jury, he said. In addition to the wrongful death suit, the family has filed a claim for federal civil rights violations.

The wrongful death suit is limited to $100,000 in compensatory damages, **Anastasio** said. The civil rights suit, however, has no monetary limit. Clark was arrested on charges of grand theft and dealing in stolen property. He was being held in the medical wing for an alcohol detoxification evaluation because he complained of pains in his side.

The Stuart News (FL)
December 19, 1997

Court Disbars 1 Lawyer, Disciplines Another
Author: Michael Peltier

One local attorney was disbarred and another publicly reprimanded Thursday when the Florida Supreme Court announced disciplinary actions in the two unrelated cases for breaking rules of conduct set up by the Florida Bar. Port St. Lucie attorney **John Anastasio**, 41, is slated to receive a public reprimand for a pair of actions in 1995 that included failing to safeguard a $40,000 trust fund that was in dispute. It is the third time in less than three years that **Anastasio** has been disciplined by the Bar. Anthony Eladio Ramos, a Jupiter-based attorney who also had an office in Indiantown, was disbarred for misappropriating funds from a series of personal injury cases during the past several years. The Florida Bar charges that Ramos settled insurance claims, often without his client's consent, but failed to pass on the awards to his client.

Anastasio, who ran against U.S. Rep. Mark Foley in the 1994 congressional campaign, pleaded no contest to Florida Bar charges that he inappropriately advertised his law practice without clearing the ads first with the Bar. On a second count, **Anastasio** was charged with failing to properly safeguard trust funds in a dispute involving a $40,000 personal injury settlement. **Anastasio** was hired by a physician, Bruce Platzek, who was concerned that he would not be paid by a patient who had received the award in an insurance claim. Under a settlement agreement, Platzek was to receive $8,000 for his services. Put in charge of the trust fund, **Anastasio** turned over the settlement check to the patient, Howard Turner, who according to court records forged the required signatures and absconded with all but $1,000 of the award.

Anastasio has had other trouble with the Bar over his professional conduct. In 1995, he was reprimanded and placed on a year's probation for "negligent and inadequate communication" in a criminal defense representation. During the same year, he was reprimanded again for threatening criminal prosecution in a civil matter. **Anastasio** will appear before the Florida Bar Board of Governors at its February meeting, said Florida Bar legal assistant Michelle Courtemanche. As part of his reprimand, **Anastasio** will be brought before the board to be publicly censured. "Severity-wise, it's the most severe reprimand," Courtemanche said. "We're talking about 50 of your peers, plus their staff who usually sit in a big circle." **Anastasio**, who did not return phone messages left at his office Thursday afternoon, could not be reached for comment.

Ramos, who has been a member of the Bar since 1981, resigned his license Nov. 1, days before depositions were taken by a number of former clients who say Ramos bilked them of tens of thousands of dollars while handling their claims. Ramos, who had offices in Lake Worth and Indiantown, was charged with 19 counts misappropriation of funds, forgery, and charging excessive fees for a series of insurance settlements going back to May 1990, Florida Supreme Court records indicate. A call made to a telephone number listed for Ramos in the Florida Bar Journal was answered by a hostess for an Italian restaurant. Another call made to a different telephone number listed in the local directory went unanswered. A fellow tenant for another firm

in Ramos' office building at 900 E. Indiantown Road in Jupiter said the attorney's office was closed. Ramos, who often defended minors or clients who spoke little English, can apply for his license in 20 years. He was also ordered to pay nearly $35,000 in fines.

Fort Pierce Tribune (FL)
February 11, 1997

Jailed Former FP Policeman Files Appeal, Lawless Charges Prosecution Misconduct
Author: Sherry Parmet

Mike Lawless' attorney filed an appeal Monday in the trial that sent the former policeman to jail for stealing $80 from a state undercover agent posing as a drunk migrant worker. Port St. Lucie attorney **John Anastasio** cited errors in County Judge Dan Vaughn's rulings both before and during the trial last month. Vaughn sentenced Lawless to two months in jail on a misdemeanor petty theft charge on Jan. 10. **Anastasio** claims the judge erred by allowing the prosecutor during closing arguments to refer to his having personally visited the crime scene. ``Attorneys aren't allowed to do that," **Anastasio** said. ``They're not witnesses." **Anastasio** also claims the jury was not properly instructed before starting their deliberations. ``Those are just some of the things that were done incorrectly," **Anastasio** said. ``At issue is not whether the jury made factual mistakes, but whether legal errors were made."

Brevard County Assistant State Attorney Russ Bausch, who prosecuted the case in lieu of the local office to avoid the perception of bias, could not be reached for comment Monday. Lawless will complete his 60-day sentence in the St. Lucie County jail in less than a month -- likely before his appeal could be heard. But freedom is not what Lawless is fighting for, **Anastasio** said. Lawless is fighting for his livelihood, trying to keep his law enforcement certification, which he is at risk of losing if the conviction stands. ``There's no down side to Mike getting another trial," **Anastasio** said. ``Whether he wins or loses a second time, he walks out of the courtroom." But even if Lawless' conviction is overturned on appeal, he still could lose his law enforcement certification because he failed to take a required cultural diversity course this year, **Anastasio** said. ``Of course, he can't take it while he's in jail and not working at the department," **Anastasio** said.

An 11-year veteran of the Fort Pierce Police Department, Lawless resigned just hours before being sentenced. **Anastasio** said he's not sure what chances Lawless has of winning a new trial, but is taking on the case for free to help his longtime friend. ``I've known him for about 20 years, and in my opinion he's innocent," **Anastasio** said. ``I don't know whether the undercover agent dropped the money or Mike was framed, but I know Mike didn't do anything wrong." A grand jury indicted Lawless and three other officers on July 8, the culmination of a two-year Florida Department of Law Enforcement investigation into corruption. Allegations included home-invasion robberies, theft of illegal poker game kitties and shake-downs on drunks, drug dealers and migrant workers.

In Lawless' case, FDLE agent Ciro Dominguez posed as a drunk migrant worker and testified the officer stopped him, took his wallet, and returned it with $80 missing. Former officer Ron Chabot last month pleaded no contest to a misdemeanor petty theft charge and was sentenced to six months on probation and the loss of his law enforcement certification. Former officer Stacy Moran in December pleaded no contest to attempted official misconduct and lost his law

enforcement certification. In an unrelated case, he also pleaded no contest to a petty theft charge of shoplifting dental floss, cologne and other merchandise from a Fort Pierce Wal-Mart on Nov. 26, 1996. He was sentenced to 10 days in jail. Former officer Theresa Prussing will go to trial this month for lying in an unofficial proceeding to provide a false alibi to former officer John Brady. Brady was sentenced in 1994 to 15 years in prison on 14 counts of racketeering in a series of home-invasion robberies. His partner in crime, former officer Xavier Evans, was sentenced to 25 years.

Fort Pierce Tribune (FL)
January 9, 1997

Court Hears of Cop's Alleged Shakedown, Mike Lawless
Author: Sherry Parmet

Dressed in old clothes and reeking of booze, Ciro Dominguez looked like an easy mark late at night as he paced a city street. Lawless But appearances can be deceiving. Dominguez, an agent with the Florida Department of Law Enforcement, was working a sting operation to find out if Fort Pierce police Officer Mike Lawless was as corrupt as informants said. FDLE officers had been told Lawless routinely stole money from poor, Hispanic-speaking men. Dominguez testified Wednesday on the first day of Lawless' trial in St. Lucie County Court. Dominguez told jurors about an encounter he had with Lawless on the evening of Jan. 11, 1995. Dominguez, posing as a migrant worker, carried a wallet holding $170 along with a $20 bill in his pocket to create the impression of someone looking to buy drugs. ``I was kind of walking back and forth playing the role of someone looking suspicious," Dominguez said. ``I spoke in broken English."

It was after midnight when Lawless and former Officer Linda Kirk, who was working with FDLE, approached Dominguez on Seventh Street and began to question him. Another FDLE agent was in a nearby car videotaping the exchange. Dominguez testified Lawless removed the wallet from his pocket, walked out of sight for a moment and then returned, placing the wallet back in Dominguez' pocket. ``He said, `Go on home,' " Dominguez said. At that point Dominguez met with FDLE agent Mike Driscoll, and they returned to the FDLE office where they determined $80 had been taken from the wallet. Nobody besides Dominguez and Lawless had touched the wallet, Dominguez testified. Despite their belief that Lawless had taken the money, FDLE refrained from searching him and bringing him in on theft charges at the time because they didn't want to alert other officers to their ongoing probe into corruption in the Fort Pierce Police Department, Driscoll said.

A two-year probe resulted in the July 8 indictments of Lawless and three other current and former officers on mostly theft-related charges. Lawless was indicted for petty theft. He was fired from the department as a result of FDLE's probe. ``Mike Lawless, the man sworn to uphold our trust, violated that trust," Assistant State Attorney Russ Bausch told jurors during opening arguments. But defense attorney **John Anastasio** countered that nobody -- not Kirk, nor Driscoll nor Dominguez actually saw Lawless steal the money. When Lawless walked away with the wallet he disappeared from view. MDUL ``Officer Lawless did pat down the individual, and he looked in his wallet because often in high crime areas you find rock cocaine in the wallet," **Anastasio** said. He then returned the wallet. ``You will not hear a single witness from the state come and say, `I saw Officer Mike Lawless take money from that wallet,' " **Anastasio** said. ``You're not going to see Officer Lawless on the video camera taking money. You're gonna hear guesses, hear assumptions . . . but you're not going to hear any direct evidence that Officer Mike Lawless took some money."

FDLE can't even prove any money was taken because no photocopies were made of the original bills, **Anastasio** argued. ``If nobody saw him do it, how are they going to establish that Officer Mike Lawless took the money?" **Anastasio** asked. ``If they stopped and searched him maybe jurors would have the answers they want," he added. ``Mike doesn't have to prove his innocence even though he is." **Anastasio** said FDLE came down hard on Lawless in order to justify a two-year investigation that generated embarrassingly little. The state rested its case against Lawless Wednesday afternoon. Kirk, who was listed as a possible witness, was not called to testify. **Anastasio** rushed out to issue Kirk a subpoena to appear in court today as a witness for the defense.

In his opening arguments, Bausch said former Fort Pierce Officer John Brady provided FDLE agents with information about Fort Pierce officers shaking down migrant workers. Brady was sentenced to 15 years in prison for a series of home invasion robberies. Kirk, who was among those implicated, agreed to cooperate with the FDLE in their effort to nail Lawless. She confessed to stealing money from Mexican migrants, but was granted immunity from prosecution in exchange for her grand jury testimony against other officers. Last week, former officer Stacy Moran pleaded no contest to a charge of attempted official misconduct and had his law enforcement certification revoked. FDLE said Moran falsified a traffic ticket and arrest affidavit he issued to a migrant worker. Another officer, Ron Chabot, was indicted on theft-related charges last summer but has yet to stand trial. And Officer Theresa Prussing faces a charge of lying in an unofficial proceeding.

The Stuart News (FL)
December 30, 1995

Bar Looking into Other Cases against Attorney
Author: Jennifer Maddox

An ethics complaint filed by the St. Lucie County Sheriff's Office against **John Anastasio** is not the only complaint lodged with the Florida Bar against the Port St. Lucie attorney. Investigators with the Florida Bar also are looking into a case where **Anastasio** is accused of mishandling the disbursement of a legal settlement check. Dr. Bruce Platzek of Port St. Lucie filed the complaint this summer, which alleged **Anastasio** did not deposit a $40,000 settlement check in an escrow account for disbursement to four parties who had claims to the money. Instead, **Anastasio** gave the money to his client, Howard Turner of Port St. Lucie, who cashed the check himself and left town with all the money, said St. Lucie County sheriff's Detective Don Spivey, who investigated the case. Turner was arrested in May and charged with forgery. His case has not yet been tried. The settlement was the result of a suit Turner filed against the Martin County Sheriff's Office in 1990 after a sheriff's deputy hit his car. Turner's doctor, Platzek, and other attorneys in the case had claims to the settlement because of medical and legal bills Turner incurred.

In the most recent complaint lodged by the St. Lucie County Sheriff's Office, a grievance committee should decide within four months whether **Anastasio** unethically handled client Dennis Bernas' case against the department, Bar counsel James Keeter said. Bernas hired **Anastasio** in February 1993 after he was demoted from sergeant to deputy. Sheriff's officials allege **Anastasio** abused the legal system with Bernas' three separate lawsuits against the department. He also filed a slander suit against the person whose complaint about Bernas led to the sergeant's demotion. The sheriff's complaint also alleges **Anastasio** threatened the department by saying he would turn the department in to the Florida Department of Law Enforcement and the governor's office if they didn't settle the case and pay his client $51,000.

When the Bar ponders the various complaints against **Anastasio**, his discipline record also could be considered, Bar officials said Friday. **Anastasio** has been reprimanded and fined twice this year for his handling of cases. He was placed on one year's probation in May and has paid more than $2,000 in fines. "If there's any determination by the grievance system that **Mr. Anastasio** behaved unethically, then prior discipline would be considered by the Supreme Court," Keeter said. **Anastasio** filed complaints with the Bar earlier this month against the four attorneys who helped prepare the sheriff's complaint against him, saying their complaint was "a whole bunch of nonsense." He also said Thursday that he will file a lawsuit against the sheriff's office in response to its complaint, charging malicious prosecution and violation of civil rights. Bernas said he was happy with the work **Anastasio** did for him in his fight against the sheriff's office. On Wednesday, a career service board decided Bernas should get his sergeant's stripes back, along with more than $7,000 in back pay. "I don't have a problem with what he did. That's his job," Bernas said. "(The sheriff's office) couldn't do much with me so now they're going to attack my attorney - that's how I feel."

The Stuart News (FL)
December 29, 1995

Sergeant's Dispute Leads to Conflict with Attorney
Author: Jennifer Maddox

The St. Lucie County Sheriff's Office has settled its dispute with Sgt. Dennis Bernas, but its fight with his attorney is far from over. Undersheriff Dennis Williams has filed a complaint with the Florida Bar against Port St. Lucie attorney **John Anastasio**, who handled Bernas' three lawsuits against the sheriff's office after Bernas was demoted from sergeant to deputy in February 1993. Bernas was reinstated as sergeant after a sheriff's service board hearing Wednesday. The sheriff's office already had agreed to settle the lawsuits for an undisclosed sum of less than $25,000. The complaint, filed Sept. 25 with the Florida Bar, was referred last week to a grievance committee that hears cases against Treasure Coast attorneys. Sheriff's officials say they filed the complaint because **Anastasio** abused the legal system and threatened the sheriff's office.

In February 1993, **Anastasio** filed the first suit after Bernas was denied a hearing before his peers on his demotion. At issue was an incident in December 1992 in which Bernas cited a motorist for traffic violations while off-duty. The motorist later complained, saying Bernas pushed him against his car and restrained him "in an aggressive manner." In March 1993, the sheriff's office offered Bernas the hearing he requested in the suit, but **Anastasio** filed a second lawsuit in April to block the hearing. In the meantime, **Anastasio** had filed a separate slander suit against Daniel Jouver of Port St. Lucie for complaining to the sheriff's office about Bernas. In March 1995, **Anastasio** filed a federal lawsuit against the sheriff's office, accusing the department of violating his client's due process rights. **Anastasio** had threatened such a suit in a September 1994 letter to the sheriff's attorney. **Anastasio's** letter suggested the sheriff's office could not win against Bernas because of a legal settlement **Anastasio** had reached with Jouver in exchange for dropping the slander suit. As part of the settlement, Jouver gave **Anastasio** and Bernas the right to sue the sheriff's office on his behalf and collect any monetary damages rewarded.

Anastasio told sheriff's office attorney Joseph Mancini the matter could be dropped if the sheriff's office paid Bernas $51,000 and reinstated him as sergeant without a hearing. "Dennis simply desires to be compensated and to have this matter quietly go away for the benefit of all. Please review the (settlement proposal) and call me before the end of next week, to avoid the necessity of commencing federal litigation and a review of the circumstances surrounding this matter by the governor's office and the Florida Department of Law Enforcement," **Anastasio** wrote. Williams asked the Bar to review **Anastasio's** actions. "Under normal circumstances, such an issue could be investigated as criminal extortion," Williams said. "However, because this action has been taken under the guise of an attorney representing his client, it now raised the question of whether it's ethical vs. criminal."

In a Dec. 5 letter to the Bar responding to the complaint, **Anastasio** called his letter to Mancini "nothing more than the result of ordinary, everyday, garden variety settlement negotiations."

"This boy (Williams) is so stupid and has wasted $100,000 in taxpayer money (preparing the complaint)," **Anastasio** said Thursday. "They trumped this whole thing up." **Anastasio** filed complaints with the Bar this month against the four attorneys who helped prepare the complaint against him, claiming the complaint was "a whole bunch of nonsense" designed only as a leveraging tool in the Bernas litigation. He also promised Thursday that he would file another lawsuit against the sheriff's office in response to its complaint against him. Last month, the Bar fined and publicly reprimanded **Anastasio** for a threatening letter he wrote on behalf of a landlord who did not want to refund a tenant's $500 security deposit. The attorney also is serving a one-year probation with the Bar for his conduct in two other cases.

The Palm Beach Post (FL)
November 14, 1995

PSL Attorney Fine
Bar Fines Lawyer $1,100 for a Threatening Letter
Author: Jose Patino Girona

A Port St. Lucie attorney was fined $1,100 by the Florida Bar for writing a threatening letter intended to end a dispute over a $500 security deposit. Florida Bar officials found **John Anastasio** guilty of a minor misconduct. **Anastasio** represented Paul Stier in a landlord-tenant dispute. Stier, the landlord, claimed that Guy Rubin had ruined the residence he rented from him. Before the trial, **Anastasio**, 40, wrote a letter to Rubin's attorney, Michael Mortell, explaining that if the case was dropped Stier would not tell the IRS that Rubin had claimed $13,200 of the rent he paid as a business expense. ``It appears that Mr. Rubin has deducted the full rental of $13,200 as a business expense, when in fact, only 10 percent of the property was used for business purposes," **Anastasio** wrote in a letter dated July 1, 1994.

Mortell responded by calling **Anastasio's** letter extortion. ``I am not used to practicing law in this manner," Mortell wrote in a letter a week later. Four days later, **Anastasio**, a Republican candidate for Congress against Mark Foley in 1994, wrote back saying it was a miscommunication. ``Any comment about this reference in your July 8 letter regarding the IRS, was simply based upon my observations, regarding a lease on a residential property, signed in the name of a corporation," **Anastasio** wrote in a letter dated July 12, 1994. **Anastasio** said Stier had no input or knowledge of the first letter because he was on vacation. When he returned, he told **Anastasio** he had no intention of reporting Rubin's claim to the IRS. Yet Frank Pound the Florida Bar referee, said **Anastasio's** first letter was intended to gain an advantage against Rubin - a violation of attorney rules.

Fort Pierce Tribune (FL)
November 10, 1995

Bar to Formally Rebuke Local Attorney, Anastasio
Author: Mark Schlueb

The Florida Bar will formally rebuke a Port St. Lucie attorney who was accused of extortion by an opponent in a civil suit, according to a state Supreme Court order handed down Thursday. Bar attorneys were unsure late Thursday whether the disciplinary action would affect attorney **John Anastasio**'s probationary status. The state bar placed him on one year's probation in May in connection with a separate complaint. According to case files, **Anastasio** was representing a landlord being sued by one of his tenants, Stuart attorney Guy Rubin. **Anastasio** wrote a letter asking Rubin to drop his suit, otherwise the landlord would report to the Internal Revenue Service an illegal tax deduction Rubin allegedly made. Rubin said **Anastasio** was blackmailing him; he said the tax violation was a fabrication. He filed a complaint with the Florida Bar. ``We have a responsibility to report ethics violations, so that people don't think attorneys are all crooks," Rubin said. ``I had an obligation as an officer of the court to notify the bar of wrongdoing by one of its members."

Bar officials reviewed the complaint, and referred it to the state Supreme Court, which routinely decides such matters. ``The grievance committee found the letter violated . . . the bar's rules of professional conduct," bar attorney James Keeter said. The court agreed, and directed the bar's board of governors to ``admonish" **Anastasio**. The attorney also must pay $1,125 in court costs. **Anastasio** called the disagreement ``a minor annoyance" that was blown out of proportion. ``It was easier to take an admonishment than to go through a lot of hearings and depositions," he said. Keeter wasn't sure if the bar would take further action because the admonishment came while **Anastasio** was on probation with the board. He was publicly reprimanded for his handling of a first-degree murder case in 1991 and a civil lawsuit a year later. In the civil case, one of **Anastasio's** clients said the attorney held settlement money for 13 months while he negotiated discounts on medical bills. Meanwhile, the client was besieged by collection agencies and refused medical treatment by his doctor.

In the other complaint, a court clerk notified the bar that **Anastasio** hadn't filed an appellate brief for William Stokes, who was accused of murder. **Anastasio** said the appeal was the responsibility of another of Stokes' attorneys. No stranger to controversy, **Anastasio** came under fire last year while running for the U.S. House of Representatives. The attorney accused his opponent of profiting from an improper land deal, questioned his opponent's sexual orientation and claimed his opponent promoted heroine use.

The Tampa Tribune (FL)
September 7, 1994

Candidate's Orientation Questioned
An Opponent is Circulating a Publication Insinuating that Mark Foley is Gay
Author: Kevin Bouffard

A candidate in Florida's Congressional District 16 race is trying to make an issue of front-running Republican Mark Foley's sexual orientation. Port St. Lucie lawyer **John Anastasio** says that Foley, a state senator from West Palm Beach, is a homosexual and that he supported a gay rights bill in 1993. **Anastasio** made the statements in a story in a four-page newspaper-style broadsheet, "The Inside Story," that circulated in the district last weekend. The article, titled: "Are we electing the first gay congressman in the history of District 16?" states that Foley is a middle-aged man who has no children and has never married. In a reply Tuesday, Foley did not comment on his sexuality. "**John Anastasio** has proven that he will do anything and say anything to trash someone's reputation and try to win an election," Foley said in a prepared statement. "The voters rejected his nasty attacks against [U.S. Rep.] Tom Lewis two years ago, and I am confident that they will do so again this year."

Lewis, a Palm Beach Gardens Republican, defeated **Anastasio** in 1992. Foley campaign manager Kirk Fordham refuted **Anastasio's** claim that the senator sponsored a bill to repeal a state regulation banning homosexuals from adopting children. State Rep. Suzanne Jacobs, D-Delray Beach, who sponsored such legislation in 1993 in the state House of Representatives, confirmed Tuesday Foley did not sponsor her measure in the Senate. **Anastasio's** circular reprints a Nov. 24, 1992, article from The Palm Beach Post indicating Foley and Jacobs intended to sponsor a repeal of the gay adoptions ban in the 1993 Legislative session. When told of the discrepancy, **Anastasio** said he never charged Foley "sponsored" the measure, only that he supported it. **Anastasio** charges Foley has repeatedly sidestepped the issue of his sexuality. **Anastasio's** article points to an April 6 column by Steven Biller, then editor of a Miami alternative newspaper, which refers to Foley as "a semi-openly-gay state representative." "Tactical considerations" delayed release of the circular until the final week of the campaign, **Anastasio** said.

"He could have raised these on countless numbers of occasions previously," Fordham said. **Anastasio** said he raised the issue of Foley's sexuality because of the response he got from an earlier campaign circular that contained an issues survey. More than 70 percent responded "No," to the question, "Are you in favor of allowing gays in the military," he said. "To a good chunk of people in this district, sexual orientation and government service is important to them," **Anastasio** said. Foley, **Anastasio** and Highlands County Commissioner Audrey Vickers are vying for the GOP nomination for the seat in Thursday's primary. District 16 includes most of Highlands County, all of Glades and Hendry counties, and parts of Okeechobee, St. Lucie, Martin and Palm Beach counties.

Fort Pierce Tribune (FL)
September 3, 1994

Ad Attack Proves Bad News for GOP
Author: Mark Schlueb

The St. Lucie County Republican Executive Committee's chairman said congressional candidate **John Anastasio** may have violated the party's Code of Conduct with his smear campaign against opponent Mark Foley. **Anastasio**, 39, printed a four-page advertising publication accusing Foley, who also is seeking the District 16 seat, of profiting from an improper land deal and promoting heroin use, as well as questioning whether Foley is a homosexual. ``When someone stoops to the level of doing anything to get into office, that may not be the candidate Republicans want to elect," Executive Committee Chairman Steve Knapp said Friday. ``I think it definitely bears some investigation by the Executive Committee." Knapp said one of **Anastasio's** representatives recently signed the party's Code of Conduct, and state party officials have taken a hard line against negative campaigning during the 1994 elections.

Nowhere is **Anastasio's** circular labeled a political advertisement. Each article criticizes Foley, and **Anastasio's** name is cited only in a fine-print label on the third page that is required by federal election laws: ``Pd. for by the Committee to Elect **John Anastasio**.'' **Anastasio's** representatives delivered 25,000 copies of the circular to MDUL Tribune offices Thursday, asking that it be included as an advertising insert in the paper's Tuesday editions. The MDUL Tribune declined to accept the advertisement, as did MDUL The Stuart News. **Anastasio** asked the MDUL Tribune not to publish a news article about the circular before it was expected to be distributed, two days before Thursday's Republican primary. ``A political campaign is a lot like a wartime campaign -- timing is everything," he said.

The publication, called MDUL ``The Inside Story," looks like a newspaper, with stories, headlines and photographs. The lead article -- under the headline ``Introducing the best congressman money can buy" -- condemns Foley for accepting dozens of campaign contributions from political action committees and special interest groups. The article, which claims Foley has been ``bought and sold," ran alongside a photograph of a shadowy figure clutching a briefcase overflowing with cash. Foley has collected about $316,000 in campaign funds; **Anastasio** a fraction of that amount. Another article raised questions about whether Foley is gay. **Anastasio** also reprinted a 1992 MDUL Palm Beach Post article that indicated Foley would back a gay rights issue in an upcoming legislative session. In fact, Foley never sponsored or supported such legislation.

Foley also was criticized in the **Anastasio** publication for sponsoring a bill that would provide free hypodermic needles to drug addicts in an effort to reduce the spread of AIDS, a measure that **Anastasio** said would promote heroin addiction. The publication also faults Foley for his 1986 purchase of a parcel of land in Palm Beach County that was sold later the same day to the School Board at a substantial profit. Although **Anastasio** states the matter was investigated by the Palm Beach County State Attorney's Office, he did not report the outcome of the investigation, which

found no criminal wrongdoing. Foley, a state senator from West Palm Beach, is considered the front-runner to succeed the retiring Rep. Tom Lewis, R-North Palm Beach. Foley answered **Anastasio's** allegations in a brief written statement. ``I'm not going to respond to outrageous, last-minute charges from someone who has no credibility," the statement said. ``Once again, he has proven that he will do anything and say anything to trash someone's reputation and try to win an election."

Anastasio said the allegations about his opponent are legitimate questions, and that he has distributed other circulars detailing his own stance on the issues. ``I've been handing out facts about my campaign since May," he said. The negative campaigning isn't a first for **Anastasio**. The Port St. Lucie attorney was criticized for mudslinging during the 1992 campaign as well, when he was defeated by Lewis. Prior to the 1992 Republican primary, **Anastasio** called Lewis ``the lying, check-bouncing, 27-year career politician." Although he accused Lewis of bouncing checks at the House bank, he ignored the fact that the eight checks in question were the result of a change in the timing of automatic payroll deposits. The circular comes less than two weeks after **Anastasio** admitted removing two of Foley's campaign signs from along a Port St. Lucie street. **Anastasio** said he planned to place the signs in his campaign headquarters, but later returned them. Audrey Vickers, the third Republican seeking the District 16 seat, declined to comment on **Anastasio's** actions, but said Foley also is guilty of negative campaigning. She pledged to ``continue campaigning on the issues that are of concern and importance to the voters."

Fort Pierce Tribune (FL)
August 30, 1994

Elections 1994, U.S. House, Anastasio
Author: Steve Quinn

Undaunted by failure two years ago, **John Anastasio** still wants to go to Washington, D.C. **Anastasio**, 39, a Port St. Lucie attorney, lost his first bid for the 16th District congressional seat in 1992, but wants another crack at the position held by retiring congressman Tom Lewis for 10 years. A passionate speaker who enjoys quoting former political leaders, **Anastasio** is proclaiming a fresh approach to government. ``It is going to be grassroots government," he said. ``All politicians look to grassroots campaigns, then the day after being elected they forget about you. The most important part of citizen participation is not just winning the election, but after the election." Despite losing to Lewis two years ago, **Anastasio** believes the timing is still right to hold political office. ``America is at a crossroads," he said. ``I think that now is the time that is going to determine what the future of this country and what the future of this world is."

What is your approach to solving the crime problem? Seven percent of the people commit 70 percent of the crime. They need to be locked up on a long-term basis. That is the only way we are going to get some long-term relief. Then put them on a 24-hour system. You sleep for eight hours, work for eight hours and go to school for eight hours. Over a period of several years, that can reform all but the helpless. How do you think the federal government should be handling immigration, especially the refugees from Haiti and Cuba? I don't blame the immigrants for coming here, but there are no guiding principles right now. We need to stand up and have a cohesive policy. We should not give federal or state benefits to anyone who is not a United States citizen. You must go through citizenship process and that includes learning English. They are starting to swear in people (as citizens) in foreign languages. That's bizarre. What style of universal health care coverage go you support? It should be completely out of the government's hands except for regulations concerning how medical insurance is provided. I'm tired of hearing the government has to do something because the people don't know any better. I believe the people do know better. We've got to find a way to restore the relationship between the physician and patient. Right now, it's half gone because the physician basically negotiates with the insurance company what care you need.

Fort Pierce Tribune (FL)
August 23, 1994

Candidate Caught Removing Opponent's Campaign Signs, Johnny Anastasio
Author: Steve Quinn

A Port St. Lucie attorney running for U.S. Congress admits taking two campaign signs belonging to his opponent, but said he later returned them to their original spot on Sunday night. **John Anastasio**, 39, a candidate for the District 16 congressional seat, said taking signs that belonged to his Republican primary opponent Mark Foley was not meant to be a malicious. ``We were going to put them on the campaign wall in the office," **Anastasio** said. ``It perks up the campaign wall to point out the enemy. I don't think there are any campaign headquarters that would not have the opposition. It's sort of traditional." **Anastasio** said he returned the signs to a wooded area along Bayshore Boulevard and Eyerly Avenue shortly after eating chicken wings at a nearby restaurant. ``I went back and stuck them back in the ground," said **Anastasio**. ``I didn't like the way they looked and I told my campaign manager that I'm not going home until I put those two signs back. The signs were gone the length of time it took to eat 18 chicken wings."

Foley called **Anastasio's** act ``reprehensible." **Anastasio** ``The man is running for congress," said Foley, a state senator from West Palm Beach. ``There is enough embarrassment in Washington. I'm shocked. He has his own campaign and I know he tends to be negative, but I wouldn't think he would resort to this type of thing. Nothing is beyond him." Foley said his office had noticed a number of campaign signs missing in the Port St. Lucie area. Port St. Lucie Police Spokeswoman Theresa Woodson said the case involving **Anastasio** remains under investigation and would be referred to the State Attorney's Office today. Foley said he would not pursue criminal charges because the judicial system is jammed up enough. ``I think he should step down from the ballot," Foley said. ``But he has to make that decision. What he did is demeaning to the process. If he's shooting himself in the foot, he's loaded his leg with a number of bullets."

According to police reports, Port St. Lucie Police Officer Charles Ward spotted **Anastasio** coming out of woods and carrying the signs about 11:12 p.m. **Anastasio** got into his Mercedes and drove off. Ward followed him and pulled him over four blocks south of the area at Bayshore and Grove Street. **Anastasio** told Ward he entered the woods to urinate and ``wanted some souvenirs," reports said. Ward also wrote: ``**Mr. Anastasio** made it verbally clear that he wrote my paycheck, however (he said he) would comply and not touch any additional signs." Ward was off duty Monday, but supervisor Sgt. Don Kryak said there was nothing confrontational about Ward's discussion with **Anastasio**, who also called the meeting ``cordial." St. Lucie County Supervisor of Elections Gertrude Walker said she spoke with Mike Cochoran, a Tallahassee-based attorney for the Florida Division of Elections, and learned **Anastasio** did not violate election laws.

The Palm Beach Post (FL)
August 14, 1994

Election Vote Candidate Article House Campaign Series
Challengers Scramble to Catch Foley
Author: Bill Douthat

As four Congressional candidates jockeyed for position in front of news cameras, the shortest, Republican **John Anastasio**, found himself blocked out by the wide girth of Democrat John Comerford. ``I refuse to stand behind you,'' said **Anastasio**, elbowing his way into the range of the camera lens. But even standing side by side, the candidates can't steal the political scene from the candidate who was not there, front-runner Mark Foley. Foley, blessed with loads of endorsements and cash contributions, is the target of both Republicans and Democrats as the Sept. 8 primary for the District 16 race nears. The four candidates at the Stuart news conference, two Republicans and two Democrats, gathered to make a belated appeal to put a cap on campaign spending. But by the time they held the news conference, Foley had raised $250,000, well beyond the $100,000 others suggested as the limit for the primary. The others struggle for money and attention. On the Republican side, Foley faces **Anastasio** and Audrey Vickers. ``You could never find any three that were more diverse,'' said Vickers, the only candidate from the rural reaches of the district. All of the Democrats are from Palm Beach County, which makes up 45 percent of the population of the seven-county district. They are investment manager John Comerford, attorney Jim Stuber and teacher and former County Commissioner Ron Howard.

`ATTACK CAMPAIGN' FEARED
Anastasio is Foley's immediate concern. Foley wrote to supporters a week ago that **Anastasio** is preparing an ``attack campaign'' in the final days of the campaign. Foley said **Anastasio** did the same when he ran against U.S. Rep. Tom Lewis, the incumbent, two years ago. **Anastasio** says he is preparing a newsletter for Republican voters but declined to disclose its contents. An earlier eight-page campaign tabloid portrayed **Anastasio** as a reformer who advocates a ``second American revolution'' to restore values. His platform, he says, is to ``provide the kind of hell-raising that is necessary to move that monolith known as the federal government.'' Among **Anastasio's** ideas is to turn closed military bases into prisons, to end busing to integrate schools, and to stop any government-run health-care plan. ``I'm for getting the government out of as many things as possible,'' **Anastasio** said. The attorney, who wears cuff links and monogrammed shirts, says his strength is personal advocacy. ``I'm in the courtroom a lot,'' he said. ``That's why there is an edge in my voice. I'm a type-A personality.''

Vickers, a mother of six, commands the other end of the scale in personality and issues. She says her four years' experience as a county commissioner in Highlands County in the northwest edge of the district has shown her which programs work and which don't. The best health care, she said, is from the clinics that offer free preventive care, which reduces the higher costs of emergency room treatment. Vickers says she has contacts in many parts of the district because of her career as a newspaper reporter and magazine editor. She's known to voters in Highlands County, but that county makes up only 9 percent of the district's population. On the issue of what

Congress should do with Haiti, Vickers says she's against an armed invasion to restore democracy and thinks the embargo should be tightened. She says she doesn't believe the suffering caused by the embargo is as bad as many people believe.

FOLEY'S ADVANTAGE UNFAIR?
She says Foley has an unfair advantage in the primary, given his campaign contributions. Foley has raised more than $250,000, more than the other five candidates combined. ``I thought we would all be starting out on a level playing field,'' Vickers said. Foley dominates the field. He represented portions of the district during the past four years in the Legislature and enjoys strong support from the region's agricultural and business groups. Foley's campaign literature lists more than 200 associations, political committees and businesses that are supporting his campaign, including the largest corporate employers in the district. Among them are Florida Power & Light Co. and Pratt & Whitney. Foley has won the endorsement of a number of elected officials, including Lewis. When Foley was endorsed last month by the Palm Beach County Republican Party, Vickers called the scene an ``out-of-control bandwagon.''

Last week in Port St. Lucie, **Anastasio's** hometown, Foley drew about 30 people to a luncheon put together by his supporters. The organizer, Cody Bailey, said **Anastasio** has no political record, and his views are not well known. ``All I care about is my county getting good representation,'' Bailey said. ``Tom Lewis was not from here, but he did a good job.'' At the luncheon, Foley presented himself as the advocate for agriculture in a county that relies on citrus and farming as a major income producer. ``People are ragging on agriculture as a destroyer of the environment, but we have to put it into perspective,'' Foley said. ``What we need are people who are willing to stand up for the industry.'' Foley addressed government misspending, illegal immigration, welfare fraud, rising crime and tolerant policies toward juvenile delinquency. He said President Clinton's protest of the caning of an American teenager in Singapore sent a message that America tolerates vandalism. He said he supports bringing back paddling in public schools. While he supports stronger controls on immigration, he admits he hasn't thought out how the United States should resolve the turmoil in Haiti. He says he probably would oppose an invasion and support a relaxation of the trade embargo because ``we are starving people over there, and it's not working.''

CONTRIBUTIONS DEFENDED
Foley defends his acceptance of money from business interests and political action committees, saying it shows his aggressiveness and does not compromise his positions. ``The PACs want good government,'' he said, adding the committees give contributions in order to have access to elected officials. ``They want their phone calls returned.'' Among the Democrats, Jim Stuber has raised the most contributions but says he doesn't accept money from PACs. ``It does no good to limit spending and not change the source of the funds,'' Stuber said. ``Congress would remain for sale to the special interests, just for a lower price.'' Stuber takes a conservative view toward the federal budget, saying he supports a law requiring a balanced budget, a line-item veto power by the president and a review of entitlement programs, including Social Security. Congress should consider Social Security reforms, including raising the eligibility age and reviewing cost-of-

living adjustments and Medicare benefits to the wealthy. ``All of that needs to be on the table," Stuber said. ``We are shifting a lot of the costs to the younger generation."

CRIME CALLED TOP ISSUE
Comerford - who challenged Lewis in 1992, saying the Republican was out of touch with the district - says the major issue this year is controlling crime. He says he favors capital punishment for offenders convicted three times for trafficking. ``At that point they are killing thousands of people," Comerford said. Comerford opposes an invasion of Haiti, saying it would require several years of U.S. military occupation. He supports universal health-insurance coverage and putting Social Security on a balanced budget. ``Social Security should be actuarially sound," he said. ``It should stand on its own two feet." Comerford also supports diplomatic relations with Cuba, even with Fidel Castro in power. ``We need more behind-the-scenes diplomacy to prepare for the day that Fidel won't be there," he said. The third Democrat in the race is Ron Howard, who has run for local and state offices as a Republican. He says the Republicans have become more dogmatic since he last ran for office, as a candidate for state agriculture commissioner in 1990. Democrats are more open in philosophy, he says. Howard talks of ``reprioritizing" federal spending and would support a budget deficit if necessary to keep the economy strong. He also supports universal health care, including a requirement that employers help pay for insurance premiums. He opposes an invasion of Haiti to restore democracy and says the embargo should accomplish the same goal. ``It's painful, but in the end it will be successful," Howard said.

Fort Pierce Tribune (FL)
March 18, 1994

Attorney's Practice Helps Students
Author: Jeff Ostrowski

Antoinette Lee is interrogating a witness in the mock trial of a police officer who shot an alleged gang member. The high school student says ``Thank you" after one question, a beginner's slip that sets off her coach. ``Never say `OK,' never say `Thank you,' never say `All right,' " says **John Anastasio**, a high-strung Port St. Lucie trial attorney and Republican candidate for Congress. **Anastasio** is coaching Port St. Lucie High law students for a statewide mock trial competition next month in Tallahassee. His high-energy approach sometimes leaves students exasperated. ``You keep busting on me," Lee says. ``I hate when he busts on my questions." But, Lee says later, she's grateful for the help. ``He's a really excellent attorney," says Lee, a junior who hopes to become a lawyer. ``I look at him as a mentor. He respects us and we respect him."

Anastasio spends several hours a week with students in John Leonard's law class. Eight students are scheduled to make the trip to Tallahassee, where they will compete against other high schoolers from around the state. Their case pits the word of a cop against that of the high school student he shot in the knee after a prep football game. During Thursday afternoon's session, **Anastasio** tells kids to make their questions more pointed, and he interrupts them constantly. When Lee asks him to be more polite, **Anastasio** tells her she needs to be able to deal with rudeness. ``I want you used to being interrupted constantly," **Anastasio** says. Senior Patrick Collins says **Anastasio's** coaching has helped to refine his team. ``This guy's pretty smooth," Collins says. ``He's into the dramatics and stuff."

In addition to their preparations for the April contest, students also are trying to raise funds. The team still needs about $1,400 for the trip. Leonard and a few students attended Monday's Port St. Lucie City Council meeting to solicit donations. That trip yielded $200 from Councilman Ray Ankrom and donations from the Police Athletic League, the Fraternal Order of Police and Planning Director Patricia Tobin. The group is still seeking money. To donate, contact Leonard at 340-4777, extension 136.

Fort Pierce Tribune (FL)
January 29, 1994

Lawyer First entrant in Congressional Race

Attorney **John Anastasio** recently became the first formal candidate for the Treasure Coast's congressional seat. **Anastasio**, 38, has opened a campaign account and declared his candidacy to the Florida Secretary of State's Division of Elections. He lost the 1992 Republican primary to incumbent Rep. Tom Lewis, R-North Palm Beach. Lewis recently announced his plans to retire, and **Anastasio** announced his candidacy for the September primary. **Anastasio** said his campaign will focus on crime. He calls for converting closed military bases into prisons, where inmates would work in a factory and attend classes. He also supports treating drug smuggling as ``a national security issue'' and implementing congressional term limits. State Rep. Ken Pruitt, R-Port St. Lucie, and state Sen. Mark Foley, R-West Palm Beach, also have expressed an interest in the seat.

Fort Pierce Tribune (FL)
August 13, 1993

Utility Chief Says He Hasn't Quit
Author: Duane Marsteller

The county's top utility official on Thursday denied published reports that he had resigned and accused his boss of lying to the media. But County Administrator Tom Kindred disputed Utility Services Administrator Richard Howell's charge, saying he never told reporters that Howell had agreed to quit from his $54,600-a-year post as head of St. Lucie County Utilities. In a statement released Thursday, Howell said Kindred lied last week when he told reporters from /The Palm Beach Post/ and /The Stuart//Port St. Lucie News/ that Howell had resigned. ``At the present time I can only say that the county administrator is apparently confused," Howell said in his statement. ``Although I would hope that someone in his position would not intentionally lie about such a serious matter, the fact is that I have not tendered my resignation."

Howell, who returned from vacation Thursday, said he would not comment beyond his statement. Kindred, who returned Thursday from an out-of-town conference, would not directly respond to Howell's letter. But he said the newspaper articles, which were published Saturday, were inaccurate. ``I did not say I had his resignation," he said. ``I did say that I had asked for his resignation." In his statement, Howell said he only requested a meeting on his employment status with Kindred through Port St. Lucie attorney **John Anastasio**. The meeting has not been set, but Kindred said he intends to do that today. **Anastasio** could not be reached for comment Thursday. He also represents a former county official who is suing the county for severance pay. Cliff Crawford, who was forced to resign as Leisure Services administrator in February, contends in his lawsuit he is entitled to severance pay under an agreement he had with former County Administrator James Chisholm.

Crawford filed the lawsuit, which seeks more than $15,000 in severance pay and damages, after commissioners denied his severance request in March. Howell also had a similar agreement with Chisholm, who hired him in May 1990 at a starting salary of $50,000. Howell has been on the firing line since May 1992, when the utility, which serves 16,800 residences and businesses in and around Port St. Lucie, cut off water to 5,000 customers. Utility officials later blamed three opened fire hydrants and hot, dry weather for the shutdown. Several county commissioners and Port St. Lucie Council members called then for Howell to be disciplined or fired because they contend he did not act quickly enough, but he was not. Instead, Chisholm was forced to resign. Howell's working relationship with Kindred has been strained, observers said. According to Howell's personnel file, Kindred reprimanded him in April for his handling of an employee's promotion. County officials later discovered that the employee, Charles Brigham, did not graduate from college as he indicated on his application form, so they blocked the promotion. Brigham, now 55, since has filed an age discrimination complaint against the county. Port St. Lucie officials also have publicly criticized Howell for what they said is the slow pace of utility expansion. They also questioned his leadership abilities and the utility's ability to provide enough water for future expansion.

Fort Pierce Tribune (FL)
April 3, 1993

Men Want Judge Removed from Case, John Anastasio

Four St. Lucie County men sued a county judge Friday to have him removed from their cases, claiming he is biased against their attorney. David Adolfson, David Poling, Russell Williams and Michael Polito – all represented by **John Anastasio** -- filed the suit against County Judge Tom Walsh. The four men, who have pending misdemeanor cases, filed motions last month asking Walsh to disqualify himself because of the alleged conflict with **Anastasio**. Although Walsh disqualified himself on at least five other cases handled by **Anastasio**, the suit indicated, he refused for these cases. Walsh said Friday he could not comment on the suit.

The Palm Beach Post (FL)
November 6, 1992

Reinstated Officer, City Clash on Job Assignment
Author: Sarah K. Duran

City police officer Rod Dobler, who was fired and then reinstated after a 21/2-year legal battle, has now clashed with city officials over his latest assignment: guarding the city's annex building that was temporarily closed due to odors. On Thursday, Dobler's attorney, **John Anastasio**, called a press conference to point out that Dobler was assigned to sit in front of the building. Workers moved out Monday after complaining of unpleasant odors caused by the hair salon next door and sewer lines under the air conditioning system. **Anastasio** said Dobler's assignment is retaliation for the lawsuits he has filed. Dobler was fired in 1990. He fought it, and in March, the appeals court ruled that the city was bound to an April 1991 settlement that it had reached with Dobler but tried to back out of. Dobler returned to work June 8. Since then Dobler has filed two civil suits charging that the city has violated the terms of the agreement.

"They're using a $30,000-a-year police officer to sit in this building while it's being ventilated," **Anastasio** said. But city officials said someone had to be there to watch the equipment and files inside the building while it was being ventilated. "Mr. Dobler doesn't like a one-day assignment so he notifies his attorney and his attorney calls a press conference," said Personnel Director Victor Granello. The two sides differ on how long Dobler has this assignment-- Dobler said a couple days; the city said one day. They also conflict on whether he was told to sit inside or outside. The assignment ended Thursday because the building will re-open this morning. Air tests showed that there were no toxins or noxious gases in the building although the building was fixed to prevent the odor problems.

The Palm Beach Post (FL)
October 21, 1992

Judge Won't Remove Election-Delay Issue from Ballot
Author: Pat Moore

A judge rejected a Martin County voter's request Tuesday to remove a proposed amendment from the Nov. 3 ballot that would allow Florida's governor to suspend or delay general elections in an emergency. Once Circuit Judge Robert Makemson refused to remove the proposed amendment from the ballot, Stuart resident Robert Yamin and his attorney, **John Anastasio**, asked the 4th District Court of Appeal to forward the issue to the Florida Supreme Court. **Anastasio** hopes to argue the case before the Supreme Court next week. The appeals court is expected to rule quickly on their request. "It is a frightful power that is being delegated to the government by the people, if this passes, and it's not being explained," **Anastasio** told the judge. Makemson ruled Amendment One is clear enough for people to understand. **Anastasio** and Assistant Attorney General George Waas, who wants the case settled, said they will jointly ask the Supreme Court to hear the question before the election. "I will do everything I can to get this before the Florida Supreme Court quickly," Waas said. "Election cases are among the fastest moving cases to get through the system, especially when the election is just around the corner." Yamin, who also served as the Martin County coordinator for the statewide "Eight is Enough" term limitation amendment, is the only one in Florida to challenge the proposal to delay or suspend elections in an emergency, Waas said.

The Florida House voted 113-1 and the Senate voted 38-0 to put the proposed amendment on the ballot. **Anastasio**, who was unsuccessful in his bid to defeat U.S. Congressman Tom Lewis in the Sept. 1 Republican primary, argued the proposed amendment is ambiguous and the average voter won't understand the power they would be delegating to the governor. The proposed amendment would allow the Legislature, or anyone it delegates, to define the type of emergency that could require suspending or delaying elections, he said. "Without sounding paranoid, but to take it to its logical conclusion, if one party controlled both houses and the governor's office and decided the emergency was that their party was losing in the polls, they could define that as an emergency," he said. Assistant Attorney General Saralyn Nemser argued the proposal was not misleading. But Yamin isn't so sure. "Everyone assumes it's going to take care of hurricanes and that isn't the issue at all," Yamin said after court. "The danger here is very real," he said. "If you're a student of history, you'll know that in any country around the world if one man gets the power to suspend elections, he controls."

The Tampa Tribune (FL)
August 28, 1992

GOP Challenger for Lewis' Seat Relies on Anti-Incumbent Fervor
Author: Kevin Bouffard

Five-term incumbent U.S. Rep. Tom Lewis is facing a bruising primary challenge from Fort Pierce lawyer and political novice **John Anastasio**. Both men are vying for the Republican nomination for the 16th Congressional District, which covers most of Highlands County and runs across Okeechobee, Hendry, Glades, Palm Beach, St. Lucie and Martin counties. The primary election is Tuesday. **Anastasio**, 37, making his first run at national political office, is hoping to capitalize on the state and national anti-incumbent backlash to carry him over the popular incumbent. His campaign strategy is to link Lewis, 67, to the popular frustrations about current elected officials, namely that they are ineffective in solving problems and out of touch with voters. ""That man is so far out of touch," **Anastasio** said. ""The man is a ghost. He doesn't stand up for anything. He doesn't fight. I'm a fighter." **Anastasio** said Lewis is rarely seen in the sprawling District 16 because he spends his time in Washington and on ""junkets" to foreign countries.

The challenger pledged to hold at least 26 town meetings in all parts of the district to solicit voters' opinions and educate them about Washington dealings. ""I return to the district almost every weekend," countered Lewis. ""I'm in Washington about five weekends a year." Lewis sent The Tampa Tribune a copy of his office expense account to support his contention. The account shows Lewis has made 31 round-trip flights between Washington and his West Palm Beach home during the past year. Lewis holds regular office hours at his two district offices in West Palm Beach and Port St. Lucie so voters can talk to him directly, he said, and an aide regularly visits other parts of the district, including Highlands, to keep in touch with those voters. **Anastasio** said he supports the proposed eight-year limit on the time a person may serve in Congress. Lewis opposes any limits.

On other issues, **Anastasio** said the federal budget deficit is the nation's top problem and eliminating it would be his first priority. To tame the deficit, **Anastasio** proposed a 15 percent cut in every federal department. He also wants to eliminate several federal departments. **Anastasio** also proposed defense cuts that President George Bush has opposed, including elimination of the Strategic Defense Initiative. The Republican challenger has also promised to eliminate any ""pork barrel," or federal projects designed to help one or a handful of congressional districts. That includes Florida's District 16, he added. As the budget deficit goes, Lewis said, he has been part of the solution, not the problem.

He supported the recent attempt to pass a balanced-budget amendment to the U.S. Constitution, the incumbent said. Lewis added he supports an across-the-board freeze in federal spending - both in defense and ""entitlement" programs such as Social Security and Medicaid - until the budget is balanced. The incumbent dismissed **Anastasio's** proposals as unworkable because he could not get them passed in Congress. ""We [Republican congressman] can't get a 2 percent

across-the-board cut," Lewis said. ""I don't know how he can get 15 percent. All his proposals are worthy, but when you get here, you find these things are very difficult to do." Lewis was first elected to Congress in 1982 and has faced no serious challenge since then. **Anastasio's** only other attempt at elective office came at age 18, when he lost a race for a New Jersey township commission seat. He is a native of New Jersey who moved to Florida in 1989 to establish his own law practice. The Republican nominee in congressional District 16 will face Democratic challenger John Comerford, who is unopposed for his party's nomination.

The Palm Beach Post (FL)
August 15, 1992

U.S. House Candidate Says Firm is Strong-Arming Him
Author: Teresa Lane

A lawyer seeking to oust U.S. Rep. Tom Lewis in the Sept. 1 Republican primary complained to sheriff's authorities Thursday that a computer salesman threatened to sink his campaign if he didn't pay for a $2,500 computer program. **John Anastasio** of Port St. Lucie said he bought the software several months ago from a Colorado firm called Ace Computer Solutions and tried to return it after learning it wouldn't work on his computer. The salesman refused to accept the program and demanded that he pay the $2,000 balance, **Anastasio** said. The salesman called Thursday and threatened to "disgrace" **Anastasio** if he did not pay the balance by 5 p.m. Friday. St. Lucie County Sheriff's deputy Tom Puglis, who listened to a phone conversation between **Anastasio** and the store owner on a speaker phone Thursday, wrote in his report that when **Anastasio** asked what would be said to the news media, the man replied, "Use your imagination." **Anastasio**, who declined to discuss the complaint because it is under investigation by sheriff's officials, said the software would have enabled him to print out schedules for the Federal Elections Commission and keep track of campaign contributions.

The Palm Beach Post (FL)
August 9, 1992

'Lightning-Strike' Foe Seeks to Beat Lewis
Author: Brian E. Crowley

Feisty political newcomer **John Anastasio** keeps bugging U.S. Rep. Tom Lewis, but Lewis, who hasn't lost a race in nearly three decades, confidently treats his opponent like little more than an annoying gnat. While **Anastasio** believes Lewis is in for the surprise of his political life, there is little indication that voters in this South Florida district are ready to abandon the five-term congressman. Lewis' Republican primary challenger promises an intense campaign that will feature "attack pieces" sharply criticizing Lewis, who **Anastasio** says "lacks vision and direction." Lewis' campaign tactic is a simple one-- ignore the opponent. It worked well in 1990 when he was challenged in the Republican primary by lawyer Kevan Boyles. Lewis refused to debate Boyles, avoided joint appearances-- and won 75 percent of the vote.

Lewis had no Democratic opponent that year. This year, the Republican primary winner will face Democrat John Comerford of Palm Beach, who has no primary opposition in the District 16 race. Lewis is 67; **Anastasio** is 36. Lewis has lived in Palm Beach County for 35 years. **Anastasio** moved to the Treasure Coast from New Jersey in 1989. Where **Anastasio** is a bundle of nervous energy, Lewis is quieter and statesmanlike. **Anastasio** is among this year's "lightning-strike" candidates-- sincere, well-meaning candidates who take on tough races in the belief that a storm of angry voters will strike down incumbents. "When I'm out meeting people, they come up to me and ask if I'm an incumbent," **Anastasio** said. "When I tell them no, they say, `In that case I'll vote for you.' It's really been amazing." Lewis admits many voters are unhappy with incumbents. "This has been the most traumatic political year in recent memory. But I believe Congress can work, and I want to help make it work."

A former aircraft testing specialist at Pratt & Whitney, Lewis has been in the forefront of passing legislation to improve aircraft safety. He also is a strong advocate of the space plane and agricultural interests. **Anastasio** is running hard on the notion that Congress is a mess and that Lewis is part of that mess. **Anastasio** said he would end congressional pay raises, get rid of congressional perks and cut committee staffs in half. He zeros in on the check-writing scandal, accusing Lewis of bouncing checks. That's not entirely accurate. It was found that Lewis' salary deposits were not properly recorded by the now-closed House bank, resulting in problems with eight checks worth a total of $3,684. The most notable issue that separates the two men is abortion. **Anastasio** supports abortion rights. Lewis does not. Beyond that, **Anastasio** said, "I don't have a great disagreement with his voting record, but I have a problem with the fact that he doesn't fight."

Anastasio would like to make that case in a series of debates with Lewis. Lewis refuses. "As I have stated on many past occasions," Lewis said in a letter to **Anastasio**, "my first priority is to serve the constituents of my district -- campaigning is secondary. Given my pending congressional responsibilities and the current legislative agenda in Washington, I am unable to

commit to a debate." That is the standard reply of incumbents. **Anastasio** has read the challengers handbook, which calls for hammering an incumbent who refuses to debate. "Lewis has avoided debate in the past, and it appears he will continue to do so," **Anastasio** said. "His lack of a record and lies about his check bouncing leave him no choice." In a year when voters seem determined to change the system by replacing many incumbents, the question in District 16 is whether voters believe Lewis is one of those who must go.

HOUSE DISTRICT 16
JOHN ANASTASIO
* PARTY: Republican
* AGE: 36
* HOMETOWN: Port St. Lucie
* OCCUPATION: lawyer
* EDUCATION: B.A., J.D. Seton Hall University
* POLITICAL EXPERIENCE: None
* QUOTE: `My first priority is to stop spending more than we take in.'

TOM LEWIS
* PARTY: Republican
* AGE: 67
* HOMETOWN: North Palm Beach
* OCCUPATION: real estate broker, aircraft testing specialist.
* EDUCATION: attended Palm Beach Junior College and University of Florida
* POLITICAL EXPERIENCE: North Palm Beach Village Council/mayor, 1964-71, state House, 1972-80, state Senate, 1980-1982, U.S. House, 1982-present
* QUOTE: `I consider myself part of the solution, not part of the problem.'

The Tampa Tribune (FL)
July 11, 1992

House Challengers Say Incumbent Out of Touch
Author: Kevin Bouffard

Both the Republican and Democratic challengers to U.S. Rep. Tom Lewis, R-North Palm Beach, charged on Friday the five-term incumbent is out of touch with the voters at home. ""Mr. Lewis has been asleep at the switch for the last decade," said Port St. Lucie attorney **John Anastasio**, 37, who is challenging for the nomination in the Sept. 1 Republican primary. The Republican winner will face John P. Comerford, 43, of Palm Beach, an investment manager. Comerford was equally critical of Lewis' access to voters. ""He's just been there - he's been a slug," Comerford said. ""He's pretty much voted the Reagan/Bush line. He has no creative programs." Lewis was unavailable for comment, but his press secretary, Karen Hogan, said Lewis returns to Florida almost every weekend, even when Congress is in session. ""Obviously **Mr. Anastasio** ought to check with the people," Hogan said. ""He just doesn't have his facts straight." All three men are seeking the seat in Florida's Congressional District 16, which covers Highlands, Okeechobee, Glades, Hendry, St. Lucie, Palm Beach and Martin counties. **Anastasio** said he'll run on a campaign that stresses cutting federal government spending to balance the national budget. That means cutting back on wasteful ""pork barrel" spending that incumbent congressmen use as a means for holding onto their seats. There will be no pork barrel for District 16 if he is elected, even if that hurts him politically, **Anastasio** said. In the long run, a balanced federal budget will stimulate economic growth and help his district more than pork barrel projects, he added. ""If the voters are looking for somebody to get big money for the district, don't vote for me," **Anastasio** said.

Comerford said he will campaign on a platform of tax reform and universal health coverage. The reform would concentrate on eliminating special interest tax breaks and would not affect middle-class families, he added. ""I believe firmly we can squeeze $50 billion to $100 billion [in additional tax revenue] out of special interests," Comerford said. Comerford said he would look particularly closely at reforming tax preferences for charitable trusts and contributions. He also proposed a universal health care system that would have private insurance companies providing basic coverage for all Americans with the federal government picking up the tab for catastrophic care. A native of New Jersey, **Anastasio** moved to Florida in 1989 to start his law practice. He and his family had come to the state regularly for 20 years beforehand, **Anastasio** said. He received a bachelor's degree in government and his law degree from Seton Hall University in New Jersey. This is **Anastasio's** first try at political office.

Comerford is a native of Boston who moved to Florida in 1984. He and his family also visited the state frequently since the 1960s, Comerford said. He holds a bachelor's degree in political science from the University of Massachusetts and a master's degree in international relations from Harvard University. Comerford served in four banking and financial positions in the Carter administration and was town commissioner in South Palm Beach for a two-year term ending in 1991. Friday was the last day to file a petition for congressional seats.

The Palm Beach Post (FL)
March 20, 1992

Port St. Lucie Man Challenges GOP Rep. Lewis

Chastising Rep. Tom Lewis for falling "asleep at the switch," lawyer **John Anastasio** announced his congressional campaign Thursday, a day after Lewis admitted bouncing checks drawn on the House bank. **Anastasio**, 36, said the check-bouncing incident is only a symptom of Congress' woes. Career politicians are relying too heavily on perks and privileges, he said. Voters should limit terms to eight years, **Anastasio** said. Lewis is one of several politicians to come forward in the past week and admit bouncing checks on the House checking account. He bounced eight checks in 1988 and 1989 for $3,684. **Anastasio**, who has lived in Port St. Lucie for three years after moving from New Jersey, has never held public office. He will face Lewis in the Republican primary in the fall. **Anastasio**, who filed his campaign papers in January, had been delaying his formal announcement because the Legislature is still drawing up new districts. Though there is a chance that the new political map might place **Anastasio** outside of Lewis' district, **Anastasio** said he will run anyway.

Research Compiled by: Amanda Beyer
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 3

Lysia H. Bowling

Fort Pierce City Attorney Candidate Report

Section 3

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Cover Letter and Resume

LYSIA HUNTINGTON BOWLING, ESQ.

P.O. Box 13262, Pensacola, FL 32591 – (325) 262-5608 – lysia.bowling411@gmail.com

October 15, 2018

Re: City Attorney of Fort Pierce, Florida - Lysia H. Bowling, Esq.

Dear Mr. Baenziger:

In 2015, I was fortunate to be recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida where I currently serve. Now, as the change in executive leadership nears, it is an ideal time to for me to pursue this job opportunity as City Attorney of Ft. Pierce, Florida.

As a career public servant, I have a reputation for excellent client relationships, professional responsibility and leadership, bringing to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through governmental work in diverse communities with different public service priorities within Texas and Florida. I am bi-lingual in Spanish and fluent in Portuguese.

I previously served as the City Attorney for the City of San Angelo, Texas, and the City Attorney for the City of Harlingen, Texas, Police Legal Advisor and City Prosecutor for the City of Temple, Texas and the Chief Prosecutor for the Municipal Court of the City of Austin, Texas. I have also served as an Assistant Attorney General with the Office of the Texas Attorney General, and served with the Texas Department of Insurance, the Texas General Land Office and the Texas Comptroller of Public Accounts. I was recruited to serve as an Assistant State Attorney for the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit. I later served as Assistant City Attorney and Miami Police Department Legal Advisor for the City of Miami, Florida.

I have benefited from exposure to diverse public service organizational structures with different philosophies and styles of management, leadership and culture of governance. As an experienced advocate, counselor and advisor, I have had the privilege of being on the front lines successfully collaborating with a broad range of public servants with diverse functions within these organizations to target appropriate and legally sound resolutions. As a chief legal advisor for the cities I have served, the core aspect of my position has been to render clear and concise legal advice and opinions construed to be the official legal position of the city to enable the governing body, elected officials, appointed boards and the municipal administration to discharge their responsibilities confidently and expeditiously.

I have highly developed competence in all general areas of municipal law and effectively manage outsourcing of attorneys when specialized legal expertise may be required and not available in-house. As reflected in my resume, I have rendered a full range of legal services and representation to the City, including drafting ordinances, negotiating and drafting inter-local agreements, professional services

agreements, construction contracts and a wide range of transactional documents, charter interpretation, court appearances, training for City officials and Board members, attending all City Council meetings and rendering numerous opinions to the Mayor and the City Council on a wide variety of subjects. I interact with the City Department heads and staff on a daily basis and have consistently served as a member the City's management team. I manage, prepare and present the City Attorney's budget for review with the Finance Director and approval by City Council each fiscal year. I have direct and solid legal experience in a range of specific areas of law relevant to Florida municipalities, including for example, land use, planning and zoning, real estate, open government, ethics, utilities, economic development and public-private partnerships, contract and procurement, public safety, labor and employment, contract and procurement, bid protests.

City Attorney Practice

- I have been licensed in good standing to practice law in Florida for over 14 years and in Texas for over 30 years

- I have a total of 24 years of practice as a full-time in-house City Attorney and Assistant City Attorney in supervisory and leadership roles, serving as:

    - A full-time in-house City Attorney in Texas municipalities for 8 years

    - An Assistant City Attorney in leadership and supervisory roles Texas municipalities for 11 years

    - An Assistant City Attorney in a leadership and supervisory role for the City of Miami, Florida for 2 years

    - A full-time in-house City Attorney for the City of Pensacola, Florida for the past 3 years

Legal Management Experience

As lead supervising attorney over a staff of attorneys, paralegals and support staff, I have worked to ensure that the work product of the office was rendered in a timely, clear and concise manner and that the personnel under my supervision received ample training, cross-training, and had available all of the tools that they needed to discharge their professional responsibilities.

Effective In-House Management

As a City Attorney in several diverse municipalities, I have placed primary emphasis on maintaining an "open door policy" of availability and accessibility to all city officials, management personnel and other city staff. In addition to rendering formal opinions, I often convey legal advice in less formal ways, including through consultation and email, recognizing that legal issues of high priority or time sensitivity may require immediate resolution and handling in a manner without submission of a formal request for a written legal opinion. In order to provide the municipal client with an organized method of receiving my legal input, I have found that the most productive approach is to implement a legal services request procedure (LSR), through which department directors are requested to identify the legal issue involved and to provide the necessary factual background in order for me or another attorney to respond in a focused and efficient manner. The LSR provides,

as well, an effective method to track work flow, measure work product and matters handled, and maintain closed files. I have also implemented up to date technology for document filing and retention, case management, and subject matter communications. I would expect to do the same in Fort Pierce if such as system is not already in place.

As a City Attorney, I have also found it to be quite helpful to develop and distribute appropriate contract templates for the procurement of a wide range of good and services, including the acquisition of professional services, architectural and engineering services, construction contracts, competitive procurement procedures, economic development incentive agreements, tax abatement agreements, development agreements and real property transactions. The contract templates and the process I devised and implemented remain in place. Serving as the public records officer for the City of Pensacola and for other agencies previously, I have secured and managed computer open records systems and developed templates to streamline agency responsiveness in accordance with law.

Effective Management of Outsourcing of Legal Services

For those areas of highly specialized legal practice requiring the engagement of outside counsel, I have implemented procedures for the standardization of engagement letters, identification of scope of services, rates and expenses, and I have established a routine monitoring procedure to ensure that the highest quality of services are being provided, efficiently and at the lowest reasonable cost. These procedures are shared with City management and chief financial officers in order to provide complete and transparent management of this process. This includes constant communication and supervision of the work of outside counsel.

Communications and Presentation Abilities

I have been an accomplished public speaker for the thirty years of my professional legal career. I believe that my communication skills have been highly regarded by my clients, as providing clear and useful information and advice that assists them in making the judgments and decisions that are required of them.

The ease which I have interacting with the public in any sector of any community is one of my profound abilities. I am an effective public speaker and have the ability to relate to diverse audiences. Throughout my career in public service, I have been passionately committed to civic and community service. I have taken my effective presentation skills from the courtroom to city hall to the classroom, delivering key note speeches with large audiences and motivational speeches to audiences in venues large and small. I have been a presenter at state and national bar association conferences as well as statewide prosecutor and law enforcement associations.

I have conducted professional training in Spanish as well as made presentations to Spanish and Portuguese speaking members of the public, in connection with my municipal prosecutorial program delivery and for international sister city meetings and other international visits to city hall.

Professional Networking

I have actively networked for the thirty years of my professional career with public service and legal professionals in state and local government arenas across the country, as well as internationally. Each year that I am in public service, I engage in continuous networking to share strategies and problem solving relating to current municipal governance legal issues.

I am enclosing my resume, a summary of my analysis of key professional achievements and critical municipal practice issues for your consideration. I look forward to hearing from you about the position. Please kindly advise me should you require further information about my background and qualification and I will be most pleased to provide it.

I am excited about the possibility of relocating to Fort Pierce, Florida. I have family in the area.

Thank you,

Lysia H. Bowling, Esq.

Attachments

RESUME

LYSIA HUNTINGTON BOWLING, ESQ.



EDUCATION

Yale University, New Haven, Connecticut
Bachelor of Arts Degree - May 1976
Double Majors Political Science and Latin American Studies

University of Virginia School of Law, Charlottesville, Virginia
Juris Doctorate – May 1979

LAW LICENSURE

State Bar of Texas
State Bar of Florida

LANGUAGES

Bi-lingual in Spanish, fluent in Portuguese

EXPERIENCE

CITY ATTORNEY March 2015 - Present
OFFICE OF THE CITY ATTORNEY
CITY OF PENSACOLA, FLORIDA

Recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida.

Leads and manages in-house legal department of the City of Pensacola, Florida with a budget of approximately $600,000 in the current fiscal year for operating and personnel expenses.

Responsible for all legal matters related to the City's municipal government and corporate affairs and municipal enterprises, including the Port of Pensacola and the Pensacola International Airport.

Hires, directs and manages work of outside counsel in specialized areas of expertise, including, for example, maritime law, opioid and first amendment litigation and the BP oil spill settlement.

Interprets the City Charter, rendering legal advice and opinions construed to be the official legal position of the City, to the City, its Mayor, City Council and City departments to facilitate ethical, efficient and transparent governance by the City.

Serves as the Public Records Official of the City and am responsible for the City's compliance with its statutory duties under the Florida Public Records and Open Meetings Acts.

Provides expertise, direction, support and training to City Council, Boards and Commissions and City departments to ensure legally compliant implementation of open meetings and public records and ethics requirements, City policies, state law and departmental goals in a manner that protects the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings of City Council and Boards and Commissions and representing the legal position of the City at all meetings of City Council and Boards and Commissions.

Acts as legal advisor for and represents the City of Pensacola Community Redevelopment Agency. Provides representation for City before administrative bodies and collective bargaining units.

Practice areas include: local government, strong mayor charter interpretation, home rule authority, telecommunications and fifth generations wireless infrastructure distribution facilities and technology regulation, airport operations, natural gas distribution, commercial port operations, housing, finance, budget, risk management, tort claims, employment and labor law, real estate property transactions and public/private development partnerships, right of way acquisition, local option gas tax, intergovernmental cooperation, extensive contract negotiation and drafting and ordinances and code amendments, lobbying law, open government and special ethical issues relating to public officials, historical district architectural review, planning, zoning and land use, annexation, economic, business and industrial development, downtown improvement, code enforcement, environmental remediation, collections, contracts, procurement and bid drafting, bid protests and public safety and law enforcement agency issues.

Provide annual ethics training for appointed and elected officials.

Instituted administrative policies and procedures and uniform contract template program and procedures for all City contracts, leases, development agreements and all other legal transactions. Defend the City in lawsuits filed in circuit court, including appeals of final decisions from City quasi-judicial proceedings and defending suits for injunctive relief.

CITY ATTORNEY November 2009 - March 2015
OFFICE OF THE CITY ATTORNEY
CITY OF SAN ANGELO, TEXAS

As in-house City Attorney, lead and managed the in-house legal department of the City of San Angelo with an annual budget of over $600,000 for operating and personnel expenses and staff including two attorneys and three paralegals. Instituted and supervised a revenue generating function within the legal department which manages all city real estate holdings producing revenues of over $100,000 per fiscal year.

Responsible for all legal matters related to the City's municipal government and corporate affairs, rendered legal advice and opinions to City Council and departments to facilitate ethical, efficient and transparent governance by the City.

Provided expertise, direction, support and training to City Council, Boards and Commissions and departments, including City Clerk, to ensure legally compliant implementation of City Council policies and department goals in a manner that protected the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings held by City Council and Boards and Commissions, including the City of San Angelo Economic Development Corporation, the Planning Commission and the Zoning Board.

Represented and advised Police Chief on all legal issues in day to day operations, internal affairs and discipline, and meet and confer negotiations.

Served as open records officer and handled all public records requests for the City and acted as public relations advisor for the City.

Provided legal advice to municipal court and municipal court judge, and supervised municipal court prosecution and programs.

Practice areas included civil service discipline, local government, community and economic development, finance, budget, hotel motel tax collection, risk management, tort claims, governmental immunity, insurance, personnel, employment and labor, real estate, right of way acquisition, condemnation, intergovernmental cooperation, election law, ordinance drafting, charter interpretation, open government and ethics, planning, zoning and land use, annexation, economic, business and industrial development, job incentive agreements, economic development program agreements, redevelopment and tax abatement agreements and policy, code enforcement, environmental, and water law and conservation, long term solid waste collection and disposal and recycling services, nuisance and asbestos abatement, contracts and procurement, all civil service, public safety and criminal prosecution matters in Municipal Court.

Instituted templates for uniformity for all City contracts, professional services agreements, construction documents, leases, interlocal agreements, development agreements, and for civil service disciplinary suspensions and fitness for duty procedures. Instituted City Council agenda and contract approval procedures.

Defended the City in lawsuits filed in district court, including appeals of final decisions from City quasi-judicial proceedings, defended suits for injunctive relief, police and fire civil service appeals, and arbitration matters.

Engaged in affirmative litigation for contract breach, damages to City property, hotel motel tax collection, and financial obligations owed to the City, eminent domain, and quiet title litigation, injunctive and declaratory relief. Hired, directed and managed work of outside counsel in specialized areas of litigation, including for example, wrongful death and civil rights, employment discrimination litigation.

Supervised all services provided by outside retained counsel.

OFFICE OF THE MIAMI CITY ATTORNEY 2007– 2009
CITY OF MIAMI POLICE DEPARTMENT
POLICE LEGAL ADVISOR/ ASSISTANT CITY ATTORNEY
MIAMI, FLORIDA

Legal Advisor to City of Miami Police Chief John F. Timoney. Advised City of Miami Police Department in City of population size of over 2 million, on legal issues in the area of civil rights, international drug task force programs, criminal laws and procedures, labor and employment, public information compliance, contracts and law enforcement education, program development and training.

Prosecuted narcotics trafficking contraband forfeiture cases in circuit court, prosecuted narcotics nuisance abatement cases, negotiated and drafted contracts, interlocal agreements and legislation, reviewed public information requests, advised department on policy and procedures, represented department in collective bargaining grievance hearings and before Public Employees Relations Commission.

As training advisor for Miami Police Academy, developed international task force and local training programs and curriculum and delivered in-service and recruit training, including police civil liability training.

Served on Florida Department of Law Enforcement Statewide Committee for Advanced Law Enforcement Training and Miami-Dade State Attorney Prosecutor – Police Coordinating Committee.

Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as Voice Stress Truth/Deception Analysis Examiner.

OFFICE OF THE MIAMI-DADE STATE ATTORNEY 2005 - 2007
11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY
ASSISTANT STATE ATTORNEY, FELONY PROSECUTOR
MIAMI, FLORIDA

Filed felony indictments and prosecuted before the Miami-Dade County jury a wide range of felony prosecutions, serving 35 law enforcement agencies in Miami-Dade County, including Violent Career Criminals (VCC), Habitual Felony Offenders (HO), Habitual Violent Felony Offenders (HVO), Prison Releasee Reoffenders (PPRP), Sexual Predators and other violent career criminal offenders involving crimes against persons and children, including gang related offenses, sexual offenses, drug and human trafficking, property and economic crime cases, insurance fraud, contractor fraud, organized theft, embezzlement, employee theft, credit card fraud.

SCHOOL OF JUSTICE 2002 - 2005
LAW ENFORCEMENT TRAINING CENTER
LAW ENFORCEMENT AGENCY ACCREDITATION MANAGER, ADJUNCT PROFESSOR, FULL TIME PROFESSOR AND LAW ENFORCEMENT INSTRUCTOR
MIAMI, FLORIDA

Manager of Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation Program for the School of Justice.

Coordinated agency compliance with a wide variety of complex and technical issues concerning law enforcement standards.

Taught Florida Department of Law Enforcement mandated legal objectives for basic training and developed curriculum for advanced legal update for in-service academy and taught in-service academies and academic classes.

Developed and presented college-wide and outsource training workshops on diversity, workplace violence prevention and conflict management. Adjunct professor and full time professor at all MDC campuses. Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as a Voice Stress Truth/Deception Analysis Examiner. Part-time law enforcement instructor through 2009.

POLICE LEGAL ADVISOR/CITY PROSECUTOR 1995-2002
OFFICE OF THE CITY ATTORNEY
CITY OF TEMPLE, TEXAS

Legal Advisor to Police Chief, Police Department and Temple Municipal Court.

Advised and represented City department heads in day to day legal matters, including drafted all city contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way.

Acted as Public Information Officer for the City.

Advised and represented police and fire chiefs and officials on complex disciplinary proceedings under Chapter 143 civil service and state law, and in litigation in state court.

Served as facilitator for national accreditation for the City of Temple Police Department, devised and implemented community policing initiatives, drafted and implemented police policy and procedures, drafted contracts for police department, including jail privatization, service contracts and interlocal cooperation agreements.

Represented Building and Standards and Zoning Commissions in commission proceedings and in state court.

Legal advisor for City Human Resources Department on all personnel matters including equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, discipline, overtime, promotions, wage and hour, pension and retirement plans, fitness for duty, leave and discipline matters. Developed human resources policy and procedures manuals and governmental ethical codes to comport with all constitutional and legal requirements. Prosecuted 2500 misdemeanor criminal trials on behalf of the State of Texas, handled County Court appeals cases, developed and implemented programs to improve law enforcement and victim services, including victim intake program, police trainer and legal advisor to judge and court clerk.

CITY ATTORNEY 1993-1995
CITY OF HARLINGEN
OFFICE OF THE CITY ATTORNEY
HARLINGEN, TEXAS

Represented City in civil litigation including property damage and personal injury and negligence cases, land use, real estate and contractual litigation, employment discrimination and unlawful termination, appeals from zoning commission, civil service commission appeals, and cable franchise litigation.

Advised and represented City appointed and elected officials and City department heads on all areas of municipal law and government on day to day legal matters, including annexation, election law, finance, zoning, eminent domain, land use and procurement, economic and business development, commercial, financial, budget, insurance, risk management, contracts, city charter and legislation, bidding, interlocal cooperation, civil service, employment and labor law, public official and accountability, open government.

Drafted and approved all City contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way, energy assessment, hold harmless and indemnity agreements, interlocal agreements, cost sharing agreements, procurement, licenses, professional services, purchase agreements, housing, elections, incorporations and annexations, drafted ordinances, codes, charter amendments and civil service rules.

Legal advisor for City department heads on all personnel matters including civil service and equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, pensions and retirement plans, worker's compensation, discipline, overtime, promotions, wage and hour, fitness for duty, leave, discipline matters.

Represented police and fire chiefs before civil service commission and represented commission. Represented City members and financial director of pension boards.

Supervised all services provided by outside retained counsel.

OFFICE OF THE ATTORNEY GENERAL OF TEXAS 1992-1993
ASSISTANT ATTORNEY GENERAL
CRIMINAL PROSECUTION DIVISION
AUSTIN, TEXAS

Investigated, filed and prosecuted enforcement cases before the state office of administrative hearings and in state court, legal advisor for Texas Alcoholic Beverage Commission and prosecuted discipline cases against law enforcement agents.

TEXAS DEPARTMENT OF INSURANCE 1992-1993
STAFF ATTORNEY
AUSTIN, TEXAS

Prosecuted automobile and life insurance agents for fraud, misrepresentation and other fiduciary duty violations before the state office of administrative hearings, advised field auditors and investigators on violation and investigations.

CITY ATTORNEY'S OFFICE, CITY OF AUSTIN 1988-1992
CHIEF PROSECUTOR
AUSTIN MUNICIPAL COURT
AUSTIN, TEXAS

Supervised criminal prosecutions in sixty dockets per week and managed prosecution staff of twenty, including seven (7) prosecutors, paralegals, and support staff, developed and implemented programs to improve law enforcement and streamline delivery of court and victim services and access to court.

Devised and implemented community prosecution initiatives.

Represented City in injunction proceedings. Represented City in municipal court employee discipline cases and unemployment appeals.

TEXAS GENERAL LAND OFFICE 1985-1988
STAFF ATTORNEY
AUSTIN, TEXAS

Advised agency on Oil and Gas Royalty Audits, Relinquishment Act Lease violations, State Land Lease Bidding, drafted and implemented Oil and Gas bidding procedures and publications and prosecutions for corporate veil, alter ego transactions in oil and gas revenue royalty diversion cases. Researched land and lease titles on Relinquishment Act
lands.

TEXAS STATE COMPTROLLER OF PUBLIC ACCOUNTS 1981-1985
CORPORATE TAX POLICY ANALYST
AUSTIN, TEXAS

Analyzed over 1000 corporate tax deficiency cases and represented agency before state office of administrative hearings, advised field auditors and field agents on tax seizures, freezes, state, county and federal taxation, administrative codes, bankruptcy law. Advised auditors and field agents on sales, motor fuels, occupancy and other tax violations and deficiencies.

Certifications and Licenses:

Florida Bar License, Texas Bar License, Florida Department of Law Enforcement, Commission on Criminal Justice Training and Standards, Instructor Certification, Certified as Voice Stress Truth/Deception Analysis Examiner, Florida Chapter 493, DS and RI instructor licenses for recovery agents 40 hour licensing course on secured transactions, installment contracts and loan agreements, default and remedies, replevin, fair debt collections practices act, new bankruptcy law, forfeiture statutes, property law, ethics, leases, bailments, risk of loss.

Recent Presentations:

- March 2015 -Dallas, Texas - Texas Municipal Court Education and Training Center - Prosecutor School- Presentation/Speaker- "Administrative Search Warrants"
- May 2016 - Pensacola Women's Civic Forum - Keynote Speaker - "Diversity and Public Service"
- August 2016- The Institute for Women in Politics of Northwest Florida -Welcome Address
- September 2016- Pensacola Citizen Diplomacy & the Gulf Coast Citizen Diplomacy Council - Guest Speaker "Women of Courage"
- October 2016 – Pensacola Regional Summit to Achieve Prosperity - Speaker- "Redevelopment of Distressed Communities through Work Force Development"
- 2016- 2017 International Visitor Leadership Program- U.S. Department of State Exchange Programs: Roundtable Discussion with City Attorney:
  August 2016 - Ukrainian - Open Government
  November 2016- Russia- Criminal Justice System in the United States
  April 2017- Czechoslovakia- Municipal Government
  September 2017- Angola- Welcome address (Portuguese) on Municipal Government
  November 2017- Ukrainian- Ethics in Government
- June 2017 - Pensacola Police Chief Recognition- Guest Speaker- "African Americans in Pensacola Government - Being a First"
- September 2017 - "Leadership and Public Service" -Life Long Learner Series
- April 2018- Alabama Association of Educational Opportunity Program Personnel (AAEOPP) Welcome to Pensacola - City Government
- 2007 Speaker, Miami, Florida- American Bar Association, Promoting Diversity in Public Sector Legal Profession Speaker
- 2009 Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- 2003 Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- 2003 Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute

- Adjunct Faculty, Howard College, San Angelo, Texas, Business Law
- Speaker, American Bar Association, Promoting Diversity in Public Sector Legal Profession
- Speaker, San Angelo Public Library, Youth Education Group, Constitutionality of Books Bans
- Speaker, San Angelo Public Library, Youth Education Group, Cyber-Bullying and Stalking Prevention
- NAACP – San Angelo Chapter, Keynote Speaker, Women's History Month, Women Education and Empowerment
- Concho Valley Society for Human Resource Management, Keynote Speaker, the Constitution and Workplace Privacy Issues
- Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute
- Program Participant, Youth Education, San Angelo Public Library
- Judge, Metro-Dade County, Teen Court, Miami, Florida
- Mentor, Take Stock in Children, Miami, Florida
- Selection Committee Member, Do the Right Thing, Miami, Florida

Past Publications and Presentations:

- Published and Presented: "State Cases of Interest to Local Government," Texas City Attorneys Association, Texas Municipal League
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Published and Presented: "Local Governmental Nuisance Abatement" Annual Conference, TMCTC
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Instructor: "Ethics and the Law", University of MHB, School of Business
- Presenter, Ethics and Diversity, Ethics Panel, University of MHB, School of Business
- Guest speaker, Summer Enrichment Program, DCF Foster Teens, Miami Capstone Mentor, WHT Technical HS, Miami
- TISD Education Summit
- Keynote Commencement Speaker, TISD
- TISD Desegregation Action Team, Member
- Juvenile Accountability Task Force, Member
- Presenter and instructor, Criminal Law and Procedure, THS
- Presenter, Your Child and the Law, Tough Love
- Developer and Presenter, Conflict Resolution and the Law, Citizens Police Academy
- Speaker, Scott and White Hospital, Senior Citizens Group
- Role Model Speaker, numerous Miami High and Middle schools and alternative and charter schools
- Role Model, Ebony Cultural Forum

Special Skills /Recognitions:

- Bi-Lingual in Spanish, Fluent in Portuguese
- Member Texas Police Officer Association
- Member, Florida Prosecuting Attorneys Association

- Member International Association of Chiefs of Police
- Miami Police Training Institute, Commendation for Excellence
- Metro-Dade Action Plan, Recognition for Service as Teen Court Judge
- Superlative Award, Carol City Senior Banquet
- Leadership Temple, Graduate
- Temple Sisters City Delegate
- Ebony Cultural Society, Chair
- Featured in Black Women in Criminal Justice, Jet Magazine
- Featured in Minority Women in the Law, Texas Bar Journal
- Who's Who Among African Americans
- Mayor's Recognition for Excellence Austin, Texas
- Recognitions for Outstanding Motivation, Innovation and Instruction in the Law, Miami Dade College
- Recognitions for Dedication and Diligence in Preparation and Instruction, Judges, Clerks and Prosecutor School
- President International Optimist Club
- Optimist of the Year Award
- President Temple, Texas March of Dimes
- Texas Police Officer Association Recognition
- Wilkie D. Ferguson, Jr. Bar Association
- NAACP, San Angelo Chapter
- Escambia-Santa Rosa Bar Association
- Florida League of Cities
- Florida Municipal Attorneys Association
- International Municipal Lawyers Association (IMLA)

PROFESSIONAL AND EMPLOYMENT REFERENCES

Current and previous employment references and professional colleague references are available upon request.

Candidate Introduction

LYSIA HUNTINGTON BOWLING, ESQ.

EDUCATION

Yale University, New Haven, Connecticut
Bachelor of Arts Degree - May 1976

University of Virginia School of Law, Charlottesville, Virginia
Juris Doctorate - May 1979

EXPERIENCE

As the change in executive leadership nears, it is an ideal time to for me to pursue the job opportunity as City Attorney of Fort Pierce, Florida. I hope to relocate to a community in Florida that welcomes the diversity that I have to bring to the community and allows me to continue in my profession as a local government law practitioner. I wish to live and work in a community that takes pride in the inclusion of all its citizens and the diverse interests and experiences that make up the community as a whole. I believe that Fort Pierce is one of those communities.

Based upon my research of Fort Pierce, I believe that you will find my background and skills well suited to meet the needs of your City Council. I bring to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through state and local governmental work in diverse communities with different public service priorities within Texas and Florida. I have been licensed and in good standing to practice law in Florida for over 14 years and in Texas for over 30 years. I am bi-lingual in Spanish and fluent in Portuguese.

My local governmental experience in Florida, includes:

- City Attorney for the City of Pensacola for the last four years.
- Chief Legal Advisor for the City of Miami's Police Department and its Chief John Timoney, and served a legal counsel in collective bargaining.

My local governmental experience in Texas, includes:

- City Attorney for the City of San Angelo for six years,
- City Attorney for the City of Harlingen for two years,
- Chief Legal Advisor for the City of Temple's Police Department and City Prosecutor for 7 years,
- Chief Prosecutor for City of Austin for 4 years

I have also worked for the State of Florida and the State of Texas. Those positions included:

- Office of the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit,

Assistant State Attorney
- State of Florida Certified Law Enforcement Training Institute Accreditation Manager
- State of Florida Certified Law Enforcement Instructor and Law Instruction Program Developer
- Office of the Texas Attorney General, Criminal Prosecution and Enforcement Division, Assistant Attorney General
- Texas General Land Office, Staff Attorney
- Texas State Comptroller of Public Accounts, Tax Enforcement Division, Staff Attorney

Pensacola is the westernmost city in the Florida Panhandle and is the county seat of Escambia County, with a population of 52,000. Pensacola is Florida's first settlement and has a sea port on Pensacola Bay, which connects to the Gulf of Mexico. While Pensacola's major economy is tourism based, it is developing technology based industries. Pensacola has a naval station, regional medical center, university. It has an international airport and a natural gas utility which are departments of the City. The downtown area of Pensacola is a walkable historical area and fronts a baseball stadium and waterfront. The City has 694 employees.

As City Attorney, I directly supervise three attorneys, a paralegal and a public records officer in the Office of the City Attorney, handling the day to day legal matters of the City. I manage and supervise the outsourcing of attorneys when specialized legal expertise and resources are not available in-house, including for example, litigation and areas of municipal bonds and pensions. I serve as legal counsel for the City's Community Redevelopment Board. Governance under the charter, development, redevelopment, real property asset management and privatization of waterfront properties are significant legal issues facing the City.

A City Attorney who is trust building, I believe, possesses the essential attributes for a City Attorney to succeed in representing the legal needs of the client in a professional and leadership role. A City Attorney builds trust by having a deep commitment to the client and leads by example as a role mode of the highest degree of integrity and ethics of the profession, maintaining a strong, ethical foundation in every action and decision. A City Attorney builds trust by having the ability to effectively communicate across the organization, to relate in terms that people understand, and to recognize that meaningful communication requires one to meaningfully listen for understanding. Trust results in open and mutual give and take, recognizing that everyone has value, treating everyone with respect, civility and grace regardless of a difference in position. A City Attorney builds trust by vigorously and unfailingly focusing on serving the client's interest, anticipating issues that require advance preparation and unfailingly giving prompt, objective and legally sound answers and have unfailing flexibility to efficiently and effectively facilitate the client's decision-making needs under the exigencies and circumstances presented.

In the event a lawsuit is filed against the client, I would make a realistic assessment of the client's exposure in the matter and if defensible, I would vigorously defend the client's position and to protect the client's interests. I would provide the client a well-reasoned and sound recommendation

on litigation strategy and seek direction from the client on the desired outcome and defense, keeping the client regularly and fully informed throughout the litigation. In the event that I arrive at an assessment that the continued defense of the litigation would not be in the client's best interests, I would advise the client and seek the client's approval and direction to negotiate an appropriate resolution to best serve the client.

In several diverse municipalities where I have served as City Attorney, I have always been regarded as a team player and an integral part of the management of the municipal organization. It is my goal to contribute to the success of the management team. The City Attorney's office stands with all departments as an interlocking component of a single team to serve the City and its citizens. In that regard, I make certain that my office never turns inward or works in isolation. I find collaboration with members of the organization to be instrumental to the process and allows inputs about how the City's legal work best supports and implements the operations, goals and initiatives of the administration. I place a primary emphasis on maintaining an "open door policy" of availability and accessibility to all City officials, management personnel and other City staff to build effective working relationships. As such, I am able to be proactive in handling legal issues, in evaluating staff and resources to maximize efficiency and cost-effective management of the legal affairs of the City.

There is no question that the client must be consistently and regularly be provided all information with complete candor on legal matters and significant legal issues and be provided a realistic assessment of the options available. I find it preferable to communicate in person with elected officials and as a body in public forum. I would expect to develop lines of personal communications with the Mayor and members of City Council so that each would feel comfortable in having informal conversations with me in matters of interest to them. I would ensure that the City Manager, Mayor and City Council are apprised of the same facts, law and legal analysis to allow the City to speak with one voice on legal matters.

I always strive to ensure that my clients receive my best objective legal advice, including the practical implications of following or declining to follow that advice. If the client elects to disregard my advice, it is the prerogative of the client to do so, and I would stand ready to assist the client in handling the path undertaken. I am fully mindful that many legal matters have associated political issues and call for difficult judgments to be made by elected officials. My efforts are directed to assist them in reaching their desired resolution.

I believe that the Mayor, City Council members and City staff members that I have worked with in all the municipalities where I have served would describe my communications as clear, easily understood, direct, and prompt. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. In serving under a strong mayor form of government in Pensacola, my legal assistance provided both formal and informal guidance to the Mayor and the City Council, was well received and respected, and has enabled my client – the City – to function as a unified and harmonious local government while effectively resolving conflicts between the executive and legislative branches of government.

Throughout my career as a public servant, I have been recognized for my ability to quickly assess the legal needs of an organization and to formulate and implement a plan to deliver the highest quality legal services required. I have consistently received positive feedback from my clients for the professional services I have rendered.

As City Attorney, I have fulfilled a proactive role in supporting a municipality's commitment to governmental transparency and public participation. I have engaged in a wide variety of initiatives to promote accountability, openness and transparency across municipal government. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. My communication style as an attorney is polite, measured, and assertive in a low key manner.

Over the years, I have encountered several municipal officials who have expected me to be confrontational or divisive. I have found that that style of communication is not best suited for a lawyer in public service or municipal representation.

Over the course of my career in public service, I have consistently focused on developing innovative approaches and procedures for the public to conveniently access governmental services and for the government to efficiently render those services. I strongly believe that citizens are entitled to procedural justice at every level of government, and that a fair, predictable, and transparent process bolsters public trust and confidence in government.

I have been fortunate to work closely and collaborate with many leaders and professionals from diverse governmental arenas to benefit operations and to improve customer service and navigation of the intersections where citizens and governmental agencies interact. To that end, I have successfully proposed and instituted a variety of mechanisms to streamline enforcement programs and facilitate citizen compliance for the good of the community.

I was fortunate to have as my mentor Janet Reno. Janet always encouraged me and suggested I work in public service internationally because of my diverse background. She thought I should explore service in Haiti and in Africa, because of my interests, background and language abilities and my passion for serving others. Although that door had been opened, I did not take Janet's advice and I always felt that I missed an opportunity. I have since mentored others and spoken on following one's passion. It is by expanding one's horizons and taking challenges that are rooted in the unknown and that we come to know ourselves fully. It is better to come back than never to have gone at all.

If the nature of the shortcoming of an employee of my office can be corrected, I would provide instruction, training and guidance. If the nature of the short coming is a character issue that cannot be corrected, I would remove that person immediately to protect the City. I once terminated an attorney who committed an ethical violation and whose level of competence was detrimental to the reputation, trust, and confidence of the office. I worked to rebuild that trust and confidence

and examined how the problem had occurred so that I could take measures to avoid a problem of this nature, with attention to the needs and morale of staff.

If appointed to this position, during the first six months as City Attorney, I would want to carefully assess and evaluate the strengths and working procedures of the existing staff and to determine whether any realignment of responsibilities might be warranted. I will seek the input of the staff. Because the City Attorney is the chief legal officer of the City, it will be important to make clear that I bear the ultimate responsibility for the work output of the office, so it is necessary that I have final approval on legal opinions, strategy and determinations. I have been impressed with the dedication to public service and practice experience of all of the municipal attorneys and staff who have worked hard alongside me or under my supervision. I look forward to joining the team and working with them in every possible way. As well, I look forward to scheduling and attending meetings on an ongoing basis with all members of the elected body, city administration and staff, and particularly the Finance Department, Economic Development Department, Redevelopment Agency, Police Department and Code Enforcement Department to become familiarized and become thoroughly acquainted with the City's priorities, projects and development and redevelopment goals and the City's achievements, strategic plan, and budget, priorities and the public they serve. I look forward to becoming familiar with the entire community, the Chamber and other private stakeholder organizations that partner with the City.

- I normally do not have direct contact with the media, however whenever I speak with reporters, I am always professional, pleasant, open, and honest, while guarding client confidences.
- In my leisure time, I enjoy ice skating, if available, I am an avid reader, and pursue studies in advanced português jurisprudence and comparative justice systems from online universities in Portugal and Ireland. I enjoy listening to audio recordings of oral arguments heard by the United States Supreme Court.
- I have not ever done anything that would embarrass my clients if were to become public knowledge, nor is there anything in my background that would embarrass the City client if it were to become public knowledge.
- When it becomes known in Fort Pierce that I am a finalist for this position, I am unaware of any community activists in Pensacola or any other jurisdiction that may likely contact the City with any negative comments about me.
- I would describe myself as kind, considerate, humble and respectful of others, highly disciplined, impeccable temperament, responsive, responsible, diligent and hardworking.
- My current salary is $200k which includes benefits.

CB&A Background Checks

Background Check Summary for
LYSIA HUNTINGTON BOWLING

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found
Texas	No Records Found

Civil Records Checks:

County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found
Texas	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Good
Bankruptcy	No Records Found
Education	Confirmed
Employment	City of Pensacola (2015 – Present) City of San Angelo (2009 – 2015) City of Miami (2007 – 2009) ***Confirmed*** 11th Judicial Circuit (2005 – 2007) School of Justice (2002 – 2005) ***Verifications Pending***

Background Check Summary for
LYSIA HUNTINGTON BOWLING

Bar Certification/License Member in Good Standing
Bar # 740721

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
LYSIA HUNTINGTON BOWLING
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Lysia H. Bowling

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.

Please explain any yes answers on a separate sheet of paper.

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.
    N/A

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Property of Colin Baenziger & Associates

Background Check Summary for
LYSIA HUNTINGTON BOWLING
Personal Disclosure Explanation

3. At as I best recall, it was about thirty years ago, after a divorce and as a single mom not receiving child support for several children, I was undergoing a very dire situation when one of my very young children was a victim of a crime. I was bearing the financial costs of his hospitalization and medical care and relocating for his treatment, and uncompensated witness expenses. Eventually the Texas Attorney General Crime Victims Compensation Fund provided me assistance for ongoing treatment and throughout and beyond the case. As a mother under these circumstances, I felt I had no other recourse to manage supporting the family on my own at the time.

Section 3

CB&A Reference Notes

Bradley Odom – Attorney, Odom & Barlow, FL (850) 434-3527

Mr. Odom has known Ms. Bowling since 2015. Mr. Odom is general counsel for another government entity, he has worked with Ms. Bowling on various issues. Whether interpreting statutory language, negotiating contracts, or working through property issues; Ms. Bowling is an extremely capable attorney. She easily communicates with others to work together to solve the problem. Ms. Bowling has a good command of the law. She is a very bright person and a member of several Bar Associations. She has been counsel for multiple municipalities for many years. She knows the law and how it applies to municipalities.

The City of Pensacola has recently switched to a strong mayor form of government. This has been a difficult position to come into. Many disputes have arisen between the Mayor and the City Council on the division of authority, responsibility, and legal representation. Ms. Bowling researches out more obscure issues or if an issue involves city authority. She has been involved in a great deal of politically sensitive issues as well as breaking new legal ground because there was no former charter to refer to. Ms. Bowling has the challenge of having many bosses to report to and trying to please the Council and the Mayor while they were at odds with each other.

Ms. Bowling works really well with people to get the job done and not letting personalities get in the way. She believes a government entity works best when everyone works together. While working on a contract with Mr. Odom, she interacted professionally, respectfully and cooperatively. Her priority is to protect her clients' interest and get the job done. While working with Mr. Odom, she keeps him informed of her progress through phone calls.

Ms. Bowling negotiates well on behalf of the party she represents. Mr. Odem's client has entered into similar agreements, as the contract stated above, with 10 to 15 other political entities in different states. Ms. Bowling got the best deal of all those entities with provisions and concessions which served her client well.

Ms. Bowling is responsive; she responds and accomplishes tasks in a timely manner. She makes high-quality decisions when dealing with the law and makes good recommendations to elected bodies. The President of the City Council was trying to get a different opinion from her on a legal issue. Ms. Bowling explained her reasoning and rendered the right opinion and did it in a timely fashion. The opinion was affirmed by the appellate court. She reaches the right conclusion, not necessarily the popular one.

Ms. Bowling is a problem solver. She seeks to find ways to properly and lawfully accomplish situations. The City Council meetings are public, so she has a great deal of experience working with the public. Ms. Bowling is always respectful and dignified to people and shows good control over her emotions; she does not lose her temper.

Members of the City Council filed suit over declaratory judgments on the interpretation of the City Charter. The Council lost those suits which show her interpretations were correct. Elected officials respect and value her opinion and place great weight on them. Ms. Bowling respectfully

deals with clients when she has to tell them if they cannot do something. Ms. Bowling works well with the City Manager and department heads. They have a good working relationship of mutual respect.

Ms. Bowling has experience with constitutional law, contracts, environmental law, dealing with a homeless population, utilities, labor and personnel matters as well as development, redevelopment and land use. Ms. Bowling manages the office and legal affairs of the City well. The City has several outside counsel. Ms. Bowling has to manage her department within the city as well as work with the other firms.

Mr. Odom does not specifically know of anyone who may have a differing opinion of Ms. Bowling. However, there are members of the City Council who have disagreed with Ms. Bowling's conclusions. Mr. Odom is not aware of anything in Ms. Bowling's past or conduct which would concern anyone. He would hire her. Ms. Bowling is a very capable, bright attorney who can manage the legal affairs of the City. She will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Smart,
- Consensus builder,
- Respectful,
- Professional,
- Works well with people, and
- Respectful to those who disagree.

Strengths: Working with people to get a job done and a consensus builder.

Weaknesses: None identified.

Ashton Hayward - Mayor, City of Pensacola, FL (850) 435-1624

Mr. Hayward has known Ms. Bowling since 2015 when he hired her as the City Attorney. Ms. Bowling is an extremely knowledgeable and capable attorney. She is detail and research oriented. She has great follow up and a good demeanor which is important in government. She has an impressive command of the law. Just as every respectable attorney, she does a fair amount of research to answer questions especially when it impacts members of the community.

Ms. Bowling interacts professionally. If she has a question or concern, she is humble and smart enough to seek outside help or information. Ms. Bowling solves problems, she is an objective lawyer. She always looks for solutions to accomplish the task while following the letter of the law. She accomplishes tasks in a timely manner and is considered responsive. She makes high-quality decisions when dealing with the law.

Mr. Hayward values Ms. Bowling's input. She balances the relationship between the Mayor and the City Council well. She clearly communicates her position. She does an effective job of explaining her research and disseminating the information out to everyone. She has a good working relationship with elected officials as well as the City staff. She makes respectable, strong recommendations to elected bodies. She negotiates well; she represents both the executive and legislative body of government. Ms. Bowling explains her responses well and does so diplomatically. Ms. Bowling keeps Mr. Hayward informed of her progress on items she is working on. She sets up meetings and communicates frequently with Mr. Hayward.

Ms. Bowling has experience with constitutional law, contracts, utilities, labor and personnel matters, and development, redevelopment, and land use. She has some knowledge in environmental law.

Ms. Bowling is experienced dealing with the public. She is very diplomatic and has a calm demeanor when expressing herself and the opinions of the City. Ms. Bowling manages the office and the legal affairs of the City well.

Mr. Hayward is not aware of Ms. Bowling being involved in anything controversial in the time he has known her. There is nothing in her background which would concern an employer. Mr. Hayward does not know of anyone who may have a contrary opinion of Ms. Bowling.

Ms. Bowling, has a great deal of knowledge when it comes to the law. She has been in government a long time and has seen many personalities in her career. She knows how to listen and be objective. She does research to provide factual information to make a decision. She really excels at this. She has the demeanor to communicate and discuss import issues. Mr. Hayward would hire Ms. Bowling again. She will make an incredible City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Well read,
- Intelligent,
- Fantastic personality,
- Disciplined,
- Hard worker, and
- Loyal.

Strengths: She is incredibly qualified and has an amazing command of the law, she understands it.

Weaknesses: Ms. Bowling takes time to answer questions because she wants to make sure the information she is sharing is correct; her turnaround could be quicker.

Keith Wilkins – City Administrator, City of Pensacola, FL (850) 554-3069

Mr. Wilkins has known Ms. Bowling since she began working for the City of Pensacola in 2015. She is super intelligent and a highly qualified attorney. She has an impressive education and background. Ms. Bowling has faced a great deal of difficult challenges at the City between the Council and Mayor. She has been put under the gun in interpretations of the charter and who has power to do certain things. She is quite deliberate in and researches her opinions. Ms. Bowling researches a great deal because of the challenges with the charter. Ms. Bowling knows the answer but is careful to not opine without the research to back her up.

Ms. Bowling does a respectable job handling the legal affairs of the City. She may not be strong in managing the office. They are a three-person team, she does not spend a large amount of time managing them. She does a good job working with outside attorneys, both contracted and opponents.

Ms. Bowling has experience dealing with the public at Council meetings and other public meetings. She has done a fantastic job in those situations. She has made multiple presentations to the local Bar Chapter, Women in Politics, and African American Attorney groups.

Issues have come up with a few Council members, but in general Ms. Bowling has worked well with them. She works incredibly well with the Mayor, they have healthy disagreements. She is considered to be responsive. She makes quality recommendations to the elected bodies. The Council has always taken her advice because it was always good. On one occasion the Mayor acted against the counsel Ms. Bowling gave him to not appeal to outside counsel on a lease agreement and he lost. Ms. Bowling interacts extremely well with Mr. Wilkins and various department heads. She keeps Mr. Wilkins apprised of what she is working on through verbal communications.

Ms. Bowling has been inconsistent with her responses and the timeliness of those responses with Mr. Wilkins. Not all tasks are accomplished in a timely manner. Ms. Bowling solves problems. She has the ability at some of the executive staff meetings to cut through everything and state what a solution needs to be. She is very timely in those responses. She is bold enough to say what needs to be said, even if the advice is not always taken. She gives sound advice and makes strong decisions concerning the law. She finds solutions and seeks out what is best for everyone.

Ms. Bowling negotiates well when representing the City. She is a single-attorney-office so she works with contracted attorneys and support council. She is willing to seek help. She has experience in constitutional law, contracts, labor and personnel matters, development, redevelopment and land use, and a great deal of experience in dealing with a homeless population. She has some experience in environmental law, but not much.

Ms. Bowling has confronted the legal situation and opinions on charter authority, which has been a controversial issue for the City. Mr. Wilkins is not aware of anything concerning Ms. Bowling's past or conduct which would concern an employer. There may be one or two department heads,

who have disagreed with Ms. Bowling, who may have a different opinion of her than the one Mr. Wilkins has stated. Mr. Wilkins would hire Ms. Bowling and believes she will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Energetic,
- Intelligent,
- Caring,
- Committed,
- Well mannered,
- Diligent, and
- Professional.

Strengths: Intellectual, general sensibilities, works well with outside attorneys, kind and caring person who knows her work.

Weaknesses: Gets lost in her thoughts and logic and can miss the point others are trying to get across.

Sherri Myers – Vice President City Council, City of Pensacola, FL (850) 982-9286

Ms. Myers has known Ms. Bowling since 2015 since Ms. Bowling started at the City of Pensacola. She is a really good attorney who excels at research. Being a City Attorney under a strong mayor/council form of government is a difficult situation. The Council and the Mayor want different legal outcomes than each other. The Mayor exerts more control over the City Attorney than the Council does, however, generally her opinions have been objective.

Ms. Bowling is an excellent contract lawyer, she reviews the contracts the Council is asked to approve. Due to her legal research, the Council respects her opinion on the contracts. Ms. Bowling makes high-quality recommendations to elected officials based on analysis of fact and the law. She composes respectable decisions in regards to the law. It may not be the decision a person wants to hear, but it is a defensible one. The City Council may prefer a different opinion, but Ms. Bowling stands her ground when she makes a decision. If she is challenged on it, she reviews it.

Ms. Bowling interacts well with Ms. Myers. They speak often and Ms. Myers frequently calls and runs legal questions by Ms. Bowling. She does not report directly to the City Council on the day-to-day operations of the City Attorney's Office; she works independently. Ms. Bowling runs her office well as well as handles the legal affairs of the City.

Ms. Bowling responds in a timely manner. She knows her legal obligations are to the client, which are the Mayor and public officials. She understands this role well. She completes tasks on time.

While Ms. Myers does not have direct knowledge, Ms. Bowling is believed to negotiate well, no evidence has been seen to indicate otherwise. She does not deal with the public directly as she represents the City and public officials.

Ms. Bowling works well with all of the elected officials and the City Administrator. Ms. Bowling mostly interacts with the Mayor, Council, City Administrator and Human Resources Department at the City.

Ms. Bowling finds solutions. Different issues have come before the Council, Ms. Bowling and other private attorneys have counseled on these very difficult legal situations. They were able to work through it and the issue has not come back. Ms. Bowling tackles and is fearless in taking on difficult situations. Some issues are not as simple as saying this is what the law says. Ms. Bowling sorts through different laws and interests to solve the issue.

Ms. Myers is aware of Ms. Bowling's experience in constitutional law, contracts, and labor and personnel matters. Outside counsel is hired for complex situations in labor relation matters, utilities, and real estate. If it is not a complex situation in those areas, Ms. Bowling handles it. She has done a great deal working with the homeless population. Some Council Members and the Mayor want to have strict, unconstitutional laws restricting certain populations of homeless. Ms. Bowling had to draft ordinances which were quite close to being unconstitutional. Some ordinances passed and then were repealed shortly after. She told the Council, the ordinance which did pass would not hold up in federal court. The ACLU sued them. Ms. Bowling explains well to the Mayor and Council what the law can do.

Ms. Myers is not aware of anything in Ms. Bowling's conduct or background which would be controversial or concerning to an employer. The City Attorney's position is viewed politically. There are people who do not like the City Attorney, regardless of who that person is. These people would be the ones who may have a different opinion of Ms. Bowling than the one Ms. Myers has stated.

Ms. Bowling is an easy person with whom to have a positive relationship. She is nice, polite and a friendly person. Ms. Myers would hire her as a City Attorney; she will make an excellent City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Incredibly decent person,
- Conscientious,
- Hard worker,
- Insightful,
- Trustworthy, and
- Honest.

Strengths: Contract law and research.

Weaknesses: Does not speak up as often as Ms. Myers would like.

[CB&A Note: Mr. Johnson did not have time to answer all of the questions.]

Larry Johnson – Council Member, City of Pensacola, FL (850) 449-1098

Mr. Johnson has known Ms. Bowling since she started working for the City of Pensacola in 2015. She is a very capable attorney. She has a strong command of the law, but like any attorney, will revert to doing research to answer questions. If she needs to research to answer a question, she communicates this. Ms. Bowling is responsive and does so in a timely fashion. She solves problems; she worked with Mr. Johnson on crafting ordinances for food trucks.

Mr. Johnson does not have one complaint about Ms. Bowling's performance. They have interacted positively, and have always had a good relationship.

Words or phrases used to describe Lysia Bowling:

- Capable, and
- Good command of the law.

Strengths: Ability to answer questions off the top of her head to the Council in a public setting.

Weaknesses: None identified.

Tracy Wooden - Attorney, Wooden Law Firm P.C., TN (423) 605-5855

Mr. Wooden has known Ms. Bowling since 2015 through business he had with the City of Pensacola. They have interacted professionally since then. Ms. Bowling is not difficult to communicate with, she is incredibly responsive and keeps Mr. Wooden up to date. Ms. Bowling always called back, even if it was in the evening. She completes tasks in a timely manner.

Ms. Bowling is an exceptional attorney. She has an excellent command of the law. Just as any attorney, Ms. Bowling needs to research out specific legal issues. She is an exceptional problem solver. At a board meeting, many different issues were brought up. They called Ms. Bowling to the podium to tie together all the issues. She sought a resolution to the issues which were in compliance with the law. She did so calmly and professionally. She tries to find solutions. She works well with elected officials as well as the City Administrator and other staff at the City.

Ms. Bowling makes solid recommendations to elected bodies. She brings issues to their attention and answers questions clearly and calmly. She constructs good decisions when dealing with the law. She negotiates well on behalf of the party she represents. She manages her office well while handling the legal affairs of the City. Ms. Bowling has a vast amount of experience in dealing with the public and excels at it.

Mr. Wooden is aware of Ms. Bowling's experience with contracts, constitutional law, environmental law, utilities, labor and personnel matters, as well as development, redevelopment and land use.

Ms. Bowling deals well with controversial issues which come up in the City. However, Mr. Wooden is not aware of any personal issues which would be controversial or concerning. He does not personally know of anyone who may have a different opinion of Ms. Bowling than the one he has stated.

Mr. Wooden would absolutely hire Ms. Bowling as a City Attorney. She will make an exceptional City or County Attorney and has been for a number of years.

Words or phrases used to describe Lysia Bowling:

- Extremely responsive,
- Calm,
- Intelligent,
- Communicates clearly,
- Professional, and
- Hard working.

Strengths: Highly intelligent, good communicator, highly professional, extremely hard worker, and quite responsive.

Weaknesses: None identified.

Richard Barker- Chief Financial Officer, City of Pensacola, FL (850) 435-1823

Mr. Barker has known Ms. Bowling since 2015 when he sat on the Skype interview to hire Ms. Bowling. Ms. Bowling is an articulate attorney. She understands the importance of a quality working relationship between the Chief Financial Officer and the City Attorney. Her opinions are precise and charter based.

Ms. Bowling responds thoroughly. When an immediate need arises, she drops everything to get the job done. She has solved any issues which have come up for Mr. Barker. If Mr. Barker calls with an inquiry about the progress of an action, she informs him. Ms. Bowling meets every

deadline placed upon her. She makes strong decisions when dealing with the law. Once she gives you an opinion, it is a very solid one. Ms. Bowling and Mr. Barker thoroughly discuss the issue, but Ms. Bowling has the final say.

Ms. Bowling crafts excellent recommendations to elected bodies. When they ask for an opinion, she gives a well thought out opinion and the Council accepts it. Ms. Bowling has represented the City well, in one case they were in the right on the state appeal. She always researches outcomes before making a final legal opinion. If a person wants something a certain way and it cannot be done, she lets the person know why it cannot be done.

Mr. Barker is aware of Ms. Bowling's experience with contracts. She works with the Community Redevelopment Agency as well. Issues have come up with the homeless in the City of Pensacola; she is aware of those issues and has worked with the City Council regarding them. It did not turn out the way the Council wanted due to federal laws. Ms. Bowling knows federal laws on the homeless. She may have experience with labor and personnel matters.

Ms. Bowling manages the office well along with dealing with the legal affairs of the City. She has experience dealing with the public. She has given a couple of speeches at local organizations. She is observed to have a good working relationship with elected officials, she gives them replies and follows up. She works well with the City Administrator, department heads, and staff.

Ms. Bowling has seen bits of controversy, she has been in the blogs about a couple of items. She has dealt with this controversy well, and only addressed something if it was factually wrong. Mr. Barker is not aware of anything in Ms. Bowling's conduct which would concern a responsible person. He does not know of anyone at a Director level who may have a different opinion of Ms. Bowling. He has not always agreed with her, but it has always ended positively. Mr. Barker would hire Ms. Bowling as a City or County Attorney. She has been a good City Attorney for the City of Pensacola.

Words or phrases used to describe Lysia Bowling:

- Acute to what is going on regarding City business,
- Detail oriented with regards to the Charter,
- Pleasant personality,
- Research oriented,
- Wants to get along, and
- Cooperative.

Strengths: Ability to grasp an issue, does research before she gives a thorough and well thought out opinion.

Weaknesses: Due to research, it takes longer than desired to get an opinion.

William Wells – Contract and Lease Counsel, City of Pensacola, FL (850) 512-4657

Mr. Wells has known Ms. Bowling since 2015. They work and interact well together at the City of Pensacola. She is supportive of the tasks he performs, and he substitutes for her when needed. They keep each other informed of areas they are working on through daily meetings.

Ms. Bowling is an incredibly knowledgeable attorney. She has a broad range of experience. She has fantastic research capability and a clear style of communication. She does not over complicate her advice. She makes it easily understood to benefit the client. Most questions presented to her are fairly routine, she knows the answers to those questions. If complex issues come up or there are recent changes to the law, she tells you what she thinks is the answer and then follows up with research. Most of her dialogue is in the middle of Council meetings, she does a good job of answering questions.

The City Council budget and economic conditions have not allowed Ms. Bowling to expand the City Attorney staff. Ideally, she would have two or three assistants under her. The City has to farm out certain litigations. Ms. Bowling is a one-woman shop which has not let her reach her full potential in what she can do. She has a long-time office manager who manages the file retention, correspondence, and filing of public records. This manager helps her manage the office and the legal affairs of the City.

One of Ms. Bowling's primary responsibilities is to render formal written legal opinions to the Council, many of them are interpreting the charter. She renders formal opinions in a timely fashion; they are clear and to the point. She keeps a calendar of formal requests, where they lay in the cue and when they have been completed. Her organizational skills help her to accomplish tasks on time. Ms. Bowling is continually asked to address civic groups or schools. She is very active in dealing with the public and does so well.

Ms. Bowling sees solving problems as one of her main jobs. She performs this task well. If her client is seeking to accomplish something which the law does not permit, Ms. Bowling gives them an alternate way of doing the task which is within the law. This is more helpful than just saying the law will not allow it.

Ms. Bowling's recommendations to elected bodies are well respected and well received. She has a well-rounded City Attorney background which aids her in making good decisions when dealing with the law. She works well with elected officials; they constantly turn to her for input during Council meetings. Ms. Bowling has a great deal of contact with the City Administrator and department heads on a daily basis. Ms. Bowling has not had many opportunities to negotiate on behalf of the City. The City has insurance policies which provide outside defense council in litigations. Ms. Bowling attends the mediation and settlements of those cases.

Mr. Wells is not aware of a situation where the elected body has not followed Ms. Bowling's advice in the time she has worked for the City of Pensacola. She has some experience in environmental law, but the City has outside counsel who are more skilled in that area. She does a

great deal of work with contracts, labor and personnel matters. Much of the City's workforce is organized into unions. She has provided endless advice and insight on dealing with the homeless population in Pensacola. She is also experienced in constitutional law and utilities.

Bloggers love to communicate about anything public officials have said or written. The blogosphere has been a controversial situation in Pensacola. Ms. Bowling has been torn down in these blogs for items she has said in an official capacity. If there were printed comments adverse to Ms. Bowling, this is where they would be found. As for people who know her, her co-workers think really highly of her. Mr. Wells does not know of anything in Ms. Bowling's conduct which would concern an employer. He would hire her; she will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Well prepared,
- Articulate,
- Thoughtful,
- Funny,
- Easy going communicator, and
- Great personality.

Strengths: Research, communicates clearly, and has broad knowledge of local government law and use of land property.

Weaknesses: None identified.

Janet Matteson – Legal Department Manager, City of Pensacola, FL (850) 435-1618

Ms. Matteson has known Ms. Bowling since 2015 when Ms. Bowling began working for the City of Pensacola. Ms. Matteson works as Ms. Bowling's legal assistant. Ms. Bowling is a greatly capable attorney. She balances working with the executive and legislative branch of City government. She is amazing and got the Legal Department in ship shape, no other attorney has done that. She used her organizational skills to create a template form called a "legal service request." These forms help keep track of the needs of the different departments as well as record which departments are utilizing legal services. It has been a great organizational tool for Ms. Matteson. Ms. Bowling keeps the work load going; she is a joy to work with.

Words or phrases used to describe Lysia Bowling:

- Team player,
- Trustworthy,
- Loyal,
- Willing to help,
- Dependable, and
- Patient.

Strengths: Extremely staff oriented, has an open-door policy, people skills, and organizational skills.

Weaknesses: None identified.

Dan Saluri – Deputy City Attorney, City of San Angelo, TX (325) 657-4407

Mr. Saluri has known Ms. Bowling since 2010. He was the Deputy City Attorney under Ms. Bowling at the City of San Angelo. They continue to interact by consulting about different programs and items they are working on. Ms. Bowling is well educated and competent in the law. She is very diligent at what she does. She has a background in federal work.

She is very personable with her employees. She recognizes birthdays and events that are important to the people she works with. Her education combined with experience makes her an asset to a city.

Words or phrases used to describe Lysia Bowling:

- Responsible,
- Diligent,
- Knowledgeable,
- Inclusive,
- Practical, and
- Personable.

Strengths: Knowledge of constitutional law, federal and state laws, extensive experience as a City Attorney in many different locations.

Weaknesses: Hesitant to shoot from the hip even though she may know the answer, and will take whatever time it takes to be thorough.

Prepared by: Stephanie Bailey
Colin Baenziger & Associates

Section 3

CB&A Internet Research

Inweekly
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Mayor Cleared, Attorneys Paid
Author: Rick Outzen

Through a public request of Beggs & Lane law firm's billings to the City of Pensacola, Inweekly learned that the three-year federal bribery investigation of Mayor Ashton Hayward has concluded and no criminal charges would be filed. The invoices showed that while he had been notified by Beggs & Lane attorney Greg Miller in late June on the conclusion of the federal probe, the mayor made no mention of it to the Pensacola City Council or the public.

On Sept. 21, Nix Daniel, the managing partner of Beggs & Lane, wrote City Attorney **Lysia Bowling** to inform her of a conversation his partner, Greg Miller, had with U.S. District Attorney Christopher Canova. "That investigation proved to be without merit," wrote Daniel. "All of the matters which were the subject of the investigation were within the scope of Mr. Hayward's responsibilities as mayor. There was no finding of any wrongdoing on his part." The Beggs & Lane's billings for the representing the mayor totaled $43,684.23. Daniel asked that the mayor be reimbursed $13,500 for the installments he had paid from Dec. 31, 2014 to Oct. 6, 2016. He requested the city pay the balance due, $30,184.23.

On Sept. 28, **Bowling** sent City CFO Dick Barker a memo:

> "The Florida Supreme Court and the state courts of appeal have long established a common law right of public officials to receive legal representation at public expense to defend themselves against charges arising from the performance of their official duties while serving a public purpose."

She told Barker that the city was legally obligated to pay the fees. The Pensacola City Council and citizens were not notified that the taxpayers paid the mayor's legal fees.

Inweekly emailed the public information officer for United States Attorney's Office for Northern District of Florida, Amy Alexander, and asked for confirmation of Daniel's statements. Alexander replied, "We have no public information to provide regarding this inquiry."
The newspaper asked Daniel for the documentation that supported his letter. He said the Sept. 21 letter was based on a conversation between Miller, a former U.S. Attorney, and current U.S. Attorney CanovaDaniel said, "Mr. Canova advised Mr. Miller that the investigation was concluded with no finding of wrongdoing and that no criminal charges would be filed."

Probe Launched

On Aug. 26, 2014, Interim City Administrator Dick Barker notified the City Council that the U.S. District Attorney was investigating the city and staff members were being questioned. Inweekly obtained the subpoena, which requested city documents be presented to a federal grand jury scheduled to convene on Sept. 3, 2014, in Tallahassee. The subpoenaed records concerned

the Main Street Rehabilitation Project, the city's investments, agreements with Jerry Pate Design, city's insurance broker and the expenses of former Chief of Staff John Asmar and Hayward. In a written statement issued when the subpoena surfaced publicly, Mayor Hayward said, "I am aware of the subpoenas which have been issued this week to several City employees, and I have instructed staff to immediately make available to the City Council and public any and all documents which we can legally release."

He added, "Furthermore, I have asked employees to fully comply with this process as it moves forward, and my administration will make any new information available to the public as quickly as possible. Everything we do on behalf of citizens is rightfully open to review and scrutiny, and I look forward to a swift and satisfactory resolution to this inquiry."

Mayor Hayward turned down three interview requests from Inweekly but did speak with News Journal reporter Rob Johnson. He said the probe concerned possible bribery. He acknowledged that "he had awarded city contracts to a friend, Jerry Pate, without competitive bids, but he asserted that no wrongdoing has occurred as a federal bribery investigation looms."

Inweekly requested to be allowed to review the documents gathered to comply with the federal subpoena. The city initially refused to release the information saying the Florida Attorney General had advised the records were "exempt from the disclosure requirements of Ch. 119 F.S. as long as they are part of an 'active' criminal investigation or intelligence gathering operation being conducted by the Grand Jury."

Inweekly went to the State Attorney's Office for help. Chief Assistant State Attorney Greg Marcille later called to say that the City of Pensacola would fulfill our public record requests. They were delivered to the media and published. After that, the newspaper heard very little from the mayor about the federal grand jury.

Glimpse Behind the Scenes
Two Beggs & Lane invoices, which were obtained last week, provide the first glimpse into how the mayor dealt with the federal probe. Both invoices—Invoice 70984, dated Sept. 26, 2014, and Invoice 85188, dated Sept. 21, 2017—were made out to Ashton J. Hayward, III.

The older invoice begins with attorneys David McGee and Nix Daniel meeting with City Engineer Derek Owens on Aug. 21, 2014, and covers work done through Sept. 25, 2014. The total of $42,115.50 was discounted $6,045.50 "to reduce to City of Pensacola Rates." This is the invoice Mayor Hayward made installments through October 2016.

The invoice shows the attorneys holding meetings and discussions with Hayward and his staff, Jerry Pate and his office staff, attorney Bob Kerrigan, Skip Hunter, who donated funds for the amphitheater at the Community Maritime Park, and Tim Baker of Data Targeting, the Gainesville, Fla.-based consulting that worked on his re-election campaign.

On Sept. 1, 2014, David Magee met with the mayor and "friend Carl Lietz" for an hour. Lietz is with the Atlanta, Ga. based firm, Kish & Lietz. According to its website, the firm "aggressively represents the accused against charges in criminal defense and federal crime defense cases." The Sept. 21, 2017, invoice covered from Oct. 9, 2014-June 26, 2017. McGee reviewed a notice of warrant, discussed the mayor's Yahoo emails and took a phone call from Lietz on Oct. 23, 2014.

In January 2015, Beggs & Lane reviewed bank and insurance records of the mayor. They called the Florida Ethics Commission. From June-August 2015, they met with the mayor and had several discussions with the U.S. District Attorney's office. U.S. Attorney Pamela Marsh resigned in September 2015, and current interim U.S. Attorney Canova took over the office.

There were no entries for 2016. On May 24, 2017, Hayward called Beggs & Lane attorney Greg Miller. The next day, Miller met with Canova. On June 23, Miller called Canova. The last entry on the invoice is a brief phone conversation with the mayor, which appears to be when he was told the case had concluded.

After Inweekly last week published the mayor was cleared and taxpayers paid his legal fees, Hayward sent a written statement to the News Journal. "Three years ago, my administration was investigated," he wrote. "That case has now been closed. There was no finding of wrongdoing – there was no wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved." Inweekly has requested to review the case files to understand better what the U.S. Attorney investigated. We will report on our findings.

Pensacola News Journal
December 1, 2017

Hayward wants city to pay grand jury investigation legal fees
Author: Jim Little

Mayor Ashton Hayward is asking the city to reimburse his legal fees involving a federal investigation that he says has been closed. Nix Daniel, an attorney representing Hayward with the Beggs and Lane law firm, sent a letter Sept. 21 notifying city attorney **Lysia Bowling** that the investigation was over and there was no finding of wrongdoing. The News Journal obtained the letter through an open records request.

Daniel asked that since the subject of the investigation involved his responsibilities as mayor, the city should reimburse the nearly $44,000 in legal fees accrued since the investigation began in 2014. Hayward has paid $13,500 on his legal bill for the case, with the last payment being made in October 2016. Beggs and Lane has handled high-profile cases for the city of Pensacola, including The Fish House restaurant lawsuit and the lawsuit over the Bayview Park cross.

In 2016, Beggs and Lane was paid $540,613 in legal fees from the city — more than any of the 26 other firms hired by the city that year and at least three times more than the next highest paid firm, according to city documents. News of a federal investigation into Hayward's relationship with Pensacola golf icon Jerry Pate and Pate's contracts with the city first surfaced in August 2014.

During the course of the investigation, at least five city officials were served subpoenas to testify before the 22-member federal grand jury in Tallahassee. Six days after the Beggs and Lane letter was sent, **Bowling** sent a letter to Dick Barker, chief financial officer for Pensacola, that said the U.S. attorney's office has closed the investigation and under Florida case law the city was obligated to reimburse the mayor for his legal expenses.

Inweekly's Rick's Blog first revealed the existences of the letters on Wednesday.
Amy Alexander with the U.S. Attorney's Office for the Northern District of Florida said the office had no public information to provide on the investigation. Daniel's letter also included invoices from Beggs and Lane for its work on the case, and the invoices showed the last work done on the case was in June.

At a Thursday public appearance to accept an award from the American Planning Association's 2017 Great Places in Florida People's Choice Winner, Hayward told the News Journal he would only provide a comment on the topic through a written statement. When asked why not announce the case had been closed as early as June, Hayward said the case was not closed in June but he would only comment in a written statement. The News Journal received the written statement Thursday afternoon. "Three years ago, my administration was investigated," Hayward said in the statement. "That case has now been closed. There was no finding of wrongdoing — there was no

wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved."

The invoices also provide a timeline of events in the investigation with much of the work in the case occurring between August 2014 through October 2015. U.S. Attorney Pamela Marsh resigned in September 2015 and current interim U.S. Attorney Christopher Canova took over the office.

After a meeting in October to discuss the status of the investigation, attorneys with Beggs and Lane did not work on the case again until May 2017 to call Hayward about the case. Beggs and Lane attorneys had a series of meetings with the U.S. attorney's office and after a phone call with Canova in June, the last entry on the firm's invoice was on June 26 for a phone call with Hayward.

Pensacola News Journal
November 6, 2017

Pensacola City Council pulls fish hatchery from agenda, will hold emergency CRA meeting
Author: Jim Little

The proposed fish hatchery on Bruce Beach will not be discussed — in public at least — at Thursday's Pensacola City Council meeting. A lawsuit filed Friday challenging the legality of the city's lease with the Florida Fish and Wildlife Commission for the proposed Gulf Coast Marine Fisheries Hatchery and Enhancement Center at Bruce Beach in downtown Pensacola spurred Pensacola's city attorney to recommend no public discussion of the topic be conducted until the lawsuit concludes.

Council President Brian Spencer and Councilwoman Sherri Myers had sponsored identical agenda items to declare the fish hatchery lease void, but both council members agreed to pull their items off of the agenda at Monday's City Council agenda review meeting at the recommendation of city attorney **Lysia Bowling.** The News Journal reported in October that Pensacola residents Dan Lindemann and Jerry Holzworth discovered language in the state's lease with the city spelling out a three-year deadline to commence construction.

Lindemann and Holzworth filed a lawsuit against the city Friday alleging not only the lease was void because of the missed deadline, but the City Council vote to approve the lease was illegal because the property was in the city's Community Redevelopment Agency and the lease should have gone through the Pensacola Community Redevelopment Agency first. Pensacola's CRA board has the same membership as the City Council but sits as a separate legal entity.

Florida law requires properties in a CRA to be advertised for competitive bids and a fair market valuation be conducted before a lease can be approved. City and state officials contend the deadline was met in February and the lease is valid, although no notice of commencement had been filed with the county. The state opened an invitation for construction companies to bid on the project on Oct. 27 — more than five months after the deadline under the lease.

Bowling told council members that, following the lawsuit filed by Lindemann and Holzworth, who own property within the CRA area, a "common sense approach" to lawsuits and the city's insurance policy stipulated that the city or council should not do anything to prejudice the insurer's position in defending the lawsuit. Myers said she would pull her items "out of an abundance of caution," but wanted to meet with **Bowling** to go over the city's insurance policy.

Spencer also agreed to pull his identical items, but his item to explore a buyout of the port administration building from the Florida Department of Transportation remained on the lease. Spencer told the News Journal last week the building would make a good alternate location for the hatchery. "I think we've got an asset that is underutilized," Spencer said. "I think it's valuable information to have independent of this."

The council also met as the CRA on Monday evening and voted unanimously to convene an emergency meeting before Thursday's regular City Council meeting for the CRA to hire an attorney to represent it in Lindemann and Holzworth's lawsuit.

Council members will submit recommendations for an attorney to represent the CRA in the case to **Bowling** and she will present a list of qualified attorneys for the CRA to consider Thursday. "I think this is a very serious matter facing the CRA," Myers said. "As a member of the bar, I believe that no way can the CRA and the city of Pensacola have the same attorney. That is a conflict of interest. The legal issues are in conflict that have been raised between the CRA and the city of Pensacola."

Pensacola News Journal
September 20, 2017

City Council wants Florida AG opinion on North Hill sewage tank
Author: Jim Little

The Pensacola City Council voted 5-1 Wednesday to seek an opinion from the Florida Attorney General's Office on whether Emerald Coast Utilities Authority must get approval from the council to move forward on an emergency sewage storage tank in the North Hill neighborhood. The vote came after City Attorney **Lysia Bowling** issued an opinion that said ECUA did not need to seek the council's consent to build the storage tank. **Bowling** said the 1981 law creating ECUA divested all city authority over the sewer system to the utility.

The council also voted 6-1 to have a special meeting on the issue if the judge rules on the issue in a hearing set for Monday in a lawsuit filed by residents of the North Hill and Long Hollow neighborhoods. The residents filed a lawsuit against ECUA alleging the utility did not follow public meeting laws in its decision to purchase the property at Palafox and Guillemard streets along East Avery Street.

When construction began on the tank, residents filed an emergency motion with the court to stop construction and asked the City Council on Sept. 14 to halt construction. Erick Mead, an attorney representing the residents, said ECUA was required to seek City Council approval before beginning construction.

At the Sept. 14 meeting, Councilwoman Sherri Myers asked **Bowling** for a legal opinion, which the city attorney delivered to the council Wednesday. Before the two votes were taken Wednesday night, Council President Brian Spencer made a motion to direct city administration to order ECUA to stop construction until the plan for the tank was presented and approved by the council.

Spencer made the motion after several residents spoke to the council and said the tank would hurt progress the area has made toward revitalization and was contrary to the city's comprehensive plan. "Tonight is a night that we need to stand up for the citizens that we've heard," Spencer said.

The motion failed with a 5-2 vote. Myers was the lone supporter of Spencer's motion. She said despite the city attorney's opinion, she thought Spencer's motion was legal. "This council has supported things I didn't think were legal, and they have turned out the way I said (they would)," Myers said.

Councilman Larry Johnson said if the council took Spencer's proposed action, it would be setting itself up for a lawsuit and pointed out that Myers has been a critic of the city's spending on legal fees. Mead, the attorney representing the residents, told the council he disagreed with **Bowling's** opinion and said the council should take action anyway.

Mead said **Bowling** answers to Mayor Ashton Hayward and not the City Council. He urged the council to hire its own attorney, and in the meantime, to take action and make the city attorney defend that action if it's brought to court. "You need your own counsel," Mead said. "…You need someone who is accountable to you."

Bradley Odom, ECUA's attorney, told the council Wednesday that the law Mead was referencing concerned bond issues and was not applicable to this situation. "ECUA has had many public meetings to consider this," Odom said. "Ironically, when ECUA decided it was going to build the tanks, no one showed up to the meeting to speak to the issue." Mead said a hearing was set for Monday for a judge in Panama City to hear whether ECUA could continue construction, pending the lawsuit. Judges in the Escambia County Circuit Court were recused from the case.

After voting to have a special meeting if the judge ruled in the case, Johnson got up to leave the room when a member of the audience shouted, "See you at the Z tonight!" referring to Azalea Cocktail Lounge, a bar owned by Johnson. "This is what we have to endure with North Hill — every time," Johnson said, sitting back down in his chair. Spencer called for order and asked members not to heckle council members because they didn't vote the way they wanted. A few minutes later, as the meeting continued, Johnson got up to leave again through the council members' exit, slamming the door as he left. The hearing in the ECUA lawsuit is set for 11 a.m. Monday.

Pensacola News Journal
September 16, 2017

North Hill residents say ECUA violated Florida law with sewage tank construction
Author: Jim Little

Residents in Pensacola's North Hill and Long Hollow neighborhoods think something stinks about the Emerald Coast Utilities Authority's emergency sewage overflow tank project. Erick Mead, an attorney with Moore, Hill & Westmoreland representing residents in a lawsuit against ECUA, told the Pensacola City Council at its meeting Thursday that he believes ECUA violated Florida law by moving forward on the project without first obtaining council approval. "The only exception to this (law) is if they (ECUA) owned the property before the municipality was formed, and since this city predates the state, I don't think that's a problem," Mead said.

Construction for the nearly $4.7 million tank between Palafox and Guillemard streets along East Avery Street is underway. Baskerville-Donovan is handling the engineer work for ECUA. The tank will rise approximately 50 feet above the existing land, according to the building permit filed with the city. Mead said he has asked for an emergency injunction with the courts to stop the project but also asked the City Council to exercise its authority to halt the project.

Nathalie Bowers, spokeswoman for ECUA, said she could not comment on the issues surrounding the lawsuit. But, she said, the enclosed tank would only be used if the downtown lift station right next to the tank failed. Bowers said the lift station handles 5 million gallons of sewage from downtown Pensacola every day, and if the station failed, the sewage would back up in downtown. "It's going to be empty, that's the bottom line, unless there's an issue," Bowers said.

Council President Brian Spencer was absent from Thursday's meeting but sent a letter to council members on the topic asking them to vote to suspend ECUA's construction permit on the project. "The City Council has a statutory right to approve such construction, and Section 153.03 of Florida Statutes requires this approval process," Spencer wrote in the letter. "ECUA is bound to that statute in its founding law. Nevertheless, a permit has been issued, and construction is underway."

Council members voted to ask **Lysia Bowling**, city attorney, to give a legal opinion to the council before its next scheduled meeting Wednesday. The issue could develop into a test of the City Council's power under the city's 2010 charter. **Bowling** told council members that even if Mead was right about ECUA, she didn't think the council had the power to revoke the permit. "I don't think the council or the city for that matter has jurisdiction to enforce any allegations of non-compliance of the state law," **Bowling** said to the council.

Mead told the News Journal on Friday he believes the council does have that power and should have acted. "The City Council, rather than undertaking to act and instruct the attorney to defend their action, essentially was looking to the city attorney for permission," Mead said. "And I don't understand that."

Spencer said in his letter that he didn't believe revoking the permit would contradict the mayor's powers in the charter. "Simply stated, we have a responsibility to act as a Council to ensure our powers are effective and respected," Spencer wrote. Mead originally filed a lawsuit in March 2016 alleging ECUA had violated public meeting laws to purchase the land.

ECUA said it had followed all public meeting laws related to the project. The entire bench of the First Judicial Circuit Court was recused from the case, and the Supreme Court of Florida reassigned the case to a judge in the 14th Judicial Circuit Court in Bay County. The judge in the case denied Mead's motion for summary judgement on July 3, and the case appeared headed to trial when Mead said he found out the city issued a construction permit on the same day as the application was submitted.

The application and permit were approved Aug. 28, but the plans contain a stamp and signature from Bill Weeks, city inspections services administrator, dated Aug. 25. "I cannot fathom how that can occur. Ordinary process is you submit an application for a building permit with a set of plans, which are then reviewed," Mead said. "It requires multiple, significant reviews of a lot of different details, and generally speaking a review of a permit can take weeks or months."

Mead, who has worked in construction issues of the law for nearly 20 years, said that for a project of this size to be approved on the same day the application was submitted means the decision was made at a political level.

Mayor Ashton Hayward's office declined to comment for this story. "I think that Mr. Weeks acted appropriately and this is no reflection on Mr. Weeks at all, and I understand the predicament he must feel in," said Councilwoman Sherri Myers at the meeting. "The remedy is that if there is a finding that (ECUA) did not follow the statute, then it's just like any other building code. If a private contractor doesn't follow a building code requirement, then a building inspector would pull the permit."

Pensacola News Journal
April 29, 2017

Downtown panhandling ban could face legal challenges
Author: Jim Little

If the Pensacola City Council gives its final approval to an ordinance banning panhandling in most of the downtown district, it could be standing on shaky legal ground in the wake of a unanimous 2015 U.S. Supreme Court ruling. The ordinance would impose a civil fine on anyone soliciting donations — including panhandlers and street performers — in the downtown district south of Wright Street between Tarragona and Spring streets out to Plaza de Luna at Palafox Pier. "Since the Reed v. Gilbert case came down from the Supreme Court two years ago, 100 percent of the challenges to panhandling laws have been successful," said Eric Tars, senior attorney with the National Law Center on Homelessness and Poverty based in Washington, D.C.

The city's ordinance is structured after a similar ordinance in Fort Lauderdale that withstood a legal challenge in 1999, said **Lysia Bowling,** Pensacola city attorney, during the April 13 City Council meeting, when councilors voted 5-2 to pass the ordinance's first reading. Councilors must vote to read the ordinance a second time before it goes into effect. "The ordinance as proposed reflects the current state of the law, however, this is an area of law that is evolving," **Bowling** wrote in an email to Mayor Ashton Hayward and the City Council, which was posted on the city's website. **Bowling** declined to comment to the News Journal on how the ordinance would withstand a constitutional challenge in the wake of the Reed v. Gilbert case. Hayward also declined to comment.

"We're all here to support, obviously whether they're poor, the homeless, anything that we can do to help," Hayward said at the April 13 council meeting. "But we've got to create a win-win, and it can be done in this city. I've heard many of you talk about solutions tonight. I urge you to bring those solutions so we can work together. Something has to be done."

Reed v. Gilbert was 'turning point'

Clyde Reed, a pastor of a church in Gilbert, Arizona, sued the town after it prohibited his church from placing temporary signs in the town announcing times and locations of the church's services. The U.S. Supreme Court ruled in 2015 that Gilbert violated the church's free speech and equal protection rights because the town's ordinance was based on the content of the signs. "If you have to read the content of the sign to determine whether it's permissible, that is a content-based restriction on speech, and it is unconstitutional," said Sara Latshaw, director of the Northwest Region of the American Civil Liberties Union of Florida.

Since the 2015 ruling, lower federal courts have started to strike down content-based bans. In August, Tampa lost a court challenge to its panhandling ordinance, which prohibited people from asking for donations in its downtown district and Ybor City neighborhood. U.S. District Judge Steven Merryday stated in his ruling that if not for the Reed v. Gilbert case, he would have upheld Tampa's ordinance. He called the ordinance a "demonstrably benign attempt to manage

fairly and humanely a tangible and persistent problem in a manner narrowly and artfully tailored." "Reed is a turning point," Latshaw said. Latshaw said it's understandable that someone without in-depth knowledge of the federal case law since the Reed v. Gilbert case could think a panhandling ordinance would stand up to a First Amendment challenge in court.

Fort Lauderdale passed an ordinance in 1993 banning panhandling in or around Fort Lauderdale Beach. The 11th Circuit Court of Appeals upheld Fort Lauderdale's ordinance as constitutional in 1999 after the ACLU sued the city. But, Latshaw said, that wouldn't happen in now, after the Reed case. "(The Fort Lauderdale ordinance) may have stood up in 1999, but it wouldn't stand up today," she said. The Florida ACLU sent a public letter asking the city of Pensacola not to pass the ordinance because of the legal questions it raises. "The City Council can read that opinion and know without a shadow of a doubt that their ordinance will not stand up," Latshaw said.

Penalizing the poor?

If the ordinance is passed, police will be able to issue civil citations for anyone violating the ordinance. Fines start at $50 and go up after each violation to $400 after the fourth violation. A maximum fine of $500 could be imposed if the citation is contested in court. "No matter how you crack it, this ends up burdening poor people or penalizing poor people for being poor," Latshaw said.

On Wednesday, James McCorvey stood at the intersection of Palafox and Garden streets holding a sign that says "Anything helps. A vet. God bless you." McCorvey doesn't say much about his past, but said his personal decisions, including a battle with alcohol, have put him on the street. "I chose the wrong path," he said. A couple of drivers waiting to turn left onto Palafox Street offered McCorvey spare change. One driver in a white pickup truck hurled insults at McCorvey, who responded with a middle finger. Another driver handed McCorvey a boxed lunch. "We got to make a living just like everybody else," McCorvey said. "You can't work with felonies, and plus you're disabled and stuff like that. I don't do no drugs. A lot of people think because you're out here you're on drugs."

Tars, the National Law Center attorney, said the City Council shouldn't waste taxpayer dollars on a law that's guaranteed to fail. "Study after study across the country has shown that it is far more effective and far more cost effective to address the underlying causes of why people are panhandling in the first place by providing adequate housing and services, rather than simply trying to criminalize the act of panhandling when people have literally no other option in terms of trying to survive on the streets," Tars said.

McCorvey said he feels the ordinance is wrong, but understands why the city would want to do something. "I think that's wrong, but a lot of (panhandlers) bring it on themselves because you've got a lot of them that just go and ask folks, and beg folks, and do a lot of cussing out of folks and all that right there," McCorvey said. "That makes it bad for us too."

SANDSpaper
April 15, 2017

No beggars allowed, Pensacola's downtown panhandling ordinances advances
Author: Jeremy Morrison

In a move applauded by the downtown business community, but framed by critics as cold-hearted and constitutionally-vulnerable, the Pensacola City Council approved on first reading April 13 a new ordinance barring panhandling from the newly minted Downtown Visitors' District.

The new ordinance, which still requires a second public reading, would restrict the solicitation of funds along and around South Palafox. The business community pointed to safety concerns and the need to safeguard economic interests downtown, while those arguing against the proposed ordinance pointed to free-speech rights and said the law would effectively "criminalize the homeless."

Ultimately, the city council voted to approve 5-2, with Councilwoman Sherri Myers and Councilman P.C. Wu dissenting. Although the issue of homelessness — deemed unrelated to panhandling — was not allowed to be breached, Mayor Ashton Hayward noted just prior to council's vote that once the ordinance had been dealt with the city could turn to assisting those "that desperately need the help."

"We're all here to support, obviously whether they're poor, the homeless, anything that we can do to help, but we've got to create a win-win," Hayward said.

This ordinance, the city's latest to address panhandling, was triggered last fall by a letter from Downtown Improvement Board Chairman John Peacock, in which he expressed concerns about the impact of panhandling on downtown's economic success. During the April 13 council meeting, the chairman described downtown business owners as "some of the most philanthropic, caring, compassionate people I know," and said sheltering downtown via the ordinance would help ensure they remained in the position to contribute to the community, including towards organizations dealing with homelessness.

"The DIB cannot fix this problem. This is a community problem, whether its panhandling, or the other things we're not allowed to talk about on this agenda," Peacock said. "The business owners in downtown can't wait for that magic bullet. This is a first step to protect the core area that we built and we want to continue to grow so the entire community grows and then we can ultimately fix the problems that we have."

DIB Executive Director Curt Morse stressed safety concerns. He said the downtown area was becoming more residential and needed additional protections. He contrasted the downtown core with slices of Pensacola's suburbia, and said people "deserve to walk down the sidewalk and not have someone ask them for money."

"That doesn't happen in Lavallet, that doesn't happen in Cordova Park. That doesn't happen in Scenic Heights, or the West Point Heritage neighborhoods, but we allow it to happen downtown," Morse said. "It just isn't safe."

Conversely, opponents of the measure argued that city officials were responding to the issue in an illegal and inappropriate way. "I personally don't like being approached either, but that is the messiness of freedom, and we need that," said Larry Downs, Jr.

Britt McGowan, a local mother, described to council how she uses panhandling encounters as an opportunity to discuss the issue of poverty with her child. "Would I rather not have those conversations? Do they make me uncomfortable? Sure," she said. "But I'd rather not have them because we've done something about them, not swept them under the rug, swept people under the rug."

Critics also took issue with the ordinance's prescribed penalties. While city council did downgrade the penalties from criminal to civil, the infraction of panhandling still carries the possibility of financial penalties; a first offense costs $50, doubling with each following offense up to $400.

Another point of contention centered on the ordinance's constitutionality. While city officials assured that the law had been crafted with First Amendment legal challenges in mind, North Florida ACLU Director Sara Latshaw warned otherwise, telling council the legal landscape had changed over the past couple of years and that the ordinance wouldn't stand up in court. "It really isn't up for debate," Latshaw said. "Every single one since 2015 that has been challenged, every single ordinance has been struck down."

But Council President Brian Spencer said that he felt confident that City Attorney **Lysia Bowling** had crafted an ordinance specifically designed to withstand a lawsuit. He leaned on the attorney for assurance, though her assessment seemed a little shaky, with plenty of wiggle room. "The state of the law is in flux, and it's not certain, and it is difficult for us to predict if this ordinance will be challenged, or of the outcome if challenged," **Bowling** told the council, explaining that the city's ordinance was modeled on laws in other areas that had successfully withstood challenges, or had yet to be challenged.

After council voted to approve the ordinance, Latshaw stood outside chambers in the hallway shaking her head. She paused for a moment to search for an appropriate adjective — "disappointed" — and declined to elaborate on the specter of an ACLU lawsuit against the city. "We're certainly watching what the city council decides to do," Latshaw said, adding that any decisions regarding a legal challenge would likely be made after the council held a second public reading for the ordinance.

The Pulse
April 10, 2017

Pensacola council overrides mayor's questionable veto
Author: Derek Cosson

Pensacola city council members on Monday voted to override Mayor Ashton Hayward's veto of the council's vote last month to move forward with hiring its own budget analyst. All seven council members voted to approve the veto override at a special meeting held before Monday's agenda conference. "I completely respect Council's decision to override my veto of hiring a budget analyst," Hayward said in a statement following the vote. "The purpose of the veto was to underscore my objection to what I thought was an unnecessary cost to the taxpayers. Our team has always worked well with city council on all legislative issues, and I expect that to continue."

The veto and subsequent override center on a conflict that dates back to at least 2014, when city council members placed a city charter amendment on the ballot that would give the council the power to hire its own staff independently of the mayor's authority. Mayor Hayward strongly opposed that amendment, saying it added an unnecessary layer of bureaucracy to city government, but city voters narrowly approved the language.

Since then, council members have hired an executive and two assistants, and in March took steps to hire a budget analyst, a position explicitly authorized in the 2014 charter amendment. Hayward vetoed that action, saying that there were "more pressing needs" in the city and that the position would be duplicate work already done within the city's finance department, which works for Hayward. Several council members have questioned whether or not Hayward even has the authority to veto council's action, given that the council is explicitly authorized by the city charter to hire staff. City Attorney **Lysia Bowling** opined last week that the mayor did in fact have the authority.

Bowling argued that because the city charter specifically spells out which actions the mayor can't veto — emergency ordinances, ordinances adopted as the result of a quasi-judicial proceeding, and ordinances proposing charter amendments — and the budget analyst decision didn't fall within those categories, the mayor's veto was valid.

Pensacola attorney Ed Fleming — writing on behalf of his client Barbara Mayall, a regular fixture at city council meetings — disagreed. "Any other interpretation of these facts would make the Charter's express provisions for the right of City Council to have an independent budget analyst a nullity," Fleming wrote in a letter to Mayall which was shared with council members Monday. "I do not believe any Court would reach that absurd result."

The Pulse
June 9, 2016

The latest on the John Sunday House
Author: Drew Buchanan

Pensacola's historic John Sunday House is likely safe for another month, but its fate could soon be decided by an Escambia County judge. Developer Charles Liberis wants to tear down the 115-year-old home, located near Pensacola's downtown core, in order to build 27 townhomes. Frustrated by routine delays imposed by the city's architectural review board in order to explore preservation, Liberis filed suit last week, asking the court to order the city to issue a demolition permit immediately.

John Sunday, one of Pensacola's most significant African-American historical figures, built the house in 1901 and lived there until his death in 1925. The son of a slave woman and her white owner, Sunday fought for the Union in the Civil War before returning to Pensacola, where he built a successful construction business and served as a city alderman and state legislator during Reconstruction. After Jim Crow laws pushed black businesses off Palafox Street in the early 20th century, Sunday helped establish the Belmont-Devilliers area as a black commercial district. The lawsuit is the latest move by developers to bypass the city's established processes for obtaining a demolition permit.

Because the home is located within a historic district, the city's Architectural Review Board must sign off on demolition. Citing the house's structural soundness and historic significance, the board twice voted to table a decision in order to explore options for preservation — a tool the board has used routinely with success. Earlier this year, after the board tabled a decision on a demolition permit for a home in Pensacola's Old East Hill neighborhood, the home was successfully moved and preserved.

But Liberis has pointed to a provision in the city's code which requires the board to act on requests within 31 days. Despite the longstanding precedent, Liberis argued that a decision to table doesn't constitute action, and City Attorney **Lysia Bowling** agreed. As a result, Liberis was able to bypass the board's approval and obtain a demolition permit on May 17, but the permit was stayed after Pulse editor Derek Cosson filed an appeal of the decision. Cosson's appeal was scheduled to be heard by the city's Zoning Board of Adjustments next week.

On Thursday, Escambia County Judge Gary Bergosh issued a temporary injunction preserving the status quo pending a final decision in the case, which he expects to issue in approximately one month. As a result of the injunction, the city has cancelled next week's planned appeal hearing.

More than 800 people have signed a petition asking city officials to save the house. Supporters also filled the room at a May 19 meeting of the Architectural Review Board, thanking the board for their efforts and arguing for preservation.

Real estate broker John David Ellis is president of the John Sunday Society, a citizen group trying to preserve the house. He says that the house itself only occupies a tenth of an acre — about 7% of the parcel's total area — but Liberis has refused to consider subdividing the parcel or building around the house. "When I spoke with Liberis about the idea, he said, 'No one wants to live next to an ugly house,'" said Ellis. Liberis' contract to purchase the property — which is contingent on the house's demolition — is set to expire July 15.

The Pulse
May 16, 2016

City to issue demolition permit for Sunday House
Author: Derek Cosson

Pensacola city officials are expected to issue a demolition permit for the historic John Sunday House, a city spokesperson said Monday. The house, located at 302 West Romana Street, was built in 1901 by John Sunday, one of Pensacola's most prominent and successful African-American figures in the late 19th and early 20th century. Sunday served as a city alderman and state legislator during Reconstruction, built a substantial construction business, and helped establish the Belmont-Devilliers area as a center for black commerce.

City spokesperson Vernon Stewart said that while a permit has not been requested by a demolition contractor, the city plans to issue such a permit once it is requested. Stewart couldn't identify who made the decision to issue the permit, but said that the decision came after a new legal opinion was issued by City Attorney **Lysia Bowling.** That legal opinion was not immediately available. Pensacola Mayor Ashton Hayward said Monday that he had not requested the opinion.

City planner Brandi Deese sent the following email to architectural review board members on Monday afternoon:

> Please be advised that the City Attorney has reviewed the application for the demolition of the structure at 302 W. Romana Street, and has determined that ARB did not act within the 31 day timeframe required in Section 12-13-3 (G) of the Land Development Code. According to Section 12-13-3 (I), such plans shall be deemed to have been approved. Per this determination, the Building Official will issue a demolition permit when an application is received.

Developers led by attorney Charles Liberis want to demolish the home and redevelop the 1.5 acre parcel with 27 townhomes. The city's architectural review board has twice postponed a vote on demolition in order to give preservationists time to develop a plan to save the home. Pensacola Mayor Ashton Hayward voiced his support for the demolition in April, arguing that redevelopment of the site would provide much-needed downtown housing and help grow the city's tax base.

Deese's comments reference a city code provision which states that the architectural review board "shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted, to the board for review." Liberis has argued that the board's decision to postpone a vote on demolition beyond the 31-day mark violates the code. However, the board has routinely postponed similar requests in the past, and the mayor's office said in April that the board's move to table a vote was effectively a decision.

John Ellis, a real estate broker and the president of the John Sunday Society, called the reversal "mind-blowing," noting that he had met earlier in the day with the UWF Historic Trust's board of directors, which expressed support for the Society's efforts to preserve the house. Ellis pointed to a recent situation where the ARB postponed a demolition request for a house in Old East Hill; the house was eventually relocated.

Ellis said Monday afternoon that he was consulting with legal counsel and examining the available options to stop the demolition. The issue was expected to come back before the architectural review board on the afternoon of June 16, as well as the city council later that same day. The administrative decision to issue a demolition permit would appear to preclude further discussion by either board on the subject.

Pensacola News Journal
April 16, 2015

City attorney: Council can't force mayor to act
Author: Will Isern

Access to the sixth floor of city hall will remain restricted for Pensacola City Council members following a legal opinion from City Attorney **Lysia Bowling**. The opinion could have other implications as well.

In the opinion issued Monday, **Bowling** wrote that the city charter clearly delineates power between the city's two branches and, pointing to state law, opined that the city council can't force the city's executive branch to take action. "... Based on the Municipal Home Rule Powers Act, it is my opinion that the governing body of the City cannot legislatively act in a manner that would change the allocation of powers the Charter currently provides, or would result in the exercise of powers reserved to the executive branch," **Bowling** wrote.

Bare will retain council gavel

The Municipal Home Rule Powers Act is the law by which local governments obtain their power from the state. The question of whether or not the council can direct Mayor Ashton Hayward's administration to act stems from a discovery made last year by City Council president Charles Bare that his City Hall access card would no longer allow him to travel to the sixth floor at City Hall.

Bare questioned city administrator Eric Olson about the change and Olson confirmed that, for security reasons, council members would need an escort if they wanted to go to the sixth floor. The sixth floor is where the city's finance staff work.

City Hall access prompts bigger question

In February, the council voted 5-2 to direct the mayor to undo the security change. Hayward did not veto the vote, but the change was never made, leading some on the council to wonder if the mayor is bound by anything they vote on. "It's the fact that we don't know now what resolutions he has to abide by," Bare said in March. "There's a number of things done by resolution, what's to say he won't ignore other things as well? The budget is done by resolution, is that binding or can he just move money around whenever he wants?"

In March, the council directed **Bowling** to draft an opinion as to whether their resolutions were binding on the executive branch. Though she did not explicitly say so, **Bowling**'s opinion implies that they are not. Bare said at Thursday night's City Council meeting that he wasn't convinced **Bowling**'s opinion answered the question that the council had asked, but **Bowling** did not want to elaborate on her opinion there, instead offering to make a presentation at a later workshop.

Pensacola News Journal
March 24, 2015

New city attorney's contract challenged
Author: Staff report

An employment contract signed by new Pensacola City Attorney **Lysia Bowling** more than a week ago still doesn't comply with with the municipality's charter. The contract states that only the mayor, Ashton Hayward, can terminate **Bowling**. In fact, according to the charter's section 5.03, a majority of the City Council would have to vote in favor of firing her.

"If the mayor wanted to dismiss the city attorney for some reason, he would have to bring it back to the council," Tamara Fountain, Hayward's chief of operations, said Tuesday. "It was an honest oversight. I already emailed Councilman Charles Bare about it and said that we would fix it. It was an honest mistake."

Fountain said Bare pointed the issue out. She said the city is preparing an addendum to the contract that conforms with the charter. That addendum should be done within a day or so, she added. Bare could not be reached for comment.

Council Member Sherri Myers said the contract's language underscores a tendency by Hayward's staff to overreach his legal authority: "The city attorney is supposed to work for the city, not just the mayor." "It seems like the person should wait (to start work) until everything is worked out," District 1 City Council Member P.C. Wu said. "We should follow the charter."

Bowling, Hayward, City Clerk Ericka Burnett and Edward Sisson, the city's chief human resources officer, signed the contract, which is dated March 16. **Bowling**, whose previous job was as the San Angelo, Texas, city attorney since 2009 started working remotely for Pensacola last week with an annual salary of $155,000. Staff and office to cost over $350K

The contract was signed after the City Council approved **Bowling's** hiring at its March 12 meeting, which is when the panel was scheduled to vote on hiring its own staff, including an attorney at a salary of up to $115,000 a year. The council voted instead to hire a consultant, for the time being, to help them put together a staff. Several council members, who are part-time, have said they need their own attorney to help draft ordinances, among other things.

San Angelo Standard-Times: Web Edition Articles (TX)
March 13, 2015

Bowling named city attorney for Pensacola
Author: Staff Report

San Angelo's former city attorney, **Lysia Bowling**, has been named city attorney for Pensacola, Florida. **Bowling**'s resignation was effective Friday, after more than five years with the city of San Angelo. **Bowling**, a graduate of Yale University, was nominated by Pensacola's mayor, according to news reports. Dan Saluri is serving as San Angelo's interim city attorney.

San Angelo Standard-Times (TX)
February 10, 2015

City's lawyer to step down
Author: Staff report

City Hall has some changes in the works. San Angelo's city attorney is resigning, and its city clerk is no longer "interim." **Lysia Bowling**, city attorney, has tendered her resignation effective March 13. "Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated," City Manager Daniel Valenzuela said in a city news release. "We wish her the best." Dan Saluri, senior assistant city attorney, will take over the post on an interim basis until a successor is named, according to the release.

Bowling joined the city staff in November 2009 after serving as an assistant city attorney in Miami. She came with more than 25 years of legal and supervisory experience to replace Mindy Ward, who retired as city attorney after 28 years. The city attorney represents the city in legal matters, providing counsel to the City Council, the city manager and city departments and boards.

The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the city for damages, eminent domain proceedings, collections, the prosecution of cases in municipal court, and adherence to open meetings and open records state statutes. Before coming to San Angelo she was an assistant attorney in Miami, serving as a police legal adviser for the city and a law enforcement instructor at the Miami Police Training Center.

Previously she worked in the Harlingen and Austin city attorney's offices and at the Texas State Comptroller of Public Accounts. She was featured in the January 1990 issue of Jet Magazine in an article on "Black Women in Criminal Justice" and in a Texas Bar Journal article on "Minority Women in the Law." She's happy in her San Angelo position. "I love it here," she said, adding that she had been seeking the challenge of returning to a leadership position in a city attorney's o'ce in Texas when she accepted the job. "I am a career public servant," she told me.

In the Jet article, headlined "Female Judge, Attorneys are Laying Down Law And Order in Austin, Texas," **Bowling** stressed the importance of being compassionate with members of the community. "I think I have a sense of how to help people conform to the law without crippling their lives," she said.

She became passionate when speaking of the importance of mentoring young people. Whether as a public speaker, a panelist of presenter in community, school and juvenile justice settings, she always desires to lend support to service professionals in their mission to educate young people and prepare them to function effectively in an adult society.

As city attorney, her role is to advise the City Council members, city staŸ and city department and boards. She renders explanations to clarify rulings so misunderstandings and unnecessary litigation can be avoided.

One evening when watching Channel 17, I was impressed with **Bowling's** explanation of the reason that the canvassing of the votes in last year's Tom Green County Precinct 1 justice of the peace race would not be challenged. While I disagreed with her conclusion, she had done all of the checking and talked to the Secretary of State's O'ce, and the advice was to accept that the uncounted 1,500 votes would not have changed the outcome.

Bowling has had plenty of inspiration in her life. "I looked up to 'firsts' who overcame negative stereotyping about women and minorities in the legal profession who were able to thrive," she said. "I hope in my career I have set the same footprints for other aspiring legal professionals who are trying to navigate the same struggles. We should always seek to uplift, encourage and inspire the children of our community to have a vision and an opportunity to become educated, which is the pathway to advancement. "My goal is to represent the city of San Angelo the very best that I can while enriching the community. I take my duty and responsibility very, very seriously and I am honored to be welcomed here."

We do welcome **Bowling**, and not only do we expect her to do well in her job, we look forward to her inspiring young people to set high goals for themselves and to understand that education is the key to achieving them.

San Angelo Live
February 9, 2015

City Attorney Resigns
Author: Joe Hyde

City Attorney **Lysia H. Bowling** has tendered her resignation, effective March 13. **Bowling** joined the City of San Angelo in November 2009. Her tenure has seen many controversial issues pass across her desk, including the trash contract and the sand depot controversies. The latest was the blowup over Lee Pfluger's sand depot. Privately, some city officials said that her approach to the controversy, and advice, has been too limited and timid. Appellant H.R. "Winkie" Wardlaw III, a former city councilman said that the city legal staff was offering bad advice to council.

She was mysteriously missing from all of this year's most contentious meetings on the sand depot, and many were speculating that she was fired. City Manager Daniel Valenzuela denied her termination two weeks ago in an email.

According to the City of San Angelo, the city attorney represents the City in legal matters, providing counsel to the City Council, the city manager, and City departments and boards. The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the City for damages, eminent domain proceedings, collections, the prosecution of cases in Municipal Court, and adherence to open meetings and open records state statutes.

“Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated,” Valenzuela said. “We wish her the best.” Senior Assistant City Attorney Dan Saluri will serve in the post on an interim basis until a successor is name.

San Angelo Standard-Times (TX)
September 30, 2009

City Council hires new city attorney from Miami
Author: Staff report

The City Council has hired **Lysia Bowling** as the San Angelo city attorney. **Bowling** is an assistant city attorney in Miami, Fla. She has more than 25 years of legal and supervisory experience, a City Hall news release states. **Bowling** will start Nov. 1. She replaces Mindy Ward, who is retiring after serving as city attorney for the past 28 years. **Bowling** will be paid $141,500 annually. "We feel that **Lysia** is the best person for the job, based on the needs of the community, her experience and the intangibles that she can bring," said City Manager Harold Dominguez.

The city manager also noted that **Bowling** has a "strong commitment to civic and community services." **Bowling** has worked for Miami since October 2007, according to the news release. She has also worked for a number of Texas agencies, including the Harlingen Office of City Attorney, the Austin City Attorney's Office and the Texas State Comptroller of Public Accounts.

Bowling received her bachelor's degree in political science and Latin American studies from Yale University in May 1976 and her law degree from the University of Virginia in May 1979. The city attorney's duties include coordinating and directing all operations of the City Attorney's Office; representing and defending the city in various legal matters; serving as legal adviser to the City Council, city manager and other city personnel; and reviewing and preparing legal responses, briefs, memos, ordinances, resolutions, policies and other documents.

https://newspaperarchive.com/valley-morning-star-jan-05-1996-p-1/Valley Morning Star January 8, 1996

Official's husband cleared
Author: Allen Essex

Official's husband cleared

Judge dismisses charge of attempted indecency with child against Prim

By ALLEN ESSEX
Valley Morning Star

BROWNSVILLE – A state district judge has dismissed a charge of attempted indecency with a child against the husband of Harlingen's city manager.

The charge against Bryan Burroughs Prim III was dismissed Wednesday in Judge Menton Murray Jr.'s court.

Prim, 55, husband of Harlingen City Manager Natalie Prim, was accused of attempting to fondle the 10-year-old son of former City Attorney Lysia Bowling.

Bowling resigned in December 1994 and received a $45,000 settlement as part of an agreement that prevents her from discussing her departure from City Hall.

In a written statement issued Thursday, Bryan Prim said: "Since my original statement of April 1995, I have been fully prepared to face a court of law with the truth. We were sustained by Christ and each other, in addition to thousands of prayers offered in support. We have grown in character and compassion from the experience."

A June 1994 report to police by Child Protective Service caseworker Miriam Luna had alleged that Prim "has been rubbing against the complainant and moving up and down on top of the complainant to gratify his sexual desires."

District Attorney Luis Saenz said the dismissal of the charge against Prim was done in the interest of the child and had nothing to do with Bowling's settlement agreement with the city.

A document in the court file signed by Bowling, as the witness and the child's mother, requests the matter be dropped.

"We dismissed the case on a basis totally independent of (Bowling's agreement)," Saenz said. "Lysia Bowling signed for us an affidavit of non-prosecution on behalf of her son."

Bowling had previously agreed to testify.

The affidavit "doesn't mean she won't testify," Saenz said. "It

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means she doesn't want to proceed with the case. It doesn't have anything to do with the settlement."

There are no plans to prosecute Prim again on the same case in the future, the district attorney said.

"The basis for the decision was the best interest of the child," he said.

Forcing the child to go through the ordeal of testifying is a factor to consider, he said.

"Every case is different," Saenz said. "In every case, we allow the victim — in this case the victim's family because he's a minor — great input into the final decision we make."

In a motion filed in October, Bryan Prim's attorney, Joe Connors of McAllen, asked that Murray issue a ruling requiring city employees to testify in the case.

This was prohibited by the agreement between the city and Bowling.

If the judge could not do that, the motion asked that Murray dismiss the case.

Bowling, who is now employed by the city attorney's office in Temple, did not return a telephone call Thursday from the *Valley Morning Star*.

Valley Morning Star - https://newspaperarchive.com/valley-morning-star-oct-24-1995-p-2/
October 24, 1995

Prim gets a new trial date
Author: Allen Essex

Prim gets new trial date

Attorney orders city employees mum on molestation charges

By ALLEN ESSEX
Valley Morning Star

BROWNSVILLE — The trial of a Harlingen man who faces a child molestation charge has been postponed until Jan. 8.

Bryan Burroughs Prim III, husband of City Manager Natalie Prim, is accused of attempting to fondle the son of former City Attorney Lysia Bowling on July 18, 1994. His trial in Judge Menton Murray's court was to have begun today.

Prosecutors and defense attorney Joe Connors of McAllen agreed to resetting the trial, a court official said.

Connors has filed a motion in court asking Judge Menton Murray Jr. to rule that city of Harlingen employees who may be required to testify in the case can talk to him about the case.

If the judge will not order Harlingen employees to talk, Connors has asked that the case against Bryan Prim be dismissed.

Connors says he cannot effectively defend Prim without questioning potential witnesses.

City Attorney Brendan Hall has ordered city employees not to talk to anyone about the case because of a confidentiality agreement signed by both sides, Connors stated in a court document.

Hall declined to comment on his instructions to city officials and employees.

The agreement, which prohibits city employees from revealing that Bowling was pressured to resign, also includes a $45,000 settlement and provision of health insurance until Bowling gets a new job that provides insurance.

In June, Bowling filed a breach of contract lawsuit claiming that comments made by Mayor Bill Card, quoted in newspapers, violated the confidentiality agreement.

Bowling has created a situation in which criminal charges have been brought against Prim, and also entered into an agreement which forbids city officials and employees from testifying, making it impossible for Prim or his lawyers to defend him, Connors states in the motion.

"Thus (Prim) must move for dismissal of the above case or request a motion for judicial authority for potential witness employees and officials of the city of Harlingen, Texas, to talk to the defense lawyer(s), investigators and representatives of the above defendant," Prim's lawyer states.

The Brownsville Herald - https://newspaperarchive.com/brownsville-herald-apr-15-1995-p-16/
April 15, 1995

Husband, 55, is accused of indecency
Author: Josh Lemieux

Husband, 55, is accused of indecency

By JOSH LEMIEUX
Associated Press Writer

HARLINGEN — The husband of the Harlingen city manager was arrested Thursday on charges of attempted indecency with the child of the former city attorney.

Bryan Prim, 55, was booked into the Cameron County Jail and released on $10,000 bond.

"I am prepared, without a doubt, to prove my innocence in a court of law," Prim read from a statement. "Our hearts go out to the many that have been hurt by a false accusation."

Prim said his attorney is Joe Connors of McAllen, who declined to discuss the case.

A county grand jury issued an indictment on March 22 charging him with a felony count of attempted indecency with a child. The indictment was held under seal until Prim's arrest Thursday.

Prim is married to City Manager Natalie Prim.

The indictment alleges that Prim reached under the victim's shorts and touched his leg in July 1994.

At the time, the victim's mother, Lysia Bowling, was employed as city attorney — a position subordinate to Mrs. Prim.

Bowling complained to Harlingen police in July 1994 that her son said he was touched inappropriately by Bryan Prim on three occasions. The boy's complaint emerged in sessions with San Benito psychiatrist Susan Ander, who referred the case to the state's Child Protective Services unit, according to the police report.

In December, city commissioners approved a confidential settlement under which Bowling agreed to step down.

Bowling, who now lives in Austin, said by telephone Thursday that the terms of the settlement prevent her from publicly discussing her reasons for leaving.

The city paid a lump sum of $45,000 to Bowling, the Valley Morning Star has reported.

Austin American-Statesman
April 16, 1990

Law firm puts city traffic cases in a jam
Call for jury trials produces pileup
Author: Jim Phillips

The war of attrition between a lone upstart out-of-town lawyer and the amassed authority of the City of Austin continues unabated in the trenches of Municipal Court. The weapons include delaying tactics, legal technicalities, good memories, poor memories, implicit threats, explicit threats, vindictiveness, extenuations, exonerations, discriminations, writs, motions, the sheer weight of numbers, tens of thousands of dollars and time. It is a lot of hoopla for a few speeding tickets.

The law firm of Miller and Herring, an Amarillo concern that does a lot of speeding-ticket business in the Panhandle, decided to test the market in Austin two years ago. At the time, Austin's municipal courts held jury trials only one afternoon every week. There are now three afternoons given over to jury trials, and the courts are seeking money to add a fourth, and maybe a fifth, day of trials, thanks to Miller and Herring.

The law firm's business in Austin includes about 1,600 pending cases, and it has already disposed of 1,000 or so speeding tickets. Jury trials for the firm's clients are now being scheduled for January 1991, and the backlog continues to grow. To handle that load, the firm has one - count 'em - one lawyer.

That fact alone annoys court officials. But also contributing to the animosity are the overwhelming number of pending cases, the crush of crowded dockets, the tedious and wasteful process of issuing subpoenas for a dozen police officers when only one case will go to trial and the cases lost when police officers fail to show up. "This law firm turns this whole thing into a circus," said **Lysia Bowling**, chief prosecutor in Municipal Court. "It is really a burden because the issues are so very narrow. It's like a perpetual, endless cycle."

When **Bowling** gets a jury conviction for one of Miller and Herring's clients, she goes for the jugular. "I always ask for a (maximum) $200 fine, and I usually get it. My fines are normally over $100." She goes for the throat not of the client, but of the firm, whose Austin lawyer is Pam Oglesby. The firm pays all fines assessed its clients.

Bowling said she asks for the maximum "to penalize her (Oglesby), in a way, indirectly, because the firm pays the fines - also because we've gone to all this trouble." "Yes, we are vindictive. That's the only way we feel like we gain a little."

Municipal courts need to feel like they gain something from the cases because generally they are losing - cases and money. City officials estimate that it costs $12,000 a year for each afternoon of jury trials. That means if jury trials are scheduled for three days a week, it costs the city

$36,000 a year for jurors, a court reporter and a bailiff. That does not cover the costs of part-time judges who often are called in, the costs of staff time or the costs of police officers' time.

Only one jury trial can be held each afternoon on one of Oglesby's clients, so even if the City Council agrees to fund five afternoons of jury trials a week, the city would be spending more than $60,000 a year to dispose of 250 cases a year. At that rate it would take more than six years just to take care of the current backlog. Miller and Herring ensure that their backlog continues to grow by sending advertisement cards to everyone who receives a traffic ticket from Austin police.

Considering that Oglesby loses about 80 percent of her trials, the firm could not live on jury verdicts alone. Clients are charged a flat fee of $125, which would be a losing proposition if every case went to trial. Where the firm comes out ahead is when cases are dismissed, which is what happens every time a police officer fails to appear in court to be ready for a trial that he or she knows is probably not going to happen. Some of the officers have left the force, some are busy with other duties, and some get tired of wasting their time.

Bowling estimates dismissals occur three or more times a week. Oglesby says it is much more frequent, and says that over time the number of dismissals accumulates to the point that 90 percent of the firm's cases never get to trial. City officials believe the figure is well under 90 percent.

Whether the process of trying to outlast the police amounts to using or abusing the system depends on whom you talk to. "If (a defendant) wants a jury trial, I respect that," **Bowling** said. "But it's just that she's taking advantage of it. It's like Russian roulette."

Oglesby said, "We're getting more and more backlogged." Speaking on Thursday, she said, "Yesterday we had 11 cases (on the docket), and they were all from '88. They just get older and older. "There's no question it's costing the taxpayers an inordinate amount of money," Oglesby conceded. "I'm sorry about that, because it's a waste of money. "We're required by law to do the best we can for our clients, and . . . the best job I can do for my client is set it for jury trial, make them bring in a jury, go to that expense and that extreme."

There is one simple solution to the problem: plea bargaining. "The fact that they will not plea bargain (means) nine out of 10 are walking away. If that's their choice, they're entitled to make that choice, but they have to accept" that it costs the city considerable money in expenses and in lost revenue.

Virtually every county and district court in the nation engages in plea bargaining, and in many Texas cities the municipal courts also allow the practice. In traffic cases, defendants would plead guilty to a non-moving violations, thus saving themselves higher insurance costs, and in return pay a fine equal to or higher than the traffic ticket. Or, the defendant would receive deferred adjudication, in which the ticket is dismissed if he or she pays the fine and does not receive another ticket for a period of time, often six months.

Harriet Murphy, presiding judge of Austin's municipal courts, said plea bargaining of that sort is not allowed, although a person with more than one ticket often can get one dismissed in return for paying the fine on the other. "There are many reasons not to," Murphy said. "I think it favors the more wealthy people who can come up with those large special expenses, and poor people would not have that opportunity." Many speeders can have their tickets dismissed without hiring a lawyer by taking driver education courses, but those courses can be used no more than once every two years.

Murphy said a computer program is being created to automatically assign cases involving one officer to a day when he has other cases assigned. The process will reduce the number of officers required to show up for jury trials on any given day. Meanwhile, the war goes on, and victims continue to fall. **Bowling** continues to set, reset and reset again the thousands of pending cases. "There's nothing refreshing about it," she said. "It's just us accommodating the way they're making money."

Austin American-Statesman
January 20, 1990

'Jet' honors role models in Austin
3 black women in law praised for examples
Author: Austin American-Statesman

Three Austin women with law-related careers are featured in the most recent issue of Jet magazine, a weekly newsmagazine targeting black readers, for an article on minority role models. "I feel very proud," said Municipal Court Judge Harriet Murphy, who appeared in the magazine along with acting City Attorney Iris Jones and **Lysia Bowling**, the city's chief prosecuting attorney.

"Blacks in Austin, Texas, particularly women and children searching for positive role models, need not look further than 700 East 7th Street in their city," the article states. "At that address stands the Municipal Court of Austin where three legal authorities bring justice to their communities."

Murphy, a presiding judge since 1988, told the magazine she believes having more minorities involved in the legal system would "set a more positive stage in the courtroom for minorities." "The magazine thought it was unusual that three black women held these particular positions, not just in a southern town, but in any town," Murphy said.

Jones said it is important for women and minorities to hear about role models in law-related professions, because it is a field that traditionally has been dominated by white men. "When I was growing up I had role models and people who inspired me to succeed," she said. "I think young people today still need that, to let them know they can succeed whether they are black or female or Hispanic."

Research Compiled by: Cindy Congdon
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 4

Cynthia A. Everett

Fort Pierce City Attorney Candidate Report

Section 4

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Cover Letter and Resume

CYNTHIA A. EVERETT
cae@caeverett.com
(305) 598-4454

October 17, 2018

Via E-Mail Only
Recruit37@cb-assoc.com

Mr. Colin Baenziger
Colin Baenziger & Associates
2055 S. Atlantic Avenue, Ste. 504
Daytona Beach, FL 32118

Re: City Attorney, City of Fort Pierce

Dear Mr. Baenziger:

Enclosed is my résumé for consideration for the position of City Attorney for the City of Fort Pierce.

As a seasoned attorney with significant experience, my qualifications for the position of city attorney include previous experience as the chief legal officer for the Florida municipalities of Opa-locka, Pinecrest and Fort Lauderdale as their municipal attorney. I have also served as an Assistant State Attorney for Miami-Dade County and an Assistant United States Attorney for the Southern District of Florida.

These positions have provided me with experience in litigation, managing and directing professional and support staff employees, preparing budgets, drafting documents, interacting with elected and appointed officials, the public and the media, and as a municipal attorney, regularly providing advice and opinions on substantive, local government law issues in the areas of land use and zoning, public works, public safety, public finance, human resources, civil forfeitures, ethics, conflicts, public meetings and public records.

I welcome the opportunity to further discuss my qualifications for this position and to answer any questions. I may be contacted by telephone at (305) 598-4454 or by email at cae@caeverett.com.

Very truly yours,

Cynthia A. Everett

Cynthia A. Everett

CYNTHIA A. EVERETT

(305) 598-4454 | cae@caeverett.com

PROFESSIONAL EXPERIENCE

City Attorney, City of Fort Lauderdale, Fort Lauderdale, Florida
2013 – 2018
Served as chief legal officer for city of 165,000 and as general counsel for the City of Fort Lauderdale Community Redevelopment Agency. Managed a staff of eleven attorneys and multiple support personnel; supervised outside counsel; developed annual budgets; prepared and reviewed ordinances, resolutions, contracts and related legal documents in the areas of land use and zoning, labor and employment, real estate, public works, public safety, public finance, grants, and economic development; provided legal advice and opinions to the City Commission, executive officers and department directors, provided guidance and opinions in the areas of ethics, conflicts of interest, elections, public records and government in the sunshine issues; attended all City Commission and Board meetings, conducted, and assisted in, investigations of complaints of local, state and federal laws as requested, and represented the City in legal matters before state and federal courts, and administrative agencies.

Cynthia A. Everett, P.A., Miami, Florida
Managing Attorney
Village Attorney, Village of Pinecrest, Pinecrest, Florida
1999-2013
General Counsel, Our Kids of Miami-Dade/Monroe, Inc., Miami, Florida
2005-2011
Practiced in the areas of labor and employment, local government and insurance defense law. Served as Village Attorney and chief legal officer for the Village of Pinecrest, Florida (1999-2013). Provided legal advice to the Village Council, Village officials and Village staff; attended all regular and special meetings of the Village Council; attended code enforcement and planning board meetings and handled litigation matters involving land use and zoning, contractual matters, civil forfeitures and appeals. Conducted and assisted in investigations of complaints of violations of local, state and federal laws. Served as Special Counsel for the City of Miami Civil Service Board and the City of North Miami, as an investigator for the City of Hallandale Beach, and served as special magistrate for code enforcement for the Town of Miami Lakes.

Adjunct Law Professor, Florida International University College of Law, Miami, Florida
2004 – 2008
Taught upper division courses in Employment Discrimination and Local Government Law.

EXPERIENCE (continued)

City Attorney, City of Opa-locka, Opa-locka, Florida
1997 - 1999
Served as chief legal officer for city of 17,000. Provided legal advice to city officials and department heads. Handled litigation matters involving labor and employment law, tort and contractual matters, as well as zoning and other municipal issues.

Law Offices Williams & Associates, P.A., Miami, Florida
Senior Associate, 1995 - 1997
Practiced in federal and state courts in the following areas: personal injury, medical malpractice, commercial litigation, employment law, including discrimination and wrongful termination. Represented parties in administrative hearings before the Florida Public Employees Relations Commission and the U.S. Equal Employment Opportunity Commission. Served as a Hearing Examiner for bid protest matters for Miami-Dade County.

United States Attorney's Office for the Southern District of Florida, Miami, Florida
Assistant United States Attorney (Civil Division), 1989 - 1995
Defended the United States in civil lawsuits involving personal injury, medical malpractice, employment discrimination and other general civil cases. Prosecuted civil fraud, contract, labor and civil forfeiture cases.

Miami-Dade County State Attorney's Office, Miami, Florida
Assistant State Attorney, 1982 - 1989
Prosecuted criminal cases in county, juvenile and circuit courts. Served as Felony Division Chief (1987-1989). Supervised three attorneys; prosecuted homicide and other specially assigned criminal cases.

BAR ADMISSIONS AND CERTIFICATIONS

- Admitted to The Florida Bar
- Admitted to the District of Columbia Bar
- Admitted to the District Court for the Southern and Middle Districts of Florida
- Admitted to the United States Court of Appeals for the Eleventh Circuit
- Admitted to the United States Supreme Court
- Supreme Court of Florida Certified Civil and Appellate Mediator
- Florida Bar Board Certified in Labor and Employment Law

EDUCATION

The George Washington University, Washington, D.C.
Juris Doctor, 1982

The Florida State University, Tallahassee, Florida
Bachelor of Arts, December 1978
Major: Government

PROFESSIONAL AFFILIATIONS

- Florida Municipal Attorneys Association, President-elect, 2017-2018
- The Florida Bar:
  - Leadership Academy Committee, 2013-2016
  - Annual Convention Committee, 2011-2013
  - Executive Council City, County and Local Government Law Section, 2004-2011
  - Labor and Employment Law Certification Committee, 2000 to 2002
  - Elections Committee, 1999-2000
  - Long Range Planning Committee, 1999-present
  - Executive Council Trial Lawyers Section, 1997 to 2003
  - Board of Governors Special Committee on Election Reform, 1998
  - Trial Lawyers Section and Labor and Employment Law Section, 1996 to present
  - City, County and Local Government Law Section, 1997 to present
  - Grievance Committee, 1991-1994, Chair, 1993-1994
  - Student Education and Admissions to the Bar Committee, 1992-1995
  - The Florida Bar Board of Governors, 1994 to 1998
  - Rules Committee Chair, 1997-1998
  - Pro Bono Legal Services Committee Chair, 1997-1998
  - Disciplinary Review Committee, Chair, 1996 to 1997
  - Board Review Committee on Professional Ethics, Vice-Chair, 1995-1996
  - Special Committee to Study Board Composition, 1997
  - President's Special Task Force on Advertising, 1995-1997
- National Bar Association:
  - Region XI Director, 2006 to 2007
  - Special Assistant to the President, 2005-2006
  - Chief of Staff to the President, 1994-1995
  - Chair, Resolutions Committee, 1994-1995
- National Black Prosecutor's Association

PROFESSIONAL AFFILIATIONS (continued)

- Virgil Hawkins Florida Chapter National Bar Association General Counsel, 2004-2005 Treasurer, 1993 to 1997
- Dade County Bar Association
- National Bar Association-Women Lawyers Division, Dade County Chapter k/n/a Gwen S. Cherry Black Women Lawyers Association, President, 1989 to 1991
- State of Florida:
  - Eleventh Judicial Circuit Nominating Commission, 2004-2008
  - State of Florida Third District Court of Appeal Judicial Nominating Commission, 1991 to 1995
- United States District Court, Southern District of Florida:
  - Magistrate Judge Merit Selection Panel, 2009
  - Ad Hoc Committee on Court Annexed Mediation, 2007-2017
  - Ad Hoc Committee on Rules and Procedures, 2005-present
  - Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney
  - Grievance, 1997-1999
- Florida Association for Women Lawyers
- Black Lawyers Association, k/n/a Wilkie D. Ferguson, Jr. Bar Association:
  - President, 1999-2000
  - Co-Chair Election Committee, 2000-2001
  - Chair-Issues Committee, 2004-2005.
- Dade County Bar Put Something Back Program
- Volunteer Lawyers Project-Southern District of Florida

CIVIC AND COMMUNITY AFFILIATIONS

- Chair, Board of Directors, Cherry Bar Foundation
- Miami-Dade County League of Cities City Attorney's Advisory Committee
- Miami-Dade County Ethics Task Force Member
- United States Selective Service Board Member
- Gwen Cherry Park Foundation: Board Member and Treasurer
- Big Brothers Big Sisters of Greater Miami
- United Way of Dade County: Board of Trustees/1993 Campaign Cabinet
- NAACP, Life Member
- Kings Creek Village Townhouse Association, Inc., Board of Directors
- Miami Partners for Progress
- Mentor, University of Miami School of Law, Professional Opportunities Program
- Literacy for Every Adult in Dade/JUMP Advisory Council
- Cities in Schools of Miami, Inc.

PROFESSIONAL AND CIVIC ACTIVITIES

- Moderator, "Election Trends and What you Should know When Considering a Run for Public Office", 5th Annual Women of Color Empowerment Conference, September 2015
- Moderator, "Sober News about Sober Houses", Miami-Dade County League of Cities Third Annual Best Practices Conference
- Guest Speaker, "Conflict Resolution", Alpha Kappa Alpha Pi Delta Omega Chapter Annual Weekend Retreat, 2013
- Panelist, American Bar Association, Emerging Issues In Healthcare Law Conference
- "Breast Cancer Legal Advocacy Workshop", February 2013
- Speaker, Florida International University College of Law, Professionalism Workshop, January 2011
- Panelist, Miami-Dade FAWL Luncheon - "Taking Control of Your Career", Jan. 2011
- Member, Miami-Dade County League of Cities, City Attorney's Advisory Committee 2011-2013
- Fund-raising Committee, Miami-Dade County Law Library, 2008
- Co-Chair, 2007 Anti-Defamation League Jurisprudence Luncheon
- Co-Chair, National Bar Association Mid-Year Conference, 2007
- Law Day keynote speaker, Lawson E. Thomas Courthouse Center, Judge Rippingille, May 2005
- Panelist, Florida Bar Minority Bar Summit, January 2005
- Panelist, Eleventh Judicial Circuit, New Judges Orientation, Fall 2004
- Panelist, Rachlin Cohen & Holtz LLP The 7th Annual Governmental Symposium, October 2001
- Speaker, Stetson University College of Law and The Florida Bar Labor & Employment Section Fifteenth National Conference on Labor and Employment Law, September 2001
- Participant, Florida Board of Bar Examiners Symposium for Bar Admission Strategies, March 2001
- The Florida Bar Trial Advocacy Seminar, February 2000
- Seminar Workshop Leader, 1999 International Association of Black Professional Firefighters, Inc. Fall Conference
- Speaker, The Florida Bar Government Lawyer Section and American Bar Association Government and Public Sector Lawyers' "Professionalism Under the Palms" Seminar, May 1999
- Speaker, Nova University College of Law Symposium on Professionalism, 1998

PROFESSIONAL AND CIVIC ACTIVITIES (continued)

- Panelist, 1997, the Florida Bar All Bar Conference, "Increasing Membership & Inclusivity In Your Bar Organization"
- Presenter, "An Overview of Non-Compete Agreements", National Bar Association Corporate Counsel Conference, New York, New York, 1997
- Speaker, "Women In The Law" Luncheon, Southern Regional Black Law Students Association Convention, 1995
- Member, Florida Bar Meritorious Public Service Award, 1994
- Steering Committee, The Women's Hemispheric Conference, 1994
- Chief of Staff to President, National Bar Association, 1993-1994
- Instructor, U.S. Department of Justice Civil Trial Advocacy Course, Washington, D.C., 1993

HONORS AND AWARDS

- T.J. Reddick Bar Association Achievement in the Profession Award, 2018
- Gwen S. Cherry Black Women Lawyers Association Community Pillar Honoree, 2018
- The Florida Bar City, County, Local Government H. Hamilton "Chip Rice", Jr. Award, 2013
- U. S. District Court for the Southern District of Florida Black History Month Committee Legal Trailblazer Award, 2011
- Wilkie D. Ferguson, Jr. Bar Association Foundation Distinguished Honoree Award 2010
- Miami-Dade Florida Association of Women Lawyers 2009 Mattie Belle Davis Award
- Alpha Kappa Alpha, Pi Delta Omega Chapter 2009 Spirit Award
- Equal Opportunities in the Profession Award, The Florida Bar Equal Opportunities Law Section, 2006
- Put Something Back Pro Bono Service Award, July 1999
- Delta Sigma Theta, Sorority, Inc., Miami Alumnae Chapter, Outstanding Achievement in Law Award, March 1999
- Champions of Change Award, St. Thomas University Black Law Students Association, 1998
- Black Lawyers Association, Inc. Honoree, 1996
- University of Miami Black Law Students Association Nelson Mandela Award, 1995
- Member, Florida Bar Meritorious Public Service Award, 1994
- National Bar Association Presidential Award, 1994
- Florida Trend Florida's Legal Elite
- Florida Super Lawyers®
- South Florida Legal Guide Top Attorney
- AV Rated-Martindale Hubbell

Candidate Introduction

Cynthia A. Everett

EDUCATION

The George Washington University, Washington, D.C., Juris Doctor Degree
The Florida State University, Tallahassee, Florida, Bachelor of Arts in Government

EXPERIENCE

City Attorney, City of Fort Lauderdale, Fort Lauderdale, Florida 2013 – 2018
Managing Attorney, Cynthia A. Everett, P.A., Miami, Florida
Village Attorney, Village of Pinecrest, Pinecrest, Florida, 1999-2013
Corporate Counsel, Our Kids of Miami-Dade/Monroe, Inc., Miami, Florida, 2005-2011
Adjunct Law Professor, Florida International University College of Law, Miami, Florida 2004 – 2008
City Attorney, City of Opa-locka, Opa-locka, Florida, 1997 - 1999
Law Offices Williams & Associates, P.A., Miami, Florida, Senior Associate, 1995 - 1997
Hearing Examiner for bid protest matters for Miami-Dade County, 1995-1997 (approximately)
Assistant United States Attorney (Civil Division), United States Attorney's Office for the Southern District of Florida, Miami, Florida, 1989 - 1995
Assistant State Attorney, Miami-Dade County State Attorney's Office, Miami, Florida, 1982 - 1989

BACKGROUND

Fort Lauderdale, Florida is the eighth largest city in the State of Florida and describes itself as the Venice of American due to its many waterways. Its population is approximately 177,000. It is the largest city in Broward County, Florida and serves as the government, business and transportation hub for the County. It may be best known for its marine and yachting industry, its beaches, the International Swimming Hall of Fame, the Executive Airport and the movie, "Where the Boys Are".

The City of Fort Lauderdale has approximately 2,800 employees. As city attorney, I supervised 24 employees, of whom 13 were support staff and 11 were attorneys. Prior to my tenure as city attorney, the majority of significant litigation work was contracted to outside counsel. During my tenure, a litigation division was established and I estimate that at the time of my departure, approximately 25 percent of litigation matters were handled by the City Attorney's Office. Outside counsel were retained to handle public finance, employment administrative matters (EEOC complaints, grievances and arbitrations), and labor (union negotiation) matters.

The most significant legal issues handled by my office related to:

-Elections/Charter: The election of a commissioner was challenged and at a later date there were issues regarding scheduling the date of an election;

Environmental issues: There is an ongoing lawsuit that was instituted prior to my tenure regarding an alleged toxic waste site;

Land development: There is ongoing conflict between residential communities and developers as to the location, height and density of development particularly on Fort Lauderdale Beach;

Transportation: The City recently resolved an issue relating to building a downtown street car system. A change in the City Commission eliminated support for the system, but the City had existing agreements with partners with binding financial obligations. Ultimately, the project was abandoned due to the high cost.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I am at least a third generation Floridian on my father's side and have spent most of my adult life in Florida. My father, who was born and raised in Cocoa, Florida, served in the United States Army as an air defense officer and retired as a lieutenant colonel. My mother is a retired educator and moved with her parents from Georgia to south Miami-Dade County when she was in elementary school. Both of my parents graduated from Florida A & M University and maintained Florida as their residence during my father's military career. I was born in Connecticut and graduated from high school in Brooklyn, New York before attending college at Florida State University. After graduating from law school, I came to South Florida where I have continually practiced law.

Fort Pierce and St. Lucie County are not unknown to me as I have relatives and friends who live in both St. Lucie and Indian River Counties. Many of the issues and concerns of Fort Pierce are the same or similar to the issues and concerns that I dealt with in Fort Lauderdale such as redevelopment, homeless and related public safety issues, increasing cultural arts venues and environmental and infrastructure concerns. My experience includes working for smaller municipalities as well as a mid-sized city such as Fort Lauderdale, and a transition to a city such as Fort Pierce does not pose a problem or concern for me.

I believe that the most important attributes of a successful city attorney are the ability to communicate clearly and effectively with the City Commission and other charter officers; the ability to understand and to appreciate the political concerns of the City Commission and recognizing the role of the city attorney which is to provide relevant, cogent legal advice which will assist the city in accomplishing its goals.

When my governmental entity is sued, I first want to know the date that the matter was filed, when we were served and when a response to the lawsuit is due. I then assess the nature of the lawsuit and determine whether the matter should be handled by in-house counsel or outside counsel. Depending on the nature of the lawsuit and the desire of the entity, notice of the lawsuit is provided

to appropriate parties. Each lawsuit is then assessed to determine what should be an appropriate resolution and once that is determined, steps taken to achieve the desired outcome. Some cities have a risk management division or department which takes an active role in helping to manage and resolve litigation and in those cases, I or the assigned attorney will work with the risk division to achieve the desired result.

I have a collegial, flexible style of management. In my experience, no one style is appropriate for all situations. Everyone does not communicate in the same manner. Employees have different backgrounds and different experiences and those factors must be taken into account when managing people. I try to be open and transparent in my communications and I expect the same in return. I encourage employees to come to me with any issues and emphasize that I have to know about issues in order to address them. I encourage feedback and proposed solutions, and I believe strongly in training and career development.

When it comes to elected officials, my philosophy is not to allow them to be surprised by anything. I want my elected officials to be fully informed at all times so that they can be prepared and can make informed decisions. I communicate with elected officials in the manner that they indicate is best for them and that is consistent with maintaining confidentiality, privilege, and public records.

Though I cannot tell you what either the members of the Fort Lauderdale City Commission for whom I worked or the City Manager would say, I can tell you that at my last evaluation in June 2017, all five commissioners voted to give to me the maximum merit increase. I think that they and the City Manager should say that I am intelligent, fair, ethical, hard-working, inquisitive, forthright, resourceful and supportive, especially of my employees. Similarly, in addition to those qualities, I see my strengths as being someone who is energetic, accountable, personable, collegial, service-oriented, and who has a sense of humor. As for weaknesses, I find that I hold myself to exceptionally high standards and I am sometimes too willing to accommodate the needs of others.

Throughout my legal career I have achieved several "firsts" and had some notable accomplishments. I was the first black, woman division chief in the Miami-Dade State's Attorney's Office, I was the first black woman to serve as the municipal attorney for the Village of Pinecrest and served there for 13 years. I was the first black lawyer and first woman lawyer to serve as the city attorney for the City of Fort Lauderdale. I have had the honor of successfully arguing before the Florida Supreme Court and being elected to The Florida Bar Board of Governors. However, I feel that my greatest achievement to date is being a role model and inspiration to others. Throughout my legal career, students, lawyers, non-lawyers and staff have told me how they admire my leadership, professionalism and my career guidance to them over the years.

I think that my greatest mistake to date was as a new lawyer, I relied on the representation of an opposing counsel in a litigation matter. I learned of the misrepresentation before any action was taken and my client did not suffer as a result, however, the experience taught me to confirm and verify information in all situations before taking an action.

When I find that an employee's work is not satisfactory, my approach is to let the employee know my thoughts as soon as I can. An employee should not be surprised at an annual evaluation, or when discipline is imposed, to find that there have been one or more episodes of unsatisfactory performance. In addition to timeliness, documentation of the problem or problem areas should be presented at the time of notice.

In a recent situation, I did provide an employee with notice that I would have to terminate the employee if the employee's performance did not improve. The employee worked for an attorney in my office and the attorney informed me that the employee's job performance was unsatisfactory. I asked for documentation which was provided. A meeting was held with the employee, the employee's immediate supervisor, the attorney and me. I decided to delay the employee's annual evaluation for three months (an informal improvement plan) to see if the performance improved. The performance did not improve and the employee received a low performance evaluation. The employee was advised at that time that if the employee's performance problems continued, the employee would no longer be employed in the office. The employee's performance continued the downward trend and the employee was given a date by which the employee was to resign or be terminated. The employee was fortunate enough to find another position within the organization by the deadline.

During the first six months I would meet with the City Commissioners, charter officers and department directors (if deemed appropriate by the city manager) to assess their needs and desires. My initial goal would be to determine whether the City Attorney's Office has been effectively meeting the needs of the City and if not, what changes, if any, needed to be made. At the end of this initial period, I would hope to have achieved a collegial working relationship with all City stakeholders, be well-versed in understanding how the City Attorney's Office will aid in the long-term plans of the City and be well on my way to becoming integrated into the City of Fort Pierce.

As a city attorney, I generally do not comment on specific legal matters unless instructed to do so by my client. When appropriate, I do provide factual information or an explanation of a legal or government proceeding or decision to aid the media in producing a report. In my last position, the city had a public information division which handled most media requests. I or a member of my office would provide the public information personnel with whatever information was needed to provide a response.

In my leisure time, I visit with family and friends, travel and attend cultural events. I have not done anything that would embarrass the City of Fort Pierce, nor is there anything in my background that would embarrass the City of Fort Pierce. I do not know of any community activists that are likely to contact anyone with negative information on me.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB

I did not plan to leave my position as City Attorney for the City of Fort Lauderdale. At the first meeting, following the election of a new Mayor and City Commission, the new Commission voted

to terminate my contract on a vote of 3-2. The same Commission voted to terminate the City Manager's contract six months' later.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

I would describe myself as fair, reasonable, candid, intelligent, energetic and loyal.

CURRENT / MOST RECENT SALARY

My final compensation at the City of Fort Lauderdale was $237,000.00.

CB&A Background Checks

Background Check Summary for
CYNTHIA ANN EVERETT

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #350400

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
CYNTHIA ANN EVERETT
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Cynthia A. Everett

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.

Please explain any yes answers on a separate sheet of paper.

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.
    See attached supplement.

Attested to: Cynthia A. Everett
Signature of Applicant

Please email this form via PDF DOCUMENT to **or via fax to**
(888) 539-6531 *no later than 5:00 PM PST, 11/01/13.*
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

Personal Disclosure Questionnaire Supplement

11. Lawsuits.

Earl K. Mallory v. John Harkness, et al.
Case No.: 95-8319-Civ
As a member of The Florida Bar Board of Governors, I and all of the members of the board, were sued individually by Mr. Mallory who objected to a Florida statute which governed the composition of judicial nominating commissions. The court granted Mr. Mallory the relief he sought.

David Solomon v. Supreme Court of Florida, et al.
Case No.: 00-007024 CA 01
As a member of The Florida Bar Board of Governors, I and all of the members of the board, were sued individually by Mr. Solomon. I do not recall why Mr. Solomon sued and the online docket does not provide access to documents. The lawsuit was dismissed by the court.

Zenaida Gomez, v. Cynthia A. Everett, individually and Cynthia A. Everett, P.A.,
Case No.: 13-13246 CA 24
This was an action for malicious prosecution and abuse of process. The lawsuit stemmed from a forfeiture action in which I, through my firm, represented the Village of Pinecrest as its village attorney. This lawsuit was dismissed by the court.

CB&A Reference Notes

Robert Vaughan - Esquire, Kim Vaughan Lerner LLC, FL 954-527-1115

Mr. Vaughan has known Ms. Everett on a professional level since about 2002. He was hired as outside counsel for Ms. Everett during 2018 to work on constructive bid practices while she was City Attorney for Fort Lauderdale. As a litigator for businesses, Mr. Vaughan found her to be very knowledgeable and experienced. Ms. Everett is adept in balancing the needs of her elected officials with those of her community. She is practical, having the city's best interest always in mind. Her extensive experience and skills are highly regarded in the legal community of Florida.

Ms. Everett understands and is experienced in many areas of city law such as contractual. She understands commercial litigation and easily handles settlement discussions. As a thorough individual who pays close attention to details, Ms. Everett leads by example and is always well prepared. Mr. Vaughan found her staff to be equally equipped. Whenever Mr. Vaughan was asked to present in front of the commission, he appreciated her timely responses and assistance, allowing an easy flow of information. Her willingness to aid in finding and supplying the correct documents required was greatly appreciated.

Balancing the desires of both the individual commissioner, with those of city leadership as a whole, is another of Ms. Everett's strengths. For example, some of the commissioners would require a detailed analysist of a particular dispute, while others required a more political view and its potential affects. She ensured her lawyers were prepared and well versed, mindful of the requirements of all commission members, able to answer all potential questions. Ms. Everett displays the appropriate amount of perseverance with respect when advising her city leadership. She is strong yet diplomatic.

Mr. Vaughan has the highest respect for Ms. Everett's abilities as a City Attorney. Although at times her passion may be taken as disrespect, she is knowledgeable and experienced making her opinions of great value. Her decisions are always well thought out and detailed. She readily researches to gather appropriate and thorough information before offering advice. With these talents, Ms. Everett is an excellent negotiator able to know when it is best to litigate to resolve a dispute or negotiate a resolution.

Ms. Everett is a talented Attorney with a passion for her work yet a caring attitude towards those she serves. With a newly elected city leadership for Fort Lauderdale who desired changes in the current structure of government, Ms. Everett resigned. She remains highly respected by those she interacted with and the legal community. She is professional in all aspects of her life, encouraging the same in those around her. Mr. Vaughan is confident she will be an asset to any city or county attorney position, bringing with her extensive knowledge and experience.

Reference Notes
Cynthia Everett

Words or phrases used to describe Cynthia Everett:

- Thorough,
- Detailed,
- Strong willed,
- Strong work ethic,
- Knowledgeable, and
- Experienced.

Strengths: Well rounded professional with extensive experience in all areas of city law.

Weaknesses: At times her passion and strong will may be difficult for individuals to handle. Mr. Vaughan has always found her respectful and professional.

Harold Pryer - President, TJ Reddick Bar Association, FL 954-947-0335

Mr. Pryer first met Ms. Everett in 2014 while working together on municipal ordinance violations for the city. She is a highly competent lawyer who knows all aspects of the law, aware of the simplest to the most complex violations. She is a skilled negotiator, maintaining a fair yet tough approach. Fort Lauderdale is a large and demanding city, requiring the talents and experience of an attorney such as Ms. Everett. Her passion and dedication as a lawyer have been of great benefit to the city.

Ms. Everett's knowledge of all areas of municipal law is extensive. Mr. Pryer has admired her ability to connect local laws, their implications and use, with constitutional law. When dealing with the many contracts a city is involved in, her knowledge of all judicial aspects, along with her willingness to research, allowed for well orchestrated documents to be drafted. She smoothly balances the requirements of elected officials with those of the law, efficiently presenting all information before decisions are made.

As a coastal city, Fort Lauderdale deals with major flooding issues. Ms. Everett's experience with environmental law has benefited those residents and beaches constantly affected. She has helped to establish ordinances to help maintain and sustain these areas. Her understanding and willingness to listen to the community while ensuring observance to laws protecting the environment, has been greatly appreciated.

Another challenge for the city is the increase in development. Once again, her experience and knowledge of the legalities involved in land use and redevelopment is extensive. For example, Mr. Pryer and Ms. Everett have worked closely in revitalization of downtown Fort Lauderdale. Historically many minorities reside in this area often resulting in a contentious environment for those seeking to revive a once flourishing city center. Ms. Everett has been instrumental in fostering amicable relationships with current residents and potential developers. She cares about

her community and has helped to ensure all party's needs are met while helping to promote needed revitalization.

Mr. Pryer's legal focus is with the telecommunication for the city. He values Ms. Everett's expertise and understanding of the separate roles all parties play when negotiating contracts. She adeptly balances local government with those on the business side with ease. Mr. Pryer values her attention to detail and her focus on responsiveness, ensuring she meets all deadlines in a timely manner. When offering legal advice, she will adhere to the letter of the law but will seek amicable solutions while doing so.

Ms. Everett has been of value to the City of Fort Lauderdale. Mr. Pryer is confident had there not been a change in elected leadership, she would have been retained as City Attorney. She is a leader and highly regarded amongst the law community. As one of the first African American females to work as a City Attorney, she is a role model and mentor to others. Mr. Pryer is confident she will be an asset to any city or county.

Words or phrases used to describe Cynthia Everett:

- Persistent,
- Loyal,
- Smart,
- Resourceful,
- Dedicated, and
- Professional.

Strengths: Bright, very intelligent individual with extensive knowledge of all aspects pertaining to municipal law.

Weaknesses: Strong willed and passionate, at times she would benefit from stepping back from a situation to relax.

Lee Feldman – City Manager, City of Fort Lauderdale, FL 954-828-5959

Mr. Feldman worked closely with Ms. Everett from 2014 until 2018. She is an intelligent very knowledgeable attorney with extensive experience. Dedicated and passionate about municipal law, Mr. Feldman appreciated her input and advice in making the best possible decisions for the city. He valued her willingness to tirelessly give of her time and efforts in fulfilling her responsibilities.

In a large growing city, development and redevelopment is a high priority. Ms. Everett has extensive experience in these areas. She is good in contract negotiations due to her previous experience in a growing community. In addition, Mr. Feldman appreciated her knowledge of labor

employment law as often in a large city there are continuous issues in this area. He found her thorough and detailed when litigating all labor matters. Her willingness to research, seeking additional legal advice when deemed necessary, resulted in accurate information with all specifics covered.

When addressing any audience, Ms. Everett is clear and concise. She is professional able to present information in an easily understood manner. Most all city meetings are televised and Ms. Everett stays composed even when discussions become stressed. Although she is a good manager, with the challenges of covering the judicial needs of a large city, she struggles to delegate responsibility to her subordinates, often resulting in increased stress for herself and those who work for her.

The City of Fort Lauderdale has had a difficult leadership creating a challenging atmosphere. Ms. Everett navigated this environment well, remaining balanced while ensuring her responsibilities were covered. However, with a change in leadership, Ms. Everett resigned as City Attorney in May of 2018. Mr. Feldman is confident the additional skills gained while serving in Fort Lauderdale will just add to her value as an attorney for any future city or county she is employed with. She will bring a vast knowledge of all aspects pertaining to municipal law and a passion for the work which will benefit whoever she serves.

Words or phrases used to describe Cynthia Everett:

- Passionate,
- Thoughtful,
- Professional,
- Detailed, and
- Dedicated.

Strengths: Extensive knowledge and experience.

Weaknesses: Work balance, she struggles to trust others can be as thorough and detailed as she is.

Evelyn Greer - Mayor, Village of Pinecrest, FL 305-794-6922

Ms. Greer served as the Mayor, working closely with Ms. Everett from 1996 until 2004. Ms. Everett is a careful, deliberate lawyer who brings a solid understanding of government law. She was of great value to the village as it underwent massive growth and changes in becoming a city. Willing to give extra effort when researching all aspects of such a transition to ensure all details are covered is one of Ms. Everett's strengths. She pays close attention to detail and is thorough in all she does. Ms. Greer has the highest respect for Ms. Everett's abilities as an attorney.

As the first Mayor of a newly establishing city, Ms. Greer heavily relied on Ms. Everett's expertise. Land development was one of the first focuses. Ms. Everett assisted in the adoption of a regulatory process, and the creation of ordinance zoning codes. The Village of Pinecrest acquired a five part governmental deal which included a park. As a result, the creation of ordinances and code enforcement for the park was necessary. In addition, the acquisition of a city hall also entailed negotiations with architects and contractors. In all these areas Ms. Everett proved to be a valuable negotiator balancing elected officials, outside council and everyday contract labor.

When presenting information, whether to city leadership or citizen groups, Ms. Everett is calm and tactful paying close attention to all. In open forum meetings where questions are asked, she has a talent for assessing the framework of the question, then responding with an immediate well thought out response. Ms. Greer appreciated Ms. Everett's attention to detail when preparing for meetings, often having a memo covering every topic to be addressed. As mayor, Ms. Greer usually deferred to Ms. Everett's expertise. Only for political reasons or issues would Ms. Greer and her council not follow Ms. Everett's advice. In these cases, she and Ms. Everett's good working relationship leant to creative solutions all could come to agreement on.

Ms. Everett's dedication, passion and knowledge of municipal law was of great benefit for the Village of Pinecrest. Ms. Greer has the highest respect for Ms. Everett as a talented individual able to navigate diverse groups of people. She is direct in her interactions, always thorough and detailed in all she does. Although not a political person she shows respect for those in leadership and professional in all areas of her life. She will be an asset to any city or county attorney position she dedicates herself to, bringing a passion and determination to any project she is tasked with. Ms. Everett's talents have been greatly missed by Ms. Greer and her community.

Words or phrases used to describe Cynthia Everett:

- Professional,
- Deliberate,
- Conscientious,
- Knowledgeable, and
- Loyal.

Strengths: Strong in all areas of municipal law.

Weaknesses: Although Ms. Everett has learned to navigate the political environment her position as City Attorney requires, she prefers honest straight forward individuals who share her passion in focusing on what is in the best interest of the community.

Cindy Lerner - Mayor, Village of Pinecrest, FL 305-992-3433

Ms. Lerner began working with Ms. Everett in 2008. As a talented, experienced attorney, Ms. Everett was easy to interact with. Her dedication to those she works with and those she serves was

greatly appreciated. Ms. Lerner trusts and respects Ms. Everett, confident in her ability to thoroughly accomplish any task she is given. She was an asset to the Village of Pinecrest and its leadership.

One of the strengths Ms. Lerner admired in Ms. Everett was her willingness to bring in outside council to ensure all aspects of a project were covered. Well respected in the legal community, she always knew when or where to seek assistance. For example, when negotiating with utility services such as Florida Power and Light, Ms. Everett mediated with other legal experts to assist in creating a municipal bond.

In addition, Ms. Everett's negotiating skills were helpful in many other areas. When dealing with a developer, she adeptly navigated the issues, often alleviating the need to litigate deeper. She is good with diverse groups of people from citizens to elected officials able to interact in a caring yet straight forward manner. Ms. Lerner sought Ms. Everett's legal advice often, valuing her expertise, usually never veering from it. Although Ms. Lerner can not attest to Ms. Everett's ability to be successful as a City Attorney, she is confident she will bring a valuable set of skills to any city or county she serves. Ms. Everett is well respected by her fellow attorneys and the law community. Her talents and efforts were of great value for the Village of Pinecrest and its citizens.

Words or phrases used to describe Cynthia Everett:

- Knowledgeable,
- Comfortable,
- Detailed,
- Good with diverse groups of people,
- Professional, and
- Thorough.

Strengths: Dedicated and thorough in all she does.

Weaknesses: None identified.

Peter Sampo - Attorney, Allen, Norton and Blue, FL 305-798-2633

Mr. Sampo had been working as outside counsel on labor negotiations when Ms. Everett was hired as City Attorney in 2013. Although their interactions were limited to labor, union contracts and issues in those areas, he found her to be knowledgeable in all aspects of labor law. Her dedication and passion for her position allowed for efficiency in completing all projects thoroughly with an attention to detail.

Ms. Everett is a skilled negotiator. During collected bargaining meetings, where agreements would be ratified, Mr. Sampo admired the professional manner with which she conducted herself.

When speaking Ms. Everett was clear and concise. She smoothly navigated the diverse groups of people involved showing equal respect for each individual's position. Often in negotiations, disagreements arise. Ms. Everett remains calm, offering her expert counsel when asked. On one particular occasion, when her opinion did not align with that of the City Manager, she handled it well remaining poised and cool.

Also adept in analyzing state and municipal laws, Ms. Everett has proven valuable on many occasions. For example, Mr. Sampo needed Ms. Everett's advice on what the legal ramifications were in administering a merit pay increase, whether it should be given in a lump sum or in increments. Even though her opinion leant toward a decision opposite of Mr. Sampo's, upon study and a comparison of the different laws, she realigned her decision. She is humble and willing to consider alternatives to ensure the best decision is made.

Mr. Sampo respects and admires Ms. Everett's many talents as a skilled attorney. Their interactions, though limited, were successful and efficient due in part to her straight forward approach. She conducts herself as a professional in all situations even when confronted with a change in city leadership who wanted to hire their own staff, resulting in her dismissal. Mr. Sampo is confident however, Ms. Everett will be a valuable addition to any smaller city as their attorney. She brings extensive experience and knowledge along with a passion for her field. As an individual with an attention to detail and a drive to be thorough in all she does, she will be of great benefit to an area experiencing increased development.

Words or phrases used to describe Cynthia Everett:

- Smart,
- Tough,
- Business like demeanor,
- Competent,
- Thorough, and
- Dedicated.

Strengths: Extensive knowledge of municipal law.

Weaknesses: Although Mr. Sampo appreciated Ms. Everett's straightforward approach, some may find her harsh and impersonal.

Pamala Ryan - Attorney, Torcivia Donlon Goddeau Ansay, FL 561-686-8700

Ms. Ryan first met Ms. Everett while serving on the city, county, local government State bar committee in 2004 and have kept a close relationship to the present. Ms. Everett is experienced and knowledgeable in all aspects of the law. She is often the person others seek for advice about

legal issues. Ms. Ryan has valued their relationship relying on Ms. Everett on numerous occasions for guidance.

Ms. Everett is a clear concise communicator. Ms. Ryan has attended numerous city commission meetings for Fort Lauderdale and has always found Ms. Everett to be intelligent, prepared and confident, able to articulate in a manner diverse groups of individuals can easily understand. Another of her talents is knowing how to balance respect for those in leadership with firmness when giving legal counsel. Even in a difficult environment, Ms. Everett remains calm but direct. When researching information, she is thorough giving the additional effort to ensure all details are covered before presenting her findings. She listens to alternative and creative ideas as long as they adhere to the law.

Possessing extensive knowledge in all areas of the law, has allowed Ms. Everett to be a successful City Attorney. When handling a continuing problem with the homeless population in downtown Fort Lauderdale, Ms. Everett balances the need for redevelopment with the rights of each individual citizen. She knows constitutional law and laws pertaining to development. As with all cities, there are continuous challenges with contracts whether with developers, labor, or utilities. Ms. Everett is adept in negotiating and writing various agreements ensuring all legal details are included. Even Ms. Ryan, at one time, sought Ms. Everett's advice when handling vacation rental contracts. She is approachable and willing to share her expertise with anyone who asks.

Another of Ms. Everett's strengths is her managerial talents. She leads by example and is professional in all aspects of her life. Truly caring for those who work for her, Ms. Everett believes in supporting her staff even in their family life. She is supportive and encourages a balance between family and work. Ms. Ryan has always found Ms. Everett's staff to be happy and efficient. She is an excellent leader who cares for her community and its citizens.

Even though Ms. Everett has strong interpersonal skills, she is often direct which is at times difficult for some personalities to accept. Having served as a City Attorney, Ms. Ryan appreciates Ms. Everett's honest straight forward demeanor, feeling it is a valuable talent when in city leadership positions. As a trait Ms. Everett is aware of, she is continuously working on recognizing when a subtler approach should be used. In 2018, Fort Lauderdale experienced a change in city leadership, Ms. Everett was asked to resign as City Attorney.

Ms. Ryan has the greatest respect for Ms. Everett as an accomplished leader and attorney. As a lawyer with vast experience in many areas, her expertise is sought by others within the law community. She is active in several professional organizations holding numerous leadership positions. Her strong confident demeanor along with her extensive knowledge, make her an ideal candidate for any city or county attorney position. After her tenure with a large city such as Fort Lauderdale, Ms. Ryan is confident Ms. Everett would do well in a challenging smaller city where her valuable skills will be well utilized.

Reference Notes
Cynthia Everett

Words or phrases used to describe Cynthia Everett:

- Very professional,
- Knowledgeable,
- Has wisdom,
- Sympathetic,
- Supportive in balancing work and family, and
- Talkative.

Strengths: Very experienced and knowledgeable attorney with valuable set of skills.

Weaknesses: Ms. Everett is direct in her responses which at times can be taken as offensive. Ms. Ryan is confident it is dependent on the personality of whom Ms. Everett is addressing. Many individuals like her straight forward approach and find it an important attribute for a city government position.

Eugene Pettis - Attorney, Haliczer, Pettis, Schwamm, FL 954-523-9922

Mr. Pettis has known Ms. Everett for over twenty years as a professional and was part of the search committee who recruited her as the City Attorney for Fort Lauderdale in 2013. With a broad spectrum of experience in law, Ms. Everett brought a valuable set of skills to her position. She is an excellent communicator able to speak to diverse groups of individuals in a manner easily understood by all. When interacting with elected officials she is straight forward and confident. She has been an asset to the city's leadership.

Ms. Everett brings extensive knowledge to her position as city attorney and the various areas requiring her services. For example, one of her strengths is her experience with all things pertaining to the constitution and the laws which uphold it. With an ever growing homeless population, the legalities of maintaining their rights while relocating them out of the downtown area of Fort Lauderdale has continued to be a focus of city leadership. Ms. Everett's legal prowess has been of great benefit. Her attention to detail while advising the council before decisions are made, ensures all results are judicially sound.

As an experienced litigator, along with her varied experiences as a lawyer, Ms. Everett smoothly navigates the process involved in lawsuits. On numerous occasions Mr. Pettis has seen Ms. Everett handle cases where her extensive knowledge of state and federal laws is of utmost importance. One such case Ms. Everett adeptly handled was a 1983 issue involving the law enforcement department. She is knowledgeable, calm and articulate in the court setting, confidently navigating the environment.

In addition, Mr. Pettis has witnessed Ms. Everett's talents in contract negotiations with city utilities, land use, development and redevelopment. Like most cities, Fort Lauderdale is in a

constant state of flux, often which requires the legal assistance of Ms. Everett. Her extensive experience has been of great benefit in negotiating, drafting, and reviewing the numerous contracts involved. Mr. Pettis is confident she is thorough, covering all details necessary.

Ms. Everett is highly respected within the law community. She has held numerous positions of leadership in professional associations such as the Florida State Bar Association. As an experienced, talented attorney, her advice is often sought by others in her profession. Mr. Pettis confidently endorses and would hire Ms. Everett again for any city or county attorney position. She will bring valuable skills and diverse experiences which will be of benefit.

Words or phrases used to describe Cynthia Everett:

- Strong,
- Leader,
- Smart,
- Experienced,
- Professional, and
- Knowledgeable.

Strengths: Unique and diverse experience in all areas of the law.

Weaknesses: None identified.

Prepared by: **Beth Nestman**
Colin Baenziger & Associates

Section 4

CB&A Internet Research

Tribune Content Agency News Service (USA)
March 21, 2018

New Fort Lauderdale commission delays vote on The Wave
Author: Brittany Wallman

The newly seated Fort Lauderdale commission took swift aim at The Wave streetcar project Tuesday, saying the city will cancel its agreements and kill the multimillion-dollar proposal. But three of the five City Commission members, who had pledged to kill The Wave at their first meeting, didn't go that far, delaying a vote until May 1. "I'm disappointed, for sure," said Stan Eichelbaum, a downtown civic leader who got candidates to sign pledges that they "commit to voting to cancel The Wave at the first meeting of the newly elected Commission." He added, "But we are moving forward, and we have three votes." New Mayor Dean Trantalis and new commissioners Ben Sorensen and Steve Glassman, all elected March 13, said they do not support The Wave, a mass transit steetcar that would run on embedded rails, powered by overhead electrical lines, amid traffic on downtown roads.

In a meeting buzzing with controversies, the three also voted to fire City Attorney **Cynthia Everett**, and made plans to vote in two weeks to consider canceling a lease for gun shows at the city-owned War Memorial Auditorium. Heather Moraitis, who was unopposed, and Robert McKinzie, who was re-elected in the January primary, also were sworn in as commissioners on Tuesday. Both support The Wave and voted against firing **Everett**. Commissioners rode into office on a wave of voter discontent with the status quo, including the rapid pace of development, plans for The Wave, failing water-sewer infrastructure, important city votes taking place in the wee hours of the morning, and a highly visible homeless population. Former Mayor Jack Seiler told the incoming group that "this will be the greatest job you've ever had." "We're at the dawn of a new day in Fort Lauderdale," Trantalis told the crowd at Parker Playhouse, after he was sworn in, and Seiler and departing Commissioner Romney Rogers said their goodbyes. "There was a mandate, clearly there was a mandate, to tell us one thing: We need to get things done." Departing Commissioner Bruce Roberts, who lost the mayoral race to Trantalis, didn't make it to the swearing-in. Seiler said Roberts is in the hospital.

The new commission dove right into the biggest controversies, including debating whether to terminate City Manager Lee Feldman. Trantalis said he was ready to do it Tuesday night. "I think we should take a fresh approach," he said. Glassman and Sorensen said it's important for the mayor and manager to work well together. "I am not inclined to sit here for three years and watch the mayor and city manager butt heads," Glassman said. But Sorensen said Feldman has been "responsive" to him so far, and he suggested Trantalis lay out his expectations and allow Feldman a chance to meet them. Sorensen made a motion to fire **Everett**, citing high turnover in her office, a poor working relationship with the public, and sluggish turning around of contracts. Trantalis said he thought she wasn't up to the demands of the job, but is a "wonderful" person. "I'm more than competent to handle this job," **Everett** said before the vote. She said she was proud of the legal team she built, and her office's accomplishments. She was placed on paid administrative leave and replaced for now with assistant city attorney Alain Boileau. She picked up her purse and walked off the dais shortly after the vote to terminate her.

Though Sorensen, Trantalis and Glassman were also prepared to take a symbolic vote opposing The Wave, they agreed with Moraitis and McKinzie to wait for new competitive bids to come in. They said if the bids remain too high, the project will die, anyway. "I like to vote on things when I have all the facts first," Moraitis said. The city tentatively scheduled an April 30 workshop to discuss The Wave and possible alternatives, a few days after new bids are expected. The first round of bids for the $195.3 million project exceeded the budget. The city has agreed to pay a portion of the project cost, as well as a portion of cost overruns. The Wave is based on a partnership with local, state and federal funds. All five commission members said they want new mass transit, but Trantalis said technologies have improved over the 16 years The Wave has been in the works. "I'm going to continue to work to see if we can repurpose this money use toward a different type of mass transit system," Trantalis said. "If we're a city of the 21st century, we have to start thinking that way."

Sorensen asked City Auditor John Herbst to review public funds spent on The Wave to date, so it can be discussed at the April 30 workshop. A vote to cancel the city's financial obligations could take place at the May 1 City Commission meeting. Meanwhile, a citizens group led by activist Mary Fertig and others is collecting signatures to end a special assessment property owners near The Wave route are paying each year.

In other action, Fort Lauderdale city commissioners:
* PARKING: Allowed Broward County to renege -- at least temporarily -- on its promise to allow public parking in a new parking garage on South Andrews Avenue. The county says it will happen one day, but wanted the written requirement that it "must be available for public use" removed. The former City Commission met for five minutes before the swearing-in and approved the change. They said Broward County Administrator Bertha Henry wrote a letter promising the garage eventually will be open after-hours for public use.
* DEVELOPMENT: Appointed city activist Fertig to the planning and zoning board. Fertig, a leader of the civic group Lauderdale Tomorrow, was a key slow-growth supporter of Trantalis and Glassman.

https://sun-sentinel.newspapers.com/image/392459317/?terms=%22Cynthia%2BEverett%22
February 14, 2018

Wave's future still in limbo after county, city votes

By Brittany Wallman
Staff writer



MIKE STOCKER/STAFF PHOTOGRAPHER

Before the City Commission meeting and vote, a group in support of the Wave streetcar gather inside of the Fort Lauderdale City Hall to show their support for the project.

The Wave streetcar project survived two critical votes, but its future remains in doubt.

Early morning on Feb. 7, Fort Lauderdale commissioners voted 3-2 to reaffirm support for The Wave, approving a new agreement with the county and Downtown Development Authority that makes clear the city's financial obligations.

After the vote, five of the six candidates in the city's March 13 election said they haven't changed their minds about overturning it, even if the week's vote potentially increases the city's financial risk.

"Let's change it," candidate Tim Smith said of The Wave, noting that even its supporters admit there are things they don't like about it, including its overhead powerlines and embedded rails.

Dean Trantalis, a city commissioner and candidate for mayor, said he'll explore how the next City Commission could resurrect the vote.

New members will be sworn in March 20, including three new district commissioners, and a new mayor. All six candidates running for three of the seats — a majority — have said they don't support the rail project as currently designed, and five signed pledges saying that "if elected, I commit to voting to cancel THE WAVE at the first meeting of the newly elected Commission."

Trantalis said he's not sure there will be a dramatic March 20 vote, but he remains committed to upholding his pledge, if elected mayor. He said he hopes a new version of the transit project could be created, one that more city and county commissioners, and the public, would support.

Two members of the new City Commission, Heather Moraitis and Robert McKinzie, support The Wave.

Broward County commissioners were split on support of The Wave on Feb. 6, voting 5-4.

Commissioners Trantalis and Bruce Roberts voted no in the wee hours decision.

Roberts was the only candidate of six who declined to sign a pledge sought by the Downtown Civic Association to defund The Wave, but has said he's campaigned against it and would stand by his word. He couldn't be reached Feb. 7 for comment on whether the late-night vote changed his views about unwinding the deal.

Frank Schnidman, an attorney and former head of the DDA who advised the downtown civic group on the issue, said the state shouldn't move forward yet, given what's happening with Fort Lauderdale's leadership. He said the new City Commission could ask to re-open the agreement that was approved Feb. 6.

"How can there be good faith and substantial reliance to move forward, when everyone's been put on notice there's going to be a reversal?" he asked.

City Manager Lee Feldman said the city has spent $21 million it wouldn't get back. No one is sure how much the city might have to pay if it reneges on its commitments.

Robert Bostian, project manager for the state Department of Transportation, declined to say Feb. 7 whether the project's timeline would be paused. The next step for the state was a Feb. 12 pre-proposal meeting, a part of the competitive bidding process leading to the selection by FDOT of a contractor in May.

Two companies applied: Prince-Delta Railroad JV, and Stacy and Witbeck/Herzog. The state last fall rejected four bids for the project, when they came in much higher than the $134 million construction budget.

If the new bids exceed $142.5 million, the state, county or city can reject them.

At the five-and-a-half hour city hearing on Feb. 6, City Attorney Cynthia Everett threw the [illegible] into a tangle after 11 p.m. when she advised against approving the deal, saying she had "concerns" and didn't think the city had a strong role negotiating the deal.

She said the city already had a binding agreement to help pay for The Wave even before that night's vote, and the vote created a "narrative" that the city had the authority to kill the project — potentially putting the city on the hook for damages if Fort Lauderdale defaults.

"It is not the best deal for you," Everett said. "This was presented as a done deal, in effect. ... Stick with what you have."

John Milledge, attorney for the pro-Wave DDA, where the project was conceived at least 16 years ago, said the city attorney could have commented on or objected to the agreement before the Feb. 6 meeting.

"Frankly, we all have a lot of liability for unplugging it at this point," Milledge said, noting that the state has deadlines for spending $60 million in federal grants.

Everett also questioned a provision of the Feb. 6 agreement that says that after budget year 2019-20, the city and DDA are solely responsible for cost overruns, removing the county from the equation. Previous agreements didn't say that, Everett said. The city's portion remains at a quarter of the cost, but Everett said she still thought it increased the city's financial risk.

The current $195 million project includes $82.7 million from the federal government, $52.7 million from the state and $59.9 million divided between the city, the Downtown Development Authority, downtown property owners and the county.

The system would take riders from Sistrunk Boulevard to the north, to 17th Street to the south, mostly along Andrews Avenue.

Tribune Content Agency News Service (USA)
February 10, 2017

Fort Lauderdale sewage spill costs top $1 million
Author: Larry Barszewski

The cost of a December sewage spill continues to climb, with the city paying more than $1 million for repair work and claims from affected property owners. Officials still don't know what the final cost will be after a sewer line break in the 500 block of Southwest Seventh Street sent 2.5 million gallons of raw sewage through the Tarpon River neighborhood. Officials halted reimbursement payments to property owners in January because the city was nearing a $300,000 state cap on what it was allowed to pay without legislative approval. But after researching the issue, City Attorney **Cynthia Everett** told commissioners Tuesday the cap did not apply to the type of claim payments the residents were seeking.

The city has spent $479,000 so far for repairs and cleanup. It has paid another $537,000 to property owners for their cleanup costs and damaged items. The figures do not include all the recent payments to property owners. City spokesman Chaz Adams said that information was not available yet. Additional claims can still be made. The spill was the city's fourth to exceed 2 million gallons last year. The state is seeking a consent order with the city that would include a plan for fixing the city's aging pipelines. It could also include a penalty for the previous spills and create additional fines if the number of spills is not reduced. The city has been developing master plans for all its infrastructure needs, including water and sewer lines, sea walls, roads, sidewalks and storm drainage. Commissioners are creating an advisory committee to help develop a comprehensive overall plan and to provide suggestions for how to pay for the needed work.

Tribune Content Agency News Service (USA)
February 8, 2017

Fort Lauderdale gun shows get renewed scrutiny following airport shootings
Author: Larry Barszewski

A month after a shooter killed five people at Fort Lauderdale-Hollywood International Airport, the gun shows at the city's War Memorial Auditorium have come under renewed attack. Commissioner Dean Trantalis asked Tuesday for the city to ban the leasing of the auditorium in Holiday Park to gun shows, which have been a staple there for more than 30 years. "I think the incident at our airport brings closer to home how important it is to try to minimize the implements of violence that seem to permeate our society," Trantalis said. "One of the things we can do is to recognize how we as a city can limit the availability of weaponry." Trantalis said he wasn't challenging gun ownership, but said a park where children play is "an inappropriate location for the city to be hosting gun shows." Commissioners were sympathetic to the desire to curb gun violence, but said eliminating gun shows at the auditorium wasn't the solution.

Mayor Jack Seiler said operators of the Fort Lauderdale Florida Gun Show, formerly the Suncoast Gun Show, already take extra precautions because of past city concerns. That includes requiring all sellers to be licensed and having increased security patrols, he said. "They voluntarily impose stricter requirements," Seiler said. "They've cooperated with law enforcement with every single request over the years." Critics said the city shouldn't meddle. "To ban gun shows, in my opinion, would be censorship," resident Dennis Ulmer said. The operators, Florida Gun Shows of Florida, hold eight gun shows a year at the auditorium. Last year, Trantalis unsuccessfully sought to ban the sale of assault-style rifles such as the AR-15 and AK-47 at the shows. His move came right after the shootings at Orlando's Pulse nightclub where 49 people were killed. There also was an effort in 2013 to stop leasing space to the gun show after the 2012 shootings at Sandy Hook Elementary School in Connecticut where 20 first-graders and seven others were killed.

But a state law limits the regulation of the sale and purchase of guns to state government, not cities. The law says commissioners can be held personally liable for damages and the governor can remove them from office if they violate it. Trantalis doesn't see his proposal as regulating gun sales, but as simply creating a city lease stipulation for property it rents out to others. City Attorney **Cynthia Everett** last year warned commissioners that stopping the gun show from having assault-style weapons probably would violate the state prohibition. While commissioners said they are reluctant to impose a leasing ban, they asked **Everett** to research if the city can legally impose any lease restrictions that are related to the sale of guns. Resident Bonnie Gross wants the gun shows gone. "I'm disturbed by the fact that my city generates revenue by hosting gun shows eight times a year," Gross said. "You're choosing what kind of message you want to send about the city of Fort Lauderdale."

Tribune Content Agency News Service (USA)
June 22, 2016

Fort Lauderdale city manager receives rocky evaluation
Author: Larry Barszewski

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

Commissioners will discuss pay raises for Feldman and City Attorney **Cynthia Everett**, who was also evaluated Tuesday, at a July 12 meeting. **Everett** received mixed reviews as well, although not as critical.

Tribune Content Agency News Service (USA)
June 8, 2016

Update: Fort Lauderdale commission delays Bahia Mar decision
Author: Larry Barszewski

Fort Lauderdale commissioners delayed a final vote on the proposed Bahia Mar redevelopment to see if they can require a super-majority vote for the yet-to-be-negotiated lease of the city-owned property that is also needed for the project to go forward. Commissioner Romney Rogers said he was uncomfortable supporting the site plan for the project, which requires the approval of four commissioners, when it would only take three commissioners to approve the new lease. Rogers didn't want to approve the rezoning without knowing he could support the lease terms. City Attorney **Cynthia Everett** was asked to determine if the commission could require the commission's super-majority approval of the lease as a condition of its site plan approval. Normally, a lease would only require a simple majority, or three votes of the five-member commission.

Attorney Robert Lochrie, representing TRR Rahn Bahia Mar LLC, said the developer was willing to require the support of four commissioners on the lease as a condition of the site plan's approval, but **Everett** said she didn't know if such a condition would be enforceable if it was challenged in court. The site plan decision was delayed until June 21.

Original report:
City commissioners Tuesday will consider final approval of a private developer's plans for the city-owned Bahia Mar resort and marina. A positive decision would allow the project to advance, but doesn't mean construction is guaranteed. A couple of city residents have already filed suit on Monday, challenging the zoning rules being used to approve construction of two 29-story condominium towers, a grocery store and massive parking garages on the property. Critics of the project, which received preliminary approval on a 4-1 vote in May, are expected to present hours more testimony Tuesday in hopes of convincing at least one more commissioner to oppose the plans. The zoning rules require the support of at least four commissioners for the project. Even if the plan is approved, the city will still have to negotiate with the developer a new lease with new rents and terms. The site's previous leaseholder also had a site plan approved by the commission, but was never able to finalize new lease terms.

In order to get a new lease from the city, commissioners say the project developers will also have to get Fort Lauderdale International Boat Show officials to sign at least a 30-year agreement for continuing to base the show at Bahia Mar. Commissioners said the boat show is critical to the city's economic health. The Bahia Mar site plan will be taken up during the commission's 6 p.m. meeting at City Hall, 100 N. Andrews Ave. Critics of the plan said the city is giving away public property to private development. Under past proposals, the city would sign a 50-year-lease and give the developer a 50-year-extension option which would tie up the property for 100 years. Opponents also say the project is too intense for the site, one of the narrowest portions of the city's barrier island. Jimmy Tate, who heads the development group TRR Bahia Mar LLC, has said the condominiums and other revenue-producing elements of the plans are needed in order to

pay for improvements needed for the boat show and to create a public promenade and other public spaces along the Intracoastal Waterway. The current zoning of the property sets a maximum 12-story height for buildings there, while the beach overall has a 24-story height limit.

The suit filed Monday by Geary Cotton of Idlewyld and Larry Burnette of the Venetian condominiums says the proposed development would be "inconsistent with the scale, density and intensity" of the surrounding community. The suit said the zoning rules being used should be voided because they are "arbitrary and capricious," in effect creating "spot zoning" that will negate the city's approved land-use plans. It also raises a technical issue, saying that the city, not Tate's group, should have made the rezoning application because it is city-owned property. The project has sparked larger concerns about development in the city, with two petition drives underway. . One seeks a year-long moratorium on large development projects from Federal Highway east to give the city time to address worsening traffic congestion. The second wants to make sure city-owned property on the barrier island is only used for public purposes.

Tribune Content Agency News Service (USA)
May 18, 2016

Bahia Cabana fails in bid to get fire station site
Author: Larry Barszewski

City commissioners have rejected Bahia Cabana's offer to build the city a new fire station at a different location so it can use the prime site to redevelop its aging beach resort. Still, a different deal with the city is possible. Bahia Cabana's owners say they need Fire Station 49's Seabreeze Boulevard site to transform their tired-looking resort into an iconic, luxurious destination at the southern entrance to the city's beachfront. They offered to replace the station, which opened in 2010, with a better one to be built only 250 feet away on Harbor Drive. But Fire Chief Robert Hoecherl said the change might make response times worse, a risk commissioners were unwilling to take. Instead, Vice Mayor Dean Trantalis suggested Tuesday night there might be a better location for a new beach station, possibly closer to Las Olas Boulevard, that would improve response times without negatively impacting residential neighborhoods. The city is preparing to build a new fire station near Andrews Avenue and Southwest 17th Street, which will handle many of Station 49's calls. Trantalis said moving the beach station north would help response times west of the Las Olas Boulevard bridge. "We've got a number of locations on the beach that are going to be appropriate," Trantalis said. "We don't necessarily need a fire station where it is at this point."

Adam Sharif, who heads Randolph Equity Partners that owns Bahia Cabana, said the commission's decision kept his plans alive. "We are not opposed to looking at other locations," Sharif said. However, the city must determine if it would be legal to tear down the existing station, which is being paid for through bonds approved by voters in 2004. The city has been working for more than a year on the proposed swap, but City Attorney **Cynthia Everett** had no definitive answer when asked if the deal could be done, given that taxpayers are still repaying those bonds. Even if the city eventually approves a land swap and new fire station paid for by Bahia Cabana, the commission is not required to approve any rezoning or development request the resort's owners make.

Sharif has said the plan is "to develop something that's low impact, ultra-luxury, highly amenitzed" that "will change the way people perceive the city of Fort Lauderdale." He said the average condo price would be about $7 million. Acquiring the city's fire station site would also allow Bahia Cabana to build a public promenade along the Intracoastal Waterway that would be able to link up with one planned for Bahia Mar directly north of the site. Sharif has also pledged to provide 150 public parking spaces in his future development as a condition of any land swap. Commissioner Romney Rogers said he was uncomfortable not knowing what that development will look like. "I don't like going into something without knowing the end game," Rogers said.

Tribune Content Agency News Service (USA)
January 25, 2016

Fort Lauderdale not ready yet for police body cameras
Author: Larry Barszewski

A move to equip city police officers with body cameras is being delayed due to privacy concerns. City commissioners say they support a pilot program but fear Florida privacy laws could put officers wearing cameras in civil or criminal jeopardy. A number of Florida agencies have already begun using body cameras, including the Broward Sheriff's Office and Hallandale Beach police. But Fort Lauderdale Mayor Jack Seiler worries the courts may step in and throw a monkey wrench into those programs -- similar to how the courts invalidated parts of the red-light camera laws enacted by numerous cities throughout Florida. City Attorney **Cynthia Everett** said she's comfortable Fort Lauderdale can put a program in place. Commissioner Dean Trantalis said the city should move forward with a pilot. "I don't believe there's any legal impediment to implementing this program, if that's what you want to do," **Everett** told commissioners. "We're going to have policies and procedures and training."

One major concern involves inadvertent taping that would take place during the course of an officer's day. The body camera is constantly recording video and constantly overwriting that video until an officer turns it on for a specific event. The camera captures and preserves what is recorded from the time an officer turns it on until it is turned off. It also preserves prerecorded material occuring immediately before the officer turns on the switch. The prior video could be a half-minute to a half-hour in length, depending on the agency's policy. People not involved in an arrest could be inadverently recorded, such as in a hospital emergency room, which might violate health privacy laws, Assistant City Attorney Brad Weissman said. Police union president Jack Lokeinsky said officers would have to be protected in their collective bargaining agreement from potential lawsuits resulting from wearing body cameras. "I can't let them wear a camera until it's in there," Lokeinsky said. Commissioners are also concerned about the cost of storage and handling of what could be voluminous materials. Police Chief Frank Adderley said the city could likely avoid those costs in a pilot program because many of the camera providers are offering free cameras and storage for up to a half-year.

However, Adderley said he would want to hire a project manager if the city moves forward with a pilot program, which he said would cost about $25,000 for a half year. Before going further, Commissioner Bruce Roberts said he wants **Everett**'s opinion in writing regarding the policies and procedures. He'd also like the issue to be presented to the Citizens Police Review Board for its input, to have the union involved and to assure officers they are going to be legally protected. Seiler asked staff to identify the gaps and concerns in the proposed pilot program, along with crafting a policy for unintentional recordings.

Tribune Content Agency News Service (USA)
October 21, 2015

Water park goes to federal court to stop competitor
Author: Larry Barszewski

The operators of Rapids Water Park sued the city in federal court Wednesday, saying officials cannot allow Schlitterbahn to build a competing park on city property without seeking bids on the project first. Premier Parks LLC says its Riviera Beach park "will suffer substantial damages" if the Schlitterbahn lease continues. The suit said the city is violating its own charter by not requiring competitive bids. Company officials made the same argument to city commissioners earlier this month, but the commission moved forward with the Schlitterbahn deal after City Attorney **Cynthia Everett** told commissioners they had acted properly.

Schlitterbahn plans to build a water park and treehouse-like hotel accommodations at Fort Lauderdale Stadium, the former spring training home of the New York Yankees and Baltimore Orioles, a half-mile west of Interstate 95 south of Cypress Creek Road. The city has been in negotiations with Schlitterbahn since 2010, but could never get the required approval of the Federal Aviation Administration, which had a say in the matter because the property was owned by Fort Lauderdale Executive Airport. That changed this summer when the FAA allowed the city to buy the property from the airport for $12.1 million. The suit says the Schlitterbahn deal has similar problems as the city's contract with Recreational Design & Construction to build a replacement swimming complex on the beach. The Broward Inspector General's Office in 2013 said the city had violated state law by going with a one-bid contract. Schlitterbahn has also hired RDC to build its water park.

SunSentinel
August 21, 2015

Lauderdale ups hiring salary for city attorney – two years later
Author: Larry Barszewski

Fort Lauderdale commissioners decided this week that they didn't give City Attorney **Cynthia Everett** a big enough salary when they hired her two years ago. So after awarding her a 3 percent raise in July, they've gone back and boosted her original salary. They'll recalculate her raises based on the new figure and pay her the difference retroactively.

Commissioners on Tuesday also agreed to give City Auditor John Herbst a 3 percent raise and to pay Acting City Clerk Jeff Modarelli an extra $1,500 a month while he holds that position. Modarelli started filling in after City Clerk Jonda Joseph resigned in July to avoid being fired by commissioners. The attorney, clerk, auditor and manager are the only four city employees hired and fired by the commission.

Commissioners hired **Everett** in 2013 and set her salary at $193,000. Mayor Jack Seiler said there were some misunderstandings on both sides during the negotiations, so he's been meeting with **Everett** and commissioners approved his proposal to reset that initial salary at $199,000. The change still keeps **Everett's** figure under the $200,000 City Manager Lee Feldman was earning at the time. Given subsequent raises, **Everett**'s new salary is $218,582, while Feldman's stands at about $226,280.

Commissioners have also given **Everett** a retroactive $592 monthly car allowance — a $202 increase — to bring it on par with what Feldman receives. The city will also start contributing $8,000 annually to an insurance policy of **Everett's** choice, to match a similar life insurance contribution for Feldman. **Everett's** total retroactive salary and car allowance earnings amount to $18,386. City Auditor Herbst's raise brings his salary to $208,091, a $6,061 increase.

As for Modarelli, who was senior assistant clerk under Joseph, he'll continue earning his $86,700 annual salary along with the extra monthly stipend. Joseph's annual salary was $113,485. Commissioners plan to review Modarelli's work in three months and decide whether to offer him the permanent position or to look for someone else. If Modarelli is selected, commissioners would negotiate a new salary for him at that time.

Tribune Content Agency News Service (USA)
May 26, 2015

Lauderdale seeks to tighten control of vacation rentals
Author: Larry Barszewski

Homeowners offering their properties as vacation rentals could soon have to obey additional regulations if they want to continue operating in the city. While the state won't let cities ban the rentals, city officials say they can do more to manage the practice that is a frequent source of complaints by residents upset with late-night parties, loud noise and parking nightmares. Some listed homes offer accommodations for up to 24 people. The city attorney's office is working on proposed regulations that would require people offering their homes to vacationers to register with the city, provide local contact information for when problems arise and make sure they pay the appropriate business, sales and tourist taxes. Commissioners would also like to see a formal process that would allow the city to revoke the licenses of homes that become a nuisance because of repeat violations of city laws. The city has been stymied in its efforts to restrict vacation rentals because of a 2011 state law that allows short-term rentals of any duration, unless a city had restrictions on its books prior to the state law. Fort Lauderdale argued it did have restrictions, but lost that issue in court in 2012.

Now officials are trying to do what they can to make the situation more manageable. Mayor Jack Seiler wants any changes to be in place before the heavy tourist season returns. "I'd like to have something on our books by September," Seiler said. "Once the season hits, we have to be really well prepared for this." While city officials field complaints from residents upset by nearby rentals, there are others who want the ability to rent out their property. Brian Donaldson, who lives in the Birch Park Finger Streets community on the beach, estimated about 30 of the 140 homes there are used as vacation rentals. The answer to dealing with problems is self-policing, he said. "There are a lot of owners that are just opposed to banning it completely," Donaldson said. "We have just as many problems with owners as we've had with tenants." Donaldson supports registration, but doesn't want the properties to have to post signs in their yards with local contact information as has been proposed by the city.

Marilyn Mammano, president of the Council of Fort Lauderdale Civic Associations, said licensing the rental properties would be a significant improvement. "A license should be issued by the city that an owner is authorized to do short-term rentals on the property," Mammano said. That license should be revocable if rules are violated, she said. City Attorney **Cynthia Everett** said the city should be able to do more to enforce the laws it already has on the books. Commissioners said many of the violations -- such as putting garbage out too early or having cars parked on lawns -- often disappear before further action can be taken, but are a continuing headache for neighbors.

Tribune Content Agency News Service (USA)
February 26, 2015

Price for Lauderdale's new swim center jumps $3.6 million
Author: Larry Barszewski

The "guaranteed maximum price" on the city's new aquatic center lost its guarantee Wednesday when contractors told city commissioners the construction would cost an extra $3.6 million. Commissioners approved a contract with Recreational Design and Construction in 2012 to build the complex for no more than $32.4 million. Commissioners have since planned additions that would bring the total to $33.7 million. But RDC representatives said the cost of concrete, steel and other materials rose significantly while the project languished with unexpected delays for more than two years -- delays not caused by RDC -- leading to the new $37.3 million price. "I think it's outrageous and it's the dumbest thing I've heard in my life to start a project with a cost overrun," said one resident, Count L.F. Chodkiewicz Chudzikiewicz. City Attorney **Cynthia Everett** told commissioners she saw nothing in the contract that would require the city to pay anything more than the previously agreed to price, and several commissioners agreed. "At the end of the day, we've got a deal and I want to stick to the deal," Commissioner Romney Rogers said.

Jim Blosser, RDC's lobbyist, said the city could get the project back on budget by eliminating one level from the project's three-level parking garage and dropping the overall structure from five stories to four. Mayor Jack Seiler said he didn't think "in good conscience" he could hold the developer to prices that were agreed to more than two years ago, especially since the city's own consultant estimated the true cost of the planned center at more than $41 million. Seiler said the proposed changes to reduce the price were worth considering because they didn't affect the center's swimming and diving features and because beach residents would be happier with a lower structure. He didn't want to see the project tied up in litigation over the issue, which might result in no new center being built. Commissioner Dean Trantalis said he supported rebidding the project, which City Manager Lee Feldman said could add about three years to the time it takes to get the complex done. Feldman also said that losing a floor of the parking lot would cost the city about $800,000 in annual parking revenues that were going to be used to help pay for the construction.

Commissioners delayed a decision until their March 17 meeting so staff will have time to review RDC's new figures and contractual obligations, and to provide possible alternatives. The current project keeps an existing, Olympic-sized 50-meter pool on the aquatic complex peninsula on Seabreeze Boulevard a few blocks south of Las Olas Boulevard, but the pool will be out front of the new center so it can viewed by passers-by and draw people to the complex. The new construction includes the parking garage with another 50-meter-pool and a separate diving pool on top. The front portion of the building will include an indoor, dive-training facility, a covered viewing area and a glass-enclosed banquet space with views out to the ocean and the Intracoastal Waterway. The commission is also considering spending $700,000 to hire a construction management firm to oversee the project. The aquatic center's construction seemed set in September 2012 when commissioners approved RDC's contract. Instead, questions about the

project's design were raised by diving professionals and critics who blasted it as nothing more than swimming pools on top of a garage. The International Swimming Hall of Fame backed out of the project after disagreements with the city and is moving to Santa Clara, Calif. And Broward's Inspector General said the city failed to follow state law and should rebid the contract.

City officials have dismissed the inspector general's concerns, wished good luck to the hall of fame and received assurances from national swimming and diving organizations that the complex will be just fine to host their competitions. In another matter on Wednesday, the commission discussed the best way to approach expanding the city-owned Las Olas Marina so it can handle more mega yachts. With questions about city and state leases attached to the property that would be needed for the expansion, commissioners asked staff to get more information to bring back to their March 17 meeting. The city has no money set aside to contribute to a marina project and has been contemplating some form of joint venture with a private developer. The city plans to spend about $108 million on other beach projects, including the aquatic center, a parking garage next to the Las Olas bridge, a promenade by the marina, a park at State Road A1A and Las Olas, and street improvements and sidewalk enhancements to Las Olas and A1A in the Central Beach area.

McClatchy-Tribune Regional News (USA)
January 31, 2014

Fort Lauderdale considers new restrictions on homeless
Author: Larry Barszewski

Commissioners have new plans to deal with the homeless who have made the city their home, trying to stop them from bothering residents and motorists and making visitors uncomfortable. Among the items the city wants to ban or restrict: panhandling at intersections; sleeping on sidewalks and public benches; defecating in public; and storing personal belongings on public property. The city is also considering new restrictions on groups that feed the homeless outdoors. The discussion follows the commission's recent decision to participate in a Housing First grant that will provide apartments and support services for 22 chronically homeless individuals at risk of dying if they remain on the streets. The proposed actions would extend beyond the homeless, preventing firefighters and nonprofit groups from soliciting donations at intersections. They would prohibit sign spinners trying to lure drivers to local businesses, as well as students holding car-wash signs for school fundraisers.

City Manager Lee Feldman said the proposals are meant to be public health and safety measures -- not anti-homeless -- and are based on laws adopted in Tampa, Dallas and Brentwood, Tenn. City Attorney **Cynthia Everett** cautioned that past court rulings involving the city will affect what the city can do now. "Despite the fact that some or all of these ordinances may have passed muster in other jurisdictions, does not mean that they automatically apply or will work the same way in this jurisdiction," **Everett** said. Commissioners could begin voting on the measures as early as February. "Our parks, some of the same parks where we send our kids to play, have become de facto homeless shelters. Our intersections have become taken over by panhandlers," Victoria Park resident Andrew Gordon said at Wednesday's commission workshop. "The time to act is now." Robin Martin, executive director of HOPE South Florida, asked commissioners not to damage the work being done to feed the homeless indoors at scattered sites throughout the city. "While we applaud the city for moving forward with providing Housing First solutions, we oppose efforts to eliminate all meal sharing," Martin said.

The commission agreed to refine the proposal on feeding groups. Commissioner Dean Trantalis and others called the proposals "a first step." Trantalis said the city's efforts shouldn't only be about trying to stop unwelcome behaviors. "These measures seem to be more punitive than rehabilitative," Trantalis said. "We should embrace the opportunity to help people that are in bad straits." But Jay Holloway of Victoria Park said the city is an "enabler" with programs assisting the homeless because those programs just attract more homeless. “I would ask members of this workshop to take risks and make Fort Lauderdale less friendly to an epidemic of panhandlers, drunks, petty criminals and drug abusers,” Holloway said.

https://www.highbeam.com/doc/1P3-3325174871.html
May 1, 2014

Kappa League of the Fort Lauderdale Alumni Chapter of Kappa Alpha Psi Fraternity Set to Honor Local Women Achievers

The Kappa League will honor some of Fort Lauderdale and Broward County's finest ladies on Sunday, May 4 at 2:30 p.m. As Mother's Day gets closer, the Kappa League thought it only fitting to celebrate their mothers, along with a few dedicated ladies that make things happen. This year's honorees include: Mayor Barbara Sharief, Dr. Rosalind Osgood, Attorney **Cynthia Everett**, Public Affairs Officer Petula Burks and the Silhouettes, Fort Lauderdale Alumni Chapter of Kappa Alpha Psi Fraternity. Mayor Barbara Sharief was born in South Florida, raised in Broward County and is a longtime resident of District 8. In her personal life, Barbara is an active and energetic mother of three, an involved member of the PTA with a passion to enhance the quality of care for the elderly and children of Broward County.

Dr. Rosalind Osgood is a Broward County native. She is a graduate of Fort Lauderdale High School and single mother of three adult children who are college graduates. Dr. Osgood's life is a prime example of what education, faith in God, and community support to provide opportunities that might otherwise have been unimaginable. Attorney **Cynthia Everett** is an accomplished attorney who brings with her an array of expertise, professionalism and a work ethic that is second to none. Attorney **Everett** is the first African-American and first female City Attorney for Fort Lauderdale.

Public Affairs Officer PetulaBurks, a results-driven public relations and communications executive with over 15 years of experience impacting organizations' presence and performance nationally, serves as the Public Affairs Officer for the City of Fort Lauderdale. Kappa League National History: Under the chairmanship of Mel Davis, the Los Angeles Alumni Chapter's Social Action Program took the form of training activity for young men of the Alain Leroy Locke High School. Called the Kappa Instructional Leadership League, it was designed to help young men grow, receive, and develop their leadership talents in every phase of human endeavor. It provided both challenging and rewarding experiences, which richly enhanced their lives.

Membership was open to male students from the 10th through the 12th grades. The fraternity sought to help these young men to achieve worthy goals for themselves and make constructive contributions to their community when leadership roles become the responsibility. Kappa League is a program for the educational, occupational and social guidance of male students in grades sixth-12th. The nucleus and primary focus of the Kappa League revolves around the "Five Phases" which are: * Self-Identity Discipline, Assurance, Awareness, and Appearance * Training-Academic, Career-Choice, Preparation, and Organization * Competition-Politics, Career Advancement, and Sports * Social-Religion, The Arts, Entertainment, Conversation/Communication, and Etiquette/Manners * Health Education-Physical Fitness, Sex Education, Drug Education, and Health and Safety. The Kappa League will tip their hats to the women in their lives on May 4, at the Fort Lauderdale Women’s Club.

https://www.highbeam.com/doc/1P3-3012943261.html
June 20, 2013

Talks Snag Lauderdale Landing 1st Black Attorney

Contract terms for **Cynthia Everett**, tapped as Fort Lauderdale's first black city attorney, have become mired in a salary dispute. The City Commission chose **Everett** in May and on May 21 offered her an annual salary of $175,000. **Everett** made a counterproposal of $199,000 and additional benefits. "When she applied, she listed her salary at $150,000," Fort Lauderdale Mayor John Seiler said. "We felt that we were very generous." **Everett** declined to comment when contacted by phone. But the city's offer is lower than what Fort Lauderdale pays retiring City Attorney Harry Stewart, who gets $257,961. It is also less than what other senior city officials are paid. City Manager Lee Feldman receives $199,000 and City Auditor John Herbst $183,055. Broward County's attorney Joni Armstrong Coffey is paid $240,345 per year. Hallandale Beach's attorney, V. Lynn Whitfield, receives $180,000 per year. Jeffrey Sheffel, Hollywood's attorney, is paid $166,504.

Seiler attributes any delay in finalizing **Everett**'s contract to her schedule, adding, "She has not gotten back to us." **Everett** has served as attorney for Pinecrest in Miami-Dade County since 1999, earning $160,000 annually. She has also served as attorney for Opa-locka, where she earned $75,000 per year. In her counterproposal to Fort Lauderdale, **Everett** is asking that her vacation and management days, along with her sick leave days, accrue during her tenure. This benefit is given to highest ranking managers in the city. Fort Lauderdale has offered her 15 vacation days per year, 10 management days per year and 12 sick leave days per year.

She also wants to be eligible to receive any future increases in benefits similar to those of other executive officers. **Everett** is also asking for a relocation payment of $10,000, which the city has not offered her. However, in 2011, Feldman was given a $10,000 relocation allowance when he was selected as city manager and moved from Palm Bay in Central Florida to Fort Lauderdale. The offer to **Everett** does not prevent the city from reducing her salary, compensation or benefits and does not establish a defined work week.

McClatchy-Tribune Regional News (USA)
June 19, 2013

BRIEF: Fort Lauderdale hires new city attorney
Author: Larry Barszewski

Commissioners hired **Cynthia Everett** as the new city attorney on Tuesday, approving a contract with a starting salary of $193,000. Commissioner Dean Trantalis opposed the agreement because of **Everett**'s July 1 start date, saying **Everett** will be gone a significant amount of time in July and August to wrap up previous commitments, all while being paid by the city. He suggested a Sept. 1 start date instead.

But **Everett** told commissioners she would take unpaid leave when handling any outside matters. Mayor Jack Seiler said commissioners had asked for her to start earlier so she could spend time with current City Attorney Harry Stewart, whose last day is July 11. **Everett** is currently the village attorney in Pinecrest and has a private practice. Besides salary, she will receive a city contribution into an individual retirement plan equal to 9 percent of her salary. She also gets $10,000 for moving expenses and is required to be a city resident by Jan. 1.

Miami Herald, The (FL)
October 12, 2012

Pinecrest to loosen rules for banners at schools
Like many suburban communities, Pinecrest has strict limits on the size of signs. But the village tentatively agreed to loosen the rules to help schools sell sponsorships.
Author: Ashley Lopez

Pinecrest council members think they've found a way to help schools raise more money by putting advertising banners on their fences — but without creating excessive visual clutter. PTSA leaders and the village's representative on the Miami-Dade County School Board asked village leaders to loosen sign rules so that schools could put up more banners promoting upcoming events or businesses that have given money to the schools. The council previously considered a plan that would have allowed schools to dedicate up to 10 percent of their fences to banners, provided that no sign is more than four feet tall. But some residents and council members were concerned that would allow too many signs, creating visual clutter. And council member Jeff Cutler said that the way the proposed ordinance was written, people who want more signage would just need to add more fences. "We are looking at an ordinance that favors fences," Cutler said.

So the council instead agreed to allow schools to place signs totaling up to 128 square feet for each side of the school. That's about three times the square footage now allowed. Each sign could be no larger than 4 feet by 8 feet Vice Mayor Nancy Harter asked that a time limit also be added back to the ordinance. At her request, the council voted to allow banners for no more than 90 days at a time. The current ordinance allows schools to keep banners up for only 14 days at a time. "Ultimately, I don't want to see a company-sponsored sign in the same place all year round," Harter said. At the suggestion of Village Attorney **Cynthia Everett**, the council agreed to apply the changes to all property zoned for "public services," which includes property owned by Florida Power and Light and a few other businesses as well as churches. **Everett** had expressed concerns about possible legal challenges if churches were not treated equally to schools. The tentative changes will require final approval at the council's Nov. 13 meeting. The changes sparked a debate between school boosters and people concerned about protecting the village's appearance. Resident Terri Buria said she was worried unregulated sponsor advertising would "cheapen" the schools. She said business would have the opportunity to exploit the unlimited advertising space if the looser ordinance had been passed.

"Businesses are going to sponsor things and ask to put up a banner," Buria said. "You are really just creating billboard areas at eye level. At some point in time someone is going to bend and twist this." But resident Brian Shapiro said that banners have really helped schools in the past. "We have raised a lot of funds by this kind of communication," he said. Lawrence Feldman, who represents Pinecrest and neighboring communities on the Miami-Dade school board, joined the side asking for relaxed rules. "Don't shut the door on them," Feldman said. "It's getting harder and harder to fund the schools."

Miami Herald, The (FL)
July 22, 2011

State orders Pinecrest to allow guns in parks
Pinecrest is repealing its ban on guns in public parks because a new state law would subject the village to fines if the prohibition remained in place.
Author: Michelle Hammontree-Garcia

Concealed handguns will soon be allowed in Pinecrest's public parks. Saying the State Legislature had tied their hands, village council members unanimously agreed to repeal their law banning guns in parks. If they hadn't, officials said, the state would have fined the village. The council gave preliminary approval to the repeal because state law trumps local law. And state lawmakers wanted to make that crystal clear by amending state statute 790.33 with House Bill 45, which imposes penalties on those who violate it. But don't expect to see skeet-shooting in the field behind the community center or target practice in Suniland Park. Though under state law guns are now allowed in parks, they must be concealed and properly permitted, said village attorney **Cynthia Everett**. Mayor Cindy Lerner said she is glad that we still have freedom of speech so that she can "bitterly complain." "I am angry, disgusted and horrified that they put us in this position. This is a public-safety issue," Lerner said in an interview. "This is not the wild, wild west."

Effective Oct. 8, 2011, officials or employees of county or municipal governments who violate the preemption can face a $5,000 fine. It is also grounds for termination of employment or removal from office by the governor. A government could also be held liable for damages up to $100,000 and plaintiff's attorney's fees. State Rep. Jose Felix Diaz, whose district includes Pinecrest, voted in favor of the bill when it passed through the House during its last session. Diaz, a Republican, said the intention of the bill is to protect the right to bear arms and to provide uniformity across the state. "When every municipality has its own gun laws, you can be in one town that enforces one law and cross over to another town where the laws are completely different," said Diaz. He added that when the bill was presented in the House, many municipalities from North Florida showed up to speak about the bill but that Pinecrest leaders didn't contact him. Lerner doesn't think guns and parks mix. "What if someone leaves or drops their gun in a park and a child finds it?" **Everett** agreed, adding: "If you can't have it in a school, then why in parks?"

Miami Herald, The (FL)
May 13, 2011

Village raises fines for night-time noise
Mayor Cindy Lerner said the threat of a $50 fine was not enough to deter some loud, late-night partiers. Maybe $250 will work.
Author: Michelle Hammontree-Garcia

Pinecrest's human residents will now have to dig deep into their pockets if they are fined for being too loud. But village officials are still working on a way to deal with four-legged residents who disturb their neighbors' sleep. The Village Council unanimously passed an ordinance Tuesday that increases the initial fine from $50 to $250, and subsequent citations to $500 from $250. The changes took effect immediately. The noise ordinance requires that police first issue a warning. Mayor Cindy Lerner asked for a revision of the ordinance, after residents complained to her about barking dogs and loud parties that sometimes go long into the night. The old fine wasn't serving as a deterrent. "Fifty dollars, in this day and age, in this community is kind of laughable,'' Lerner said. "You are not going to get anybody to stop doing anything with the threat of a $50 fine. This is for those people who are going to say, 'sure,' shut the door, and go back and turn up the music again."

The noise ordinance does not allow noise louder than 65 decibels between 7 a.m. and 11 p.m. or noise louder than 60 decibels between the hours of 11 p.m. and 7 a.m. daily. The noise is measured at the nearest property line. Seventy decibels would be about as loud as a vacuum cleaner. Getting a barking dog to stop has proven not be as easy as issuing a fine, because the homeowner is usually not home when their pooch is creating a ruckus. Also, measuring the loudness of a bark is difficult because it is not a constant sound. Because a warning must be issued first, police end up mailing it, which can take a couple of days. And because a fine can only be issued if the second violation happens within 24 hours, the dog's owner usually isn't fined. Though barking dogs are not a chronic problem in the village, "every couple of years we get two to three complaints that are problems for a period," said Village Attorney **Cynthia Everett**. She is working with police to possibly propose an additional change to the noise ordinance to address barking dogs.

Dogs can get some up their pent up energy out by taking a stroll through the Pinecrest farmer's market, which will be extended through the summer. The council also unanimously approved a resolution to extend the market. Lerner and Pinecrest Gardens' director, Alana Perez, hope the summer market will help attract people to the Gardens, which are usually not as busy during the summer, except for camps and other children's activities, such as, the Splash and Play. With less produce available during the next six months, Perez is taking a wait-and-see approach. She said that it is "an experiment" that she hopes works. "It is our hope that our visitors will continue to support the market, purchase fresh wonderful summer fruits being grown locally and enjoy their picnics inside the Gardens, where we offer tables, umbrellas, benches, breezy scenic views of Swan Lake and shady areas abundant with beautiful flora," said Perez in an interview. Claire Tomlin, the market's organizer said at the meeting, that she and Perez are brainstorming on how

to use the market as a vehicle to attract folks into the Gardens. One idea is for vendors to sell pre-packaged lunches that can be taken into the Gardens to eat.

But Councilman Joe Corradino said at the meeting that extending the market is "over-kill" and thinks that neighboring residents should get a break. "We should give it a rest for the summer and bring it back in the winter like we usually do," said Corradino. Tomlin told the council that she expects the summer market to attract only about half of the attendance as the winter version. The market will open Sundays from 9 a.m. to 2 p.m. Setup starts at 7 a.m. and the vendors must complete their breakdown by 4 p.m. The village will receive $500 a week for 30 vendors and $20 for each additional vendor over 30. That should bring in the village at least $6,000 for the summer. If residents complain, or if the market is not attracting enough vendors, both the village and Tomlin have the option to cancel the summer contract.

Miami Herald, The (FL)
April 5, 2009

THEY'VE GOT THE SPIRIT OF SERVICE
Author: Miami Herald Staff Report

Alpha Kappa Alpha's 2009 Spirit Award winners are, from left, **Cynthia Everett**, the Rev. John A. Ferguson and Priscilla Stephens Kruize. **Everett**, one of South Florida's top attorneys in labor, employment and municipal law, was named one of Florida's 2008 Super Lawyers by her peers for outstanding work and professional achievement. She is the attorney for Pinecrest, the special master for code compliance in Miami Lakes, and the special counsel to the city of Miami Civil Service Board.

Ferguson, founded the Second Baptist Church in 1964 was a member of the Community Relations Board, which helped keep the peace during the Liberty City riots in the 1980s. In 2000, the School Board named a high school after him. Kruize, a retired teacher, served on the frontline of the Civil Rights movement as a member of the Congress of Racial Equality (CORE). While a student at Florida A & M University in 1960, she and her sister Patricia spent 49 days in a Tallahassee jail for protesting lunch-counter segregation.

Miami Herald, The (FL)
September 7, 2008

PINECREST: Pinecrest loses its appeal regarding an abandoned home
An appeals court says that Pinecrest will have to do a better job of contacting the owner of an abandoned home who might have ties to the Venezuelan government if it chooses to move ahead in a foreclosure lawsuit.
Author: PATRICIA MAZZEI

In a setback to Pinecrest's efforts to take ownership of an empty home it has been maintaining for years, an appeals court ruled against the village Wednesday, saying it did not properly contact interested parties in filing its lawsuit. The ruling by the Third District Court of Appeal adds a wrinkle to an already complicated case that might involve an entity of the Venezuelan government. In September 2005, Pinecrest filed suit to foreclose on a home on 8767 SW 62nd Ct. after issuing code enforcement fines that went unpaid and placing a lien on the house. The home is owned by Redfield Investments, a company incorporated in the Netherlands Antilles. When it came time to serve the lawsuit, village officials said they did not know anyone representing Redfield. They sent papers to a mailing address listed for the company, but those were returned. They then tried serving a former attorney for Redfield -- knowing that the lawyer did not represent the company anymore, according to the ruling.

Florida law says if it is not possible to reach parties to be served in a lawsuit, the plaintiff can still serve the case by publication -- but only after conducting a diligent search for the property owner, his or her representative and any other party that might have an interest in the case. Pinecrest did not do that, the court ruled, because it did not reach out to the most likely source of information on how to contact Redfield: the Venezuelan consulate in Miami. The village had been in touch with the consulate about the property before, after finding out that the Venezuelan government might have acquired an ownership interest in the house through Redfield. Still, Pinecrest said it did not know of a particular person or agency to contact to reach Redfield or anyone in Venezuela, so it did not serve them. Instead, the village tried to track down the owner through Miami-Dade County, utility companies and the postal service.

"There's no independent evidence that Venezuela has an interest in the property, and we notified the owner of record," Village Attorney **Cynthia Everett** said. But Michael Diaz Jr., managing partner of the Diaz, Reus & Targ firm that represents Redfield, said Pinecrest knew how to contact his client -- and chose not to. "They're entitled to procedural due process," he said of his client. Diaz added that his client has maintained and tried to sell the home. The company drained and covered the pool behind the house, mowed the lawn and placed for sale signs that were removed by someone, he said. Only recently did he find out the village was paying to clean the home, he added. Pinecrest has spent $9,300 on maintaining the house, in addition to the $240,000 outstanding in fines and the lien, Village Clerk Guido Inguanzo said.

Miami Herald, The (FL)
July 30, 2006

RATE SAME, BUT TAX BILLS LIKELY TO RISE
Author: CHARLENE COLLAZO

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

In other business, village attorney **Cynthia Everett** discussed a request for mediation from Jerry Proctor, lawyer for GREC Pinecrest developers. The council turned down the company's rezoning request last month to build 18 townhomes at 7520 SW 100th St. **Everett** said state law requires the village to agree to mediation, but she needs to research how it would be done and what is required. She will report back to the council on her findings.

Matzner asked **Everett** to find out whether the mediation would include the public, or would be limited to the developer and the council. ``If neighbors are able to participate, then it is something that we can pursue," he said. ``Without them, it would be wrong." Village Manager Peter Lombardi was not present at the meeting because he was having surgery, the mayor said. Lombardi was out sick for three months earlier this year.

Miami Herald, The (FL)
July 22, 2006

A WONDERFUL OPPORTUNITY'
Author: KATHLEEN FORDYCE

Cynthia Everett, who owns her own law firm, took on Pinecrest village as one of her clients in 1999. She made the move from Opa-locka, where she worked first as the assistant city attorney and then the chief counsel. Working for Pinecrest for about seven years, **Everett**, 48, said that although the village has different needs than does Opa-locka, both municipalities work to make their communities better places to live. ``I find that the priorities may be different with different municipalities, but everyone is on the same path with the same goal. It's just a matter of how you are going to get there," **Everett** said. ``It has just been a wonderful opportunity and a wonderful experience."

Born in Connecticut, **Everett** moved with her family to Florida and she attended Florida State University. She already had family ties in South Miami-Dade, including her grandmother, Arlie Armstrong, who recently turned 101 and is well-known in the Goulds area. **Everett** earned her law degree from George Washington University in Washington, D.C. She has worked for the law firm Williams & Associates and was an assistant U.S. attorney in district court and an assistant state attorney in circuit court. She was also selected to serve on the 11th Circuit Judicial Nominating Commission and is active in many legal associations. Her law firm, **Cynthia** A. **Everett** PA, is in Coral Gables. Her time with Pinecrest has been enjoyable, she said. ``Everyone is very nice and pleasant and easy to get along with," she said.

Miami Herald, The (FL)
October 6, 2005

EMINENT DOMAIN MIGHT CLAIM ABANDONED ACRES
Author: YUDY PINEIRO

Correction: A Pinecrest home on property that might be taken by the city under its powers of eminent domain is vacant but not abandoned, as the headline on an Oct. 6 Neighbors story incorrectly stated.

The Pinecrest Council has its eye on a 4.5 acre slice of land it says would be the perfect spot for a skateboard park and maybe a couple of ballfields or tennis courts. As it stands now, the property at Southwest 72nd Avenue between 94th and 96th streets is home to a vacant one-story residence, two horses and some grass. Real estate broker Steve Arbuckle has the property listed for $7.5 million and says there have been ``multiple offers'' on the land, though no contract has been finalized. But city officials believe the sale is imminent and at recent meetings have talked about taking the land through eminent domain - the government's power to take private land for public uses. ``It's more of an alternative or a last resort,'' Village Attorney **Cynthia Everett** said. ``At this stage the village is just exploring all the circumstances, but if there is something in the works, you always have to consider eminent domain as an option.'' **Everett** said the council has not yet instructed her to start negotiating for the land.

Arbuckle declined to comment on whether the village has inquired about the property and would not give further details, citing pending contracts. At least one nearby resident doesn't think it's a good idea. ``I think that it is important that we in Pinecrest make sure that there is ample open space and parks available for our residents to enjoy,'' Al Kramer wrote in an e-mailed statement to the council. ``However, I am against spur of the moment ideas,'' Kramer wrote. Kramer told The Herald the village's six parks are expensive to maintain and some are underused. Another park would be an extra burden on taxpayers, he said. The council has already said it may raise the tax rate in coming years to help pay for the new property and make up for increasing costs in providing park services and programs.

The Miami Herald
March 17, 2002

COUNCIL OKS `NOISY' CONSTRUCTION LIMITS
Author: EUNICE SIGLER

Responding to resident complaints about construction noise, Pinecrest Village Council members gave an initial OK to an enhanced noise ordinance Tuesday night. The new law, copied from Miami-Dade County's version but adding a new section on construction, would limit the times and days during which ``noisy'' construction can take place in the village. Construction can happen, but workers are banned from making noise that would ``disturb the peace and quiet of the neighborhood,'' from 6:30 p.m. to 7 a.m. on weekdays, from 4 p.m. to 8 a.m. on Saturdays and Sundays, and from 4 p.m. to 8 a.m. on holidays. ``This is the result of much citizen input,'' said Mayor Evelyn Greer, who said she had received many e-mails, letters and phone calls from residents. Under the proposed law, police would give first offenders a verbal warning, followed by a citation on second offense. After that, repeat offenders would face increasing fines. Council members will consider final approval of the law at the next meeting April 9.

* Also on Tuesday, Pinecrest officials voted to attempt to settle a lawsuit with the state's Department of Community Affairs over ``transit-oriented zoning'' along the U.S. 1 corridor near the Metrorail system. As required by law, Pinecrest had submitted a comprehensive master plan to the department for approval. But the state rejected it, saying officials had to allow higher building and density requirements along U.S. 1 to encourage people to live near and use the Metrorail system. When it incorporated, Pinecrest changed the existing zoning laws, which had allowed buildings up to eight stories along U.S. 1, limiting heights to only four stories instead. The village argued with the state that it didn't want to put high-rises next to the one-acre estate neighborhoods off U.S. 1. ``Philosophically, we understand what they're doing, but the dilemma is that the community has developed organically in a certain way, and you can't just one day declare that it's going to be something different,'' Greer said. After three years of negotiations, the state had agreed to settle on transit zoning only on three areas along U.S. 1: at the north end of the intersection of North Kendall Drive and U.S. 1, and Southwest 95th and 96th streets and U.S. 1.

The state would accept Pinecrest's four-story limit, but would require the village to ban drive-through establishments such as restaurants and ATMs in an effort to encourage people to walk in the area around the Metrorail stations. It would require increased setbacks at the front of buildings along U.S. 1, to encourage more walking space. Greer said she thought the settlement was fair, but would vote for continued litigation if the residents wanted it. Some residents thought the ``no drive-through'' restriction was impinging on their rights, but Greer said the alternative was risky: going to trial against the state and possibly losing, meaning transit zoning could be imposed all along U.S. 1 rather than in just three areas. Resident John Steinbauer suggested, and council members agreed, to accept the state's settlement offer, but keep the zoning laws under Pinecrest's control by calling them the ``North Pinecrest Business District Overlay.'' Village Attorney **Cynthia Everett** said since the suggestion was only a name change, and didn't involve substantial changes to what the state required and said the state would

probably approve it. Council unanimously approved to settle under those terms. It will take the state three to six months to respond, she said.

The Miami Herald
July 6, 2001

WESTON CELLPHONE CAR LAW PROPOSED
Author: ELENA CABRAL

Spurred by New York state's ban on the use of hand-held cellphones by drivers, a Weston city commissioner is joining some local officials who want to restrict Florida's car-phone culture. Robin Bartleman wants to ban the use of hand-held cellphones while driving in school zones. ``I don't think it's unreasonable to ask this of parents, to put down the phone and pay attention,'' Bartleman said. For now, no ordinance will be drafted until Florida Attorney General Bob Butterworth weighs in on whether municipalities have the authority to restrict cellphone use. Pinecrest, the village in Miami-Dade County where a skating teenager was run down by a driver who was both drunk and reaching for a cellphone, has asked the state for such an opinion. Pinecrest Village Attorney **Cynthia Everett** said the issue came up at a recent council meeting and that she was instructed to look into the matter. Thursday she said she had not heard back from Tallahassee. Laws related to movement of traffic generally fall under the state's purview, **Everett** said. ``It's what you do when you're inside the car that we're concerned about.'' Butterworth's office could not be reached for comment Thursday.

New York recently passed a law that banned talking on hand-held cellphones while driving. The Florida Legislature has not warmed up to the idea. ``You can't do it locally for it to be effective,'' said Carol Hanson, Boca Raton's vice mayor, who has made studying the link between cellphones and car wrecks a personal crusade. ``You can't do a patchwork quilt.''

Hallandale Beach City Commissioner Dorothy Ross agrees. She recently asked commissioners in her city to consider a cellphone ban for drivers, but she says she has come to the conclusion that the idea would not work on the local level. ``You can't do it unless Tallahassee is involved,'' Ross said. So far the only statewide movement to address cellphone use in cars has come in the form of new accident report forms for law enforcement. Accident reports now include a place for police to indicate whether driver distraction is a contributing factor in a crash. Some, like Hanson, say that's not enough. The forms should indicate whether a cellphone was in use, Hanson says. Lt. John Bagnardi of the Florida Highway Patrol said police are supposed to specify what the distraction was, but not all do. ``We're trying to get that rectified,'' Bagnardi said.

In Weston, the possibility of restricting cellphone use has raised doubts among some commissioners. ``Cellphones are not the culprits,'' said Commissioner Barbara Herrera-Hill. ``It's people who do stuff that distracts them.'' Mayor Eric Hersh said he questioned whether the city could enforce the law.

Bartleman said she was inspired to act when she heard about a Weston parent's near-miss with a cellphone user behind the wheel of an SUV outside his son's school. Don Cooper said he was walking across the parking lot of Eagle Point Elementary School, 100 Indian Trace, last May with his 10-year-old-son Scott. He said he saw a woman in an SUV driving straight at them, her

head down, trying to dial a cellphone. ``I had to pull my son back or he would have been hit," Cooper said. When Cooper and others caught up with the woman, she was apologetic, but the incident prompted Cooper to contact Bartleman. Cooper said he would be satisfied if the Broward School Board enacted a measure restricting the use of cellphones by drivers on school property.

Miami Herald, The (FL)
January 28, 2001

WHITT GOES BACK TO COURT
Author: DRAEGER MARTINEZ

A bizarre, even baffling, lawsuit originally filed in 1994 took on new shape Thursday when former City Manager L. Dennis Whitt asked that 11th Circuit Court Judge Margarita Esquiroz find two former city commissioners and three attorneys guilty of criminal contempt of court. The named parties include former Commissioners Steven Barrett and Timothy Holmes, former City Attorney **Cynthia Everett**, current Assistant City Attorney Diane James Bigot and Thomasina Williams, head of the law firm Williams and Associates, P.A. If the five are found in contempt, they could face jail time, pay fines and court costs, and the attorneys could face penalties from the Florida Bar, said Stephen M. Zukoff, Whitt's current attorney. Bar penalties could mean the attorneys could lose their law licenses. The Thursday filing claims Whitt was cheated out of his full legal rights - the city fired him in December 1994 amid allegations of insubordination and mismanagement- because a lawyer represented Whitt in court proceedings without Whitt's knowledge or consent.

Zukoff said it all started with a legal injunction that Whitt and others sought in 1994. The injunction sought to block three city commissioners in place then - Barrett, Holmes and the late George Lipkins - from meeting to vote for Whitt's removal, claiming the commissioners violated city charter requirements when they did not amply advertise the meeting. Whitt and his co-plaintiffs won their injunction, Zukoff said, but Barrett, Lipkins and Holmes met and voted to fire Whitt anyway. In the aftermath , Whitt, then-Mayor Robert Ingram and then-Vice Mayor Helen Miller fought to have the injunction enforced and the vote to fire Whitt overturned, Zukoff said. The fight fell silent for a year and the 11th Circuit Court dismissed the case on April 23, 1997, Zukoff said. Yet, on May 9, 1997, Williams' law firm filed a notice in court that it had become the attorneys representing Whitt, Ingram and Miller. Two weeks later, on May 23, 1997, Williams & Associates filed a motion for relief from order of dismissal. That essentially brought the dead case back to life, another development Whitt knew nothing about, Zukoff said.

Later still, in February 1998, **Everett** and Bigot, then Opa-locka's city attorney and assistant city attorney, filed a notice to represent Whitt, Ingram and Miller. But, as attorneys for the city, they already had an obligation to defend Barrett and Holmes, Zukoff said. ``This is the city attorney representing both sides of a case,'' Zukoff said. ``It's like if you're going through a divorce and I'm your attorney: Am I going to start helping your spouse? This is why we have independent attorneys.'' Barrett and Bigot could not be reached for comment. Holmes referred questions to his attorney, Harriet Lewis, who could not be reached. ``I don't have any idea what this is about, and I haven't seen the [filing],'' Williams said Thursday. ``I don't recall ever representing Mr. Whitt on any personal matter.'' Added **Everett**: ``I can't really comment on [the filing] until I am served with it. But I'll take care of it in court if that's what has to happen.''

https://www.highbeam.com/doc/1G1-60804955.html
March 1, 2000

Court's Fairness Commission hears ideas for improvements.

Lawyers and judges recently offered suggestions to the Supreme Court Commission on Fairness on issues ranging from diversity training for judges to Department of Children and Families' lawyers' pay. Meeting in Miami during the Bar's Midyear Meeting, the commission also reviewed the findings of the Gender Bias and Racial and Ethnic Bias Study commissions. A decade after the bias reports pointed out problems in the system, Justice Barbara Pariente said, the Bar and the courts have made little progress in eliminating the perception of bias in the system. Justice Pariente said last year's Bar membership survey revealed that 40 percent of women lawyers said they have experienced discrimination in the profession. Justice Pariente asked the commission to consider mandatory diversity training for all judges and court personnel, adding she was pleased the commission empaneled a Fairness Education Committee. "This may be part of a broader training that covers other fairness issues, such as dealing with individuals with disabilities and individuals who are under-represented," Pariente said, noting that only 20 percent of family law cases have legal representation on both sides. Pariente asked the commission to explore whether these pro se litigants tend to be economically disadvantaged, minorities or female.

Eleventh Circuit Judge Sandy Karlan, chair of the Bar's Commission on the Legal Needs of Children, told the panel that low pay for lawyers who represent children for the Department of Children and Families results in inadequate and unfair representation. Judge Karlan said many DCF lawyers are hired right out of law school for about $25,000 per year, and their lack of experience and training shows in court. "They are nice people, but they are baby lawyers, and if they have some ability or improve their skills, then they leave," Karlan said. "They are charged with a lot of responsibility, and they don't have the trial experience or the life experiences to handle these kinds of issues." The low pay and lack of experience becomes a fairness issue, Karlan said, because lawyers who work for other state agencies receive better pay. Karlan said in dependency cases, DCF lawyers act as prosecutors, and therefore should receive comparable pay to assistant state attorneys. The Commission on Fairness also forwarded several issues to the children's commission, including modifying the Code of Professional Conduct to require lawyers to protect the best interest of children in family law cases and allowing lawyers to receive pro bono credit for mentoring. (See story on the Governor's Mentoring Initiative, page 1.)

Frank Scruggs, who chaired the Racial and Ethnic Bias Study Commission, asked the commission to send a strong message to the Bar about the need to diversify the state's law firms. Scruggs also asked the commission to study the impact raising the pass/fail line on the Bar exam would have on minorities. He said the entire bar exam and admissions process -- as it relates to racial and ethnic minorities, women and other groups -- "cries out for analysis." Eileen Nexer Brown, of the Girls Advocacy Project in Dade County, next asked the commission to examine how the juvenile detention system impacts girls. Brown said the entire juvenile justice system has been built around the needs of boys, and as more girls have entered the system, the model has been applied to girls. That approach, however, doesn't work because girls and boys have

different issues and needs and respond to different incentives and disciplinary structures Brown said. **Cynthia Everett**, of the Black Lawyers Association of Dade County, said not a lot has changed in the past 10 years. "It is time for more action, not further study," said **Everett**, a former member of the Bar's Board of Governors. Instead of presentations from people who know the problems, **Everett** said, the commission should be talking to those who have the authority to make changes.

Everett said minority lawyers are treated differently when it comes to court-ordered attorneys' fees, case settlements with insurance companies, judicial appointments and other areas of practice. Orlando attorney Robin Abraham, who also serves on the Bar's Commission on the Legal Needs of Children, said she often sees less powerful people denied fair access to the justice system and is concerned about the way some judges handle cases involving divorce, child custody, distribution of marital assets, domestic violence and sexual abuse. Rebecca Cox, an assistant public defender in the 11th Circuit, next told the commission that minority children are the most underrepresented and unfairly treated group in the state. Cox said in 1998, 70 percent of the children in Dade County who were transferred to adult court were black, and Hispanic children tend to end up in detention centers while white children regularly are placed in foster care.

Miami Herald, The (FL)
January 17, 2000

LOOKING AHEAD: CHANGES SOUTH FLORIDA LAWYERS EXPECT
Author: CINDY KRISCHER GOODMAN

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

BLACK LAWYERS
It's going to be a busy year for the Black Lawyers Association of Dade County, says **Cynthia Everett**, the group's newly elected president. Myriad issues confront the group. She foresees some tough challenges this year - everything from ensuring minority admissions to law schools to minority representation in the judiciary. It likely will prove one of her association's most active years.

Everett, of counsel to Simmons and Klein in Miami, said her group, about 100 lawyers strong, will get involved in major issues that affect minorities' entry into the profession. Some examples: the proposal to raise the bar pass/fail line and the push for a public law school in South Florida. The group also plans to take a stand against any constitutional revisions that discourage the election of judges. ``We want to ensure minorities have equal access to the court," **Everett** said. And to ensure there is a steady stream of black lawyers, **Everett** said the association will continue its scholarship fund-raising program.

Miami Herald, The (FL)
November 25, 1999

CITY SUED FOR $30,000
Author: AJOWA NZINGA IFATEYO

Two former Opa-locka officials are suing the city for $30,000 in attorney fees - incurred when they hired lawyers to defend them against charges that they illegally wrote themselves paychecks. John Riley, a former assistant city manager, and Wellington Rolle, a former personnel director, filed suit against the city Nov. 18 in Circuit Court. In addition to the fees - 101 hours at $300 an hour - the two men are seeking damages and a jury trial. ``We gave the city every opportunity," Riley, also a former mayor, said on Monday. ``I told them I would take them to court . . . and I'm a man of my word. When you feel that the case law has been broken, then let a judge decide." Riley and Rolle's attorney, James H. Greason, said both city and state law requires that the city pay legal fees of employees who prevail in a legal case. ``The city's liability is clear," said Greason. ``They paid for [former Manager Earnie P.] Neal's defense - and he lost. It's not fair for them to pay for one guy's defense and not another. That's favoritism. I waited an entire year after I thought I had a deal worked out with the city to pay this bill. I'm hopeful that we can work out an accord with the city."

City Attorney Diane James-Bigot said Tuesday that the city had not been served with a copy of the lawsuit. Mayor Alvin Miller and two city commissioners could not be reached for comment. Commissioner Mary Allen would not comment. Commissioner Myra Taylor said she thought the commission had agreed to pay the bill. ``I wasn't aware that his [Riley's] attorney was not paid," Taylor said. ``It was my understanding that a settlement had been reached and the management would go from there." The suit stems from the 1994 ousting of then City Manager Dennis Whitt. Commissioners Steve Barrett, Timothy Holmes and George Lipkins voted to replace him with Newall Daughtrey. A judge had issued an injunction prohibiting the meeting because it was not properly advertised. The judge later invalidated Daughtrey's appointment. But after his appointment - and before the judge's order invalidating all action at the meeting - Daughtrey allegedly hired Riley and Rolle. Riley and Rolle paid themselves $4,231 for a month's pay, despite conflict about whether they were actually city employees at the time.

In 1995, the Miami-Dade state attorney's office filed an ethics complaint against the men after the city allegedly filed a complaint. In October 1998, the Florida Commission on Ethics dismissed the charge that Riley and Rolle had misused their positions to get back pay that they did not earn. After the ruling, both Riley and Greason appeared on two occasions before the commission demanding legal fees. The Opa-locka code says that city officials and employees are entitled to attorney fees if they are found innocent of charges incurred while in their official capacities. Officials differed over whether the invoice had been sent to then City Manager Arlington Sands. Then City Attorney **Cynthia Everett** also recommended against paying the fees, because, she said, the city did not get an itemized bill.

Miami Herald, The (FL)
August 26, 1999

EX-CITY MANAGER'S LAWYERS SUE FOR PAYMENT IN CLIENT'S DEFENSE
Author: AJOWA NZINGA IFATEYO

Attorneys for former Opa-locka Manager Earnie P. Neal have filed suit against Opa-locka asking a circuit court judge to force the municipality to pay for work the firm did last year in defending Neal against sexual harassment charges. Attorneys David H. Nevel and Ronald S. Lowy filed the suit Aug. 6 seeking $17,181 from the city for defending Neal against state Commission on Ethics charges of raping a city receptionist and sexually harassing other city employees and applicants. They also are seeking additional attorneys' fees, interest and court costs. The complaint states that City Attorney **Cynthia Everett** and then-manager Arlington Sands Jr. assured Nevel last year that he would be paid. ``The city attorney. . .advised the city commission to pay [the] bill," wrote Nevel in a four-page complaint. ``For political reasons, however, the city has refused to pay." **Everett** did not return two calls on Tuesday to her office for comment.

City commissioners were not impressed by the lawsuit. ``Earnie Neal has cost the city some money," Commissioner Mary Allen said on Tuesday, ``and he keeps on costing us money." Allen said she would vote to pay Nevel only if the court so ordered. Mayor Alvin Miller would say only that ``the attorney is working on it." Neal, Opa-locka's manager from 1995 to 1997, resigned just as the state indicted him on an unrelated public records violation - but not before he paid himself nearly $100,000 severance pay without commission approval. The commission later ratified the payment. The state attorney's office also had filed a sexual harassment complaint against Neal after investigating a 1995 rape allegation by a city receptionist and finding that nearly a dozen employees and applicants complained about alleged sexual advances by Neal. Two years after Neal left office, the state Ethics Commission in January found that Neal ``corruptly" used his office to harass one employee and a city applicant. The ethics commission did not substantiate the rape charge.

Just days before that ruling, the city commission unanimously rescinded a resolution that it had passed three months earlier authorizing the city manager to pay a $3,750 legal bill for Neal in the sexual harassment case and $250 per hour for his future legal bills. The commission voted despite Neal signing a termination agreement that released the city from ``any and all civil liabilities, claims, causes of actions. . .currently existing or arising in the future." That, Commissioner Bobby Bradley said, fueled his decision to vote against using taxpayers' money to pay Neal's legal bills. ``Earnie Neal signed [an agreement] saying that the city didn't owe him anything else," he said. ``It's up to our attorney to represent us." The city code provides for the city to pay attorneys' fees to defend any civil action resulting from a complaint for damages or injury resulting from the act of its officers or employees, unless the employee ``acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property."

Miami Herald, The (FL)
May 6, 1999

EX-CITY MANAGER WANTS SUSPENDED ONE REMOVED
Author: AJOWA NZINGA IFATEYO

Former Opa-locka Manager L. Dennis Whitt has asked a judge to declare the city in contempt of court for failing to give him documents related to his termination more than four years ago. He also asked that suspended City Manager Arlington Sands Jr. be removed from office for his alleged role in not producing the documents. Sands, suspended by the City Commission April 14, faces a public hearing on separate charges that could result in his termination. Whitt's petition was filed April 23 in Circuit Court by Attorney Stephen M. Zukoff, who also asked Circuit Judge Philip Bloom to fine the city ``substantial dollars'' and refer the case to the Miami-Dade State Attorney's office for investigation. A hearing is scheduled for today. The request for court action comes three months after Opa-locka's outside counsel, Michael Burke, told Judge Bloom that the city did not have copies of public records requests filed by Whitt since 1996. ``The city of Opa-locka representing that they did not have the original request . . . is shameful, especially when committed by a governmental authority,'' Zukoff said.

Whitt filed suit in December asking a Circuit Court to reinstate him, saying that he was never properly notified of charges against him or given an opportunity to defend himself. He is also seeking four years of back pay. Whitt was succeeded by Newall Daughtrey, and then Earnie P. Neal. He sent requests to Neal for a copy of the resolution to dismiss him, as well as of minutes and a videotape of the Dec. 9, 1994, meeting during which he was fired. Neal did not comply, and was subsequently indicted by the State Attorney's office for criminal withholding of public records in the case. Neal resigned just before the indictment; he never gave the documents to Whitt.

Whitt said requests for the documents continued when Sands took office, but, again, the records were not produced. In January, Burke told the court that the city did not even have a copy of the request. Zukoff said a copy of a Jan. 16, 1997, memorandum from then Assistant City Clerk Cassandra Knowles to Neal showed that the city did have the requests and did try to respond to them. Burke, who produced the memo, would not comment. City Attorney **Cynthia Everett** denies that the city withheld any records.

Miami Herald, The (FL)
September 10, 1998

OPA-LOCKA FACES CONFLICT OVER FILING DATE
Author: AJOWA NZINGA IFATEYO

Although Opa-locka officials told City Commission candidates they have until Friday to qualify for next month's elections, the City Charter appears to state that the deadline has already passed. One candidate who already qualified, Robert Knapp Jr., says he may sue if the city clerk allows anyone else to file. ``The [charter] book was made for the city to have something to rely on for procedures, and if it's not being following per procedure, then we have a problem," said Knapp, 30, the son of a former city commissioner and police chief. ``Any citizen of Opa-locka should have a problem if things are not done by the guidelines. That's why there are laws." The questions concern the Oct. 20 election for mayor and three city commissioners. The City Charter states that a qualifying fee of $50 must be ``deposited with the clerk of the City of Opa-locka not less than forty-five days prior to such primary election." By Knapp's count, the 45th day was last Saturday, so candidates should have filed by last Friday night.

City Clerk Deborah Sheffield Irby had advertised that the qualifying period would end this Friday, and Irby said Tuesday that she planned to stick to that date. The ads ran in The Miami Times and Herald Neighbors. ``I have to stand by and abide by what I published in the paper," she said. ``A mistake can always be corrected, but you don't shut things down. That would be unfair to [the people who did not yet qualify]. My position is to be fair to everybody." Opa-locka City Attorney **Cynthia Everett** said she believes the qualifying period technically ended Sept. 5, a Saturday, but because it was a long holiday weekend, she would consider the ending date to fall on Tuesday. But given the circumstances, **Everett** said the period should end on the advertised date, this Friday. County Election Supervisor David Leahy said that he was prohibited from commenting about the Opa-locka situation, where Irby acts as supervisor of elections. ``I can't issue opinions or give legal advice," he said. ``It's the kind of issue that can end up in court. She needs legal advice."

Leahy did say the issue was a new one. ``I don't remember something like this happening before," he said. Political analyst Ric Katz said the issue has clear legal implications. ``This belongs in a court," he said. ``I don't know how this mistake could be made. This is wrong. That's why the charter exists. The charter is not something to fool around with." Ten candidates had qualified by last Friday. For mayor, they are Commissioners Alvin Miller and Timothy Holmes and former Commissioner Steve Barrett. For commissioner, they are current Commissioner Myra L. Taylor, former Mayor John Riley, Planning Council Chairman Bobby Bradley, former public works employee Don Saunders, Karen F. Stephen and Derrick Miller. Two more people qualified to run for commissioner on Tuesday -- after the day Knapp considers the deadline: former city community development director Alphonso Tate and attorney William Ferguson. Knapp, who owns a trucking business in Davie and who has lived in Opa-locka all of his life, said he may lodge a formal complaint. Irby said several other people had picked up candidate packages, and she expected several more people to file. One of them could be public works supervisor Livingston Taylor, known as ``Mr. T," who last week said Irby told him he could not

qualify because he is a city employee. On Tuesday, Irby said she researched the issue further and has found that he could qualify but would have to resign if he were elected because no city employee is allowed to hold a commission seat.

Miami Herald, The (FL)
February 1, 1998

HOUSING AUTHORITY SHAKE-UP COMMISSIONERS INELIGIBLE TO SERVE
Author: AJOWA NZINGA IFATEYO

Opa-locka city commissioners soon will no longer make up the city's Housing Authority. Two weeks after Commissioner Timothy Holmes resigned from the authority because he said it was illegal for the commissioners to serve, Mayor Robert B. Ingram said that he will appoint community members to serve instead. ``We won't sit," Ingram said Thursday. ``I will appoint members who are not commissioners." Ingram said the appointments could be made as early as the next city commission meeting, scheduled for Feb. 11. Holmes was pleased at the turnabout. “That's the right way of going about doing it," he said. At the Jan. 14 Housing Authority meeting Holmes resigned because he said state statutes prohibit city commissioners from serving as a housing authority. City Attorney **Cynthia Everett** agreed, stating in a memo to Holmes that the commissioners could hold no other public office.

And last week, Assistant General Counsel Barbara Jo Finer said that under Florida law ``no commissioner of an authority may be an officer or employee of the city for which the [housing] authority is created." Earlier, Finer said state statues did not prohibit commissioners from acting as a housing authority. In a Jan. 27 letter to Holmes, Finer concluded that ``a commissioner for the Opa-locka Housing Authority could not at the same time a city commissioner or city employee." The Opa-locka Housing Authority is made up of the city manager and the five commissioners, with Ingram serving as authority chairman. Florida law gives the mayor the authority to appoint 5 to 7 members to the Housing Authority, one of whom should be a low-income resident. At Wednesday's city commission meeting, the commission passed a resolution 4 to 0 that ratified ``all previous actions taken by the housing authority." Holmes, who had briefly stepped away, did not vote. Ingram said the commission endorsed the authority's previous actions ``in an abundance of caution" on the advice of **Everett**, who was out of town and could not be reached for comment. Previously, housing authority actions were not discussed or voted upon at commission meetings. ``The only thing we're trying to do is help people," Ingram said.

Miami Herald, The (FL)
June 29, 1997

IS A CONTRACT EXTENSION VALID UNDER CHARTER?
Author: AJOWA NZINGA IFATEYO

A former mayor's objection to giving Opa-locka's new city manager a contract for five years -- instead of one year as the city charter requires -- led the current mayor to question whether the police union's contract is valid. The issue arose at Wednesday night's City Commission meeting when former Mayor John C. Riley chastised commissioners for considering a five-year deal for new city manager Arlington Sands Jr. ``That's improper," Riley said. ``A contract extension beyond one year has to be done by ordinance. Here you were ready to do a contract for five years. You don't want to do what's right." City officials pointed out that other contracts, such as the contract with the Police Benevolent Association, were for more than one year. Acting City Attorney **Cynthia Everett** said she believes the one-year requirement covers all city contracts. ``The charter makes no exceptions," **Everett** said. ``So the police agreement is null and void?" Mayor Robert B. Ingram asked. **Everett** said she needed to review the contract. Neither **Everett**, Ingram nor Sands could be reached Friday for further comment.

For its new city manager, the commission approved a one-year stop-gap contract and agreed to a public hearing July 9 on an ordinance that would extend only Sands' contract to five years. Sands' proposed contract, which would expire in 2002, would be renewed automatically unless the commission voted to terminate it. Like former Manager Earnie P. Neal, Sands would collect eight months' salary -- $56,000 in his case -- if the contract were terminated. Having to consider the five-year contract as an ordinance did not sit well with Commissioner Timothy Holmes. ``I'm getting very tired of playing these games with people," said Holmes. He later walked out of the meeting after four other residents criticized the commission over the contract, and raised questions about whether Sands lives outside city limits, another violation of the charter. Riley criticized the commission for refusing to put him on the agenda after he submitted a request to speak. ``I'll see you in court," he said.

Miami Herald, The (FL)
March 9, 1995

JUDGE: U.S. TO PAY FOR BOTCHED STING
Author: DAVID LYONS

Taxpayers' bill for a botched drug sting: $870,000 plus legal fees. After a weeklong trial, a federal judge Wednesday scolded the government for setting up a 1991 operation that ended with six innocent men jailed in a notorious Honduran prison. U.S. District Judge Federico Moreno awarded $155,000 apiece to five men for being beaten with rubber hoses, kicked down stairs and thrown into vermin-infested cells by Honduran guards convinced they were drug dealers. A sixth man who was jailed but not beaten got $95,800. All six men were innocent: The 45 kilograms of cocaine found on their jet had been planted there by the Drug Enforcement Administration in a botched effort to catch Miami drug importers. "There is no question in this court's view that mistakes were made by the government," Moreno said. "We can't have this happen again."

Mistake No. 1: Agents placed the coke aboard the southbound leg of Belize Air Flight 712, instead of the northbound leg. By sending it south, they exposed the load to searches in Honduras and Guatemala. Had it been placed on the return northbound leg from Belize, the plane would have flown unmolested to Miami. Mistake No. 2: Larry Holifield, the DEA agent who ran the operation in Belize, failed to notify his counterparts in Honduras, where the flight routinely stopped to unload. That violated a government policy requiring notification of the U.S. ambassador there, the judge said. Had notification occurred, the Hondurans likely would have been informed about the sting through diplomatic channels. The errors added up to an 11-day jail stay for Belize Air International pilots Claude Woodhull and Jean-Denis Boileau of Miami, Jose Calmet of Peru, and two of their passengers, Salvador and Leonardo Moran of Guatemala. A third passenger, Miami police officer Alcides Diaz, got out after eight days. Efforts to get them to "confess" included routine rounds of Russian roulette, in which guards placed guns to their heads, and forced marches on their knees up and down steep stairways.

Freedom came only after the U.S. government gave the Hondurans a "letter of exoneration." The U.S. conceded that its agents acted improperly and promised to punish those responsible. But both the DEA and U.S. Customs, which also got involved, rejected the men's claims for compensation once they got back home. Government attorney **Cynthia Everett** argued that Uncle Sam was immune because the incident occurred on foreign soil. It is uncertain whether the government will appeal. The decision is up to the Justice Department. Attorneys Arthur Tifford, Joel Fass and Steven Kellough, who represented the six men, said they hope the feds learned their lesson. Added Tifford: "I hope the government of Honduras has the integrity to apologize for the brutal conduct of its national police."

St. Petersburg Times
February 18, 1995

Seats for minorities rejected by Florida Bar
Author: SABRINA MILLER

In two highly controversial decisions, the Florida Bar on Friday rejected a plan to create three minority seats for its board and approved a rule prohibiting lawyers from having sex with clients. The ruling on minorities, which provoked lengthy and emotional debate, would have guaranteed representation of women and minorities on the Bar's overwhelmingly white male board of governors. The decision on sex with clients surprisingly brought little opposition. "I honestly expected more opposition," said board member Edith Osman, who helped draft the rule. ""But I don't think anybody wanted to deal with a second round of emotional, divisive debate." Some opponents of the minority proposal said they had not been given ample time to study the issue. Others said the rule was patronizing to minorities and women and amounted to an ill-advised quota system. "I guess I'm kind of glad we're not debating a rule against slavery because it might not be the right time," **Cynthia Everett** of Miami said sarcastically. She then paused and broke into tears, unable to continue. **Everett** is one of only two black board members.

The Bar has 50 voting board members who set policy and oversee disciplinary, legislative and legal education programs within the organization and for the public. Members in 20 districts statewide elect board members, who serve two-year terms. The minority proposal, implemented in several other states, caused an uproar among the Florida Bar's 50,000 members. Scores of lawyer groups locally and nationally sent letters and resolutions to board members. Most organizations, including lawyers groups in Broward County, Jacksonville and Clearwater, sent letters staunchly opposing the rule. But the National Bar Association, representing more than 125,000 black lawyers, sent a resolution supporting the measure. "The Florida Bar has always been on the cutting edge of important issues," said H. T. Smith, president of the state chapter of the National Bar Association. "Some say (the rule) is not the right way. Well, if this is not the right way, then what is the right way? You need to put in place a system that would allow guaranteed black representation."

Board member Walter Campbell, who is white, said he is sensitive to issues facing women and minorities, but opposed the rule because he is convinced they can get get elected on their own. "A lot of people felt this would be a step backward," he said. ""It can be brought up again, but it has to be presented differently." The issue of minority seats upstaged another controversial agenda issue: Whether to pass a rule prohibiting lawyers from having sex with their clients. After nearly three years of discussion, the rule was adopted with little fanfare. Some of the language, which said that sex with clients was exploitative and that clients were incapable of consenting to sex with their lawyers, was removed. Both decisions must be approved by the Florida Supreme Court, which generally approves such Bar rulings

Miami Herald, The (FL)
May 24, 1992

FLORIDA VOICES: THOUGH FRUSTRATED, VOTERS CARE DEEPLY
Author: TOM FIEDLER

It was happenstance that the seven strangers found themselves gathered about a coffee table in a lounge at Florida International University recently as a tape recorder absorbed their words and I struggled to keep up. For most in the group, the evening spent talking about their hopes and concerns for their government and their country marked the second time they had been randomly touched by The Herald as part of a telephone survey on the 1992 presidential campaign. Two others had been invited because they seemed at once representative of certain groups and had earned reputations for being more than capable of articulating their views. And then there was Ken Pollock, 45, who became so agitated over something he had read in The Herald one morning that he felt compelled to pick up the phone and call someone at the paper -- anyone -- to express his views. Ken's call found its way to me. And before the conversation was through, he had committed to participate in the discussion group despite the fact that the topic bore only distant relation to the source of his agitation. "I really haven't been following the campaign too closely," Ken protested, "I don't think I'd be very helpful." That turned out to be nonsense. It is a conceit of political writers and political junkies -- defined as those people who take pride in discussing the implications of a Perot candidacy on the Electoral College -- that most Americans are a step behind, if not below, them in understanding campaign issues. Many in this political clerisy speak with disdain about how easily most Americans can be manipulated by the clever, empty rhetoric of TV ads, as if they were schools of fish darting first to the right, then to the left with no evident reason. Don't believe it. Unless this was an unusual collection of people that I sat with through the course of a recent evening, I will argue that an abundance of wisdom and goodwill abide among us, yearning to be tapped for the greater good. The seven made up a focus group assembled and guided by political-science Professor John F. Stack, a good-humored ex-Bostonian, and me. The group was one of three hosted by Knight- Ridder correspondents in other parts of the country intending to give voice to the concerns, frustrations, hopes and fears of Americans as they size up their presidential choices in this election year.

Mine was a deliberately diverse group: a teacher, an executive, an investigator, a lawyer, a retired businessman ("age is only a number"), an insurance agent and a tourist counselor. They were grandparents, parents and single; Democrats, Republicans and independents; white, black and Hispanic. After spending those hours with them, I hesitate to describe them as typical voters, although statisticians might. I certainly came away feeling their insights were exceptional, more than the match of what passes for conventional wisdom on those panel shows of media experts. A full report on these discussions accompanies this column. We found that here in South Florida, the issues that worry us, puzzle us, anger us, are little different from those that trouble a similarly selected group of Ohioans or Californians. But there were some points that emerged from the South Florida group that are, to me, worth underscoring. My foremost impression was that we are mistaken to label Americans in general and South Floridians in particular as apathetic, although we know that such indicators as voting percentages are in frightening decline. Even the

more recent word -- disconnected -- may be inaccurate. What the Miami group expressed was frustration, a feeling that even when they engaged the system, grappled fully with it, their efforts would count for little. Getting government or presidential politics to move in a positive direction seemed to them akin to pushing a car with broken axles. "The average person has as much power (to influence government) as the person who owns 100 shares of GM stock has in running the company," said Pollock, who lamented that the political machinery had been clogged by special-interest money. Only the youngest participant, Guy Sanchez Jr., of Hialeah, maintained an abiding faith in President Bush, a faith he retained after participating on the front lines of the Persian Gulf war. The others regarded the president with a mixture of disappointment or disgust, certain that he wasn't up to the challenge of leading America away from the downward slope they felt it is on. Said Pollock, an independent who voted for Bush in 1988: "This country is 1929 all over again with one difference: In 1929 it had to be paid for all at once. Right now we've been given a mortgage. "And when you calculate it, each one of us sitting around here is going to pay $3,000 or $4,000."

The likely Democratic nominee, Bill Clinton, could take solace in that most in the group insisted they weren't interested in the so-called character questions dominating the news media reports. But even those who said they will vote for him, like lawyer **Cynthia Everett**, 32, conceded "I'm not too thrilled with him either." And as for Ross Perot, the Dallas billionaire, there was much ambivalence, like this expressed by John Riley, 39, a cruise-ship line executive: "He would do something. He's a wild man. You can't dismiss him, he has too much money. But he is a mystery man. Nobody knows what his platform is." All seemed to share a gloom about the nation's course. Judy Marty, 52, a teacher and Cuban-American immigrant, yearned for a return to the days when Made in America connoted quality and evoked pride. "If I was president, I would like to get things made in America again. If we don't do something, how are we going to get our jobs back?" George Katzman, 72, a retired Miami businessman, summarized: "We are letting a greed society starting with Reagan in 1980 take over our country. . . . So the rich are getting richer and the poor are having babies."

But the most poignant moments of the evening came when Professor Stack asked the group to relate their views about the Los Angeles riots to the larger question of prejudice in Miami and America. "If some people knew just how hard (blacks) have tried to make it work here," said **Everett**, who is black, her voice trailing off and the others falling silent. "And it just hasn't worked . . . . It's just a burden every day." Marty said she, too, feels prejudice when people comment on her accented English and say in terms that seem patronizing, "Oh, you're a Cuban?" Meda Jensen, 57, recalled growing up in a small Iowa town that was strictly divided in half along Christian denominational lines. "Here they were all white Midwesterners and one group kept the other group from living in the good parts of town, from having the good jobs." And Riley, who is white, said Los Angeles would serve as a needed reminder of the distance yet to be traveled in overcoming racial prejudice: "Before the riots, too many people were ready to buy into the lie of equality." These are hardly upbeat thoughts. But what stirred my heart was the fact that these strangers willingly shared such thoughts with one another, seemingly groping for points of commonality, of community. They seemed to be saying to one another: I feel your pain, let me share it. If that is typical, then America's troubles are not beyond mending.

St. Petersburg Times
March 19, 1990

Hearing to focus on judicial prejudice
Author: RACHEL L. SWARNS

Lawyer **Cynthia Everett** glowed when the judge complimented her legal brief. But his next remark left her shaking with anger. "Did you really write that?" he asked in open court. At a job interview, a recruiter asked the same question. "You try to take it in a positive manner, but when it happens time and time again, you have to wonder," said **Everett**, an assistant U.S. attorney in Miami. "I'm the same as anybody else except for my color. As a black woman, you're not given the benefit of the doubt." **Everett** told her story to a state panel investigating racial bias in the judicial system last month in Miami. On Tuesday, Tampans may speak out in a public hearing sponsored by the Florida Supreme Court's Racial and Ethnic Bias Study Commission. The hearing will begin at 4 p.m. in the Hillsborough County Courthouse. "We're encouraging all people who feel they have been discriminated against or are aware of these factors to testify to the commission," said Deirdre Kyle, the commission's deputy director. "There's still racism and bias in the judicial system. If we don't take the lead and do something about the injustices, we're going to be back where we were in the '60s," she said.

News of the hearing was music to Joanna Tokley's ears. "I think it's an excellent idea," said Tokley, president of the Urban League of Tampa. "There is too great a disparity in the sentencing of black offenders as opposed to white offenders. . . . If a black man kills a white person, it's murder, but if a white kills a black, it's manslaughter. "I think the whole system is screwed up and unfair," Tokley said. "You don't expect it to be perfect, but it just has too many flaws in it. We've got to take some kind of steps to improve it." After Tampa's hearing, the group will listen to testimony in Orlando, Tallahassee and Pensacola. The commission will publish a partial report in December and complete the study in March 1991. It will focus on minorities and criminal-law practices; judges and court employees; law schools; and lawyer hiring and advancement. Then the commission will make recommendations to the Legislature to eliminate inequities uncovered by the study.

"What was interesting to me is that a lot of people seemed surprised that these type of things (inequities) exist," said **Everett**, who also is president of the National Bar Association's women lawyers division in Dade County. "Those who aren't a victim of it don't believe it exists or tune it out. The study is a good idea because the people who aren't aware will perhaps become aware," she said. "I'm amazed that the Florida Supreme Court has taken the time to listen to the citizens most affected by the judicial system," said Raymond E. Fernandez, chairman of Mayor Sandy Freedman's Hispanic Advisory Council. "I don't know if this will help, but I feel good at least someone is listening," he said.

The Palm Beach Post
February 19, 1990

DRUG AGENCY SEIZURE LEAVES DEALER'S WIFE, KIDS HOMELESS
Author: JENNY STALETOVICH

This is the story of a shabby brown house off a dirt road in Lake Worth and what happened when America's drug warriors marched into its front yard. For seven years, Sheila Hogue lived in the two-bedroom cinder block house with her husband, Leroy. They had two kids and tried to make improvements to the house. Then Hogue, 26, left her husband after his drinking got out of control, never suspecting that he was dealing drugs or stashing them in a tool box in their closet. But the U.S. Drug Enforcement Administration not only suspected him, it also arrested him and seized the house at 4958 Navarre Road last month. Government officials say it doesn't matter that Sheila Hogue left her husband eight months before his arrest and never knew about the drugs. Since her 43-year-old husband held the title and the improvements can't be counted as an investment because they were done by the Hogues and friends, Sheila Hogue and her two kids have no claim. That's the law. Any property suspected of being used to sell drugs or transport drugs can be seized. The property owner need not be convicted of a crime.

Nationwide, the Drug Enforcement Administration seized $973 million in cash and property last year. In South Florida, the U.S. Marshal's Office has 400 homes worth $95 million that are for sale or tied up in court. Proponents of seizure laws say the confiscation of property keeps drug dealers from profiting off their crimes and builds up government tills to fight the drug war. Opponents say the blanket policy is creating innocent casualties. "The drug war allows the government to commit all kinds of abuses on people," said Kevin Zeese, general counsel for the Washington-based Drug Policy Foundation. "It's a sad situation, but society has committed itself to fighting the drug war." Hogue's house hasn't been sold, so officials don't know how much they stand to profit. The county property appraiser says it's worth $27,924. But before the government receives any money, the Federal National Mortgage Association must be paid $14,406, plus $102 in interest for every month it's not sold. Legal costs must also be deducted. "If we were to get divorced, I could have got half the house," said Sheila Hogue, who continues to defend her husband despite their separation. "I have no idea what I'm going to do. Sleep in my car, but I don't have a car. My truck's broke in the driveway."

LOST SUPPORT
Sheila Hogue has depended on her husband to support her and their children since she met him when she was 18 and working in her grandmother's Lake Worth bar. Leroy Hogue worked as a plumbing inspector for Palm Beach County until his sentencing. He started at an annual salary of $13,127 in 1977, left earning $31,046 in 1988, and repeatedly received high marks on evaluations. But on April 22, 1986, he tried to sell 21/2 kilos of cocaine to an undercover agent. Dennis Michael Randolph, 38, set up the deal and arranged a meeting place. That morning, Hogue drove Randolph to Belvedere Road. The drugs were stashed in a cordless telephone box in the back of Hogue's pickup truck. When the case came to trial, Randolph turned state's witness, testifying that Leroy Hogue-- who's been arrested once for driving drunk, once for obstructing justice, once for trespassing and once on a traffic offense -- supplied the cocaine.

Randolph also said that between April 1987 and April 1988 he bought cocaine 15 to 20 times from Hogue at his house, where Hogue stored it in a tool box. Hogue pleaded guilty and was sentenced to 19 years in prison. Randolph, who has been arrested six times in 12 years, including twice for possession of cocaine, was sentenced to 71/2 years in prison. His last drug arrest was in October 1989.

Based on Randolph's testimony, Assistant U.S. Attorney **Cynthia Everett** argued that the house was guilty of facilitating a crime. But in a memo on his ruling to seize the house, U.S. District Judge Thomas E. Scott sympathized with Sheila Hogue. "In reaching this conclusion," Scott wrote, "the Court is not unmoved by Sheila's plight and that of her children. The value of the property is relatively small in today's market and the property is less than desirable by most standards. Unfortunately, the Court must follow the law, notwithstanding the sympathy naturally invoked." He suggested the government sell the house to her for a reasonable price. The U.S. Attorney's office, which wrote a final order for forfeiture that excluded the suggestion, refused to comment on the case or its policy on seizing houses. The majority of houses or condominiums seized cost between $150,000 to $300,000, said Stephen Stone, a supervisor with the Miami U.S. Marshal's office, which holds the property until it is sold. He knew of no home seized with a value under $70,000. "There's a formula," said DEA special agent John Fernandez. "If we have a $75,000 house and the person still owes $70,000, then it's most likely . . . that it won't be seized. The value has to reach a certain percentage."

ADEQUATE NOTICE
Fernandez defended the system, saying officials don't abuse it because property owners are given adequate notice. Every Wednesday, USA Today publishes a list of houses about to be seized, he said. If anybody is victimized, he said, it's the children. "That's the system," he said. "It's the best we have." But the American Civil Liberties Union disagrees. "We think there's a more effective approach," said West Palm Beach lawyer Jim Green. "The ACLU totally disagrees with the Draconian approach the government is taking. We take the position that drugs should be legalized and regulated. That's the most effective way to take out the economic incentive." Debates aside, Sheila Hogue would still like her house back. She wants to appeal the court's decision but says she can't save enough of her $4.50-an- hour wages to pay a lawyer. So she moved in with her mother and the house on Navarre Road sits empty, growing shabbier by the day.

Research Compiled by: Amanda Kuhl
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 5

Susan M. Garrett

Fort Pierce City Attorney Candidate Report

Section 5

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Cover Letter and Resume

Susan M. Garrett
1159 Clydedale Drive
Clarkston, Georgia 30021
(404) 219-2998
susangarrett@mindspring.com

October 17, 2018

Via email to Recruit37@cb-asso.com
Mr. Colin Baenziger
Colin Baenziger & Associates
2055 South Atlantic Avenue
Suite 504
Daytona Beach Shores, FL 32118

Re: *City Attorney for Fort Pierce, Florida*

Dear Mr. Baenziger:

I am writing to express my interest in being considered for the position of City Attorney for the City of Fort Pierce, Florida. A copy of my resume is enclosed.

You may recall that we spoke briefly during the previous 2016 recruitment for this position. At that time I had not begun the Florida Bar admission process and was therefore not eligible for consideration. I subsequently postponed my plans to relocate to Florida because I was tapped to serve as Interim Chief Procurement Officer for the City of Atlanta until a permanent appointment could be made. In August of this year I returned to the Law Department as Deputy City Attorney for the Finance practice group, where I currently oversee financial and land use matters, including transactional work for major redevelopment projects.

I have recently passed the Florida Bar examination and am awaiting certification to complete the admission process, which I expect to occur shortly. I still own a home in the City of Fort Pierce and would welcome the opportunity to make it my full-time residence.

I believe that the depth and breadth of my municipal law experience, together with my personal commitment to the City of Fort Pierce, make me uniquely suited for this position. I would welcome the opportunity to meet with you and with City officials at your convenience as the recruitment process moves forward.

Very truly yours,

Susan M. Garrett

Attachment (resume)

Susan M. Garrett
1159 Clydedale Drive
Clarkston, Georgia 30021
(404) 219-2998
susangarrett@mindspring.com

Deputy City Attorney, City of Atlanta, Georgia, August 2018 – present.

- Oversee Finance and Land Use practice groups (10+ members).
- Primary legal advisor to Department of Finance, Atlanta Information Management Department, Department of Procurement, Department of City Planning, Department of Parks and Recreation.
- Key legal advisor to Executive Offices (Mayor) and City Council members.
- Responsible for oversight of bond and disclosure counsel, contract solicitations and bid protests, revenue, permitting, franchise and telecommunications matters, annexation, zoning and land use litigation.
- Key team member for major urban redevelopment transactions.

Interim Chief Procurement Officer, City of Atlanta, Georgia, July 2017 – August 2018.

- Interim executive leadership and management of 75+ employee department.
- Responsible for solicitation, contract execution and administration for all city goods, supplies, services and real estate for $2.2 B annual budget.

Senior Assistant City Attorney, City of Atlanta, Georgia, 2012- 2017.

- Key legal advisor to Department of Procurement, Atlanta Information Management Department, Department of Finance, Department of Planning & Community Development, and Executive Offices.
- General business/financial advice, legislative drafting and document review to all departments.
- Procurement advice, negotiation, drafting and review of technology agreements (hardware, software, licensing, maintenance and support, software as a service).
- Assist with procurement, drafting, negotiation and administration of various other types of contracts, including employee benefits, telecommunications franchise agreements, consulting services, intergovernmental agreements.
- Leadership role in procurement and telecommunications work groups.
- Counsel to Board of Zoning Adjustment and License Review Board.
- Staff counsel for Community Development and Human Services Committee and Zoning Committee.

Assistant City Attorney, City of East Point, Georgia, 2009 - 2012.

- General business advice, legislation, procurement and contract review for all City Departments. City Council and Mayor.
- Counsel to Planning and Zoning Commission.
- Managed outside counsel for litigation and human resources matters.
- Acting City Attorney, January – April 2012.

Private Law Practice, Atlanta, Georgia (1988-1996) and Decatur, Georgia (1996-2008).

- Land use, environmental, zoning, historic preservation; employment, civil rights, and education; business advice, 1988-2008.
- Interim City Attorney, City of Clarkston, 2007.
- Frequent presenter and panelist at seminars on civil rights, employment, zoning. land use, and historic preservation.

Education:

Emory University School of Law, Atlanta, Georgia, J.D. 1987.

- Executive Editor, Emory Journal of International Dispute Resolution (now Emory International Law Review). Author, Resolving International Environmental Disputes Between Private Parties and States, 1 Emory J. Int'l Disp. Res. 81 (1987). Summer study in Public International Law at *The Hague Academy of International Law,* The Hague, Netherlands and the *Brussels Institute for European Community Law*. Brussels, Belgium (1985).

New York University, New York, N.Y. and Paris, France.

- Graduate studies in French.

McGill University, Montreal, Quebec, Canada.

- B.A., French; Post-graduate Diploma in Education (French and ESL).

Teaching Experience:

Georgia State University Heritage Preservation Program. Adjunct Professor of graduate course in Preservation Law, 2003 - present.

Georgia State University College of Law. Visiting Professor of Legal Research, Writing and Appellate Advocacy, 2002-03; Fall Semester, 2004; Full-time Instructor, 1987-89.

Emory University School of Law. Adjunct Professor of Legal Research, Writing and Appellate Advocacy, 1994-96.

Charlotte Amalie High School, U.S. Virgin Islands (Secondary English, French).
Antilles School, U.S. Virgin Islands (Secondary English, French).
Montreal Catholic School Commission (Adult Education ESL).

Bar Affiliations and Community Activities:

State Bar of Georgia, 1987 – present;
Diversity Program Committee, 1999;
Individual Rights Section Chair, 1998-2002.
International Municipal Lawyers Association
American Bar Association
City of Decatur Historic Preservation Commission, 1996-1998.
City of Clarkston Planning & Development Commission, 2006-2007.
Memorial Drive Presbyterian Church, Elder, 2004 –present.

Languages:

English (native speaker); French (fluent); Spanish and German (basic).

Section 5

Candidate Introduction

Susan M. Garrett

EDUCATION

List your degree(s)

B.A., McGill University, Montreal, Canada
Dip. Ed., McGIll University (post graduate teaching degree)

J.D., Emory University, Atlanta, Georgia

EXPERIENCE

City of Atlanta Law Department (currently, Deputy City Attorney; previously, 5 years as Senior Assistant City Attorney)

City of East Point, Georgia (Assistant City Attorney, 3 years)

Private Law Practice (Land use, employment, civil rights, municipal law; 15 years)

BACKGROUND

1. Describe the community where you work or have worked recently? Include the population. If you are a private sector, please describe your law firm.

   I currently serve as Deputy City Attorney in the City of Atlanta Law Department. The City of Atlanta has a population of approximately 500,000 persons within city limits, in a metropolitan region of approximately 6,000,000. The Law Department is responsible for all civil legal matters for the City, including the Hartsfield-Jackson International Airport. Atlanta is one of the fasted growing metro regions in the United States and is known for its racial and ethnic diversity and its vibrant business climate.

2. Tell us how many employees in the organization and how many employees do you or did directly supervise? Tell us how many attorneys did you supervise?

   The City of Atlanta Law Department consists of approximately 35 attorneys and 40 support staff. I am one of four Deputy City Attorneys and I supervise ten attorneys in the Finance and Land Use Practice Groups.

3. Tell us how much of the legal work was performed by your staff versus the work which was contracted out to outside counsel.

   My staff and I provide support to the City's Finance, Procurement, IT, Parks & Recreation, and City Planning Departments, along with the Executive (Mayor's)

Offices and City Council. We provide in-house virtually all of the legal advice, legislation, and contract work, staff various boards and council committees, and handle the bulk of the land use litigation. We retain outside bond and disclosure counsel, and engage outside counsel when specialized advice is needed in unusual or exceedingly complex matters.

4. Tell us what the most significant legal issues are that your organization faces.

   Currently, the City of Atlanta is grappling with balancing the overall economic benefits of redevelopment opportunities, made possible by the strong economy, with the ongoing needs of disadvantaged sectors of the community, particularly with respect to providing affordable housing. Addressing this problem is challenging due to legal constraints imposed by the State of Georgia that limit the City's ability to regulate for affordable housing. Another significant legal challenge for the City and the Law Department arises from the desire and need to increase overall transparency and public responsiveness by improving the processes for responding to requests for information under the State's Sunshine Laws and implementing technology to support this effort.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. Tell us about yourself and why are you interested in Fort Pierce?

   I have owned a home in Fort Pierce since 2012 with plans to eventually move there on a full-time basis as my career plans permit. My family lived briefly in South Florida in the 1980's and I spent several years teaching in the Caribbean, so I am drawn to the environment, culture, and climate of the region. I began visiting Fort Pierce when some close friends moved there in the mid-1990's and fell in love with the City for its beauty, history, local culture, and the balance of historic preservation and forward-thinking development that I saw in and around the City.

2. Describe what do you believe the most important attributes are of a successful City or County Attorney?

   To be successful, a City or County Attorney must have a clear sense of how to manage an organizational client and to be appropriately responsive to all the constituencies to whom she reports. She must also be able to provide advice that is firmly grounded in the law and protective of the City's interests, while endeavoring to advance City policy as established by elected and appointed officials. I believe the City Attorney should advise about, but not establish, City policy. Most importantly, I believe that government attorneys have all the same professional and ethical obligations of private sector attorneys, but also have a higher duty to act in the public interest.

3. Tells us your approach to handling law suits filed against your city/town/county?

The best approach to handling lawsuits is attempting to avoid them, or resolve them before they are filed. Any notice of a claim or lawsuit should immediately be investigated, thoroughly and objectively, to determine whether there may, in fact, be any liability on the City's part and if so, how this should be addressed. If a decision is made to defend a lawsuit, the defense should be proactive and vigorous but conducted in a professional and dignified manner. Handling litigation in-house is preferable if the law department has the resources on hand, but consideration should be given to retaining outside counsel where highly specialized expertise is required or insufficient resources are available. Finally, after resolving a claim or a lawsuit, it is important to follow up with lessons learned in order to implement preventive measures for the future.

4. Describe your management style.

   My management style is collaborative and collegial, but not laissez-faire. As a leader I assume full responsibility for setting goals, making decisions, and giving direction in a clear and timely manner. After doing so, I endeavor to step back and allow staff to perform their roles with an appropriate level of autonomy, with advice and oversight from me, but without needless micromanaging. I firmly believe that all members of the department, and in fact all City personnel, are on the same team and must work in concert to accomplish the work of the City. When a problem arises we must confront it immediately and honestly, and focus on fixing it -- not on finger-pointing and recriminations. If internal conflicts or performance issues arise, we will deal with them honestly and firmly, but privately. I believe that most employees can perform well if given the right opportunities and encouragement to succeed, along with clearly articulated and enforced expectations.

5. Tell us what information you feel is important for elected officials to have and how you communicate with them. How do you communicate with elected officials?

   It is important for the City Attorney to establish a relationship of trust with the elected officials whom she serves. The elected officials should feel confident that they will receive the best possible legal advice and counsel regardless of whether the City Attorney personally agrees with the underlying policy. It is critical for the City Attorney and the elected officials to have a clear understanding of reporting relationships within the City. It is also helpful for the City Attorney to explain to elected officials how she will handle situations where she is being given conflicting direction from various members of the client group.

6. Tell us what you think the elected officials would say about you? What would the City Manager say about you?

   I believe that the Atlanta City officials who have worked with me would say that I am responsive, thorough and knowledgeable, and that I understand the relationship and distinction between what is "legal" and what is good policy. The Chief Operating Officer, Deputy COOs and department heads with whom I have worked would say that I am a

pragmatic problem-solver who recognizes practical, economic, and political considerations that must be taken into account while ensuring legal compliance.

7. Tell us what your strengths are?

   One of my greatest personal strengths is an ability to establish and maintain a cordial and respectful working relationship with a wide variety of people, without regard to their background, position, or other characteristics. I tend to believe the best about people until and unless they give me reasons to conclude otherwise.

   My greatest professional strengths include my ability to quickly digest and analyze complex factual and legal situations; to develop and carry out action plans to solve problems; and to manage time effectively and efficiently.

8. Tell us what your weaknesses are?

   I am by nature a somewhat reserved person and, like many people, do not enjoy confrontation. Over the years I have learned that no problem gets better by being ignored or overlooked. It is better to confront issues or conflicts early and get them resolved before the situation deteriorates further.

9. Describe your greatest achievement (success)? Tell us about it.

   My greatest achievement in recent years was the 14-month period during which I served as Interim Chief Procurement Officer ("CPO"), on loan from the Law Department. The 80 -member Procurement Department was in turmoil after the CPO was terminated for being implicated in a federal bribery investigation. I was knowledgeable about the legfal aspects of the procurement process, but it was my first experience leading such a large organization and holding a cabinet level position in the City administration. Based on feedback from both internal staff and external city officials, I understand that I quickly restored staff morale and improved productivity, leaving the department far better than I had found it, and running more smoothly and happily than it had in many years.

10. Describe your greatest failure (or mistake) of your career? What did you learn from it?

    Like most everyone, I have made mistakes from time to time, but have learned over the years that if mistakes are addressed quickly and honestly they can usually be transformed into learning experiences. During my early years in private practice, I had to learn not to disregard my instincts when my gut was telling me something was not right. For example, I once agreed to represent a client in an employment discrimination matter against a local government that had terminated his employment. His claims seemed credible, he had some supporting evidence, and the case had undergone investigation by the EEOC, but something bothered me about the case and the client's demeanor. When the defense counsel took his deposition, it emerged that the client had lied on his employment

application by failing to disclose that he had been terminated from a previous position. We immediately halted the deposition and I was able to reach an agreement with defense counsel that the employer would not seek sanctions or costs if the client would voluntarily dismiss the lawsuit. From this experience I learned to listen to my gut instincts and do additional investigation to allay any concerns before putting myself, my firm, or my client at risk.

11. Describe the approach you use when you find an employee's work is not satisfactory and you feel you may have to terminate the individual's employment. Provide an example of a situation where you had to fire someone.

    During my tenure as Interim CPO (see response to #9 above) I had to terminate the employment of two staff members for repeated violations of workplace rules. Fortunately, their immediate supervisors had provided repeated warnings and progressive discipline, and these measures were fully documented. Prior to the terminations we attempted to salvage the situation by counselling and reassigning the employees, to no avail. It was not a pleasant experience, but my leadership team felt comfortable that we had given the employees every possible chance to succeed.

12. Explain what you would do and hope to achieve during the first six months on the job.

    During my first six months on the job, I would meet individually with elected officials, the City Manager, and Department Heads in order to become acquainted and get a sense of their needs and priorities. Simultaneously, I would meet collectively and individually with my existing staff in order to establish a rapport and familiarize myself with ongoing legal matters, existing roles and office procedures. After taking into account all of the feedback I have received, I would outline what changes are needed and develop a timeline for implementing those changes on an incremental basis. However, during the first six months I would probably make only those changes that I am convinced are pressing and critical. Meanwhile, I would join the local bar association and seek to establish relationships with my counterparts in neighboring jurisdictions and in the legal community as a whole. I would also seek advice from colleagues about other ways to become fully integrated into the community.

13. Describe how you work with the media, assuming you do.

    I have considerable experience in responding to media inquiries either directly or through communications officers. I believe it is important to be responsive and courteous to the media, and to comply with Sunshine Laws. It is also extremely important to be wary about disclosing non-public information or allowing information to be presented inaccurately. Maintaining cordial, respectful, yet cautious relationships with members of the media helps to promote accurate reporting.

14. Tell us what do you do in your leisure time?

During my leisure time I enjoy travelling, cooking and eating out in ethnic restaurants, going to movies and museums, and moderate outdoor hiking. In Fort Pierce, I love to swim and walk on the beach, and I would like to take up kayaking.

15. If you have ever done anything that would embarrass our client if it became public knowledge, please tell us about the incident.

    Like most people, there is personal information about my life that I would not want to have made public simply because it is personal. I have undoubtedly made small mistakes over the years, but I do not believe there is anything scandalous in my background.

16. Is there anything in your background that would embarrass our client if it became public knowledge?

    See response to #15 above.

17. When it becomes known in your community that you are a finalist in Fort Pierce, are there any community activists that are likely to contact our client with "the dirt" on you?

    No.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

Tell us why you want to leave your current or most recent position.

As I enjoy my current position as Deputy City Attorney and have valued my six-year tenure with the City of Atlanta, I was not actively looking for a change before applying for the Fort Pierce position. However, the Fort Piece City Attorney position presents a unique opportunity to both advance my career and fulfill my desire to relocate permanently to Fort Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Tell us what six adjectives or phrases you would use to describe yourself.

Intelligent, even-tempered, fair-minded, no drama, pragmatic, creative.

CURRENT / MOST RECENT SALARY

What is your current/most recent salary?

$165,000

Section 5

CB&A Background Checks

Background Check Summary for
SUSAN MARIE GARRETT

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Fulton County, GA	No Records Found
DeKalb County, GA	No Records Found
State	
Georgia	No Records Found

Civil Records Checks:

County	
Fulton County, GA	No Records Found
DeKalb County, GA	No Records Found
Federal	
Georgia	No Records Found

Motor Vehicle	
Georgia	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	City of Atlanta (2012 – Present) Private Practice (2009 – 2012) Georgia State University (2002 – 2015) ***Confirmed*** City of East Point (2009 -2012) ***Verifications Pending***
Florida Bar Number	Member in Good Standing Bar #603899

Background Check Summary for
SUSAN MARIE GARRETT

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
SUSAN MARIE GARRETT
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Susan M. Garrett

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.

Please explain any yes answers on a separate sheet of paper.

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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

CB&A Reference Notes

Dan Gordon – Former COO, City of Atlanta, GA 404-727-3746

Mr. Gordon has known Ms. Garrett since about 2012 while they were both at the City of Atlanta. During this time, he was the Chief Operations Officer and she reported to him when he was Interim Chief Procurement Officer. Her job performance was exceptional, and she really stepped up for the city.

Ms. Garrett enjoyed both law and procurement and combined her knowledge in this role very well. People at the city really liked working with her because she was so approachable and inclusive as a manager. They thought she was a great partner. Ms. Garrett used good judgement when making decisions and solving problems. When she began as the Interim Chief Procurement Officer, she had to fill this role with very short notice. However, with her humble, calm way, put processes and procedures in place to move the department forward. She instilled a high morale with the team and was not deterred by difficulties.

Ms. Garrett was extremely responsive. She provided excellent guidance to the elected board and dealt well with the public. She routinely dealt with right of way issues, public works, and handled complicated matters. Ms. Garrett conducted herself with the highest level of integrity. But at the same time, she recognized that sometimes reasonable risk was necessary in order to move projects forward. She would present her opinion, which was always fair and in the right interest of the common good. Her took a fair and balanced approach but was not so rigid that she could not find the balance between risk and progress.

Ms. Garrett has heavy experience with contracts and itilities; significant experience with development/redevelopment/land use and dealing with the homeless population; and exposure to environmental and labor/personnel issues.

Mr. Gordon would hire Ms. Garrett without reservation. She would make an excellent City Attorney.

Words or phrases used to describe Susan Garrett:

- Capable,
- Smart,
- Composed,
- Honest,
- Fair, and
- Balanced.

Strengths: She works well with all types of people and is a creative problem solver. She has strong legal expertise and the intellect to go along with it.

Weaknesses: None identified.

Gerrard Grant – Former Law Department Colleague, Atlanta, GA 407-423-4246

Mr. Grant worked with Ms. Garrett for about five years beginning in 2012. They were both in the Law Department for the City of Atlanta. Mr. Grant was in the Business Transactional Department, in the city of Atlanta while Ms. Garrett was in Land Use. Ms. Garrett is the smartest attorney he has ever worked with. Not only was she a good mentor, but her work product was of the highest quality. She was respected by everyone, from Executive level to peers to the public.

Ms. Garrett is truly an exceptional attorney. She consistently gave good counsel to the elected board and was often the last stop. In other words, if they weighed pros and cons, her opinion was the deciding factor. Or, if an argument was one-sided and Ms. Garrett had another opinion, they would dig in and try not to vary too far from her position. Truth be told, she was pretty much right on everything. People looked to her for advice and it was virtually unheard of for them not to follow her council. The council they currently have has been impressed with her diligence and thoroughness.

Ms. Garrett has strong negation skills. Some attorneys kill deals with the minutia, but Ms. Garrett is thorough while still seeing the big picture. This allows her to figure out how to protect her client and negate any issues that might put them in a bad situation. She is responsive and conscientious of client's issues and deadlines. Ms. Garrett looks for solutions, but is cognizant about whether something cannot happen because of the law. She takes the lead on projects and is very methodical in solving problems. She researches arguments and then presents best case, worst case, and conservative case. It is not her job to say, "This is what I would do"; it is her job to provide options.

Ms. Garrett has experience in constitutional, environmental, utility and labor or personnel law. Her experience in contracts, development, redevelopment and land use is exceptionally strong. Mr. Grant would hire Ms. Garrett as a City Attorney if given the opportunity. Absolutely nothing controversial exists in her background.

Words or phrases used to describe Susan Garrett:

- Thorough,
- Direct,
- Prepared,
- Intelligent,
- Knowledgeable, and
- Responsive.

Strengths: She breaks down complex issues to relay them to the lay person.

Weaknesses: None identified.

Jeffrey Haymore – Former City of Atlanta Law Department, GA 404-665-1243

Mr. Haymore knew Ms. Garrett from the City of Atlanta Law Department beginning in 2012. They worked on various cases, litigation and zoning in both trial and appellate courts. They were also colleagues on general municipal matters. Ms. Garrett did a great job. She is extremely intelligent and was instrumental and helpful to colleagues. Her knowledge encompassed broad municipal law including zoning. She was made the Interim Chief Procurement Officer, and when she came to the Procurement department, she was given a broad range of assignments, including telecommunications and procurement. Ms. Garrett was hands down one of the most intelligent lawyers in the city.

Ms. Garrett got along very well with the elected body. As Interim Chief Procurement Officer, code required her to submit reports of contracts executed. She did this very well and presented these reports to the council in written form, but also by oral presentation. She reported to the city council committees about contracts that were procured, processes that were put into place, etc. The council has a high regard for her candor. Mr. Haymore cannot recall a time when the council did not follow her advice, but one contract took longer to procure than the council wanted it to take. In this case, Ms. Garrett explained why it was taking longer than anticipated and did a wonderful job explaining why and what they had done to correct it.

On a personal level, Ms. Garrett was always very helpful as a resource to whom Mr. Haymore could go to and bounce ideas. They worked well together and would occasionally collaborate on writing briefs. She is creative in offering ideas and solutions, to the extent that lawyers can be within the constraints of the law. Mr. Haymore never witnessed her behaving in a way that would give him pause. When she was brought on as the Interim Chief Procurement Officer, part of her duties included staffing the procurement office. Her predecessor was removed and pled guilty to bribery. She did an excellent job shoring up the department. The city knew she was above board, and ethical and honest enough to be put into the midst of a sensitive issue. She could step into a City Attorney role without any problem.

Ms. Garrett's knowledge of constitutional law, contracts, development and land use, utilities and labor/personnel issues is strong. Mr. Haymore is not sure what sort of experience she has had with environmental law or homeless populations. Mr. Haymore would hire her without a second thought.

Words or phrases used to describe Susan Garrett:

- Empowering,
- Responsive,
- Direct,
- Great communicator,
- Smart, and
- Truthful.

Strengths: Her candor is respectable. She is direct and to the point without being abrasive. You never need to guess where she stands.

Weaknesses: None identified.

Keith Brooks – Chief Procurement Officer, Atlanta, GA 770-596-5063

Ms. Garrett is one of the attorneys for the City of Atlanta. Mr. Brooks is the Senior Department Chief of Procurement. When Ms. Garrett came to the city of Atlanta in 2012, she was assigned to work with purchasing and procurement. She assisted in drafting contracts, responding to protests and vetting their processes to make sure they were operating according to the APA model. Last year she was the Interim Chief Procurement Officer and then went back to the law department in a different role. Mr. Brooks, and the city leadership in general, recognized the great job she did, both as Interim Chief Procurement Officer, and as providing her opinion for the Department of Purchasing. She was outstanding. Prior to her filling in as Interim Chief Procurement Officer, the Department of Purchasing had been in the news lately. She came in and not only handled the public very well, but also managed the operations.

In her short time in that role, Ms. Garrett made some policy changes. For example, in the public sector, you must be extremely transparent. It seems like a simple thing, but she created a document that summarizes offers and deficiencies. They put that tool on the website so before vendors submitted a proposal, they knew exactly what the city was looking for. This essentially reduced the number of repeat offers by companies who had been deemed nonresponsive. She also did public outreach to see what the public was looking for in their city and implemented those changes.

Internally, Ms. Garrett boosted morale. Purchasing department was going through negative press. She recognized that, and reached out to the public, but also knew internal morale was important to make sure people were motivated to do their job. User agencies also appreciated her. Ms. Garrett is analytical and deals with facts, which is appreciated because they move at a fast pace and so no time to sit and brew. Ms. Garrett provided good advice to the council, but she recognized that she can provide those opinions but they ultimately are at liberty to do what they want. On one occasion, the Chief of Procurement went against her council regarding a contract. He did not accept the contract and dinged it as non-responsive. This action resulted in an extended timeline to award the contract.

Ms. Garrett has experience in constitutional law and development, redevelopment and land use. Ms. Garrett is technologically proficient. Earlier this year, the city had a cyber-attack in which three departments were knocked out. Ms. Garrett's leadership allowed them to be functioning in 24 to 36 hours, as opposed to 72 hours that such an event would have typically taken. The city is still getting kudos from the public as to how they handled the situation. She also has experience dealing with the homeless population. Public Works and Watershed are the 2nd and 3rd largest departments in the city. Those, along with IT were Ms. Garrett's major clients. No dirt exists in

Ms. Garrett's background and Mr. Brooks would absolutely hire her. She would make an excellent City Attorney.

Words or phrases used to describe Susan Garrett:

- Confident,
- Exceptional,
- Motivational,
- Responsive,
- Experienced,
- Bright,
- Creative, and
- Intelligent.

Strengths: She makes sound decisions in a short amount of time.

Weaknesses: A year ago, Mr. Brooks would have said she needed to be firmer with the staff. However, as time went on, the staff gained confidence in her and recognized that she was supportive of them.

John Gornall – Attorney, Atlanta, GA 404-873-8650

Mr. Gornall has known Ms. Garrett since about 2003. He owned a large land zoning partnership and she came highly recommended, so he hired her to represent their company in several zoning issues. A couple of those times they tried to gain zoning, and two times they tried to prevent zoning with adjacent properties. Ms. Garrett did extremely well. She was well organized and knew what arguments to make or not make. She dealt with the public frequently, because their clients consisted of neighborhood groups. Ms. Garrett dealt with opposing council in a professional manner. She gives good presentations in front of the county commission, and zoning and planning commissions.

At the time they worked together, Ms. Garrett was a sole practitioner. His company was disappointed when she took a job with the city of Atlanta. Although at the time, he had a couple of matters with the city. She was able to get their client to the right place and person, and the matter was quickly resolved. He would hire Ms. Garrett in a heartbeat. He works on many Economic Development projects with cities and councils. She stands out as one of the best. She comes at projects in a business-like way because she has a good nose for business and understands public and private sector.

Ms. Garrett was promoted to Interim Chief Procurement Officer while all sorts of allegations about bid rigging and bribery surfaced. She came through the experience unscathed, with absolutely no dirt attached to her name. If he had been the mayor, he would have been very particular about

who he brought into the Interim Chief Procurement Officer role during the crisis, but she was exemplary when it came to crisis management.

Ms. Garrett was good at providing creative solutions. For example, his company was faced with some folks who wanted to build a 900-foot radio tower on the boundary line of a piece of their property, which they had planned to turn to a large lot subdivision. She thought about several factors. First, if the tower were to fall, 200 feet of the tower would fall on their own property, but the other 700 feet would fall on his property, which was not fair. She also found out this company had a proceeding in front of the FCC, for which they needed approval. She knew if they intervened with the FCC as they opposed the zoning, this would delay the approval their company was waiting on. Rather than risk the delay, the company decided to place their radio tower elsewhere. This was a creative solution that fell well within legal bounds. He would hire Ms. Garrett again in an instant.

Words or phrases used to describe Susan Garrett:

- Calm,
- Diplomatic,
- Well-spoken,
- Insightful,
- Well-rounded and
- Fair.

Strengths: She is very practical and knows the law extremely well.

Weaknesses: None identified.

Lawrence Neville – Attorney, Atlanta, GA 770-730-0041

Mr. Neville met Ms. Garrett in the late 1980's. At the time, his wife owned a court reporting firm and he met Ms. Garrett at an open house put on by one of the partners. Over the years, he got to know her better and thinks very highly of her professionalism, intelligence and legal brain. Eventually, Ms. Garrett had her own practice. In 2001, his wife had sold the court reporting firm to another court reporting firm owner, who sued them for various grievances. Mr. Neville asked Ms. Garrett to represent them and they fully won the first motion for summary judgement. In addition, they filed a counterclaim and were paid almost everything agreed upon. Ms. Garrett negotiated the whole thing. Mr. Neville sat in on depositions and other items litigated in a state court in Decatur Georgia. She could not have done a better job.

After a while, Mr. Neville recommended Ms. Garrett to a friend of his who was having litigation with a county in the Atlanta area over damages and amounts that should be paid for using his property as the city widened a road. She represented him and got a good result for that. Ms.

Garrett was very up to date on Environmental Law. Eventually, she decided to close her practice and became one of the attorneys for the city of Eastpoint GA, and then for the city of Atlanta. He has never seen Ms. Garrett managing an office, but he saw her on tv a few times when Eastpoint was undergoing political disputes. She was not political then or now but handles herself very well. She is an effective manager because she has high standards professionally, but also has a significant amount of tact and human relation skills.

Ms. Garrett would make an excellent City Attorney and has actually bought property in Fort Pierce. Whoever hires her will be extremely lucky.

Words or phrases used to describe Susan Garrett:

- Intentional,
- Effective,
- Organized,
- Competent,
- Trustworthy, and
- Professional.

Strengths: He does a fantastic job building networks and coordinates team efforts. He also builds a deep level of trust with those he works with and for.

Weaknesses: None identified.

Richard Randolph – City Engineer, East Point, GA 404-270-7121

Mr. Randolph first came to Eastpoint in 2009, he was the City Engineer and Ms. Garrett was the City Attorney. He walked into a situation in which he was being sued. Obviously, he was extremely concerned, so went to see Ms. Garrett. She told him, "That's okay, Richard, I've got your back." She was prepared, and had all the information she needed, which resulted in a positive outcome. She is one of the brightest legal minds Mr. Randolph knows. He has considered it a joy to know her.

At this time, Mr. Randolph was also an attorney who headed up the Board of Commissioners. Several times issues would arise in which they did not know which direction to take. Ms. Garrett spoke to those concerns and always led them in a super direction. He has never seen her get stumped by anything. Her understanding of law was outstanding. However, if she felt like she may have been speaking beyond her scope, she would research and either confirm or ratify any information. Ms. Garrett's negotiation skills are impeccable. She tries to find the best resolutions for any difficult issues.

Reference Notes
Susan Garrett

Ms. Garrett's experience with contracts is exceptional. If he had to rate her on a scale of 1 to 10, she was an 11. She also has experience with constitutional and environmental law, as well as land use and development, labor and personnel issues. She has extensive experience with utility law. Ms. Garrett is very responsive and timely. If she said she would get something done, she always followed through. Even though they no longer work together, he still consults with her because her expertise is invaluable. He would hire Ms. Garrett without question.

Words or phrases used to describe Susan Garrett:

- Fun,
- Methodical,
- Philosophical,
- Detail-oriented, and
- Responsive.

Strengths: She is professional and genuinely loves the work she does. She eats, sleeps and breathes law, but also knows how to have fun.

Weaknesses: None identified.

Prepared by: ASHLY CLARK
Colin Baenziger & Associates

Section 5

CB&A Internet Research

Atlanta Journal-Constitution, The (GA)
September 17, 2018

City might get bonuses back by suing
Former Mayor Reed, council gave out $800K at end of last year.
Author: J.Scott Trubey and Dan Klepal

The city of Atlanta might be able to reclaim some of the $800,000 in bonuses and prizes handed out by former Mayor Kasim Reed's administration and council members at the end of last year, but it would have to sue city employees to do it. That's the opinion of Attorney General Chris Carr's office, which told The Atlanta Journal-Constitution this week that "any city funds spent inappropriately might be subject to civil recovery efforts." Two investigations have found that the bonuses were not only inappropriate, but illegal.

The giveaways, awarded in the midst of a federal corruption investigation of City Hall, ranged from five top-level executives in Reed's administration getting $15,000 each, to relatively small prizes of less than $1,000 given away to front-line staffers in raffles and contest prizes during holiday parties. A report last month by City Auditor Amanda Noble and City Ethics Officer Jabu Sengova found the payments violated both city code and state law governing gratuities, which are government giveaways without a return for taxpayers.

The report found equal fault with bonuses awarded by council members to their staffs and described top city officials working together to bypass internal financial controls in a manner that violated those laws. It said Reed "lacked the legal authority" to give away city tax dollars, and former Chief Financial Officer Jim Beard "abused his position" in awarding himself a $15,000 bonus. Reed and Beard dispute those conclusions.

Council President Felicia Moore said it's unlikely the city would sue past or present employees to get bonuses back but said they could ask that the money be returned. "The AG's opinion at least lets the council know the possibility is there," Moore said. "But I'm sure we'd have to hire outside (lawyers) and how much money would it cost?" The internal investigation on the bonuses followed a $150,000 outside investigation by the Thompson Hine law firm, that also determined the awards from Reed's office and council violated state law. That report recommended that the city concentrate on shoring up city code and ensuring improper bonuses aren't awarded in the future, rather than trying to recoup the money.

Mayor Keisha Lance Bottoms said her administration is going to follow recommendations in the reports. William Perry, of Georgia Ethics Watchdogs, said council should absolutely fix the city code, but it shouldn't give up on getting back taxpayer money. He said city employees who now know the awards were wrong should be lining up to return the money. And if not, Perry said elected leaders should try shaming them: "Use the bully pulpit. Ask for the money back."

As of June, five senior city officials had returned the money -- out of 140 employees who received either bonuses or prizes, according to the joint audit and ethics report. Each of the five

who returned the money received $10,000 bonuses. They were former Renew Atlanta General Manager Faye DiMassimo; former interim procurement chief **Susan Garrett**; Planning Commissioner Tim Keane; Police Chief Erika Shields; and Assets Management Officer Jalal Slade.

The size of each bonus was based on a formula tied to salary; $15,000 bonuses went to the highest earning staffers. A spokesman for former Human Resources Commissioner Yvonne Yancy said she returned her $15,000 bonus last month, which a city spokesman confirmed. Yancy also awarded $57,500 in bonuses to 11 members of her staff just days before she left City Hall for the private sector.

The top bonuses paid out by Reed were to his five most senior executives -- $15,000 each to CFO Jim Beard; City Attorney Jeremy Berry; Chief of Staff Candace Byrd, Chief Operating Officer Dan Gordon; and Yancy. Another 19 of Reed's managers received $10,000 bonuses that were not returned.

The AJC attempted to contact several former members of the Reed administration, some of whom are holdovers under Mayor Bottoms, who have not returned their bonuses. They include Beard, former Reed spokeswomen Jenna Garland and Anne Torres, new city CFO Roosevelt Council and Watershed Commissioner Kishia Powell. None immediately returned messages seeking comment.

Tom Sabulis, a former AJC opinion editor who later joined the Reed administration as a speechwriter and who still works in the mayor's office, ended a conversation and walked away from a reporter when asked if he would return his $5,000 bonus.

At a press conference last week, Parks and Recreation Commissioner Amy Phuong wouldn't offer a direct answer when asked if she would repay her $10,000 bonus. "I feel like I can't really answer that right now," Phuong said. "I'm just going to continue to support the mayor's vision, Mayor Bottoms' vision, [of] running a very transparent and connected government."

Some council members say they worry about how the bonuses are viewed by the public. For the past three years, City Hall has been under a federal corruption investigation that spans all eight years of the Reed administration. "There's enormous loss of trust in government when things like this happen," Councilwoman Jennifer Ide, who joined the council in January, said in a recent committee meeting. But Moore said her colleagues on council would have to decide to pass a resolution asking that the money be returned. "I just haven't seen any interest in doing that," she said.

Atlanta Journal-Constitution, The (GA)
August 1, 2018

City of Atlanta's transparency push hits bumps
Author: Stephen Deere

Atlanta Mayor Keisha Lance Bottoms unveiled her open checkbook initiative in April, promising to "set a new standard for government transparency." But nearly four months later, the program that will allow citizens to track city spending to the penny via an online portal is not operational. And Tuesday, the chairman of the city council's finance committee questioned the manner in which the software was purchased.

"The irony here is that the service we are trying to procure is going to provide a whole lot more transparency into city financing," said City Councilman Howard Shook. "I would think if there is ever any proposal that we are going to enter into an agreement with, regarding transparency, certainly the nature of the procurement itself has to be kind of a model procurement."

Bottoms' announcement about the portal came just as a federal corruption investigation at City Hall was gaining momentum. Allowing the public to view all city payments online, she said, would help restore trust.Though the idea had been proposed by council members earlier, it was resisted by former Mayor Kasim Reed's administration.

The new administration planned to purchase software and maintenance services from the company Socrata through a cooperative purchasing agreement, an arrangement that allows local governments to buy goods and services that have already undergone a competitive bidding process. The city council approved the $50,000 cooperative purchase in May.

However, the administration later learned that it was not purchasing the software directly from Socrata, but instead from a reseller of the company's products. That reseller wasn't part of the cooperative agreement, which would usually require open bidding. Rather than go through that, the administration opted to purchase the software through another method: special procurement, which allows the city to bypass the bidding process if the chief procurement officer determines doing so is in the public interest.

On June 29, the interim Chief Procurement Officer **Susan Garrett** signed a document authorizing the special procurement. But Shook said the document doesn't provide enough detail about why competitive bidding would have not been in the public's interest. "My guess is we will be comfortable with it once we get an explanation," he said. "There are cases that call for special procurements."

Sara Henderson, executive director of the government watchdog group Common Cause Georgia, said the process shouldn't have been used in this instance. "Going around the procurement process is exactly got us into the trouble and the mess at the airport and with other contracts around the city," Henderson told Channel 2 Action News. The whole purpose of the open

checkbook initiative is "to be open and transparent, but yet in that (**Garrett**'s) letter ... you certainly don't see that process playing out in awarding the contract of who's going to keep up with this system." In a statement to Channel 2 Action News, a city spokesperson said that the purchase was less than $100,000 and did not require council approval.

Atlanta Journal-Constitution, The (GA)
November 30, 2017

Approval of airport vendors may face delays
Bidding process scrutinized as political pressure mounts.
Author: Kelly Yamanouchi

Several companies have been selected for lucrative contracts running retail shops at the world's busiest airport, though the city has not yet moved the deals forward for approval amid controversy surrounding the contracting process. Atlanta procurement officials earlier this year said they planned to get the contracts, which are worth tens of millions of dollars, finalized before Mayor Kasim Reed's term ends in January.

But that effort has become more tenuous as a federal corruption probe into the city continues, and after questions about a conflict of interest with a concessionaire prompted the city to put an airport executive on leave. It's all happening while a mayoral election between two Atlanta City Council members looms on Dec. 5, putting a harsh spotlight on airport contracting and raising the political stakes of city council members' votes.

On Wednesday, at the last regularly scheduled meeting of the council's transportation committee that oversees the airport, Reed administration officials were noncommittal about whether the concessions contracts at Hartsfield-Jackson would move forward.

When questioned by City Councilwoman Felicia Moore, Reed's deputy chief of staff Katrina Taylor Parks said, "There is nothing scheduled to come before this body as I stand here today." She had earlier this week told The Atlanta Journal-Constitution that "everything is under review." The uncertainty comes after the Atlanta's procurement department this month wrote notification letters for the contracts for retail shops.

The biggest contracts would go to The Marshall Retail Group and to a Hudson Group joint venture called HG ATL Retailers Joint Venture, based on the city's recommendations for contracts. But the city also recommended Hojeij Branded Foods for a contract and Business Traveler Services for a contract with several small vending locations. Another company, Select Food Group, was recommended for two small contracts.

Meanwhile, the airport said it would rebid four other retail shop contracts after finding too many companies were disqualified. The letters to the winning firms signed by interim chief procurement officer **Susan Garrett** start with "Congratulations," and say the city has completed its evaluation of proposals for the projects and that the city procurement department and airport will recommend to the city council and mayor that contracts be awarded to the companies selected.

However, the retail concessions contracting process has come under scrutiny amid the mayoral race, after multiple candidates prior to the general election called for a halt to the process. They cited the current federal investigation into cash-for-contracts scandals at City Hall.

Concessionaires also complained that the process was too rushed as the city sought to get the deals approved before the end of the year. More recently, an Atlanta airport deputy general manager has been put on leave after the city found that his wife owns a company that does business in Washington with Hojeij Branded Foods. People and entities linked to Hojeij have been big contributors to top candidates for mayor, giving at least $66,450, according to an AJC analysis.

A spokeswoman for Reed said last week that the city is "in the process of reviewing all current and pending contracts with the vendor." Hojeij said in a statement, "We believe in the integrity of the procurement process and are confident that any awards to HBF will be made based on the merits of our proposal." Hartsfield-Jackson General Manager Roosevelt Council said an investigation is ongoing.

On Wednesday, the concessions contracts were not on the transportation committee's agenda. "We are looking into everything in a thorough manner," Taylor Parks said. The administration could seek last-minute approval from the city council at their full meeting scheduled for Monday or at a special meeting. But that, too, is up in the air. "I cannot say one way or another whether we will be bringing anything to you for approval," Taylor Parks said.

October 13, 2006

MONTEREY COMMUNITY COUNCIL et al. v. DeKALB COUNTY PLANNING COMMISSION et al.

637 S.E.2d 488 (2006)
Court of Appeals of Georgia.

October 13, 2006

Attorney(s) appearing for the Case
Susan Garrett, **Susan M. Garrett**, P.C., Decatur, for Monterey Community Council.
Melanie Wilson, Eugene Reed, Jr., Assistant County Attorney, Decatur, David Flint, Mark Forsling, Schreeder Wheeler & Flint, Atlanta, Robert Burroughs, Burroughs & Keene, LLC, Lithonia, for DeKalb County Planning Commission.

RUFFIN, Chief Judge.

Legacy Investment Group, LLC ("Legacy") sought approval from the DeKalb County Planning Commission to develop a subdivision of 124 townhomes. The Monterey Community Council, Johnnie Fogle, and Jamie White (collectively, "property owners") opposed the development, asserting that it violated several DeKalb County ordinances.
[637 S.E.2d 489]
Nonetheless, the Planning Commission approved the plan in February 2005.1

The property owners filed an action for declaratory judgment and injunctive relief in DeKalb County, seeking to clarify the validity of the plat approved by the Planning Commission. Specifically, the property owners contend that because the Planning Commission did not comply with relevant DeKalb County Ordinances ("DCOs") regarding the plat-approval process, its approval of the plat was void and ultra vires. In the alternative, the property owners filed a petition for certiorari, challenging the Planning Commission's approval of the plat. The crux of the property owners' complaint was that the Planning Commission's approval did not comport with applicable ordinances. The property owners filed an amended complaint thereafter, raising a constitutional challenge to the DCO that governs appeals from the Commission's decisions.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/20061125637se2d48811091]

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 6

Abigail "Abby" F. Jorandby

Fort Pierce City Attorney Candidate Report

Section 6

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Cover Letter and Resume

ABIGAIL FORRESTER JORANDBY, ESQ.
1385 Caddy Court
Vero Beach, Florida 32966
a.jorandby@hotmail.com

October 12, 2018

City of Fort Pierce
100 N. U.S. Highway 1
Fort Pierce, Florida 34950

Re: City Attorney Position for the City of Fort Pierce

Dear Sir or Madam:

It is with great pleasure that I submit this cover letter and enclosed resume for your consideration for the City Attorney Position for the City of Fort Pierce, Florida.

By way of introduction, I am licensed Florida Bar Attorney since 2001 with comprehensive and significant knowledge of local government and municipal law. That is, since 2009, I have worked for two municipal law firms in Palm Beach County, Florida. Of recent, my clients include the City of Palm Beach Gardens, the Town of Lantana, the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District.

To begin, on behalf of the City of Palm Beach Gardens, my duties include attendance at City Council, Planning and Zoning Commission, and Code Enforcement meetings. At the City Council and Planning and Zoning meetings, I act as legal counsel to both Council/Board members and staff in order to ensure efficient and productive meetings. As the Code Enforcement attorney, I prosecute all code enforcement cases before the Special Magistrate ranging from violations of the maintenance and appearance code to violations of the Florida Building Code and the International Property Maintenance Code. As such, I work with all City departments and with the various members of staff in preparing their individual testimony before the Special Magistrate. As for development in the City, I have worked on two of the largest developments in Palm Beach County known as Avenir and Alton. Once again this requires me to work with staff and developers regarding planning needs.

On behalf of the Town of Lantana, my duties include attendance at Town Council, Planning and Zoning Commission, and Code Enforcement meetings. One notable development project that I have worked on for the Town of Lantana is that of the redevelopment of the property known the A.G. Holley State Hospital. The "A.G. Holley", as it was informally called, was a state hospital opened in 1950 and which was recently closed in 2012. In 2014, a developer purchased 70 ± acres of the property and is currently in the process of redeveloping the same into a mixed-use development. As part of this process, I

have worked with the developer in processing the required comprehensive plan amendment and re-zoning and, more recently, in processing the appropriate site plans for the project.

The West Palm Beach Downtown Development Authority is an independent special taxing district. On their behalf, I attend monthly board meetings, as well as conduct all legal work including the review of contracts, interlocal agreements, and competitive purchasing documents. Two notable projects I have completed include the preparation and filing of trademark applications and the creation of a non-profit organization now known as the West Palm Beach Arts & Entertainment District. For both the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District, I provide legal advice and guidance to both board members and staff in regard to the formulation of agency practices and procedures.

In sum, the position that I have held since 2009 with these various municipalities and agencies has afforded me the opportunity to be well-versed in the areas of municipal planning and development, Florida Public Records law and Sunshine law.

I understand from the City Attorney position advertisement that the City of Fort Pierce is looking for an individual who values team work and problem solving and who is a proven leader and manager. It is my opinion that I exhibit these exact qualities. I lead by example and I am always available to every member of staff. I have high expectations of myself and of my work product and I take pride in implementing the priorities of my client. I believe I have the requested broad spectrum of municipal law coupled with the ability to work with a team in order to achieve the success that the City of Fort Pierce seeks.

Please review my enclosed resume for additional details regarding my background. I am certain that you will find that I exhibit a powerful combination of proven legal expertise and solid communication skills. These skills combined with a strong sense of professional integrity have contributed significantly to my successes and achievements. I thrive on challenges and will spend the time and effort it takes to do well.

Thank you for your time and consideration. I look forward to speaking with you.

Sincerely,

Abigail Forrester Jorandby, Esq.

ABIGAIL FORRESTER JORANDBY, ESQ.

Mobile (561) 281-2300 | 1385 Caddy Court, Vero Beach, FL 32966 | a.jorandby@hotmail.com

WORK EXPERIENCE

The Lohman Law Group, P.A., West Palm Beach, Florida, July 2014 to present

- *Assistant General Counsel,* July 2014 to present
  - Assistant Legal Counsel to the Town of Lantana, the City of Palm Beach Gardens, the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District.
  - Work directly with City Managers, Elected Officials, Board Members and Municipal Staff regarding general municipal issues.
  - Attend Council meetings, Planning and Zoning Board meetings, and Development Review Committee meetings as legal counsel providing advice as board governance and application of appropriate legislation.
  - Conduct land planning review, public contract negotiations, legal representation of Police and Fire Departments, interpretation and application of applicable Federal, State and Municipal rules and regulations, code enforcement prosecution, and drafting of Local Government Ordinances and Resolutions.
  - Prepare and file Trademark/Copyright Applications on behalf of municipal clients.
  - Provide legal representation of municipal clients for litigation matters including appellate matters.

Corbett, White & Davis, P.A., Lantana, Florida, October 2009 to July 2014

- *Assistant General Counsel,* October 2009 to July 2014
  - Assistant Legal Counsel to the firm's eleven municipal clients located in Palm Beach County, Florida.
  - Clients included the Town of Manalapan, Village of Royal Palm Beach, Town of Palm Beach Shores, City of Atlantis, Village of Tequesta, Town of Mangonia Park, City of Palm Beach Gardens, West Palm Beach Downtown Development Authority and Town of Lantana.
  - Advised both elected officials and municipal staff regarding legal issues pertaining to municipal law, planning and zoning and land use matters.
  - Prosecuted and defended over Thirty-Five Hundred Code Enforcement cases from initial stages to hearing.
  - Prepared Appellate Briefs and Foreclosure Defense on behalf of the municipalities.
  - Prepared and filed Civil Forfeiture Proceedings on behalf of Client Police Departments.

The Keane Law Firm, Chartered, Stuart, Florida, January 2008 to October 2009

- *Estates and Trust Associate*, January 2008 to October 2009
  - Legal Counsel concentrating in Estate and Trust Litigation, Guardianships, and Probate and Trust Administration.
  - Conducted client consultations, depositions and all pre-suit discovery.
  - Represented clients before Probate Courts in St. Lucie, Martin and Palm Beach County.

Office of the State Attorney, Ninth Judicial Circuit, Orlando, Florida, August 2001 to January 2008

- *Assistant State Attorney,* August 2001 to January 2008
  - *Appellate Attorney*, Special Prosecution Unit
    - Researched and drafted State appellate briefs, State responses to petitions for belated appeal and motions for post-conviction relief.
  - *Felony Lead Trial Division Attorney*, Felony Bureau
    - Prosecuted all levels of felony crimes including habitual violent offenders with over 30 jury trials to verdict.
    - Conducted numerous interviews and depositions of witnesses and victims in anticipation of trial.
    - Trained, supervised, and mentored junior attorneys to develop their trial and advocacy skills.
  - *Juvenile Lead Trial Division Attorney*
    - Managed and supervised Juvenile Bureau Unit and staff.
    - Duties included responsibility for all charging decisions on cases filed by local law enforcement agencies, review of evidence to determine accurate filing of criminal charges and prosecution of the cases before the Juvenile Court.
  - *Traffic Trial Division Attorney*
    - Prosecuted all misdemeanor traffic offenses from intake to trial phase.

EDUCATION

Stetson University, **LL. M. in Elder Law with Honors, December 2016**

- Received the highest grade in Long Term Care Planning Course, Fall Semester 2015.

University of Florida, Levin College of Law, **Gainesville, Florida, Juris Doctor, May 2001**

- Editor-in-Chief of the *Journal of Law and Public Policy*
- Student Legal Intern in the Virgil Hawkins Civil Clinic
  - Represented indigent clients in divorce proceedings.
- Recipient of the Anson A. Bigelow Memorial Scholarship and Bernard Heeke Foundation Scholarship

Florida Atlantic University, **Boca Raton, Florida, B.A., Spanish,** *Summa Cum Laude*, **August 1998**

- Golden Key National Honor Society
- Phi Kappa Phi, National Honor Society

- Phi Eta Sigma National Freshman Honor Society
- Presidents and Deans List

PUBLICATIONS

- "Armed and Dangerous at 80: The Second Amendment, the Elderly, and a Nation of Aging Firearm Owners", *Journal of Academy of Matrimonial Lawyers,* October 2016

BAR MEMBERSHIPS

- Member in good standing of the Florida Bar Association, *Admitted 2001*
- Member in good standing of the District of Columbia Bar Association, *Admitted 2016*
- Member in good standing of the United States District Court of Appeal, Southern District of Florida, *Admitted 2009*

PROFESSIONAL ASSOCIATIONS AND VOLUNTEER ACTIVITIES

- Member of the Palm Beach County Bar Association
- Member of the Indian River County Bar Association
- Chair of the Palm Beach County Bar Lawyers for Literacy Committee *2013-2015*
- Volunteer ESOL Teacher for *El Sol* Jupiter's Neighborhood Resource Center *2014-2015*
- Florida Professional Guardian Training Completed 2018 *Registration Pending*

LANGUAGES

- Fluent in Spanish
- Conversational in Italian

PERSONAL HOBBIES

- Certified Yoga Instructor
- Hobbies include cooking, reading, gardening and hiking

Candidate Introduction

Abigail Forrester Jorandby

EDUCATION

List your degrees:

Stetson University, LL. M. in Elder Law with Honors, December 2016

University of Florida, Levin College of Law, Gainesville, Florida, Juris Doctor, May 2001

Florida Atlantic University, Boca Raton, Florida, B.A., Spanish, *Summa Cum Laude*, August 1998

EXPERIENCE

Briefly list your experience.

I have been a licensed Florida Attorney since 2001. I began my career as an Attorney in the State Attorney's Office in the Ninth Judicial Circuit for Orange and Osceola Counties. As an Assistant Attorney, I conducted traffic, misdemeanor and felony trials. At the State Attorney's Office, I handled my own vertical prosecution unit, where I reviewed, filed and prosecuted my own cases. I supervised two assistants and worked with victim advocates in that position. I held that position for more than one year and in that time, I handled approximately one thousand juvenile cases. Following my time with the State Attorney's Office I worked as an associate attorney in the field of probate litigation for a boutique Estate and Trust Firm in Martin County.

Since 2009, I have worked exclusively in the field of local government law. Initially, I worked for one of the largest local government law firms in Palm Beach County, Corbett & White, P.A. The firm represented ten municipalities and an independent special district. In that position, I was the assistant general counsel to the following: City of Atlantis, Town of Manalapan, Village of Royal Palm Beach, Village of Tequesta, Town of Mangonia Park, Town of Palm Beach Shores, City of Palm Beach Gardens, West Palm Beach Downtown Development Authority and the Town of Lantana. For these clients, I prosecuted code enforcement cases, attended Planning and Zoning meetings, Architectural Review Committees, Planning Review Committees and Council/Commission Meetings. I worked directly with staff from the Clerk's Office, Planning and Zoning Department, Police Department, Building Department and Fire Department. I also interacted and worked with residents and private developers as it related to their projects and/or concerns. In 2014, the firm underwent a change, and since that time I have worked for the Lohman Law Group where I have continued to represent the Town of Lantana, City of Palm Beach Gardens and the West Palm Beach Downtown Development Authority. Recently, on the behalf of the West Palm Beach Downtown Development Authority, I assisted in the formation of the non-profit West Palm Beach Arts & Entertainment District.

Abigail Forrester Jorandby

BACKGROUND

1. **Describe the community where you work or have worked recently? Include the population. If you are a private sector, please describe your law firm.**

   Currently, I work for three very different communities.

   The first community is that of the Town of Lantana. The Town has approximately 10, 423 residents and is known as a "little fishing village." The Town has a diverse ethnic community including the largest Finnish population in the United States.

   The second client, the West Palm Beach Downtown Development Authority, is located in the City of West Palm Beach. The City has approximately 100,000 residents. The City is truly a growing business and residential district. I work predominately with the business district and more recently with the new created West Palm Beach Arts & Entertainment District.

   The third client is that of the City of Palm Beach Gardens. The City has approximately 50,000 residents and is a growing metropolitan city. The City is known for its vast green spaces mixed with the commercial and residential areas.

2. **Tell us how many employees in the organization and how many employees do you or did directly supervise? Tell us how many attorneys did you supervise?**

   The Town of Lantana has 100 employees. I do not supervise any of the employees but I do work and have close relationships with the various departments including Public Works, Planning and Zoning, Code Enforcement and the Police Department.

   The West Palm Beach Downtown Development Authority has approximately ten employees. I do not supervise any of the employees but I do work and have close relationships with all of the employees.

   The City of Palm Beach Gardens has 500 employees. I do not supervise any of the employees but I do work and have close relationships with the various departments including Planning and Zoning, Code Enforcement, Building, Engineering, Police, Recreation and Fire Rescue. I do have one legal assistant who I have worked with since 2009.

   I have not supervised any attorneys; however, I have trained numerous attorneys, including those who had recently passed the Florida Bar, during my tenure at the State Attorney's Office.

   As a supervisor I would always maintain an "open-door policy" and endeavor to create a professional environment built on teamwork.

3. **Tell us how much of the legal work was performed by your staff versus the work which was contracted out to outside counsel.**

   In my current firm, all work, excluding the majority of litigation, is handled by the attorneys. That is, my current clients have insurance counsel which handles the majority of litigation where damages are claimed. Therefore, I handle all day to day legal work for my clients including attendance at public meetings, contract review, planning and zoning review, code enforcement, drafting of all legal documents and any other legal matters that may arise.

4. **Tell us what the most significant legal issues are that your organization faces.**

   The City of Palm Beach Gardens has been involved in several lawsuits including election issues and annexation issues all of which require specialized knowledge. The Town of Lantana has been in the process of developing one of the largest parcels of property within the Town as mixed-use development.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. **Tell us about yourself and why are you interested in Fort Pierce?**

   I am a Florida native and I have lived in Florida all my life, in particular, southeast Florida. I attended Florida schools and Florida is my home. The City of Fort Pierce is a familiar neighbor. I have litigated cases in the St. Lucie County Courthouse and I have attended the Green Market. I have watched the growth of the City over the years and I am excited to see the new opportunities coming on board. Thus, I am interested in partnering with the City to achieve new success.

2. **Describe what do you believe the most important attributes are of a successful City or County Attorney?**

   The successful City Attorney must be reliable, available and organized. This individual has to be prepared to provide the guidance and direction in order to effectively accomplish the City's goals.

3. **Tells us your approach to handling law suits filed against your city/town/county?**

   My approach to any lawsuit is to first determine what are the allegations and then work with any related department and staff to determine any possible exposure by the City. I believe strongly in working to resolve a matter prior to incurring the costs of litigation; however, sometimes litigation can be the only option.

4. **Describe your management style.**

   I would describe my management style as clear, direct and goal oriented. I like to set forth the parameters of the project and determine the role that each person will take in order to complete the project.

5. **Tell us what information you feel is important for elected officials to have and how you communicate with them. How do you communicate with elected officials?**

   Similar to my management style, I like to be direct and clear when working with elected officials. I provide the information I have and assist in formulating a plan to implement the desired outcome.

6. **Tell us what you think the elected officials would say about you? What would the City Manager say about you?**

   My elected officials would describe me as dependable and readily available. I like to be punctual and I am always prepared for my meetings with elected officials. My City Managers would state similar reviews and include that when I receive a particular project it is completed quickly and efficiently.

7. **Tell us what your strengths are?**

   I am focused and goal oriented. I am a high achiever and I demand high quality work. I complete projects quickly and efficiently. I pride myself in having an open-door policy and that I am available to everyone.

8. **Tell us what your weaknesses are?**

   I am very critical of myself and I take any mistake personally. I have high expectations of myself and my work.

9. **Describe your greatest achievement (success)? Tell us about it.**

   I have had several notable achievements in my career. However, one of my greatest is that of working with a severally disabled witness in a criminal trial. I was a Felony Prosecutor and the young man, an essential witness for my case, was about twenty years of age but had an understanding of an eight-year-old. The charges were numerous counts of Carjacking with a Firearm and Aggravated Assault with a Firearm. I worked closely with him to prepare him for trial but his mother remained concerned that he would get nervous and not be able to testify. The day before the trial, the Judge allowed me to bring him to the courtroom to see the environment and to become familiar with the surroundings. We talked about the different people who would be listening to him and the importance of telling the truth. Nonetheless, I did not know how he would react in front of the jury. In

the end, I was able to qualify him as a witness and his testimony resulted in the defendant pleading guilty before the jury could even deliberate. He was so proud of himself.

10. **Describe your greatest failure (or mistake) of your career? What did you learn from it?**

    My greatest failure involved a code enforcement hearing for one of my clients. The hearing was ultimately successful for the client; however, I was not happy with how some of the testimony was presented. I knew I needed to implement better witness preparation strategies. I took immediate action to review the process with the code supervisor and we have subsequently implemented these strategies with success.

11. **Describe the approach you use when you find an employee's work is not satisfactory and you feel you may have to terminate the individual's employment. Provide an example of a situation where you had to fire someone.**

    If an employee's work is not satisfactory then I address it immediately, in private (if possible) and in person. I approach the matter as a time of education. Perhaps the individual did not understand the assignment? I like to seek clarification as to what actually happened first and then educate as to why we cannot proceed as such. Once I have a clear understanding of the employee's position, I then explain the reason the work has to change and I attempt to educate that person as to why we have to do it differently.

    I have never fired any individual. In my experience, the Human Resource department has actually terminated an individual. However, I have been involved in the termination of various individuals in that I have had to provide background as to the issue that resulted in the termination. I have always approached the matter as truthful as possible. I understand the serious nature of such issues and I strive to ensure that everyone who has to make that decision has as much information as possible prior to making that determination.

12. **Explain what you would do and hope to achieve during the first six months on the job.**

    My first six months on the job would start with a review of the current status of the City departments and any emergent issues for the City. I would like to engage and develop relationships with all City departments and address as many urgent issues as possible. Once the initial review is completed, I envision working with the Mayor, City Commission, City Manager and staff to accelerate any future goals and implement any required changes to accomplish the same.

13. **Describe how you work with the media, assuming you do.**

    I have not worked with the media as of recent. However, I believe that when an event occurs where media coverage is anticipated, one must immediately develop the appropriate

response and be direct and out front with the City's message.

14. **Tell us what do you do in your leisure time?**

    I like to cook and bake, read, do yoga and recently I have gotten the hiking bug. In my down time, I enjoy being with family and friends.

15. **If you have ever done anything that would embarrass our client if it became public knowledge, please tell us about the incident.**

    None.

16. **Is there anything in your background that would embarrass our client if it became public knowledge?**

    No.

17. **When it becomes known in your community that you are a finalist in Fort Pierce, are there any community activists that are likely to contact our client with "the dirt" on you?**

    No.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

I have been working as assistant general counsel for the past nine years and I am ready to step into the role as the City Attorney. Hence, I am seeking to work for the City of Fort Pierce as the City Attorney.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

I would describe myself as efficient, prompt, thorough, detail oriented, resourceful, and hardworking.

CURRENT / MOST RECENT SALARY

$124,000.00

Section 6

CB&A Background Checks

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Palm Beach County, FL	No Records Found
Martin County, FL	No Records Found
Orange County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Palm Beach County, FL	No Records Found
Martin County, FL	No Records Found
Orange County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Lohman Law Group (2014 – Present) Corbett White & David (2009 – 2014) 9th Judicial Court (2001 – 2008) ***Confirmed*** The Keane Law Firm (2008 – 2009) ***Verifications Pending***
Florida Bar Number	Member in Good Standing Bar #512362

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Abigail Forrester Jorandby

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.

Please explain any yes answers on a separate sheet of paper.

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.
    None.

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

CB&A Reference Notes

Max Lohman - Attorney, Loman Law Group, FL 561-373-0278

Mr. Lohman has worked closely with Ms. Jorandby from 2009, but has been her supervisor since 2014. As the attorney who trained Ms. Jorandby, Mr. Lohman has found her to be a very intelligent, analytical individual who remains poised under pressure. She is knowledgeable in all aspects of municipal law. As contracted counsel for multiple cities, Mr. Lohman fully trusts Ms. Jorandby to handle the many issues their office has stewardship over. She is an asset for Mr. Lohman and those they serve.

Ms. Jorandby is Mr. Lohman's associate and legal assistant for the City of Palm Beach and Town of Lantana. As such she has assisted in all facets of litigation, general day to day contract review and all other municipal responsibilities. Often when he is unable to attend various city council meetings, she will attend in his stead. As an experienced prosecutor, Ms. Jorandby is adept when speaking to diverse groups of people. When addressing an elected body, she knows when to listen attentively, offering advice when needed. One of her many talents is to analyze data quickly before offering well thought out counsel. She is confident and poised, without being condescending. Mr. Lohman is unaware of an instance where Ms. Jorandby's expert advice was not aligned with his or unaccepted by those they counseled.

Often dealing with the legalities involved with high growth areas, Ms. Jorandby has extensive experience and knowledge in development, redevelopment and environmental law. As the planning and zoning attorney for the City of Palm Beach Gardens, she has played an active role. One of her many attributes which has made her so successful in this area, is her willingness to seek expert advice when necessary. She gathers information, is detailed in her process allowing the best decisions to be reached. Another of her strengths is her ability to work efficiently with a team of diverse personalities. She has strong interpersonal skills, quickly earning the respect of those on her team. Mr. Lohman has confidently delegated many projects in this area to the strong leadership of Ms. Jorandby.

Ms. Jorandby is well versed in the area of constitutional law. For example, when a lawsuit was filed over the use of various homes in the downtown area by different ethnic groups for their religious worship, it led to an investigation by the Department of Justice. She assisted Mr. Lohman in drafting an ordinance, which met all legal requirements, while ensuring the constitutional rights of all parties. Another example of Ms. Jorandby's experience and expertise occurred when the City of Palm Beach Gardens was sued by Sears Company over an antiquated civil rights claim. Ms. Jorandby's skills in negotiating and her ability to remain calm under pressure were of great benefit when addressing Sear's high caliber legal team. Ms. Jorandby is astute and easily able to navigate a potentially volatile situation. Another example of her skills in municipal law occurred when she and Mr. Lohman were asked how to legally address a pet store who was selling animals bought from animal mills. With Ms. Jorandby's knowledge and expertise she efficiently helped draft an ordinance successfully shutting down the illegal practices of the pet store.

As a City Attorney himself, Mr. Lohman knows the qualities necessary to be successful in this position. Ms. Jorandby has those qualities. She makes good decisions and is thorough in all she

does. He is confident in her abilities to step into the role of a City Attorney and trusts her implicitly. For example, while Mr. Lohman was on vacation the City of Palm Beach had an election suit presented to them. Ms. Jorandby executed all actions required in addressing this suit, while keeping Mr. Lohman apprised of all details. She was flawless and professional throughout the trial, smoothly covering every aspect of the procedure. Ms. Jorandby is a highly skilled and talented lawyer who has extensive experience and knowledge of municipal law. Though reluctant to lose her valuable skills, he is confident she will be as much of an asset to wherever she serves as she has been to Lowman Law Group. She is an excellent candidate for any city attorney position.

Words or phrases used to describe Abigail Jorandby:

- Extraordinary intellect,
- Courteous,
- Unimpeachable character,
- Integrity,
- Warm, and
- Personable.

Strengths: Highly skilled, well versed on municipal law, with a pleasant demeanor.

Weaknesses: None identified.

Maria Marino – Mayor, City of Palm Beach Gardens, FL 561-906-8222

Ms. Marino has worked with Ms. Jorandby since 2017. Ms. Jorandby is a very skilled attorney with excellent communication and interpersonal talents. As a confident yet humble individual she knows how to be forthright while maintaining a respect for others positions. She has been an asset to the city leadership offering valuable, well thought out advice.

Though limited in the amount of time Ms. Marino has interacted with Ms. Jorandby, she has been very impressed with her knowledge base. As an inquisitive individual Ms. Marino has asked many questions pertaining to municipal law which Ms. Jorandby addresses with ease. When confronted by something she is not as confident in, she will put in extra effort to gather detailed information, ensuring the best possible answer. She is respectful and responsive.

Ms. Jorandby is very good at building consensus. During council meetings she is attentive, listening carefully to all parties before offering legal advice. Her presentations of information are clear and concise allowing all to easily understand what is said. Even in a contentious environment, Ms. Jorandby remains calm and composed often helping all parties to come to a mutual agreement. Ms. Marino has appreciated Ms. Jorandby's skill in balancing the need to be firm at times yet diplomatic at others. She has been a valuable participant in city leadership.

Ms. Marino confidently endorses Ms. Jorandby as an excellent candidate for any city or county attorney position. Her patience and professionalism are just some of her extensive qualities making her of great benefit anywhere she serves. She is an asset to the City of Palm Beach Gardens and will be missed.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable in municipal law,
- Pleasant demeanor,
- Patient,
- Thorough researcher,
- Detailed, and
- Responsive.

Strengths: Highly skilled and personable attorney.

Weaknesses: None identified.

Carl Woods – Vice Mayor, City of Palm Beach Gardens, FL 561-301-7023

Around 2016 Mr. Woods began working with Ms. Jorandby. With an extensive knowledge of municipal law and her excellent interpersonal skills, Ms. Jorandby is a valuable part of city leadership. She is professional and polite in every setting. Her willingness to address and answer any issue presented, is highly appreciated and respected by all who are part of city management.

Ms. Jorandby participates in Mr. Woods' weekly agenda review meetings where everything which will be debated during council meetings is discussed. Often there are fifteen to twenty department heads in attendance. When she is asked a question, he has found her responsive and knowledgeable. She is well versed on the city codes and charter. As she presents or responds, Ms. Jorandby is clear and easily understood by all. One of her most admirable qualities which make her such a valuable part of city leadership is her friendly, approachable nature allowing for smooth flow of information.

Like most cities, the City of Palm Beach Gardens has continuous encounters with land use and development. Ms. Jorandby is well versed in the judicial challenges entailed and has been of great value when negotiating and interacting with environmental agencies and developers. Knowing how to balance respect for those you are addressing while maintaining a firm stand, is one of many talents she offers when striving to ensure all legalities are covered.

Although the city's water and electric are contracted with outside sources, all other utilities are handled within. With up to 800 employees there have at times been labor and contract challenges.

Ms. Jorandby has proven adept when assisting in all debates and renegotiations. In addition, she is also astute and knowledgeable when handling any labor and personnel disputes.

As the city performs a deep background check on every individual employed, Mr. Woods is confident Ms. Jorandby reflects the type of professional she portrays. She is as an educated individual with good etiquette. Her extensive knowledge of all aspects of municipal law, along with her excellent interpersonal skills have made her an asset to the City of Palm Beach Gardens. Mr. Woods is confident she will be of equal benefit to any city or county seeking a talented attorney.

Words or phrases used to describe Abigail Jorandby:

- Good demeanor,
- Professional,
- Educated,
- Knowledgeable,
- Remains calm under pressure, and
- Approachable.

Strengths: Highly skilled, knowledgeable, experienced City Attorney.

Weaknesses: None identified.

Ron Ferris – City Manager, City of Palm Beach Gardens, FL 561-799-4112

Since around 2008, Mr. Ferris has worked closely with Ms. Jorandby. She is a very talented attorney well versed in all aspects of municipal law. Mr. Ferris has valued her communication and negotiation skills in many areas of management he has stewardship over. As a consummate professional, she conducts herself as such in all situations while maintaining a friendly and approachable demeanor.

Ms. Jorandby's extensive experience, along with her willingness to thoroughly research any legal issues, makes her an excellent advisor for Mr. Ferris. For example, in the past the code enforcement department was experiencing trouble with how codes were read and then how infractions were processed. Their lack of knowledge and training led to an increase turnover in personnel. Ms. Jorandby put extensive effort in researching, planning and implementing training programs. She then helped all code enforcement personnel learn how to read the code and then accurately process the code in the field. Due to her efforts and expertise, the department has less personnel change over and operates at a high level of performance.

Mr. Ferris has appreciated Ms. Jorandby's additional expertise in the area of city ordinances. When a citizen expressed a desire to place a memorial in a city park, Mr. Ferris turned to Ms. Jorandby

for help, realizing there were no current ordinances to address the issue. With extensive skill in how to efficiently research such a project, she assisted in writing an ordinance to include all details such as the purchase and installation of a monument. Thanks to Ms. Jorandby's tireless efforts the city now has a process and procedure written into law for any future endeavors along these lines.

The City of Palm Beach Gardens has its share of growth and development. Ms. Jorandby has proven adept in handling all legal aspects in this area. Willing to equally listen to each party involved in land use negotiation, she calmly and smoothly handles the diverse personalities. Her knowledge of codes and zoning allows her to be an expert in negotiating and resolving conflicts.

Ms. Jorandby participates in weekly agenda review meetings with all city leadership and department heads. Often as the lead attorney present, she interacts with ease with all those in attendance. Offering well thought out, accurate advice, in addition to how thoroughly she is prepared with supportive documentation for each meeting, are just some of the many talents she brings. She is adept in leading those involved to come to a mild conclusion when disagreements arise. She is respected and appreciated as an integral part of the community and all decisions made by leadership.

Mr. Ferris is confident Ms. Jorandby would be a valuable addition to any city leadership as their city attorney. She brings with her a valuable set of talents and skills from extensive knowledge of all aspects of municipal law, to her friendly approachable nature. She has been an asset to Mr. Ferris and his department and will be of great benefit to whoever employs her.

Words or phrases used to describe Abigail Jorandby:

- Professional,
- Strong moral character,
- Good communicator,
- Intelligent, and
- Knowledgeable.

Strengths: Experienced, hardworking, willing to research areas she is not as strong in when pertaining to municipal law.

Weaknesses: None identified.

Mo Thornton – Town Manager, South Palm Beach, FL 561-797-4132

In 2013 Ms. Jorandby was a contracted attorney for the City of Atlantis where Ms. Thornton was a member of the city leadership. Knowledgeable in all aspects of municipal law, Ms. Jorandby was a valuable addition to the city leadership. With excellent interpersonal skills, she is confident, articulate and approachable. Her talents were highly appreciated by Ms. Thornton and her staff.

Reference Notes
Abigail Jorandby

As an attorney, Ms. Jorandby has a unique personality. Willing to listen attentively is a valued skill earning the respect of all who work with her. Her calm approachable demeanor allows for easy transfer of information and interaction within different departments. During various city meetings she adeptly offers expert legal advice. When asked a question she is unable to answer, Ms. Jorandby willingly puts the extra effort in gathering all necessary data, and responds in a timely manner to ensure the best possible outcome. Whenever contention occurs within city leadership, she will diplomatically hold firm on her legal counsel while respectfully addressing all parties involved.

Ms. Thornton respects Ms. Jorandby's professional advice, deferring to her when deciding whether a case needed litigation. Ms. Jorandby first looks for alternative legally feasible solutions if possible. However, when prosecuting a case, she remains calm and articulate, willing to be firm when the situation requires. Ms. Thornton admires Ms. Jorandby's attention to detail. She is thorough in her preparations ensuring all documents and details are covered.

Knowledgeable in all areas of municipal law, Ms. Jorandby's expertise was utilized in labor negotiations. Once again, her talents in communication and attention to detail allowed for smooth interactions and resolutions. With their own water and sewer departments, Ms. Thornton relied on Ms. Jorandby's expertise in working on the liens and contracts. Another area where her prowess in municipal law was utilized was with code enforcement. Her understanding of city codes and how to legally enforce them was routinely depended on. Once again Ms. Jorandby was of great benefit in bringing resolutions to any code enforcement issue.

Ms. Thornton was saddened when Ms. Jorandby changed legal firms which resulted in her not being able to continue as legal counsel for the City of Atlantis. Ms. Thornton is confident Ms. Jorandby will be a valuable addition to any city or county attorney position she holds. She will bring with her extensive knowledge and experience along with excellent interpersonal skills.

Words or phrases used to describe Abigail Jorandby:

- Hardworking,
- Dedicated,
- Personable,
- Confident, and
- Knowledgeable.

Strengths: Highly skilled in municipal law and good interpersonal skills.

Weaknesses: None identified.

Reference Notes
Abigail Jorandby

Barbra Chabre – Executive Assistant, City of Palm Beach Gardens, FL 561-799-4138

As legal assistant for the city, Ms. Chabre has worked with Ms. Jorandby since 2008. Ms. Jorandby is smart and personable. Possessing an extensive knowledge of municipal law along with other diverse experiences, she brings a valuable set of skills to her position as Assistant City Attorney. Her interpersonal abilities allow her to be approachable. She is respected and liked by city leadership and staff.

Ms. Jorandby's experience goes beyond municipal law adding to her value as an attorney. She offers a unique perspective. Well versed in city government and the judicial issues entailed, Ms. Jorandby confidently can address any legal question posed. When confronted with something she is not as versed in, she consistently puts in the extra effort required to ensure all information and data is accurate and detailed. She is well known for her quick responses which are greatly appreciated by all seeking her advice.

When interacting with elected officials, she is professional and shows respect for diverse personalities and the positions they hold. Her calm cordial demeanor makes her easy to approach yet when the situation requires, she is firm. One of the prime areas of focus for the city deals with land use and development. With a large planning and zoning department, Ms. Jorandby is very active, attending all meetings. Annexation of land is routinely seen on the city agenda. She is well versed in all judicial matters pertaining to this area and offers excellent legal counsel. Another area Ms. Jorandby has been of great value is in code enforcement. Her understanding and expertise are heavily relied on.

Ms. Jorandby is an experienced, dedicated individual with extensive knowledge valuable to any city or county attorney position. She has been an asset to the City of Palm Beach Gardens and will be of great benefit to any place her legal prowess is employed. Though Ms. Chabre is reluctant to lose Ms. Jorandby's talents, she fully endorses her as an excellent candidate

Words or phrases used to describe Abigail Jorandby:

- Good interpersonal skills,
- knowledgeable,
- Creative,
- Solution oriented, and
- Interacts well with people.

Strengths: Strong knowledge of municipal law and excellent interpersonal skills.

Weaknesses: None identified.

Dyvonnda Thurston - Attorney, Office of State Attorney, FL 407-625-1999

In 2004, after graduating from the school of law, Ms. Thurston began working for Ms. Jorandby at the State Attorney's office. Ms. Jorandby at the time was the second in seniority in the office often taking most of the felony case load. She is a patient highly educated individual with many valuable talents in the field of law. As a mentor for Ms. Thurston she was one of the greatest influences in Ms. Thurston's career. Presently working as a prosecuting attorney, Ms. Thurston attributes her success to the training of Ms. Jorandby.

Ms. Jorandby has many talents which make her a capable lawyer. She possesses excellent interpersonal skill, able to communicate and relate to diverse groups of people from small settings to large. Her ability to be differential, whether speaking with an elected official or a defendant, is impressive. In the court room, Ms. Jorandby is intelligent, organized and calm. Some of her other valuable skills are her ability to listen attentively then to respond quickly with intelligent data. Her speech is clear and concise. Though having a quiet demeanor, she is firm when the situation warrants, making her position clear.

Another valuable skill Ms. Thurston gives credit to Ms. Jorandby for, is the knowledge of how to prepare for any type of legal case. Ms. Jorandby willingly puts effort and time into researching, gathering data and organizing it. She seeks input and expert advice ensuring her client's interests are thoroughly taken care of. Often the cases she and Ms. Jorandby worked on were search and seizure which require a great deal of reading through lengthy documents. Ms. Jorandby is adept in spotting the pertinent information required for the case in a timely manner. When possible, she will cleverly look for other solutions to prevent unnecessary litigation.

Ms. Jorandby is very good with contract law. For example, when handling probation cases, she is efficient in covering all necessary aspects of the client's contract including making it enforceable. Attainable goals are established, explained, and due dates set. Ms. Jorandby skillfully then drafts the contract, making it easily understood by the parolee with clearly explained means of enforcement. Another valuable aspect of Ms. Jorandby's personality is her ability to show compassion while setting clear expectations. She is passionate in her belief everyone has a right to improve and should utilize that right to become better.

During her tenure in the State Attorney's office, Ms. Jorandby displayed excellent managerial skill. She led by example. Professional in all aspects of her life, conducting herself with confidence and poise always remaining approachable. She showed sincere care for those she supervised and mentored. Her efforts were well regarded and her talents respected.

Ms. Thurston holds Ms. Jorandby in the highest regard. Her tutelage was beneficial in helping Ms. Thurston to become the skilled attorney she is today. She is confident Ms. Jorandby would be an asset to any city or county attorney position, bringing with her extensive experience and valuable skills.

Reference Notes
Abigail Jorandby

Words or phrases used to describe Abigail Jorandby:

- Prepared,
- Polite,
- Creative,
- Pleasant personality,
- Strong, and
- Assertive when needed.

Strengths: An intelligent, experienced, skilled attorney with wonderful interpersonal skills.

Weaknesses: None identified.

Karen Jorgensen - Attorney, Office of State Attorney, FL 561-909-9895

Upon graduating from law school, Ms. Jorgensen worked with Ms. Jorandby from 2006 until 2008. Ms. Jorandby was her trial partner and senior attorney during their tenure for the State Attorney's office. As a highly skilled, knowledgeable attorney, Ms. Jorandby is an excellent mentor. Leading by example, she works hard, is intelligent and possesses valuable interpersonal skills. Ms. Jorgensen attributes her continued success as an attorney to the example and attention Ms. Jorandby gave her during her early years as a new lawyer.

As a knowledgeable attorney, Ms. Jorandby is adept in various areas of the law. For example, she efficiently handled many fourth amendment violations which dealt with the legal issues of search and seizure cases. Comfortable in the courtroom, Ms. Jorandby remains calm and collected even during the most volatile of situations. Able to speak clearly and articulately is another of her strengths. She conducts herself professionally at all times, whether in front of a client or judge. Able to balance assertiveness while remaining respectful, is a valuable talent.

During pretrial conferences, Ms. Jorgensen admired how adeptly Ms. Jorandby was able to negotiate various claims in front of a judge and jury. Leading by example she knows how to thoroughly prepare, willing to put the extra effort into researching, ensuring all details are addressed and documented. Ms. Jorgensen attributes her ability to prepare adequately for her cases to the standard Ms. Jorandby set.

Another area Ms. Jorandby has experience in is development and land use. Her expertise and ability to thoroughly review contracts, willing to give extra effort to detail, results in the best possible decisions. With strong interpersonal skills she is able to address the diverse groups of people involved. She is ethical and trustworthy, able to quickly gain the confidence of those she is working with.

Even though Ms. Jorgensen has not had the privilege of working with Ms. Jorandby for some time, she is confident in Ms. Jorandby's abilities. She is a confident, experienced lawyer with a talent for relating to diverse personalities making her an excellent mentor. With her extensive and varied experience, she is an ideal candidate for any city or county attorney position.

Words or phrases used to describe Abigail Jorandby:

- Nicest person,
- Thoughtful,
- Knowledgeable,
- Honest,
- Calm, and
- Good demeanor.

Strengths: Experienced attorney with excellent interpersonal skill.

Weaknesses: None identified.

Laura Purcell – Administrative Assistant, State Attorney Office, FL 321-848-3305

In 2003 while working for the Juvenile division, Ms. Jorandby was Ms. Purcell's manager. She is an excellent manager able to mentor those around her. Ms. Jorandby is an attorney with a unique set of valuable talents. Though a young attorney at the time, Ms. Purcell found Ms. Jorandby to be confident and intelligent. She was an asset for the department, balancing compassion and understanding for those she interacted with.

Possessing strong interpersonal skills, Ms. Jorandby easily interacts with diverse personalities making her a valued individual in her department. As a good communicator, she is clear and articulate able to express information in a manner easily understood by whomever she addresses. Working with the type of cases inherent in juvenile law, Ms. Jorandby has the ability to compassionately interact with victims, perpetrators and parents. She balances understanding with adherence to the law. When confronted with an area she is less versed in, she will research for information and documentation ensuring she has the most accurate data before making any decision or offering any advice. Ms. Jorandby gathers expert opinions and is always open to creative and alternative solutions. She cared about her clients always giving her best effort.

Ms. Jorandby is an excellent manager. She sets clear expectations and leads by example. When Ms. Purcell helped to prepare Ms. Jorandby for trial, she found her approachable and patient. She has a unique ability to critique while remaining kind, always fostering a positive environment in a challenging department. Ms. Purcell found Ms. Jorandby sometimes too soft when on occasion an employee was released from their position. Over their time working together however, she

watched her grow, gaining managerial strength and experience. Ms. Jorandby is respected to this day for her efforts and skills.

Ms. Purcell has confidence in Ms. Jorandby's continued endeavors to increase her knowledge in all areas of law while continuing to grow as a leader. She was an asset to the juvenile department. The staff she managed and those individuals she served, respected her as a person and lawyer. She will be a valuable attorney for any city or county bringing strong interpersonal skills along with varied experience.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable,
- Compassionate,
- Open minded,
- Trustworthy,
- Good listener, and
- Communicator.

Strengths: Good management style able to relate and mentor those around her.

Weaknesses: None identified.

Crystal Gibson – Services Director, City of Palm Beach Garden, FL 561-799-4174

While serving as clerk for the Town of Lantana in 2009, Ms. Gibson met Ms. Jorandby who was working as a contracted attorney. Later they worked closely together for The City of Palm Beach Gardens in the area of code enforcement. Ms. Jorandby is a very skilled knowledgeable lawyer with extensive experience. She is approachable and always willing to assist offering sound legal advice. Ms. Gibson has appreciated Ms. Jorandby's many abilities and talents in bringing the area of code enforcement to a high level of performance.

Offering excellent communication and interpersonal skill, Ms. Jorandby is attentive and responsive to the needs of the department. Remaining patient and professional when confronted with angry disrespectful citizens is a talent Ms. Gibson greatly admires in Ms. Jorandby. She navigates diverse groups of people with ease when addressing any issues pertaining to city codes. When speaking with elected officials she is professional, respectful yet firm, adhering to the law. Ms. Gibson has admired Ms. Jorandby's ability to protect city leadership ensuring they are given intelligent detailed advice before decisions are made. She willingly will give extra effort in researching legal alternatives in order to offer creative solutions to protect the city, while providing fair resolutions to citizens.

Reference Notes
Abigail Jorandby

Ms. Jorandby is a skilled prosecutor handling all code cases. She is intelligent, organized and efficient in court. Anytime Ms. Gibson needs legal advice, Ms. Jorandby will come with examples to address her questions, applying her extensive experience and knowledge. When needing to review and clarify some of the existing city codes, Ms. Gibson sought Ms. Jorandby's expertise. Ordinances where written, presented to city council and training was established to help clarify all codes. Through Ms. Jorandby's efforts, Ms. Gibson's department operates confidently and smoothly.

Another area of attention Ms. Jorandby has been of great help with, was in dealing with stipulation agreements. When an individual violates a code, instead of going to court they have the option to sign an agreement called a stipulation agreement. Ms. Jorandby assists in drafting the agreement which includes setting timetables for the client, whether a fine is applied or not while ensuring all legal aspects are covered. She then presents all agreements for review by the magistrate before any parties sign to ensure enforceability. With her extensive knowledge and attention to detail, these stipulation agreements have allowed citizens to avoid the expense of litigation.

Ms. Gibson has enjoyed a good team relationship with Ms. Jorandby and thoroughly endorses her as an excellent candidate for any city or county attorney position. Her integrity and understanding of the political atmosphere in city government, showing respect for those she serves, is a valuable trait. In addition, possessing strong communication and interpersonal skills make her a strong manager who motivates those around her to excel in their positions. She has been an asset to Ms. Gibson and the code enforcement department of the City of Palm Beach Gardens.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable,
- Team player,
- Patient,
- Integrity,
- Ethical, and
- Professional.

Strengths: Strong, knowledgeable in all areas of municipal law, possessing excellent interpersonal skill.

Weaknesses: None identified.

Prepared by: **Beth Nestman**
Colin Baenziger & Associates

Section 6

CB&A Internet Research

Palm Beach Post, The (FL)
February 20, 2018

Judge quits case involving Gardens ballot questions
Author: Sarah Peters

A judge set to rule on four controversial Palm Beach Gardens ballot questions has stepped aside after a city attorney accused the judge of bias. Voters will decide the four questions -- two of which would relax existing term limits -- in the March 13 election, provided the new judge finds they are all "clear and unambiguous."

Judge Jeffrey Dana Gillen expressed doubt that the questions met that standard. "I'm concerned that the electorate is not getting the message. They need to know what they're voting about," Gillen said at a Feb. 9 scheduling conference.

A week later, Palm Beach Gardens Attorney R. Max Lohman moved to have Gillen disqualified. Gillen stepped aside Saturday and a new judge will hear the case at a date to be announced. The legal battle began when Sid Dinerstein, a former Palm Beach County Republican Party chairman, sued the city, clerk and Palm Beach County Supervisor of Elections Susan Bucher to block the questions from going to voters in March. He argued the questions are misleading. If the new judge throws out any questions, the election will proceed, but voters will be notified that their votes for the tossed questions won't count. The ballots cannot be changed or reprinted.

Gillen's questions speaking to the merits of the case during a scheduling conference were "highly prejudicial" and showed a bias against city clerk Patricia Snider, Lohman wrote in a Feb. 15 filing. Gillen granted Lohman's request to step down Saturday afternoon in an email to the attorneys. The judge is not allowed to deny the allegations, reject them as unfounded or comment on them at all except "obvious misunderstandings, misconceptions or misstatements," Gillen wrote in his order granting Lohman's request for a new judge.

Gillen previously quizzed city attorney **Abigail Jorandby** about the timing of the election, public-notice requirements, the number of words used in the ballot summary and the implications of throwing out one of the questions -- all of which were inappropriate for a scheduling conference, Lohman wrote.

Most of the judge's comments centered on the first of four ballot questions. The city has said the question merely cleans up an outdated city charter that has some conflicts with state law. If approved, it would also remove requirements in the charter that the city manager be a resident and undergo yearly performance reviews by the council, among other things.

Lohman wrote that Gillen's "blatant prejudging" and profuse apologies for exceeding the scope of a scheduling conference proved the city wouldn't get a fair hearing. Dinerstein said he's not happy about the recusal of the judge, but it shouldn't matter. "The ambiguity of the questions speaks for itself to every judge," he said.

https://www.lohmanlawgroup.com/press
2018

In The News

City of Palm Beach Gardens prevails in lawsuit brought by Sears, Roebuck and Co.

In a true "David vs. Goliath" legal battle, R. Max Lohman and **Abigail Jorandby** successfully defended the City's procedures and the constitutionality of its actions in the law suit brought by Sears.

https://therealdeal.com/miami/2018/04/17/sears-to-forbes-and-palm-beach-gardens-pay-our-2-1m-legal-tab-for-mall-sublease-lawsuit/
April 17, 2018

Sears to Forbes and Palm Beach Gardens: pay our $2.1M legal tab for mall sublease lawsuit

City resolution preventing anchor tenants from subleasing their space without approval was ruled unconstitutional
Author: Amanda Rabines

[CB&A Note: **Abigail Forrester Jorandby** is not specifically mentioned in this article but it explains the case that she helped win for the city as shown on previous page.]

The Sears store at Gardens Mall in Palm Beach Gardens

After winning a four-year legal battle over plans to sublease part of its store at the Gardens Mall in Palm Beach Gardens, Sears, Roebuck & Co. wants its landlord and the city to pay $2.1 million in legal fees.

The litigation dates back to 2014, when Sears sued the mall owner, Forbes/Cohen Florida Properties LP, for blocking its plans to sublease the second floor of the department store to Dick's Sporting Goods.

A year later, Sears added the city of Palm Beach Gardens to the lawsuit, citing that a city resolution preventing anchor tenants from subleasing their space without their landlord's approval.
R. Max Lohman, a Jupiter lawyer who represents the city, told the Palm Beach Post that the amount is "ludicrous" and "laughable." He said he billed the city about $79,000 in total costs.

Sears, meanwhile, said it was billed $1.5 million from Denton law firm in Chicago and about $600,900 in attorneys' fees from the Richman Greer law firm in West Palm Beach, according to the newspaper. Another $27,000 was billed for additional costs, including depositions, travel fees and subpoenas.

Over the summer, Sears successfully appealed a Palm Beach Circuit Court judge's ruling that favored Forbes and the city of Palm Beach Gardens. The state appellate court ruled that the city resolution is unconstitutional.

https://www.yogaalliance.org/TeacherPublicProfile?tid=123318
2018

Yoga Alliance

About **Abigail Jorandby**

I am a Registered Yoga Teach (RYT) with Yoga Alliance. I trained with Scott Feinberg and Mary Veal at Kula Yoga Shala in Jupiter, Florida, and obtained my 200 Hour certification in June 2015. I like to create a peaceful environment, an oasis for my students to connect with mind, body and breath.

https://www.law-verobeach.com/
2017

ABIGAIL FORRESTER JORANDBY, ESQ.

Abigail "Abby" Jorandby is a native Floridian and an alumnus of Florida Atlantic University (B.A. Spanish), University of Florida (J.D.) and Stetson University (LL.M in Elder Law).

She is a member of both the Florida Bar (2001) and the District of Columbia Bar (2016).

Abby began her practice as an Assistant State Attorney in Orlando, Florida and later entered into private practice working in the fields of probate, estate and trust litigation and municipal law.

A keen interest in Elder Law and the needs of the Elderly and disabled led her to obtain her LL.M in Elder Law from Stetson University.

She graduated in 2016 with High Honors from the program and her article "Armed and Dangerous at 80: The Second Amendment, the Elderly and a Nation of Aging Firearm Owners" was accepted for publication in the Elder Law Issue of the Journal of the American Academy of Matrimonial Lawyers.

Abby resides in Vero Beach and enjoys spending time with her family, friends and King Charles Cavaliers.

http://aaml.org/information-center/articles/armed-and-dangerous-80-second-amendment-elderly-and-nation-aging-firearm

November 11, 2016

Armed and Dangerous at 80: The Second Amendment, the Elderly, and a Nation of Aging Firearm Owners, 29 J. Am. Acad. Matrim. Law. 85 (2016).

in Elder Law

Author: **Abigail Forrester Jorandby**

Link to Full Article http://aaml.org/sites/default/files/MAT104_9.pdf

http://pubhtml5.com/ocgs/vpht/basic

Legal Aid Society of Palm Beach County Annual Report 2012

Published by Noelle Smith
January 6, 2015

[CB&A Note: Only the information relevant to Abigail Forrester Jorandby is listed below.]

2012 Donors

$350+

Abigail Forrester Jorandby, Esq

Palm Beach Post, The (FL)
August 17, 2014

Municipal law different conflict for Lohman
Author: Tony Doris Palm Beach Post Staff Writer

[CB&A Note: Only the information relevant to **Abigail Forrester Jorandby** is listed below.]

Some would call the city attorney's job combat duty, but R. Max Lohman, known around City Hall as Max, knows the difference.

Lohman, the 46-year-old, crew-cut veteran of six years as Palm Beach Gardens' general counsel and eight as Lantana's, came to municipal law practice after 16 years as a Naval officer and helicopter pilot, ending with the rank of lieutenant commander and a tour of duty as U.S. Naval Academy professor of warfare strategy and tactics.

The Palm Beach Gardens City Council this month voted to retain Lohman indefinitely. The council is scheduled to discuss next month whether to open the post to outside applicants, but judging from their comments, there appears to be little support for anything but keeping Lohman, who recently left the firm of Corbett, White and Davis to form Lohman Law Group with associate **Abigail Jorandby,** on the city's team.

The Florida Bar News
November 15, 2013

THE LAWYERS FOR LITERACY

Committee of the Palm Beach County Bar Association showed its thanks this Thanksgiving season by hosting a Bear and Book Drive to benefit the 15th Judicial Circuit Guardian ad Litem Program. “It makes us happy to know that every child who participates in our local National Adoption Day program will receive a book and a bear,” said **Abby Jorandby**, Lawyers for Literacy chair.

http://cdn.trustedpartner.com/docs/library/TownofPalmBeachShores2010/news/2_28_12_LPA_hearing_minutes.pdf
February 28, 2012

TOWN OF PALM BEACH SHORES
PLANNING AND ZONING BOARD
LOCAL PLANNING AGENCY MEETING

[CB&A Note: Only the information relevant to **Abigail Forrester Jorandby** is listed below.]

Assistant Town Attorney **Abigail Jorandby** explained that the ordinance being considered tonight was discussed by the Planning and Zoning Board previously.

It tightens up the landscaping requirements for corner fences and walls higher than 3 feet. She opined that this captures the possible 4'11" wall that could have escaped without landscaping.

Ms. Jorandby reminded the board that they will be making a recommendation to the town Commission regarding Ordinance O-1-12.

https://martincountybar.com/images/sidebar/2008-March.pdf
January 22, 2008

The Side Bar
NEWSLETTER OF THE MARTIN COUNTY BAR ASSOCIATION

Abigail Jorandby joined the Law Offices of Gregory G. Keane, P.A.

Attorney **Jorandby** has 7 years Litigation experience and will concentrate on Will & Trust Contests and Contested Guardianships

Research Compiled by: Shannon Farr
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 7

Harlene S. Kennedy

Fort Pierce City Attorney Candidate Report

Section 7

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Cover Letter and Resume

Harlene Silvern Kennedy
6007 Timber Creek Lane Dallas, Tx. 75248
210-385-5933
harlenekennedy2002@yahoo.com

October 16, 2018

The City of Fort Pierce
C/0 Colin Baenziger & Associates

Dear Sirs:

Please consider this letter, my resume, and the enclosed reference letters an expression of my interest in the City Attorney position for Fort Pierce. My professional experience provides an excellent background for this opportunity. I have a broad and in-depth range of experience, with emphasis on municipal and local government, public works, complex contracts, environmental matters, land use, procurement, utilities, transportation, real estate, capital projects, open records (Sunshine Law), emergency management and other varied experience representing government agencies. I have both private practice and in-house counsel experience, including management responsibilities. I also have litigation and litigation management experience, as well as law office management experience; all of which could be useful for the City of Fort Pierce.

At my current employment for Dallas Area Rapid Transit (DART) I am the lead transactional attorney and fill in for the general counsel if he is not available. I also address the Board when needed. My day to day challenges include a variety of government issues, such as drafting resolutions and interpreting legislation, including state law, railroad, transportation and real estate matters, compliance and regulatory matters, open records and open meetings, procurement, complex contracts, ethics and Board matters. I have over twenty years' experience representing local governments, including over six years in South Florida. In addition to my current position, my professional experience with a variety of municipalities in South Florida and with the City of San Antonio provides me with an excellent background for filling the City's needs. I will gladly provide references to reflect these accomplishments.

Thank you in advance for considering me for this opportunity. I am admitted and in good standing with the Florida Bar and would be pleased to relocate to Fort Pierce. I look forward to hearing from you.

Sincerely,



Harlene Kennedy

Harlene Silvern Kennedy
6007 Timber Creek Lane Dallas, TX. 75248
210-385-5933 harlenekennedy2002@yahoo.com

MAJOR PRACTICE AREAS:

Municipal and Local Government Representation

- Procurement
- Construction
- Utilities, telecommunications, and infrastructure
- Drafting and interpreting legislation, including ordinances, resolutions and state and federal interpretation
- Negotiating and drafting complex contracts
- Structuring transactions, real estate, infrastructure and capital projects
- Risk management concerns
- Open records, open meetings, conflicts and ethical matters
- Economic development matters

Contracts and Complex Transactions

- Professional Services agreements
- Operations and maintenance agreements
- Non-disclosure agreements
- Licensing, hosting, and software agreements
- Public and private partnerships
- Structuring and documenting capital improvement contracts and programs

Construction, Real Estate and Leasing

- Eminent Domain Counsel for municipalities
- Contract drafting and negotiation
- Financing and loan transactions
- Landlord-tenant matters
- Banking regulatory matters
- Loan work outs and conveyances
- Complex real estate transactions, representing developers, and large corporate clients
- Construction Bonds And Take Over Agreements
-

Litigation and Litigation Management

- Management of outside counsel handling complex matters
- State and Federal Court representation of individuals and entities on contract and other issues

EMPLOYMENT HISTORY:

Texas 2013-present
Dallas Area Rapid Transit (DART) Dallas, Texas Senior Assistant General Counsel
Responsibilities include general counsel assistance to the agency, drafting complex contracts, preparing complex Board items; providing legal advice to various departments, including the Board, rail, commuter rail and light rail and bus transit contracts and funding, open records, and drafting and interpreting legislative matters.

Florida 2007- 2013
WEISS SEROTA HELFMAN et al, Coral Gables, Florida, Of Counsel
General Counsel for various South Florida municipalities. Responsibilities include procurement, construction, utilities and telecommunications, drafting and interpreting ordinances and resolutions, negotiating and drafting contracts, structuring transactions, real estate, infrastructure and capital projects, risk management, and open records and Sunshine Law.

Texas 1998 - 2006
THE CITY OF SAN ANTONIO San Antonio, Texas Assistant City Attorney

Eminent Domain Counsel: Responsibilities included supervising condemnation and eminent domain matters.
Counsel for Public Works Department: Responsibilities included advising on capital projects, storm water, drainage, and other utilities, telecommunications, transportation issues, real estate, construction, contracts, bidding and procurement, drafting and interpreting legislation, general advice and open records and meetings.

Texas 1992 - 1995
LANGLEY & BANACK, INC. (FORMERLY JEFFERS, BROOK) San Antonio, Texas Partner
Specializing in real estate and secured transactions, contract drafting and negotiation, financing and loan transactions, landlord-tenant matters, banking regulatory matters, loan work outs and conveyances; state and federal court litigation.

Texas 1988 - 1991
AKIN, GUMP, STRAUSS, HAUER & FELD San Antonio, Texas Associate Attorney
Specializing in complex real estate transactions, representing developers, lenders and borrowers, banking and financial institutions and large corporate clients, including structuring and documenting transactions; landlord-tenant matters.

NEW YORK 1985-1988
CADWALDER, WICKERSHAM & TAFT New York, New York Associate Attorney
Specializing in real estate practice representing developers, borrowers, and financial institutions in conveyances and financing; leasing and landlord-tenant matters; complex real estate practice for local, national and international clients.

BAR ADMISSIONS:
- Texas (active) 1988
- Florida (inactive/good standing) 1991
- New York 1985
- New Jersey 1985
- United States District Court Western District of Texas 1989

EDUCATION:
UNIVERSITY OF OKLAHOMA LAW SCHOOL, NORMAN, OKLAHOMA – Juris Doctor, Cum Laude-1984
Honors: Order of the Coif; Law Review; Dean's List every semester; First Place Appellate Advocacy Competition Recipient of Harden Ballard Memorial Award; Who's Who in American Law Students; Phi Alpha Delta Legal Fraternity; Class rank: Top 9%. (Attended final year at): NEW YORK UNIVERSITY SCHOOL OF LAW- 1983-1984

UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA - Bachelor of Arts, Cum Laude
Major - Accounting and English Minor – Education/ Honors Student; Florida Regents Scholar

ACCOMPLISHMENTS (EXAMPLES):
Completed complex railroad agreements, allowing Amtrak access to DART rail;
Drafted first right of way ordinance in South Texas (San Antonio);
Completed construction and resolution of complex issues with new municipal wastewater installation in Fla. Keys;
Complete grant funded construction for municipal park by take-over agreement in Broward County, Florida;
Closing on Macmillan Building, NY, NY.

COMMUNITY ACTIVITIES:

- Florida Association of Women Lawyers (FAWL)
- Director- Linda Ahmed Breast Cancer Fund (Miami)
- Director- National Council of Jewish Women-Kendall (Miami) Section
- Board Member-Miami Dade Community Relations Board
- Member-Miami-Dade Foster Care Review Panel
- Leadership San Antonio XIX
- Leadership San Antonio XXI Steering Committee
- Commissioner-City of San Antonio Work Family Commission
- Commissioner-City of San Antonio Historic Design and Review Commission
- Dallas Area Rapid Transit-Vice President of Women in Leadership
- Dallas Area Rapid Transit Graduate of MAX Program 2016
- Literacy Instruction for Texas (LIFT-Dallas)- Volunteer instructor of English as Second Language

LANGUAGES: English, Spanish

Section 7

Candidate Introduction

Harlene Silvern Kennedy

EDUCATION

Bachelor of Arts: University of Miami English/Accounting/Minor Education
Juris Doctor: University of Oklahoma (Also attended NYU School of Law toward this degree)

EXPERIENCE

DALLAS AREA RAPID TRANSIT (DART) Dallas, Tx.	Sr Asst. Gen. Counsel		2013 to present
WEISS SEROTA HELFMAN Coral Gables, Fla.	Of Counsel		2007 – 2013
THE CITY OF SAN ANTONIO San Antonio, Texas	Asst. City Atty		1998 – 2006
LANGLEY & BANACK, INC (FORMERLY JEFFERS, BROOK) San Antonio, Tx.	Partner		1992 – 1995
AKIN, GUMP, STRAUSS, HAUER & FELD San Antonio, Texas		Assoc Atty.	1988 – 1991
CADWALDER, WICKERSHAM & TAFT New York, New York		Assoc Atty	1984 – 1988

BACKGROUND

DART is the transportation entity that covers North Texas and owns and operates the bus, commuter, commuter rail, light rail and other multi modal transportation systems in the Dallas metropolitan area, including the longest light rail system (93 miles) in the United States. DART is a subdivision of the State of Texas with about 4000 employees and is one of the largest transportation agencies in the country. DART was created by the voters on August 13, 1983 and funded by a one-cent local sales tax. The service area consists of 13 cities. DART has a 15-member Board of Directors appointed by the service area city councils and which meets generally twice per month. Board members serve two-year terms with no term limits. The Legal Department has eleven lawyers, about half of which are litigators.

DARTs capital and non-operating budget is approximately 290 million; and the operating budget is about 495 million. DART receives about 545 million in sales tax revenue annually, as well as farebox recovery, grants and many other sources of revenue. DART is growing and thriving and has many huge projects on the horizon, including the construction of a new east-west commuter rail line expected to go into revenue service in 2020.

Harlene Silvern Kennedy

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I take a collaborative approach whenever possible and like to give credit whenever it is due. I enjoy working with an open door and unstructured approach whenever possible. I have a fairly informal demeanor, unless circumstances dictate otherwise. I have lived in many communities and find that a lack of formality and plain friendliness puts people and the public at ease.

My career has encompassed public and private practice and I feel this has taught me good use of my time and good listening skills. Billing time has taught me to care for my time and public practice has taught me to understand how to be collaborative. I have also learned management skills by fire, having had my own practice more than once and managed other lawyers, putting me both on the giving and the receiving end of that spectrum. Every place I have worked, and every kind of employment has taught me something new. I believe the best skill and take-away is recognizing what the lessons are and how to put them to work in the future.

I have lived in both Texas and Florida many years and have learned to appreciate the diverse cultures of both. I have worked for huge and smaller firms, small and large cities and have learned to provide work-arounds and solutions for the most unique and demanding problems. My greatest strength is in being the "go to" for problem solving. I am proud of being the creative lawyer that I am. I am often introduced at DART as being the lawyer of the "deals". I bring people together. I am a strong negotiator, but I know how to get what I want without offending people (usually).

I am particularly proud of a transaction I recently completed for DART which will result in interactive Wi-Fi kiosks being placed throughout north Texas, providing public transit passengers multiple features that are currently unavailable and resulting in increased ridership and benefits for the traveling public. A successful project like that provides satisfaction in giving and working for public service.

My hobbies are cooking and entertaining, live theater and reading. I am in a few book clubs and enjoy the discussions that results. I am also an avid traveler.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Creative
- Diligent
- Knowledgeable
- Ethical
- Persistent
- Personable

REASON FOR DEPARTING CURRENT POSITION

I hope to return to municipal law, sunny climes and my family.

CURRENT / MOST RECENT SALARY

My current compensation at DART is 151,000 plus bonus and benefits

CB&A Background Checks

Background Check Summary for
HARLENE SILVERN KENNEDY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Dallas County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Bexar County, TX	Not Available*
State	
Texas	No Records Found
Florida	No Records Found

Civil Records Checks:

County	
Dallas County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Bexar County, TX	Not Available*
Federal	
Texas	No Records Found
Florida	No Records Found

Motor Vehicle	
Texas	No Records Found
Credit	Good
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Current status is, Inactive and Not Eligible to Practice Law in Florida ** Bar #886660

* Records are only available in this state for the past seven years and the candidate worked in the county prior to that period.

Background Check Summary for
HARLENE SILVERN KENNEDY

** Ms. Kennedy told us she can reactivate her license upon payment of fees and /or some continuing education. We are attempting to verify that statement with the Florida Bar but its internal phone system is currently not working and the receptionists we have spoken to are not helpful. We expect to have an answer within a few days.

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
HARLENE SILVERN KENNEDY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: HARLENE SILVERN KENNEDY

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.

Please explain any yes answers on a separate sheet of paper.

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 ☐ Face Book
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.
    Divorce Ltg. from Eddie Herrera. Divorce Only. from Thomas Kennedy

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

CB&A Reference Notes

Dave Beerner – Former Mayor, Village of Islamorada, FL 305-852-5674

Mr. Beerner first met Ms. Kennedy in 2007. She served as the Village's City Attorney and worked with Mr. Beerner until 2012. They have remained friends and continue to have some, occasional contact.

Ms. Kennedy was an attorney who cared about their community. She took care of the elected officials and kept them out of trouble. She was very professional attorney who knew what she needed to do for their community. She handled the issues of the Village wonderfully.

Ms. Kennedy made good recommendations to the elected officials and Mr. Beerner is not aware of any instances where they did not follow her advice. She kept them in check. They trusted and followed her advice even when they did not want to because they knew she would not steer them wrong.

When issues arose Ms. Kennedy helped to find solutions; gave good advice; then pointed the Council in the right direction. At one point the State mandated that they entire island be switched from a septic system to a sewer system, but did not provide any financial assistance to complete the project. She did an excellent job of navigating them through the process and even helped them to find some grants to contribute towards the financial burden.

The Village does not have a huge issue with a homeless population, however, affordable housing is one. Ms. Kennedy helped Mr. Beerner to establish some legalities in terms of that issue. They put into place some impact fees for any new business that opens in the Village and require that they provide affordable housing for at least ⅓ of their workforce.

When it came to working with the public, Ms. Kennedy did well. The City Attorney is right up there with the Council as a public figure. She did well interacting with the residents even in the face of everyone trying to tell them all how to do their jobs.

Mr. Beerner is not aware of any controversies involving Ms. Kennedy. He does not know of anything unflattering from her background that a reasonable person would be concerned about. He wanted to hire her as the full time City Attorney after he was off council, but politically it did not work out. He highly recommends her to any municipality that wants to hire her.

Words or phrases used to describe Harlene Kennedy:

- Competent,
- Reasonable,
- Informative,
- Personable, and
- Knowledgeable.

Strengths: An experienced and knowledge attorney who genuinely cares about the community she represents.

Weaknesses: None identified.

Todd Plesko – Vice President for Service Planning, DART, Dallas, TX 214-749-2750

Mr. Plesko first met Ms. Kennedy in 2013 when she came on board at DART. She provides assistance to him on interlocal agreements with other governmental entities. Their service area includes 13 cities and they also have agreements outside those service areas where she works on projects from transportation services to construction.

Ms. Kennedy is the strongest person they have who deals with other cities, counties, and the federal government. She is a very quick learner and they work together on some projects where she has to learn the business strategies and goals in order to be successful. She is a good listener who provides excellent input and value to each project.

Ms. Kennedy is fast and responsive. She works out issues quickly even when it requires working with other attorneys. She also has a good sense of humor which is helpful when they are in the trenches. She is definitely passionate about what she does. Some feel that she is too enthused about certain things, but Mr. Plesko feels it is an asset to their agency.

When issues arise, Ms. Kennedy is generally helpful in finding a way to solve a problem while protecting the agency and keeping them from severe risk. She identifies problems and comes back with solutions on how to solve them within the requirements of the law.

Ms. Kennedy negotiates well on behalf of the party she is representing. DART is a public agency set up by the state of Texas. At one point they had to negotiate with the bank and a technology company about some kiosks they were planning to build at the stations. In those negotiations she dealt with some elements of real estate and revenue with the bank who was being particularly tough. At one point Mr. Plesko thought they were going to fail, but she advocated strongly for DART and ended up with the agency's revenue potential protected.

DART has a 15 member board that is appointed by public officials to which Ms. Kennedy reports. Part of her job is to provide the board with legal advice. Mr. Plesko is not personally familiar with them doing anything different than what the general counsel has advised them to do.

Ms. Kennedy does have experience with the public and is good at it. They conduct public hearings where she provides assistance when necessary and she is nothing other than friendly and cheerful with those in attendance.

Mr. Plesko is not aware of any controversies involving Mr. Kennedy. He does not know of anything from her background or conduct that would be of concern to a reasonable person. If he

were looking for a City Attorney he would hire her for that position because of her plethora of experience.

Words or phrases used to describe Harlene Kennedy:

- Intelligent,
- Extremely responsive,
- Creative, and
- Honest.

Strengths: A quick learner who is responsive and helpful.

Weaknesses: None identified.

Scott Carlson – Former General Counsel, DART, Dallas, TX 214-497-2307

Mr. Carlson first met Ms. Kennedy when she came on board with the agency in 2013. He worked with her until he left DART in September 2018. They continue to stay in contact.

Ms. Kennedy brought much strength to DART. As the General Counsel Mr. Carlson looked for several attributes in those who reported to him and she met them. She cared about what she was doing and wanted to produce good results. She ended up dealing with some fairly complex transactional matters and he could count on her to get them completed. He rated her as a top performer in the office.

Ms. Kennedy knew her stuff. She has several years of experience and knows municipal law well and knows how to put a transaction together. She also brought an understanding of open records, a sense of parliamentary procedure, and has done quite a bit of litigation. She is a well-rounded, experienced attorney.

Mr. Carlson would characterize Ms. Kennedy as responsive and her responses were timely. Any number of people in the agency enjoyed working with her. She dealt well with those who had difficult personalities and he never had to defend any of her work.

On the occasions when Ms. Kennedy addressed the board, she exercised solid judgement in regards to the transactions on which she worked that were presented to the board for approval. For the most part the legal work was done in the background working with one of the Vice Presidents and then presented to the board by said Vice President. Mr. Carlson is not aware of any circumstance where the board did not heed the advice of Ms. Kennedy.

Ms. Kennedy is a solutions person, however, sometimes the law just will not allow something to be done. She was always looking for a way to get the objective done, but at the same time ensuring to protect the agency.

When it comes to communication, Ms. Kennedy was absolutely good about keeping Mr. Carlson keeping him in the loop. She cc'd him on emails and let him know if a matter of some significance was percolating. They would also use each other as sounding boards and bounce ideas off of each other which helped in the communication realm.

Mr. Carlson is not aware of Ms. Kennedy being involved in anything controversial since he has known her. He has no knowledge of anything in her background or conduct that would be concerning to any future employer or a reasonable person. If he were looking for a City Attorney, he would give her optimum consideration. She will care about the organization and go the extra mile to come to a positive outcome.

Words or phrases used to describe Harlene Kennedy:

- Works well with people,
- Cares about performance and outcomes,
- Can hold her own with difficult personalities,
- Personable,
- Well liked, and
- Top performer.

Strengths: A highly experienced and knowledgeable individual who genuinely cares about what she does.

Weaknesses: None identified.

Janice Thompson – Attorney and Past Client, San Antonio, TX 210-365-4300

Ms. Thompson first met Ms. Kennedy in the late 1980's when they were fellow attorneys at Akin, Gump. They worked together for approximately three years. On occasion they have sent each other work over the years. Ms. Thompson has been a client and has done work for Ms. Kennedy as well.

Ms. Kennedy is very smart and can pick up on legal issues quickly. She is also good at framing issues appropriately and working to resolving them. She is highly capable and makes good decisions when it comes to the law. She has an excellent command of the law and comes with very good credentials. Even though she does have a firm grasp on the law, anyone would be a fool to think they know everything about it. If she has to do research, she does. She is exceptionally knowledgeable in municipal law and is uniquely qualified to work in a government position.

At Ms. Kennedy's current position she seems to be highly valued by the board. The Chairman is very fond of her and although Ms. Thompson has not seen her in action she is not aware of an instance where the board went against her recommendations.

Ms. Kennedy is the type of attorney who will look for ways to do something if it is possible within the constraints of the law. If it is absolutely prohibited by law and it is a black and white issue she will say no.

When it comes to dealing with the public, Ms. Kennedy does well. She has been involved in all manner of legal issues dealing with varying groups of people. She is personable and is excellent at interacting with others.

Ms. Thompson is not aware of anything from Ms. Kennedy's background that would be of concern to a reasonable person. She has not been involved in any controversies. She would hire Ms. Kennedy if she were looking for a City Attorney.

Words or phrases used to describe Harlene Kennedy:

- Competent,
- Driven,
- Energetic,
- Highly intelligent,
- Diversified, and
- Confident.

Strengths: Extremely smart individual who has a myriad of experience in her field.

Weaknesses: None identified.

Loveta Jones – Administrative Law and Trial Board Representative, DART, Dallas, TX
214-749-3390

Ms. Jones has known Ms. Kennedy since 2013. She began reporting to Ms. Kennedy about 18 months after Ms. Kennedy came to the agency. She reported to her for approximately 4 years. As of October 2018, Ms. Jones moved to a different department and no longer reports to her.

Ms. Kennedy is very motivated in terms of her work and she truly enjoys what she does. She is a capable attorney and has been doing it for an extremely long time. Her wealth of knowledge serves her well. She has been practicing law for so long that her duties as an attorney have become second nature.

Ms. Kennedy is responsive almost to a fault with their clients. If she has to rely upon the staff to assist her, she also pushes them to respond in a timely manner as well. Additionally, she is a solid communicator. When she and Ms. Jones worked together on any project or issue she was always kept in the loop.

Ms. Kennedy is a solutions oriented person, but ensures to stay within the law. As an attorney she knows what she can and cannot do. She desires to assist her clients and does not want to be the person who is always saying no, so she will think outside the box for solutions while still working within the law. That is the beauty of the business they are in. Situations are not always black and white and she can use her creativity to find a way to make things happen. Additionally, Ms. Jones is not aware of a time when the board went against her recommendations.

Ms. Jones does not know of any controversies involving Ms. Kennedy. She is not aware of anything from Ms. Kennedy's background or conduct that would be looked upon as unflattering by a reasonable person. She would do a fine job as a City Attorney and it is well within her area of expertise.

Words or phrases used to describe Harlene Kennedy:

- Enthusiastic,
- Driven,
- Optimistic,
- Leader,
- Hardworking, and
- Diligent.

Strengths: Has a wealth of knowledge in her field and is extremely timely.

Weaknesses: Sometimes has issues when being introduced to new technology.

Laura Wendell – Attorney, Weiss, Serota, Helfman, Coral Gables, FL 305-854-0800

Ms. Wendell first met Ms. Kennedy in 2007. They worked together at the same law firm until 2013. They have continued to stay in contact since that time.

Ms. Wendell highly recommends Ms. Kennedy and suggests she is moved to the top of the list of finalists. She is a pleasure with whom to work and brings a level of enthusiasm to anything she does. She is highly skilled at what she does and is an excellent attorney. She brings expertise to the table in contracts, procurement, negotiating, and transactional issues. She also worked on some fairly complicated issues in the Village of Islamorada in regards to their utilities.

Ms. Kennedy is an excellent communicator with all types of different people in varying capacities whether it is with the elected officials, at workshops with colleagues, or with the public. She has a warm personality and a knack for putting people at ease. As a professional colleague she is very reliable and a team player.

Ms. Kennedy is very caring and understands the law as it pertains to the practical needs of the community. She brings a down-to-earth perspective to each situation even though she is an

attorney. She is a solution finder and will make things work while staying inside the lines of the law. She is highly ethical and will not counsel anyone to do anything illegal, but will explain the limitations with a solution in mind. Ms. Wendell is not aware of a situation where the elected officials went against the advice of Ms. Kennedy.

Ms. Wendell is not aware of any controversies surrounding Ms. Kennedy. She has no knowledge of any embarrassing items in Ms. Kennedy's background or conduct that would be of concern to a reasonable person. She would absolutely hire Ms. Kennedy as a City Attorney if she had the opportunity.

Words or phrases used to describe Harlene Kennedy:

- Diligent,
- hardworking,
- Committed,
- Caring,
- Ethical,
- Skilled, and
- Personable.

Strengths: A skilled attorney who works well with people and is extremely experienced.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

http://citysecretary2.dallascityhall.com/pdf/meetings/103018_DART_RRR.pdf
October 30, 2018

Harlene Kennedy listed below as Secretary

Agenda

Public Notice

2018 OCT 26 PM 4:09

CITY SECRETARY
DALLAS, TEXAS

18 09 83

POSTED CITY SECRETARY DALLAS, TX

Regional Rail Right-of-Way Company
Tuesday, October 30, 2018, 11:00 a.m.
DART Conference Room B – 1st Floor
1401 Pacific Ave., Dallas, Texas 75202

1. Approval of Minutes: June 5, 2018
2. *Overview of Regional Rail Right-of-Way Company
3. *Report on Quarterly Freight Operations for Third Quarter of Fiscal Year 2018
4. *Review of FY 2018 Third Quarter Financial Report
5. Identification of Future Agenda Items
6. Adjournment

***This is a Briefing Item Only**

The Regional Rail Right-of-Way Company may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, or under Section 551.072 for Real Estate issues, arising regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2543, 48 hours in advance.

Chair *– Sue S. Bauman,*
Member *– Paul N. Wageman, and Gary Thomas*

Officers *–Tim McKay, President*
Bonnie Murphy, Vice President
Katy Galindo, Treasurer
Joe Costello, Assistant Treasurer
Harlene Kennedy, Secretary

file:///C:/Users/mine/Desktop/_CI867683_otherlinks_files_May_2017_Meeting_Minutes.pdf
May 10, 2017

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

DIVISION 13 MONTHLY
MEETING MINUTES FROM MAY 10, 2017
GOVERNMENT CONSTRUCTION CONTRACTS
Next conference call will be on June 21, 2017 at 12 noon, EDT

3. Reserve Spending Scholarships

▪ Naomi Butterfield - Legal Counsel - Merrimack County, New Hampshire
▪Benjamin Field - Deputy City Solicitor - City of Philadelphia
▪ **Harlene Silvern Kennedy** - Senior Assistant General Counsel - Dallas Area Rapid Transit

http://www.miamidade.gov/advocacy/library/03-13-members-crb.pdf
March 2013

CRB Members

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

GENERAL MEMBERSHIP
Harlene Kennedy

WEISS SEROTA HELFMAN COLE & BIERMAN
AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

2011

Author(s): **Harlene Silvern Kennedy**

Hurricane Season Is Here...Can Your Emergency Contracts Withstand the Storm?
7 years ago

Since hurricane season is here, we remind you to check the status of your emergency/hurricane contracts. Make sure they haven't expired and that you have contracted with vendors who have experience with federal regulatory requirements regarding emergency cleanup measures.

In order to obtain federal reimbursement for debris monitoring and debris cleanup and management your contract should have been competitively bid following federal requirements. Some of these requirements include: having a work authorization procedure with a ceiling for the specific work being authorized; including in your contract federal highway provisions specifically as set forth in the statute and requiring compliance; and requiring the vendor to follow the current FEMA Management Guide in all services performed.

Categories: Government Affairs, Local Government

https://legalcommunity.wordpress.com/2011/05/23/attorney-harlene-kennedy-appointed-to-the-miami-dade-community-relations-board/
May 23, 2011

ATTORNEY HARLENE KENNEDY APPOINTED TO THE MIAMI-DADE COMMUNITY RELATIONS BOARD

Harlene Kennedy, an attorney with the firm of Weiss Serota Helfman Pastoriza Cole & Boniske, was named to the Miami-Dade Community Relations Board. The mission of the Community Relations Board is to intervene and contain community tensions as quickly as possible. Kennedy, who is Of Counsel with the firm, specializes in municipal law, construction, procurement, utilities and social media issues.

"I am looking forward to serving on the Board, and working with the dedicated professionals who seek to foster understanding of the complex issues that impact our community," said **Kennedy.**

The Community Relations Board works proactively to identify and relieve intergroup conflicts before crises arise and to develop bridges of understanding and support programs in the community.

Kennedy has extensive experience in both municipal law and real estate. She began her practice in New York, was a partner in a San Antonio law firm, and served as assistant city attorney in San Antonio, Texas in the areas of public works and eminent domain.

She is a also on the Foster Care Review Citizens Review Panel, member of the Florida Association for Women Lawyers and was admitted to Texas, New York and New Jersey Bars, as well as Florida.

Miami Herald, The (FL)
April 19, 2009

Residents seek sidewalk on busy McDonald Road
Author: Priscilla Greear

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

In other action, volunteer **Harlene Kennedy** reported on the work of the village committee studying the potential impact of the Florida Power & Light proposal to add in 2012 power transmission lines northward along U.S. 1 corridor from Turkey Point Nuclear Power Plant, coming near some Coconut Grove entrances.

The village is studying the project in regards to safety, property value, health and aesthetic issues, she reported.

A key issue being studied is whether to have the lines built underground. **Kennedy** said underground ones are more resistant to hurricanes in addition to being less aesthetically detracting.

The problem: Cost. The village would be responsible for the additional cost at a third over FPL's basic project installation cost for their community. "So far, there is no willingness from anyone to fund that," **Kennedy** said.

Council member Felice Dubin asked, "Why can't we get bids from other power companies even if just to compare the cost of underground versus overhead?"

And council member Niemeyer recommended that Grove residents contact other municipalities that would be affected.

"There is a long stretch of U.S. 1 -- including a lot of Miami-Dade County, not just us and South Miami. It seems all these people would have an interest in trying to act together on this," she said.

Miami Herald, The (FL)
April 5, 2009

Energy committee formed
The Coconut Grove Village Council has set up a committee to look proactively into energy concerns.
Author: Tania Valdemoro

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

The Coconut Grove Village Council has started a new committee that will focus on area issues related to electricity and power lines. "I wanted to form the committee so that people would start getting feedback and form a plan," said Village Council chairman Martin Zilber.

The move comes at a time when several municipalities in South Miami-Dade are concerned about Florida Power & Light's proposal to build transmission lines running along the Metrorail corridor at U.S. 1.

At the same time, Miami-Dade County Commissioner Katy Sorenson, elected officials and residents in these southern cities have raised questions about the safety practices at FPL's Turkey Point nuclear power station east of Homestead.

The FPL committee will be headed by **Harlene Kennedy**, a former city attorney with the city of San Antonio ,Texas, and a recent candidate for an open Village Council seat now occupied by Adam Weirich. Kennedy was chosen because of her years of experience working with various government agencies, Zilber said.
Joining her is Village council member Alyn Pruett, who encouraged other Grove residents to serve on the committee. It is expected to tackle a number of issues -- from burying overhead power lines underground to preventing power outages to finding out if the utility has plans to install new high-voltage transmission lines within Coconut Grove or nearby.

Two potential routes both emanating from Turkey Point -- one headed west and the other headed east along stretches of U.S. 1 -- have been proposed, said Mayco Villafaña, an FPL spokesman. Company officials had made a presentation about the transmission lines last December, he said. When asked if FPL has plans to install the transmission lines within the boundaries of the Grove, Villafaña said, "None of the potential routes identified by FPL and discussed with customers and elected officials has an impact on those areas described by you as the Grove."

He added: "One of the potential routes would use the Metrorail corridor, along U.S. 1, but lies outside of the Grove boundaries."

Stuart News, The (FL)
August 14, 2000

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

PUBLIC RECORDS

Civil actions
$2,500 to $10,000:

Ready Resources vs. **Harlene Kennedy Herrera** aka **Harlene Kennedy.**

San Antonio Express-News
July 19, 1995

Column: Business Briefs
Solo Serve alters stock factors

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

Steering committee chosen

Leadership San Antonio alumni have been named to this year's steering committee to select the 1995-96 class.

Committee members are:

Harlene Kennedy Herrera, Jeffers, Brook, Kreager and Gragg Inc.

Leadership San Antonio is a jointly sponsored program of San Antonio Hispanic Chamber of Commerce and the Greater San Antonio Chamber of Commerce.

San Antonio Express-News
May 27, 1994

Zoo supporters praise ex-director DiSabato Deborah Menger
Author Unknown

Jungle rhythm from The Presidents drum group throbbed in the damp air on Villita Assembly Building's patio and on down to the River Walk on Wednesday night. The San Antonio Zoological Society's Safari Party/ Toasta-monial honoring newly retired zoo director Louis DiSabato and his wife, Phyllis, was in full swing.

Among the craning congratulators decked out in safari and/or casual wear were party chairwoman Clarita and Dr. Bill Johnson, Lou and Jess Womack, Gay and Bob Keahey, Agnes and Roane Harwood, Valerie and Jack Guenther, Linda and Dave White, Iris Sanchez Stewart, Bobbie and David McKelvey, Canda and Richard Arneson, Mary Jo and Jim Boren, Sally and George Muellich, Wayne Ferguson and Priscilla and John Lupe with Joella and Will .
Favorite Louis stories were swapped back and forth as guests sampled the wares from among Rosemary's exotically festooned food and drink booths. DiSabato safari photos centered every little table.

Julie Parker remembered taking her son on a zoo field trip where "I wandered off to look at the foxes and this handsome man came up and started telling me all about them. I thought he was a 'zoo lurker' and wondered why he didn't get a job instead of accosting strangers all day. "I was really embarrassed when I found out he was the director," she said. Former society president Rugeley Ferguson praised DiSabato's almost 26-year tenure. "He had the ideas, knew what he wanted to do and he did it," he said. "He has left us a legacy for our grandchildren," Joci Straus commented before the brief awards ceremony.

Society president Mary Barrett , who "doesn't make speeches," didn't. Instead she presented Louis with a citation, a scrapbook and a bronze eagle sculpture. Phyllis received the zoo's official "Good Egg Award," a painted ostrich ovum. And party proceeds are slated to fund a zoo project in Louis' honor.

Cheers and applause at presentations' end came from Carolyn and Dr. Mark Thornton, Tina and Bob Jones, Suzanne and Jim Goudge, Beverly and Richard Halter, Marie and Joe Soules, Betty and Jack Meyer, Tom Kocurek, Linda and Paul McSween, Diana Plummer, Joel Erben, **Harlene Kennedy** and the DiSabatos' five children plus spouses.

Also on hand were Marilyn and St. Louis Zoo director Charles Hoessle , Tyler zoo director Hayes Caldwell and George Speidel , the Milwaukee Zoo's retired director. The DiSabatos are planning to cross the country and visit zoos in their brand-new motor home. They also are planning more "eco tours" (read safaris), Louis said in his speech. "And Phyllis and I would like to thank you for being here and for tonight special," he added.
Thank you, Louis.

San Antonio Express-News
August 28, 1993

2 chambers pick 41 for leadership training

The first Leadership San Antonio class co-sponsored by the San Antonio Hispanic Chamber of Commerce and the Greater San Antonio Chamber of Commerce has been named. Forty-one people have been selected for the 1993-94 class, which is the first under the two chambers' collaborative effort. "With the increased involvement of the Hispanic Chamber, we expect great things from the 1993-1994 program," said Greater Chamber Chairman Al Martinez-Fonts. Co-chairpersons for this year's program are David Manuel, dean of the St. Mary's University College of Business, and Veronica Salazar, San Antonio Express-News vice president for corporate relations.

The program involves nine months of small group discussions, tours, lectures and problem-solving simulations. Leadership San Antonio has produced 600 graduates in its 19-year history. People selected for the new class are:

Harlene Kennedy, Jeffers, Brook, Kreager & Gragg;

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 8

Iola T. Mosley

Fort Pierce City Attorney Candidate Report

Section 8

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Cover Letter and Resume

Iola T. Mosley, Esq.

752 Aberfoyle Avenue
Fort Pierce, Florida, 34947
(772) 448-4066
(561) 909-9370 (cell)

To The Mayor and Honorable Commissioners;

Thank you for the opportunity to apply for the position of City Attorney for the City of Fort Pierce. On review of the job description it is clear that you are looking for a candidate who is familiar with the responsibilities of the office and one who can continue to build upon a successful working model for the City Attorney's office.

I have been employed with the Office of the City Attorney for the City Of Fort Pierce, as the Senior Assistant City Attorney for two and one half years. In that time I have learned much about the legal needs of the City, and how best to work with staff to address those needs. I work day to day with Boards, and most City Departments; including Human Resources, Code Enforcement, Planning, and the Police Department. I provide legal support for these departments as requested and if necessary, litigate matters behalf of the City. In addressing the needs of the City it is essential to know exactly what assistance is needed and the best way to achieve a successful outcome. Clear communication in essential to the delivery of accurate legal advice. The current Request for Legal Services is an example of a best practice in ensuring accuracy. This is a practice that I brought forward to enhance delivery of accurate services. As your City Attorney I will continue to build upon established efficiency models for successful communication and service to the client.

The City needs a strong advocate who can address the legal needs of Commission, and who can evaluate and render advice on the most constructive legal means to accomplish the goals of the City. I have the pleasure of collaborating with nearly every department in the City and I provide apt and timely direction, and competent legal advice each time I am called upon to do so. In advocating for my Clients I always strive to give judicious and precise legal advice based on sound principles of law.

I am a team builder. I have worked to successfully build team consensus and trust among my co-workers and peers. It is important that all employees are treated with respect and that all team members are given honest appraisals, and feel that they accorded fair treatment. That creates a team that functions at its highest efficiency. As it concerns the staff of the current City Attorney's Office, due to the recent departure of one of the Assistant City Attorneys, it will be incumbent on the next City Attorney to retain a well-qualified attorney to complete the office. Having been a successful recruiter of attorneys for the Public Defender for the 15th Judicial Circuit, I am well aware of the process of successful recruitment and

Iola T. Mosley, Esq.
752 Aberfoyle Avenue
Fort Pierce, Florida, 34947
(772) 448-4066
(561) 909-9370 (cell)

"best fit" team building. I have a vision for building upon the current structure of the City Attorney's Office to create a team of attorneys who will work together to enhance productivity and responsiveness, and increase efficiency within the office.

Being a leader includes the ability to mentor associates and to both teach and learn from one's colleagues. Knowing the value of persons is an essential quality of successful leadership; training, cross training and collaborative teamwork is an essential component of a successful law office. The highest level service is developed within a collaborative setting in which every attorney is able to advise in his or her area of specialty and whom also has the ability to assist in other legal matters within the office. This may occur when an office is functioning as a team, and not as components in isolation.

I have been consistently praised for my ability to problem solve, build consensus and advocate successfully on behalf of my Clients. I ask that you take the time to review my resume and consider the work that I have provided and will continue to provide on behalf of the City.

Thank you for your consideration, I look forward to hearing from you in the near future.

Sincerely,

Iola Mosley, Esq.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

Education

Howard University School of Law Washington, D.C. Juris Doctor 1986
Howard University, Washington, D.C. Bachelor of Arts/ Philosophy 1983
Nova High School, Davie, Florida 1978

Professional Experience

Office of the City Attorney for the City of Fort Pierce, Florida May 2016 to present

Senior Assistant City Attorney

- ***Human Resources Department and Civil Service*** Responsibilities include legal matters relating to the interpretation and application of all Personnel rules and Regulations, and the City's Civil Service, EEOC filings, Union Arbitrations, Union ULP filings, Grievances, Civil Service Appeals, Union contracts (Negotiations and Drafting), and Employment Related Litigation cases. Duties and responsibilities for this Board include the defense of the City and Management in all Grievance Hearings, Civil Service Appeals, Arbitration Hearings, PERC actions, and Special Magistrate Hearings, and appearing before the Civil Service Appeals Board (CSAB) which considers employees' appeals from Management decisions related to employment, in-depth review of such Appeal filings, performing legal research and preparing Briefs and Memoranda of Law, Motions, and related documents, and preparing Prehearing Statements required by applicable CSAB rules, meeting with witnesses and organizing evidence and preparation for adversarial hearings.

- ***Code Enforcement*** Duties and responsibilities include review of Agenda materials relating to the Board's monthly meetings, preparing for and attending such meetings, preparing *Massy* orders relative to the Board's rulings, preparing Legal Memoranda to the Board and staff, advice and preparation of amendments to Procedural Rules and Resolutions ultimately submitted to the City Commission for adoption, and representing the City in all appeals of this Board's rulings to the Appellate Division of the Circuit Court. Prosecute all civil Animal Control and Abuse custody cases. Advise on the current status or changes in the law as they occur or as requested by the Department Director.

- ***Historic Preservation/Planning*** Duties and responsibilities include in-depth review of meeting Agenda packages and preparatory legal research of potential issues associated therewith, pre-meeting conferences with the Historic Preservation Office and Staff, provide procedural guidance to the Board's clerk, and attendance at monthly meetings. Provide advice concerning the Secretary of Interior standards and other applicable regulatory matters which may come before the Board or as requested by the Department Director.

- **Construction Board of Adjustments and Appeals** Duties include advising the Board on issues relating to variance and exceptions to building and zoning regulations. I also available to advise the Board on changes in Federal, State and Local law which would impact building and zoning regulations In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law.
  I also advise on matters relating to parliamentary procedure.

- **Board of Examiners of Contractors** Duties include advising the Board on matters concerning the regulation and competence of contractors. I also available to advise the Board on changes in Federal, State and Local law which would impact the regulation of contractors working within the City limits of Fort Pierce. In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

- ***Special Magistrate Code Enforcement Proceedings*** Serves as counsel and advocate for the Department of Code Enforcement in code enforcement proceedings before the City's Special Magistrates. Duties and responsibilities include prehearing preparation (reviewing cases with Code Enforcement staff and persons who may serve as witnesses, organization of evidence to be presented at hearings, legal research in preparation for argument on potential legal issues during such hearings, and preparation of Motions and Memoranda relative to such hearings), serving as an advocate for the City And Code Enforcement Department during such hearings, preparation of *Massey* orders and other orders as may be directed by the Special Magistrate, representing the City in any appeals from rulings of the Special Magistrate that are filed in the Appellate Division of the Circuit Court.

- ***Police Department*** Serves as Council to and provides timely and accurate support, research and representation of the Police Department. Duties include Assistance in development of training protocols; Drafting of Contracts; Memorandum of Understanding; Drafting and Litigating Forfeiture and Nuisance Abatement Proceedings in Circuit Court and Administrative proceedings. In addition I provide support and responses to legal inquiries regarding subpoenas and court appearances of officers and employees. In addition I advise and support the Citizens Review Commission as requested by the Chief of Police.

- ***Assistance and support to all City Departments*** Duties include providing timely and accurate training and legal updates to City Boards and Departments on Ethics for Public Officers; Government in the Sunshine; Rules of Order; and Public Records. Also responds to time sensitive request for legal opinions from various City Departments.

Other Duties include Drafting Ordinances and Resolutions, and advising departments on upcoming changes in statutory law as well as locating and advising on current ordinances and regulation. I interface with nearly every department in the City in order to assist with compliance with State and Federal requirements. I have served as the city liaison to the Sober House Task force for St Lucie, Indian River and Martin County.

Office of the General Counsel for the School Board of Palm Beach County, Florida March 2005 to May 2016

Senior Counsel Academic Compliance, Senior Counsel Government and Regulatory Compliance

Represented the School Board of Palm Beach County in a variety of Legal matters including

- Special education IDEA and ADA/504 and Civil Rights Litigation.
- Charter school litigation support for the Charter Department 2006-2012 including; negotiation of contracts, application denials hearings at FDOE (Florida Department of Education), as well as advised on variety of other administrative issues relating to the sponsorship of Charter schools.
- Provide support and advice regarding legal issues upon request or as directed by Board members, the Superintendent, and the General Counsel or Designee.
- Support and advise District administrative staff and personnel matters involving; Special Education, Immigration, Juvenile Dependency, Truancy, Criminal law and Procedure, Juvenile Delinquency, Civil Rights, Child Custody and School Attendance Zones, Student Discipline, Employment, Contracts, Civil/Family Trial Court issues affecting the District administrative staff and school centers. In addition upon request; provide assistance and support to District administrative staff for depositions, hearings, and trial testimony.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

- Represented the Superintendent, and District Administrative staff, in Student Discipline matters, and Expulsion Hearings on behalf of the District.
- 2005-2011 Served on the Chief Counsels litigation Team (to prepare and assist attorneys for trial and preparation for litigation on behalf of the School District).
- Conducted Training for District staff in Expulsions, Family and Custody matters, Special needs of children, Homeless Education (McKinney-Vento); Develop and present training protocol for Expulsion Hearing Officers, and conduct joint trainings with Legal Aid Society for Pro Bono Attorneys who represent District student personnel in expulsion hearings.
- Provided training for School Police on Custody issues 2012.
- Developed training presentation for the Unified Family Court Family Law Advisory Group (F.L.A.G.) entitled "The ABC's of Education Law" 2008.
- Represented the District on the School Justice Partnership 2009-2012.
- Governmental and Regulatory Compliance advised and developed Board Policies 2015.

Assistant State Attorney Office of the State Attorney 15th Judicial Circuit Palm Beach County, Florida September 2002 to February 2005

- *Juvenile Division September 2003- February 2005*- Felony and Misdemeanor prosecutions of Juvenile offenders on behalf of the State of Florida. Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.
- *County Court Division 2002-2003*- Prosecuted Criminal Misdemeanor and traffic offenses including DWI, Domestic Violence, Drug Possession, Theft, Lewd Assignations and a variety of other offenses Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.

Assistant City Attorney for the City of West Palm Beach July 2000-July 2001

- Duties included Civil Trial Defense, Code Enforcement Litigation, Nuisance Abatement, and Lien Foreclosure. Supervised Staff including secretarial and paralegal

Law Offices Whitfield & Mosley October 1996-June 2000

- Partner General Practice firm, cases included; Criminal Defense trial /appellate, Family marital law matters, Civil Litigation
- Responsible for staff supervision and direction, payroll, and all other office expenses as well as shared litigation within a small firm.

Office of the Public Defender for the 15th Judicial Circuit Palm Beach County January 1987 to October 1996

- *1994-1996 Training Recruitment Coordinator*- Responsible for recruitment, training and development of attorneys. Also responsible to review and recommend attorneys for promotion to various positions within the office. Supervised Staff; including new attorneys Paralegals Investigators and Secretaries.
- *1993-1995 Capital Crimes Division*-Defended Clients charged with Capital Murder. Responsible for coordinating and supervising team litigation in the grand jury, trial and penalty phase of defense case.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
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(772) 448-4066

Supervised and coordinated Investigative paralegal and secretarial staff. Also responsible for staff development of attorneys

- *1990 to 1993 Felony Division*- Responsible for defense of clients charged with life felonies, first, second and third degree Felonies. Supervised; Investigative paralegal and secretarial staff. Additional responsibilities included legal staff development and mentoring
- *1988-1990 Supervising Attorney for County Court South Division*- Responsible to oversee the opening and staffing of the South County Office of the Public Defender. Supervised; Attorneys, Secretaries, Paralegal. Also responsible for coordinating representation and social services provided to clients. Worked directly with the judicial staff, State Attorney's Office, County Probation, as well as the Office of the Clerk to ensure the smooth transition of the Office to the South County Courthouse.
- *1987 County Court* Defended Misdemeanor Division-Supervised secretarial and paralegal staff in developing legal defense and coordinating social services on behalf of indigent clients
- *1987 Appellate Division*- filed appeals on behalf of indigent persons accused of crimes.

MEMBERSHIP

2017 American Bar Association
1987 to Present Member of the Florida Bar Association
1989 to Present F. Malcolm Cunningham Bar Association
Member of the Port St Lucie Bar Association
2006 to Present USDC Southern District
2005 to Present Palm Beach County Bar
Member of the Florida Bar Since 1987
Member of the St Lucie County Bar Association

AFFILIATIONS

1987-1999 Fla. Association of Criminal Defense Lawyers
1993 to Present
Delta Sigma Theta Sorority Incorporated A public Service Organization (Parliamentarian 1997-2002 2018; 1997-2002 and 2018 Chair Policies Procedures Committee)
1988 to present The Charmettes Incorporated (a public service organization) Financial Secretary Parliamentarian, Historian, Public Relations
2012-2017 Strategic Planning Committee, New Bethel Missionary Baptist Church
2005 to Present Florida School Board Attorney Association
Florida Association of Police Attorneys 2017 to present
Steering Committee Treasure Coast African American Attorneys Association

References are available upon request

Section 8

Candidate Introduction

IOLA T. MOSLEY, ESQUIRE

EDUCATION

Juris Doctorate, Howard University, Washington, D.C.
Bachelor of Arts (Philosophy) Howard University, Washington D.C.

EXPERIENCE

Sr. Assistant City Attorney City of Fort Pierce Florida	2016-Present
Sr. Associate Attorney School Board/ Palm Beach County	2005-2016
Assistant State Attorney 15th Judicial Circuit	2002-2005
Assistant City Attorney City of West Palm Beach, Florida	2000-2001
Partner Whitfield & Mosley	1996-2000
Assistant Public Defender 15th Juridical Circuit	1987-1996

BACKGROUND

I currently serve the city of Fort Pierce as the Senior Assistant City Attorney. Fort Pierce is affectionately known as the "Sunrise City" and serves as the county seat in St. Lucie County, Florida. The city serves approximately 41,000 residents. The City has a charming and neighborly feel. I feel that once you visit you understand the meaning of the term "hidden jewel."

Fort Pierce is progressive, friendly, and offers a wide variety entertainment and shopping venues. Fort Pierce boasts some of the best restaurants in the Region (if not in the country). The city hosts an abundance of family friendly activates like The Friday Fest Jazz and Market on the first Friday of each month; The Wednesday Green Market and Saturday Farmers Market where beautiful textiles, jewelry, artwork, crafts, and delicious foods abound.

There is great support for youth and families through Job Fairs, and an established sailing/maritime program through the Treasure Coast Youth Sailing Foundation and the Fort Pierce Police Department annual "Unity in the Community" days. The City offers recreational activities such as boating, fishing, hunting, and horseback riding.

There are beautiful natural areas and wonderful sub districts like the Peacock Arts District. The City boosts connections to artists who make the Treasure Coast live through the ages. Artists like the Highwaymen, and writers like Zora Neal Hurston come immediately to mind when thinking about "The Fort".

Fort Pierce has a Mayor/Commissioner form of government. The city is composed of two districts. The Mayor/Commissioner is Linda Hudson who is elected at large by voters in all districts. The Commissioners representing District 1 are Rufus Alexander III, and Reginald B Sessions, Esquire.

IOLA T. MOSLEY, ESQUIRE

District one includes the north and northwestern areas of the City. The Commissioners representing District 2 are Jeremiah Johnson, and Thomas K Perona. District 2 includes Hutchinson Island and the south, southwestern and eastern areas of the city.

Currently Fort Pierce is a City undergoing expansion and growth. The main challenges facing the city are directly related to growth:

- Annexation, business expansion, and growing the economy of the city in a way that allows for sufficient infrastructure to support the growth.
- Recovery form blight as well as recovery of blighted areas and transformation of those areas into viable and profitable business and residential centers.
- Elimination of predatory businesses which are contrary to development is a priority in the development of a healthy City. There are areas of the city that are currently run-down which can form the base of a strong community if developed in a way which preserves the community atmosphere, while modernizing existing neglected or deserted structures.
- An additional and fundamental issue facing our city is attracting and keeping professional officers in the Police Department and shaping the current department so that it is on par with the departments in the surrounding county and cities. The City has in the past four years retained a Police Chief who is innovative and forward thinking in her support and revamping of the current Police Department, as well her concern for the citizens of the entire Ft Pierce community.
- Another area of significance is the development of the Lincoln Park Community while preserving its unique cultural identity. This is a part of a community embodying the African American experience in Ft Pierce. Currently I have been working with the City's Community Grants Program in seeking ways to support the Martin Luther King Commission's efforts to obtain Grant funding for the renovation of the Lincoln Theatre which is a vital anchor and landmark in the growth and development of the Lincoln Park Community.
- The City is seeking to develop the harbor and waterfront areas of the city. This development will require careful planning in order to avoid over development or development which cannot be sustained by the existing community. Additionally the City has to make certain that land purchases and leases are within the permissible bounds of existing law.
- Additionally the issue of tourism and how best to implement tourism and enhancing visits and rentals of short term duration while maintaining the ambiance and local flavor of the coastal communities and the community at large is also an issue that has been that can inhibit development. Working with members of the community including beach areas the city will need to seek ways to accommodate housing while not allowing the rowdy atmosphere of a tourist trap to overtake the serene beauty of the coastal, and other identified areas of the community.

IOLA T. MOSLEY, ESQUIRE

GENERAL MANAGEMENT STYLE AND EXPERIENCE

I am awestruck at the potential of this unique city. Fort Pierce is a flower on the verge of blooming. Here, there is a great deal of potential and at the same time, the community reminds me of the "real" Florida. Although the City's population is diverse the, community of Fort Pierce is unified. There is something special about being one of us and you don't find that everywhere.

A successful City Attorney for the City of Fort Pierce will be dedicated to the vision of the City Commission. The Attorney must be an effective listener and an effective communicator; to that end, frequent informative meetings should occur between the City Attorney and the members of the Commission.

The Attorney should also meet with department heads to get input on issues facing the various departments of the city. The Ideal candidate should also be one who engages with the various City departments to conduct training and staff development.

The City Attorney must be able to recognize various political agendas, like it or not this is a part of public life. But the City Attorney must not become embroiled in individual politics. He/she must advise the Commission in legal matters in a professional, honest and straightforward manner. The Attorney must have the ability to quickly recognize the objectives of people with whom he/she comes into contact and must understand when and how to appropriately respond.

Because no one is perfect, the ideal candidate must understand the humility that is born of making errors and how to recover from errors with reassured accuracy. In other words, he/she should own his/her mistakes and endeavor to correct them quickly and skillfully without dwelling on the matter.

I feel I am the ideal candidate for the position of City Attorney. I have developed diverse experiences in my 31 years as a barred State of Florida lawyer. I have been called upon often by my colleagues and my peers for my advice and counsel. I have learned to identify and avoid pitfalls of politics and have endeavored to advise my clients in a professional manner.

Additionally, I am skilled at recruiting. I can develop and train professional staff. I endeavor to develop good strategies for achieving the optimum outcome desired by the client/Commission. These are qualities that will be necessary for the next City Attorney as that individual will have to begin with an already successful foundation, and recruit and train the best staff to take the office to the next level of providing professional and efficient legal services for the City.

The City is self-insured through the Florida League of Cities. Fort Pierce employs a risk manager who manages the City's State and Federal cases that are assigned to attorneys through by the Florida League of Cities. The League addresses most complex federal or state claims involving

torts, civil rights violations, and certain appeals and workers compensation and other matters as assigned by the Commission.

However, the City Attorney should be aware of the developments in each case and should regularly seek to update his case file concerning the status of pending matters in order to keep the Commission apprised of the case status.

In other matters for which the City Attorney's Office has direct responsibility, it is of the utmost importance that the facts be reviewed and research completed thoroughly and promptly. With regard to internal management practices, the involved department heads and witness must be interviewed to get the most accurate account of the City's positions on the matters at hand. All evidence should be copied and prepared by the department or a file should be provided and copied by the legal secretary and legal files created.

The department files should be returned to the department's custodian of records once all relevant documents and or photos are copied. A correspondence file should be created and initial correspondence of introduction should be forwarded to opposing counsel. A litigation file which includes pleadings, case and statutory law, facts of the case, discovery, witness information, and legal strategy should be developed immediately.

Negotiation of any settlement with opposing counsel must occur only as approved by the Commission or City Manager; such negotiation can be most successful only when the facts are researched and the relative strength of the case is known.

All steps of the litigation including attorney time must be logged. Cases will need to be thoroughly researched and prepared and a dry run of any hearing should be done with staff to make certain that the case is ready at the time it is called for hearing.

Frequent case updates will be provided to keep the Commission, the City Manager and the Department Head advised of the progress of the case. Upon conclusion of the case, a post litigation review will be conducted with the assigned attorney and staff to review best practices.

My management style is the team approach. The legal staff works together to support the legal needs of the City. A law office functions best when all of the staff is informed and involved. Although there must be individual assignments, every attorney should be aware of current matters and cases. Shared discussion of issues by staff is an excellent way to develop this type of expertise and proficiency. This delivers faster and more efficient service.

Even though one attorney may be assigned to answer general questions on a subject, with the shared workload approach every attorney has a basic understanding of issues and there is no gap in service delivery. To that end, weekly staff meetings where matters and issues are reviewed and

thoroughly vetted by the attorney staff will increase the ability of the legal department to deliver professional results.

Every meeting should be a learning opportunity for the legal staff as well as the City Attorney. My philosophy of leadership envisions cooperative learning and Socratic inquiry of issues that the legal department is called upon to address on behalf of the City. I recognize the importance of evaluation and reinforcement in this process. Every staff member's endeavors should be recognized in order to encourage a higher level of staff success.

The results of this type of management yields a more polished and professional staff. In addition, open communication should be encouraged and no staff member should ever feel any hesitation or fear in disclosing or discussing problematic issues.

I am approachable, friendly, and am said to have a good sense of humor. I am open and respectful to all regardless of creed, orientation, nationality, or income status.

I have worked with many of the City's Boards and I believe that the Board members with whom I work with would say that I am professional, knowledgeable, prepared and approachable. Also, I am well versed in legal matters regarding City Boards. I try to be a great communicator and listener.

I have had opportunity to communicate with the City Manager and advised him in several matters. I believe that he would share I am an excellent attorney and a consummate professional. He would likely report that I have good relationships with staff and departments, and I am both approachable and likeable. He would likely say that I am passionate about the law and protecting my client but that I am patient and solution oriented. Moreover, I will find an answer and leave no stone unturned and complete my assignments thoroughly and efficiently. He would say I am loyal.

I think despite the strengths that I possess I do have shortcomings. Sometimes, I will over think a problem. I believe it comes from wanting to make certain that I have covered all my bases. I like to think things through and be through but if I am rushed or distracted I may pay less attention to detail than normal.

Another area of weakness is when I am rushed, I have sometimes underestimated the time I need to complete a task and end up trying to get everything done in haste. To address this, I have learned to use a digital time keeper to manage my tasks more efficiently. Also, I have learned to diary my day and review and update my progress. This helps me to stay on top of large projects and complete tasks in a more timely fashion. I diary my end date or date of completion ahead of the requested date which gives me additional time to review and recheck my work.

I have been blessed to have provided a large part of re-structuring the office of the City Attorney for the City of Fort Pierce. I view this as my greatest accomplishment to date because in structuring

this office I have had the opportunity to provide tools which allowed the current structure of the office to work efficiently and professionally.

One tool I am very pleased with myself for developing is the form for the routing of legal services. I put together the Request for Legal Services for the Office of the City Attorney to provide a timeline for progression of tasks. The current system provides a means of identifying responsibility for and keeping abreast of the workflow within the office.

I have streamlined the process which has allowed the annual accomplishments of the City Attorney's Office to be more efficiently memorialized. I have also created an enhanced training protocol for Boards and Committees in the areas of Open Government Law (Sunshine), Public Records, and Ethics for Public Officers; which I have presented to the City Boards and to individual Board members upon their appointments.

This allows the Boards to run efficiently and operate within the bounds of the law. I have enjoyed the privilege of working with Animal Control and in saving the lives of abused animals, and with the code enforcement in enhancing the hearing protocols for Special Magistrate hearings. I have also help to shape the Police Citizen Review Committee on request of the Chief of Police.

Working as the Sr. Assistant Attorney in the City of Fort Pierce has been the highest point in my legal career as I have been able to fully utilize the skills I have developed as a communicator, organizer, business manager and a skilled attorney over the course of my thirty plus year legal career.

There is no better means to determine one's success than to examine one's failures. The most glaring error in my career was taking for granted impure motives and failing to have the courage to immediately speak out against improper acts. This failure could have compromised my client and my integrity. It was error born of the willingness to go along with what I perceived may be wrong in order to avoid being the "squeaky wheel." This error has taught me that it is important to do what is just and proper even though the result may make you unpopular. One must never shrink from undertaking that which is just in order to gain temporary approval. Even when the cost may be personally devastating one must always strive to adhere to the rule of law and to the highest ethical standards.

I have not had to terminate or recommend termination for an employee as yet. However, I have had to counsel employees to lead them back to productivity in my career.

First, it is important to always try to determine whether the employee's lack of progress or productivity is due to some outside source like a family, personal or medical issue; or whether there is a need for training. The first step is to speak with the employee and to tell him/her there is an issue, to fully explain what the problems are and offer him/her the opportunity to address the problems.

It is important to refrain from being accusatory when addressing this type of problem as it can negate the goal of remediation or training in order to get the employee back on track. There is a need to monitor the activity of the employee and to continue to communicate with the employee to assess progress and to allow the employee to get back on track.

In considering aberrant or rule breaking behavior, there are progressive discipline approaches that can be used to address these behaviors. The first step is to identify the behavior and discuss it with the employee. Secondly advise him/her of steps needed to correct the issue. The employee must be provided with a timeline for compliance or remediation. Disciplinary actions must be memorialized in writing.

If corrective action fails then the employee may potentially face more serious discipline like probation, suspension, or termination of employment. It is important to maintain a written record concerning the acts and results. Further, all statements concerning any employee discipline must be accurately recorded. Communication must occur though Human Resources. Additionally progress should be reported as well as lack thereof. If the employee shows no improvement then a potential recommendation for termination may be made to the City Manager through the Human Resources Director.

It is my goal over the next six months to:

- Continue to address the legal needs of the City. I envision meeting with Commissioners, The City Manager and Department Heads to assess current strengths and to gather recommendations for improvement and increased provision of legal services.
- It will be necessary to hire two attorneys to replace the current position vacancies in the office, and maintain the office within the current budgetary frame. It will be necessary to recruit, from the local area as well as other areas, candidates who will be a good fit for the City as well as possess the required experience to do the job.
- Efforts within the first six months may also include expanding the role of the staff attorneys to include development and implementation of training protocols and schedules for City Boards as requested, and for providing legal updates for all departments and department heads as needed.
- In addition production of a quarterly news page of recent changes in the law (aptly named “Sunrise City Legally Speaking”) is envisioned to be created in order to keep city officials and departments up to date on new legal issues.
- I would envision the development of a direct assistance portal to address the provision of immediate assistance needs of department heads. I would also like to develop a special assistant to the City’s police department whose duties will include litigating civil forfeiture matters and provision of direct assistance for legal issues relating to the police department practice.
- I have identified a need to provide constant updates via weekly training sessions within the office to provide a learning experience or refresher for the attorneys in all aspects of

municipal law. Of particular importance is training in the area of public policy and regulatory compliance including the development of city laws and regulations (i.e. drafting of resolutions and ordinances). This cross training will increase support to all city departments. Training will also include attorney development in areas of agency and administrative law like compliance with Government in the Sunshine, and public records law. In addition, limited cross training will be developed in the areas of transactional law, general litigation as well as in areas concerning employment law.

Media Relations:

I currently do not address the media however my rule of thumb is to always keep the Commission and the City Manager aware of any media queries that may come across my desk.

I am affiliated with several charitable organizations including The Charmettes Incorporated, Delta Sigma Theta Sorority Inc., I have been affiliated with Northside Kiwanis in Palm Beach County. I am also a vocal musician and I sing in many churches and have been featured in the annual Northside Kiwanis Variety Show. I love to fish and bake.

I do not have anything in my past that would embarrass the City if it became known. There is no one who has any "dirt" on me.

REASON FOR WANTING TO LEAVE MY CURRENT JOB

It is my honor to have represented the City of Fort Pierce as the Sr. Assistant City Attorney for the past two and one half years. I was a finalist for the Position in 2016. I would like to have the opportunity to continue the mission started when I was hired, in improving efficiency, and professionalism in the Office of the City Attorney. I still desire to lead this effort. I would not be leaving my office but elevating to a position that will allow me to maximize my organizational and professional skills developed over my 30 years in the practice of law.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Professional
Knowledgeable
Approachable
Innovative
Hardworking
Principled

CURRENT OR MOST RECENT SALARY

My current salary at the City of Fort Pierce is $130,000.

CB&A Background Checks

Background Check Summary for
IOLA THOMAS MOSLEY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Civil Records Checks:

County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #710768

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Iola T. Mosley

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.

Please explain any yes answers on a separate sheet of paper.

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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure Explanation

There have been 2 law suits to which I have been a party Defendant;

1) Chemical Mortgage v Emmett Mosley and Iola Mosley, et al 97-9955AW Foreclosure Case Dismissed
2) Nationstar Mortgage v Emmett and Iola Mosley, et al 2012-CA-22442 Foreclosure Case closed Property sold at Auction.

CB&A Reference Notes

Since the candidate is an internal candidate, we did not perform reference checks.

CB&A Internet Research

TC Palm
June 19, 2018

Fort Pierce gives property owner more time to make case to save home from condemnation
Author: Keona Gardner

PORT PIERCE — Neighbors on Thumb Point Drive will have to wait nearly another week to learn whether the city condemns a house that has been at a construction standstill for more than 13 years.

The City Commission Monday gave owner Brad Culverhouse five business days to prepare his arguments for saving his house at 1635 Thumb Point Drive. Code-enforcement Magistrate Fran O. Ross in April declared the property a nuisance and recommended city condemn it and demolish the half-built structure. Under city rules, Culverhouse has five business days after the the final hearing to prepare the case.

Ross held her final hearing on the case June 14 and 15, putting the five-day period into late next week. The commission, however, has set a special meeting at 10 a.m. Monday to consider its next move. Asked about that scheduling on Monday, following the commission meeting, City Attorney Jim --------Messer and City Manager Nick Mimms refused to answer a reporter's questions and walked away.

The previous house on the site was destroyed by the 2004 hurricanes. Since then, Culverhouse has applied for and received extensions on his building permits. His current permit expires in July, according to city records.

Commissioner Reggie Sessions questioned why the commission would schedule a meeting on a day it doesn't regularly meet. "Is it vital that we do it this Monday, where we use additional staff time?" Sessions asked. "It's been going on for 14 years, and now it is an urgent matter and we have to have this done (now)?"

The commission should act quickly to resolve the dispute, Commissioner Tom Perona said. "This has been going on for quite some time," Perona said. "The message I want the public to know is this City Commission will not put off tackling the difficult issues."

Neighbor Dan Hooper said he has been awakened at 2 a.m. by the the sound of car doors from fisherman using the dock at the back of the property. "The traffic coming in and out of there ... It must be one of the most popular fishing spots in the county," Hooper told the commission. Added neighbor Chris Hodge: "1635 Thumb Point Drive is being used more as a public park and not a residence," Hodge said. "This is not acceptable."

A metal gate secures the property, and the gray, concrete-block structure — without a roof or doors — sits surrounded by construction materials. Culverhouse said hardships such as his wife's death, bankruptcy and his own failing health kept him from completeing the house.

Homeowners insurance paid Culverhouse more than $400,0000 to rebuild the house that hurricanes Frances and Jeanne destroyed, according to city records. During the April 18 code-enforcement hearing, Ross declared the property a nuisance and recommended the City Commission have it torn down.

Senior Assistant City Attorney **Iola Mosley**, who represented the city at the April 18 hearing, told Ross that Culverhouse met the criteria for building-permit extension yet he never completed the project.

Palm Beach Post, The (FL)
November 6, 2004

PANEL TAPS COURT BENCH CANDIDATES
Author: WILLIAM COOPER JR.

A prosecutor, private attorney, court commissioner and two attorneys employed by the Palm Beach County School Board were nominated Friday to fill a vacancy on the county court bench, according to the Judicial Nominating Commission. The five nominees, which include two blacks and a Hispanic, were selected from among 50 applicants. The nine-member JNC conducted interviews with the applicants this week.

The nominees are:
* Sandra Boss-Pardo, 50, who leads the School Board's litigation department;
* Leonard Hanser, 52, a court commissioner who oversees cases where people are deemed a danger to themselves or the community;
* **Iola Mosely**, 44, a black assistant state attorney;
* Yvette Trelles, 38, a Hispanic sole practitioner, specializing in personal injury cases;
* Gerald Williams, 54, a black labor relations attorney, who currently is the School Board's chief of staff.

Attorney Kathleen Kozinski, the JNC chairwoman, faxed the names on Friday to Gov. Jeb Bush, who will make the appointment in coming weeks. Bush must fill the post vacated by former County Judge Jonathan Gerber, who the governor promoted to the circuit court in August to replace retired Circuit Judge Mary Lupo.

The Palm Beach Post
December 30, 2000

AFTER 28 YEARS, JORANDBY SAYS GOODBYE
Author: John Pacenti

After 28 years as the county's public defender, Richard Jorandby left the office on Friday with a message: "I will survive." That's the Gloria Gaynor disco song he asked **Iola Mosley**, a former assistant public defender, to sing at his goodbye luncheon attended by more than 120. The song underscored the bittersweet event as well as the uncertain future for the man who brought the office national notice for fighting the death penalty.

Some of the area's more prominent lawyers, such as Richard Lubin and Michael Salnick, spent time under Jorandby's stewardship. In attendance Friday was Circuit Judge Edward Fine, a former Jorandby employee, as well as Dorothy Wilken, clerk of circuit court and a good friend of Jorandby's. "Because of you, innocent people have been able to look back and say, 'Thank God, I had a good lawyer,' " said **Mosley**, who went on to private practice and now works for the county attorney's office. Jorandby leaves, though, under a cloud. The Florida Department of Law Enforcement is investigating allegations by two of his top assistants that he tried to extort campaign donations from them. Democrat Carey Haughwout, an attorney Jorandby hired to work for the office 13 years ago, defeated the Republican on Nov. 7, shortly after the scandal broke. Talk at the luncheon remained upbeat, though, focusing on Jorandby's accomplishments - not all of them in the courts. Former employee and now private defense attorney Michelle Suskauer noted that more than half a dozen couples met while working for Jorandby.

"It's a hotbed for romance," joked Suskauer, who met her husband, Scott, while both were assistant public defenders. Jorandby's daughter, Abigail, gave a touching speech about growing up watching her father work. She is now going to the University of Florida's law school. Richard Green, head of the capital appeals division, talked about Jorandby's passionate opposition to the death penalty and how hard it was on him in 1984 to watch two defendants die in Florida's electric chair. Jorandby insisted on being a witness.

His office took five death penalty cases to the U.S. Supreme Court. "He has some deeply held moral and spiritual views, and the death penalty is the ultimate violation of those views," Green said. Losing to Haughwout may cost Jorandby more than his office. If he could have served one more term and reached 30 years of service, his state pension would have increased from $63,000 to $500,000. He said he has no immediate plans but is open to continuing to work in state government. "I cherish these last 28 years," he said. "For a farm boy from North Dakota, I had my dreams, too. They were to become a lawyer and move to Florida, and that happened. Now it's time to go and it's time to say goodbye."

The Palm Beach Post
June 2, 2000

TWO IN TEEN BEATING CASE ENTER GUILTY PLEAS
STATE SAYS THE SIUTA BROTHERS DID NOT PARTICIPATE IN THE BRUTAL ATTACK
Author: John Pacenti

Gary Stern says it's a means to an end. Defense attorneys say it's another example of the state's case falling apart. Facts are that two brothers arrested for the brutal beating of Stern's teenage son, Joshua, will see no prison time under plea settlements Thursday. Elden and Siuta Siuta pleaded guilty to aggravated battery for keeping others from helping Stern during the attack at an unsupervised high school graduation party in Wellington last year. "I was hoping the Sterns were here so I can apologize to them," Siuta Siuta, 22, said. "If I can go back to that one day, I would make sure none of this would have happened."

He will have to remain on house arrest until July 27 and then start three years of probation. His 17-year-old brother faces the same sentence, but Circuit Judge Kenneth Marra won't make it official until July 13 as he awaits a probation officer's report to determine whether the teen should be listed as a felon or have his conviction withheld from his record. Assistant State Attorney Ken Selvig said the pair did not participate in the beating that left Stern, 16, in a coma for nearly three weeks with a fractured vertebrae, broken jaw, collapsed lung and other severe injuries. He still faces multiple surgeries. Charges of kidnapping, robbery and burglary with assault or battery were also dropped.

When the Siutas were arrested, Gary Stern called them "monsters" and "animals". Reached by telephone Thursday, he said the plea will help authorities complete their investigation, but declined to elaborate. "In about a week to 10 days you'll see why this was so important," he said. "This was done from a position of strength, not weakness." The Siuta brothers have said they will cooperate. Thursday's pleas leave only two of the seven original suspects charged with attempted second-degree murder and in jail: James "Jay" McHugh, 17, and Roberto Molina, 27. Selvig made it clear Friday that it was Molina who did most of the beating last June 5 because Stern had reneged on a $650 marijuana deal. McHugh, called Molina and others to the party when he saw Stern there, police said. Trial is set for Aug. 25.

Three suspects originally arrested and jailed for eight months - Philips Siuta, 19, and his uncles, Fetalai Ilimaleota, 26; and Faapiano Ilimaleota, 34 - had charges dropped after it became apparent they were misidentified by teenagers at the party. "One witness told me the cops held him for hours until he made an ID," said **Iola Mosley**, Elden Siuta's attorney. Sheriff's detectives couldn't be reached for comment Thursday. "The state's case, especially as to my client, started crumbling," said Jon Kaplan, Siuta Siuta's attorney.

The Palm Beach Post
February 9, 2000

IN COURT

LAKE PARK - A former lieutenant has sued the town police department, saying it illegally retaliated against him when it asked him to resign because of his testimony in a racial discrimination trial. Julius Barone resigned in September after testifying for Mack Davis, the town's only black police officer, who had sued the department alleging racial discrimination. Three other officers and Chief Jeff Lindskoog's secretary were fired after the town said they lied on the stand. They also have sued. Barone filed his suit Monday in Palm Beach County Circuit Court. A jury last year agreed the department discriminated against Davis, but only awarded him $1. A judge later overturned the discrimination verdict, meaning the town wouldn't have to pay Davis' legal fees. Davis is appealing.

WEST PALM BEACH - The adult guardian of a troubled youngster who was struck by a car two years ago after jumping from a school bus on Okeechobee Boulevard sued the Palm Beach County School District on Monday. Carol Goldberg, a court-appointed guardian, claims the district was negligent because Lamarcus Sims, who at the time was a fifth-grader at Indian Ridge Learning Center, was able to get out of his seat and leave the bus through a rear emergency door. Sims jumped out of the bus and attempted to run across Okeechobee Boulevard during rush hour May 29, 1998, and was seriously injured. In the lawsuit, Goldberg alleges the bus driver and an aide failed to take the proper safety measures to keep Sims on the bus.

The family of a 6-year-old girl run over by a school bus last year sued the Palm Beach County School District on Tuesday in Palm Beach County Circuit Court. On March 2, Ariel Dent of Riviera Beach crouched in front of the bus to pick up some papers and the front and rear tires rolled over her at 147 W. 28th St. She suffered a broken wrist, thigh and pelvis, police said at the time. The bus driver, Wayne A. Ricketts of West Palm Beach, was not named in the suit.

WEST PALM BEACH - Bob Sanders, the last city administrator under former Mayor Nancy Graham, sued another former employer Tuesday for wrongful termination, claiming Stuart businessman David Lester's company owes him more than $1 million in guaranteed wages. While still working for the city in January 1999, Sanders agreed to take the post of chief executive officer with Lester's International Fine Art Expositions. The company conducts sales of fine art, antiques and jewelry in Beverly Hills, Hong Kong and downtown West Palm Beach. The contract offered a guaranteed $250,000 a year over five years and a percentage of profits, Sanders said in the suit, filed in Palm Beach County Circuit Court. He started work in April, after leaving hiscity job, but was terminated in November, the suit said. "He wanted me to handle leasing and that was not the deal," Sanders said Tuesday. Lester said the disagreement is contractual and subject to arbitration.

WEST PALM BEACH - The admitted strangler got 15 years in prison, the woman who heard

the dying man's gurgling sounds got life and the third person present at the 1998 robbery and murder of Charlie Marlow was convicted of manslaughter Tuesday. Jurors deliberated about six hours before convicting William "Terry" Jones on the lesser charge of manslaughter rather than first-degree murder. Jones' attorney, **Iola Mosley**, argued Jones did not know the robbery was going to take place and didn't participate in the beating. But Assistant State Attorney Marc Shiner said Jones and two others robbed and killed Marlow in his suburban West Palm Beach home to score some quick money to buy drugs.

The Palm Beach
March 26, 1998

MAN FOUND GUILTY IN CARJACK-MURDER OF BIBLE TEACHER
Author: Scott Hiaasen

Jurors found Sergio Soto guilty Wednesday of first-degree murder and five other charges stemming from the carjacking and shooting of a Bible teacher in 1995. Prosecutors said Soto, 21, and another man, Jason Diaz, abducted Rafael Costa, 25, from a Lake Worth gas station to steal Costa's Ford Mustang. With the help of a third man, Ernesto Brady, they took Costa to a remote spot on U.S. 441 and shot him four times. Though Diaz denied shooting Costa, Assistant State Attorney Dan Galo said he should be convicted of murder because he helped with the carjacking and accepted money and a beeper from the theft.

Soto said the carjacking was Diaz's idea, and that Soto was threatened at gunpoint into cooperating. ``(Diaz) would have shot Sergio just as surely as he shot and killed Mr. Costa," said Soto's attorney, **Iola Mosley**. Brady pleaded guilty in the murder and was sentenced to 40 years in prison. Diaz is a fugitive. Prosecutors are asking Circuit Judge John Phillips to sentence Soto to death.

Costa's sister, Anna Valdez, said Soto's conviction was more important to her than his sentencing - as long as he's never freed from prison. ``Whatever justice he's getting is for the rest of his life," she said.

July 2, 1997

Joseph ALFANO, Appellant, v. STATE of Florida, Appellee.

District Court of Appeal of Florida, Fourth District.

July 2, 1997.

Attorney(s) appearing for the Case
Richard L. Jorandby, Public Defender, and **Iola Mosley**, Assistant Public Defender, West Palm Beach, for appellant.

Robert A. Butterworth, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. The error, if any, in admitting the pre-Miranda statement of appellant was rendered harmless by his subsequent confession, the DNA evidence, and the many admissions appellant made to his mother and stepfather regarding the crime. State v. DiGuilio, 491 So.2d 1129 (Fla.1986).

We do not find the admission of the post-Miranda statements to have been clearly erroneous, as the appellant's mental condition is merely one of the factors to be considered under the totality of the circumstances to determine the voluntariness of a confession. See Thompson v. State, 548 So.2d 198, 204 (Fla.1989), cert. denied, 515 U.S. 1125, 115 S.Ct. 2283, 132 L.Ed.2d 286 (1995). There is sufficient evidence in the record to support the trial court's denial of appellant's motion to suppress.

As to the admission of portions of the appellant's diary, the trial court has wide discretion concerning the admissibility of evidence, and in the absence of an abuse of discretion, its ruling regarding admissibility will not be disturbed. We find no abuse of discretion.

WARNER, SHAHOOD and GROSS, JJ., concur.

The Palm Beach Post
September 23, 1995

MOTORIST CONVICTED IN TRAFFIC SHOOTING
Author: CHRISTINE STAPLETON

An all-white jury asked to decide whether racism or insanity motivated Clurs Harris III to shoot a white businessman decided Harris was a bigot and found him guilty of first-degree murder on Friday. Harris showed no emotion as the verdicts were read after just two hours of deliberations. Besides the first-degree murder charge, Harris was found guilty of burglary of a car and shooting into an occupied vehicle. The jury will reconvene Wednesday to decide whether Harris should die in the electric chair or spend the rest of his life in prison.

After the verdicts, one of Harris' attorneys blasted prosecutors for focusing on race. ``I really find it hard to understand that in 1995 we're still playing the race card when there's a black defendant and a white victim," Assistant Public Defender **Iola Mosley** said. ``Race had no place in this case. This man is not a racist.' Harris, 23, shot Russell Bean, 46, of Wellington four times in the head and neck at close-range as the two were stopped in traffic at Palm Beach Lakes Boulevard and Okeechobee Boulevard on Aug. 2, 1994. Harris' attorneys and every expert who testified said Harris was insane at the time.

Although Harris has no history of mental illness, friends and family members testified to bizarre behavior for months leading up to the murder. Harris frequently talked to himself and complained that he heard voices, they said. As for the race issue, Harris threatened to kill a black co-worker moments before he shot Bean but the co-worker ran away before Harris could shoot, Assistant Public Defender Alysoun Powell said. ``Clurs was ready to kill a black man - that wipes out the race issue," Powell said during her closing argument. ``Not one person walked through that door and said Clurs Harris hated white people."

But during cross-examination of defense witnesses, prosecutors repeatedly asked Harris' friends and family if they had ever heard Harris refer to white people as ``Crackers" and ``rednecks." All the defense witnesses said they had. And shortly after Harris was arrested he told police that he had ``killed a cracker in West Palm Beach." Harris also liked to listen to Snoop Doggy Dogg and Ice Cube, gangsta rappers whose music has been decried as racist. Circuit Judge Stephen Rapp refused to let the jury hear two of Harris' favorites.

``He's bitter toward white people and he thought they were doing him wrong," Assistant State Attorney Bunnie Lenhardt said. As for introducing race at the trial, prosecutor Robert Gershman said race would have been an issue regardless of the racial composition of the jury.

The Palm Beach Post
September 7, 1995

MURDER SUSPECT'S PLEA DEAL REFUSED
`I'M NOT THE SHOOTER,' JERRI GAITHER TELLS JUDGE, BUT DECLINES TO SAY MORE
Author: VAL ELLICOTT

A judge refused to accept a plea deal for murder suspect Jerri Gaither Wednesday after Gaither declined to reveal her role in the 1993 shooting of Christina Racey. Gaither, intending to plead guilty to second-degree murder with a firearm, admitted she helped kill Racey but was reluctant to provide details during a brief interrogation by Circuit Judge Virginia Gay Broome. ``I'm not the shooter, your honor," Gaither said, without elaborating.

Broome refused to accept the plea, which called for a 17-year prison sentence. Prosecutor Dan Galo said the state agreed to a plea because convicting Gaither of first-degree murder would be difficult largely because of the lack of a clear motive in the case. Galo said prosecutors believe that Gaither, 38, killed Racey, 44, between July 8 and July 13, 1993 in Boca Raton during a dispute over prescription drugs that Racey was providing to Gaither.

In addition, Racey had ``bookkeeping knowledge" of illegal escort services Gaither was operating, Galo said. Gaither blamed Racey's slaying on a boyfriend, Salah ``Avner" Levy, saying Levy killed Racey because Racey was demanding more money for Percodan pills she was selling to Gaither. Prosecutors initially charged Levy with murder but dropped the charge for lack of evidence.

Gaither's trial remains set for Oct. 16. Jerri Gaither (right), accompanied by public defender **Iola Mosely**, stands before Palm Beach County Judge Virginia Gay Broome on Wednesday. The judge refused Gaither's plea deal in a 1993 slaying case.

The Palm Beach Post
August 22, 1995

MAN SENTENCED TO LIFE IN SHOOTING DEATH OF EX-WIFE
Author: VAL ELLICOTT and CHRISTINE STAPLETON

William Brunner will spend at least the next 25 years in prison for the 1993 murder of his ex-wife, a woman who remains the object of his obsessive love, even in death. ``Bill still loves her," assistant public defender **Iola Mosley** said Monday, shortly after a judge sentenced Brunner to life in prison without possibility of parole for 25 years.

``He still speaks of her in the present tense. He would never let (**Mosley** and assistant public defender Peggy Natale) say anything bad about her." Brunner, 34, was convicted June 21 of first-degree murder for shooting Kim Brunner, 24, during an argument outside her apartment west of Boca Raton. On Monday, Brunner said he feels ``really hurt and lost."

``When everything is said and done, I still have the same problems." Brunner, who is appealing his conviction and sentence, said he has been seeing a therapist at the jail weekly. Brunner's history with his ex-wife was marked by violence and a constant cycle of separation and reunion, witnesses testified at his trial. Defense attorneys told jurors that Brunner suffered from a hyperactive thyroid, the lingering trauma of an abusive childhood and a lifetime of drug and alcohol abuse. They said he was temporarily insane when he grabbed a gun from his ex-wife and shot her, then slashed her throat.

The same jurors who convicted Brunner split 6-6 on whether he should die in the electric chair. Under Florida law, a tie vote is considered a recommendation for a life sentence. ``Hopefully, he won't be getting out anytime soon," said Lenny Lombardo, Kim Brunner's brother. ``He's a murderer and he's going to serve his time." Brunner's mother, Doris Christensen, said she was ``very relieved."

``At least, even if he spends the rest of his life in jail, he can still be with us." Brunner also was convicted of burglary with assault or battery while armed, shooting into an occupied vehicle and aggravated stalking. Circuit Judge Stephen Rapp ordered that the sentences for those counts run concurrently with the life sentence.

Ocala Star-Banner (FL)
January 21, 1995

Deputy under attack helped by John Zile
Author: Mike Folks

FORT LAUDERDALE -- John Zile, facing murder charges in the death of his stepdaughter, was one of three prisoners who came to the aid of a jail deputy under attack by another inmate, jail officials said on Friday. Zile, 32, helped Deputy Lawrence McLaughlin subdue Kevin Kerli when the deputy was assaulted on Jan. 7 at the Palm Beach County Jail. McLaughlin received minor injuries in the attack. Kerli, who was in the jail on charges of unarmed burglary and grand theft auto, was locked down and will remain in his cell until a disciplinary hearing. The unprovoked attack on the deputy occurred in the day room of a 24-bed maximum security mental health housing unit for male prisoners, a Department of Corrections report shows. The unit at the County Jail on Gun Club Road houses inmates who need mental health treatment.

Lt. Chris Kneisley, an inmate classification supervisor at the jail, said Zile was not being held in the unit to receive mental health treatment, but because of threats from other inmates in the general jail population. Zile and his wife, Pauline, 24, each face first-degree murder and child abuse charges in the September slaying of Pauline's daughter, Christina Holt, 7. The other two inmates who aided the deputy were Jon Barnocky, jailed on a charge of aggravated assault on a person 65 years or older, and Michael Wells, held for violation of probation for a drug conviction. Zile, Barnocky, Wells and other inmates were watching television in the unit's day room about 1:45 p.m. on Jan. 7 when Kerli attacked Deputy McLaughlin from behind and struck him on both sides of his head. As McLaughlin struggled to subdue Kerli, Zile, Barnocky and Wells joined the fray.

McLaughlin and the three prisoners brought Kerli down on the floor and held him there, the report says. McLaughlin tried to call for assistance on his radio, but did not hear a response. He then had the nurse push an "officer's duress" button on a nearby control panel, and six deputies rushed to the unit. McLaughlin, who could not be reached for comment, was treated by a nurse for minor injuries to a finger, a knee and a mark on his neck. None of the inmates was injured. Kneisley said one deputy, a mental health technician and a nurse routinely are stationed in the unit. At the time of the attack, only McLaughlin and the nurse were there, with McLaughlin standing at the door. After learning of her client's deed, public defender **Iola Mosely** seized the moment on Friday in a courthouse corridor to tell reporters about it. His actions, she said, show the public another side of John Zile. "We've got a bad case, and it's a case where the public's perception has been that he's a horrible, evil person," **Mosely** said. "I think it was really a brave thing to do. It certainly shows he's not an evil, vicious person."

The Palm Beach Post
November 18, 1994

KRISCHER ACCUSED OF GOING TOO FAR
Author: CHRISTINE STAPLETON

As the legal drama surrounding the death of 7-year-old Christina Holt unfolds, the focus has shifted from what John and Pauline Zile may have done to what State Attorney Barry Krischer said and did. Attorneys for the Ziles want Krischer off the case. At a court hearing today, a judge will hear their complaints that Krischer has been too eager to give news conferences and that he may have overstepped his role as prosecutor by taking part in the questioning of the Ziles. In the wake of the criticism, Krischer, a seasoned prosecutor and veteran criminal defense attorney, is playing it safe. Krischer is declining to comment until a judge hears the evidence against him. But local attorneys familiar with Krischer's legal skills doubt that he has made the legal blunders attributed to him.

``He's smart, he knows the law cold, and I believe he would not act if he didn't think it was legal," said defense attorney Richard Lubin. ``He's aggressive, but he's fair." Ellis Rubin, Pauline Zile's attorney, launched the first attack on Krischer. Rubin relied on newspaper articles and televised reports to blast Krischer for ``self-servingly" trying to ``justify the action of his office" and to ``glorify himself for personal gain." Rubin wants the governor to appoint a special prosecutor. Coming from Rubin, a Miami lawyer frequently accused of pandering to the press, such criticism could sound hollow to a judge.

``That motion is ridiculous," Lubin said. ``Ellis Rubin has built a reputation on media shows, and he's created one here." In court papers filed on Thursday, Krischer's office described Rubin's effort as a ``deliberate attempt to mislead the court and pander to the public." Listening to Rubin's motions ``would be a waste of the court's time," Assistant State Attorney Scott Cupp wrote. Attorneys for John Zile may take a different tack to get Krischer off the case. Assistant public defenders Peggy Natale and **Iola Mosely** said they may ask Krischer to step down because of his personal involvement in the investigation.

``If he was there when either defendant gave a confession, it may be that he shouldn't be the prosecutor," Natale said. ``Barry Krischer may very well be a witness in this case." At a court hearing this week, Pauline Zile's mother, Paula Yingling, said Krischer also talked to her daughter. According to Yingling, after Pauline Zile revealed what little she knew about her daughter's grave, Krischer said: ``Why should I believe you? You've been lying." During the interview with detectives at the Riviera Beach Police Department on Oct. 27, Krischer was identified as a man with considerable power - the man who ``could determine whether she spent her life in jail or (would) go to the electric chair," Yingling said.

John Zile's attorneys have declined to comment on how involved Krischer may have been in questioning John Zile. Police say two Riviera Beach detectives and an investigator with the state

attorney's Office questioned John Zile over the course of nine hours at the Riviera Beach Police Station. Krischer was at the station but never directly questioned Zile about the case, a source said.

CONFESSION MAY BE VOIDED
However, a newspaper reporter who interviewed Zile has reported that Krischer played a crucial role in the case. A Miami Herald story based on a jailhouse interview by reporter David Kidwell says Zile alleges police stopped questioning him after he asked for a lawyer, then returned. Zile's wife had confessed. ``They said their number one priority was to find Christina," Zile told Kidwell. Zile asked how he could help. Later, Krischer came into the room. Zile's account of the conversation, according to The Miami Herald:

Krischer ``said he knew that I had asked for an attorney and that meant they couldn't talk to me anymore, but he said I needed to make some decisions. They wanted to find Christina. . . . He said I was already charged with first-degree murder and that he couldn't make any promises, but that maybe it could be involuntary manslaughter or accidental death if I cooperated."
Zile then decided to take police to Christina's grave, according to the Herald. If Zile's story is true, his attorneys likely will ask a judge to throw out his confession and all the evidence discovered as a result of it - including Christina's body.

Investigators cannot suggest the possibility of special treatment as a way of persuading suspects to talk, said John Tierney, a criminal defense attorney. ``All you should tell them is that if they cooperate it will be brought to the attention of the prosecutor handling the case. They can't make any promises." Zile may have initially told detectives that he did not want to talk, then changed his mind - as police say happened. Police could then legally resume the questioning. ``It has to be very clear that the suspect initiated the second round of questioning," Tierney said. To prove Zile's rights may have been violated, his attorneys likely would question Krischer about his role in the investigation. And that could make Krischer a witness in his own case.

CASE OF ILLEGAL CONFESSION
However, that doesn't mean Krischer overstepped his role as prosecutor. Florida law gives prosecutors the right to investigate and prosecute crimes. Prosectors ``conduct investigations all the time," Lubin said. ``If they didn't, people would be screaming how come." When he came to office in January 1993, Krischer established a policy of sending prosecutors to murder scenes. He hoped to ensure that evidence was properly gathered and that police followed legal procedures that would avoid the situation he now finds himself in.

``It's probably a good practice," Tierney said. ``But a prosecutor has to be smart enough to not get into a situation where they become a witness." If a judge throws out Zile's confession, the state's case could be doomed. Although it's rare in Palm Beach County, first-degree murder charges have been dropped because of illegal confessions.

In 1989, Palm Beach County prosecutors dropped a first--degree murder charge against Matthew

Proctor after a judge ruled that prosecutors could not use the confession he gave to police about his role in the murder of Linda Sue King, the ex-wife of Proctor's best friend, Jeffrey Ashton. In that case, police told Proctor that they were after Ashton and that anything he said could not be used against him because they had not read him his Miranda rights. Proctor then described the murder and how he and Ashton buried King's body. Proctor pleaded guilty to being an accessory and is now free.

`INEVITABLE DISCOVERY'

But in Zile's case, prosecutors could rely on a 1977 U.S. Supreme Court case that created a controversial legal doctrine called ``inevitable discovery.'' On Christmas Eve 1968, Robert Anthony Williams killed a 10-year-old girl and buried her near Des Moines, Iowa. After his arrest, Williams, like John Zile, invoked his right to an attorney.

Police immediately stopped questioning Williams. But while driving Williams to jail, officers struck up a conversation. Knowing that Williams was a former mental patient and deeply religious, they told him that the child deserved a Christian burial. Williams, like Zile, then led police to the girls' grave. Williams was convicted of the girls' murder, but the U.S. Supreme Court ordered a new trial, ruling that police had denied him the right to have an attorney present during questioning.

Although Williams' case seemed doomed, prosecutors successfully argued that police would have ``inevitably discovered'' the girl's grave. Williams' confession was allowed, and he was convicted again. ``If police can demonstrate that they would have inevitably found the body, they still can use the evidence even though there a constitutional violation,'' Tierney said. ``I would say inevitable discovery could play a role in this case.''

Miami Herald, The (FL)
July 8, 1994

ACCUSED KILLER OFFERED DEAL BY PROSECUTORS
Author: JUDY PLUNKETT EVANS

Michael Hoelz, accused of killing a man and a 9-year-old boy by setting fire to their duplex, has been offered a plea deal that could bring him as little as six months in prison, but Hoelz may still want to go to trial. Palm Beach Circuit Judge Marvin Mounts, who said last week that he wanted to consider the case before agreeing to the deal, said Thursday that he would accept it. But Hoelz wants more time to think about it, saying he is not emotionally ready to give up his right to a trial. Defense attorney **Iola Mosley** said Hoelz is reluctant to take the deal because he is innocent. Hoelz has until next week to decide whether to accept the offer.

"He needs to make a decision about this, and the reason it's so hard for him is that he didn't do it," **Mosley** said. Prosecutors and Hoelz's attorneys worked out a deal that requires Hoelz to plead no contest to two counts of manslaughter, in exchange for a prison sentence of 10 years. Because prisons are crowded and Hoelz already has spent two years in jail, corrections officials said, he could serve as little as six months.

Prosecutors offered the deal because they already have tried Hoelz once and that case ended in a mistrial when jurors could not reach a unanimous decision. The state offered no physical evidence to dispute the defense claim that the fire was caused by a faulty electrical plug, not arson. Fire gutted the Lake Worth duplex where Anthony Parker, 9, lived with his three brothers and sisters, his mother and her fiance Lorenzo Smith, 28. Parker died of smoke inhalation during the May 30, 1992, fire, and Smith died of severe burns about a month later. The three other children also were injured, one of them seriously. Police arrested Hoelz, saying he bragged to a nephew that he started the blaze because Smith owed him $24.

The Palm Beach Post
March 20, 1994

SERVICE SORORITY GIVES TEENS `STAY IN SCHOOL' MESSAGE
Author: JULIANA RATNER

The 100 teens were somewhat restless Saturday morning but listened closely to advice about self-esteem and how to get ahead in the world. The second annual Teen Conference at Ezell Hester Community Center was sponsored by the South Palm Beach County chapter of Delta Sigma Theta, an international African-American public service sorority. The workshops for middle and high school students were about self-esteem, peer relationships and cultural awareness. ``The purpose is to get across to kids that they can be whatever they want to be," said Jayne Patrick, the sorority's program planning chairperson.

To get input from the audience and find out what they think is important, Marissa Wedges of Africare crisis center said. She asked where they want to be in one, five and 10 years. The goals called out ranged from owning a rehabilitation center to playing football for the Dallas Cowboys. Rather than simply lecturing the kids, she asked them to say what they think is necessary to get ahead and what could possibly hold them back.

Iola Mosley, a Palm Beach County attorney, spoke about her career. She gave an old message, to stay in school, but knew how to reach the young audience. ``I get paid," she said. ``I get paid good money because I stayed in school." The connection between school and money was a good one, because it was **Mosley**'s presentation that caught the attention of one girl.

Angel Woody, 13, of Boynton Beach, said she was talking through some of the presentations, but listened when **Mosley** spoke. ``I want to be a lawyer," Angel said.

The Palm Beach Post
October 10, 1993

BACK ON THE STREET?
Author: RON HAYES

Here we go again. Another spin of the revolving door and Dennis Lee Moore is back home. Back on the street. Back on drugs and headed for trouble. Merrell Conkin saw him when she pulled into the take-out lane of Kentucky Fried Chicken on Blue Heron Boulevard. While she placed her order, he waited up ahead by the front door, nervously glancing around.

Conkin, 49, ordered lunch, then took some money from her wallet while she pulled forward to the pick-up window. It was just after noon last June 16. Suddenly, as she held out the bills with her left hand, he grabbed her wrist, bent her arm painfully back, tore the money from her fingers and ran. After the drive-through clerk and several co-workers had chased him down, the man told Conkin he was sorry for taking her $3.

His name was Jimmy Lee Moore, he told police. Later, they learned he was Dennis Lee Moore, 31, who had grown up less than a mile away. He had lied, Moore said, because he didn't want to get in trouble. Dennis Lee Moore has been arrested 23 times since 1980 - for trespassing, loitering and prowling, retail theft, strong-arm robbery, aggravated assault, buying and selling drugs. In the past 13 years, his family and psychiatrists have gone to court 15 times to have him Baker Acted - involuntarily examined or treated for paranoid schizophrenia and drug abuse. Finally, in February 1991, a judge ordered him put on a waiting list for South Florida State Hospital in Pembroke Pines, west of Fort Lauderdale. Eleven months later, a bed was found. After 15 months in the hospital, Dennis Lee Moore was back in Palm Beach County.

South Florida State Hospital is the only state facility serving South Florida's 4.5 million citizens. But less than a month before Dennis Moore was arrested at Kentucky Fried Chicken, officials with the state Department of Health and Rehabilitative Services announced their solution to a looming class-action suit that accused the hospital of inhumane conditions. They would close it.

* The crisis at South Florida State Hospital has been a long time coming.

More than 15 years ago, in April 1978, Circuit Judge Edward Rodgers complained that Palm Beach County mental patients he sent there for long-term treatment were being released too quickly. Patients were going from the 45th Street Mental Health Center to the state hospital, Rodgers said, then being returned to the community and winding up right back in 45th Street. The ``revolving door syndrome'' repeatedly returned patients to court for involuntary hospitalization - some after only two weeks.

``Two weeks does not appear to be long-term treatment to me,'' the judge said then. ``Either we're jumping the gun on our evaluations or South Florida has a miraculous cure.'' When he

complained about the premature patient releases to hospital administrators, Rodgers said, he was told the hospital didn't have enough staff or money. In 1969, the hospital had 1,700 patients. Today, that number has been reduced to about 350 through deinstitutionalization - a well-meaning attempt to return patients to their own communities for care.

But much of the promised care was never provided. Patients wound up back on the streets, and the hospital is still not accredited by the Joint Commission on the Accreditation of Health Care Organizations, a private group that sets national standards.

* The first signs of paranoid schizophrenia generally appear in the late teens or early 20s.
One day in 1977, when Dennis Moore was in 10th grade at Suncoast High School, he and another boy had a disagreement. Moore came home, slipped past his sleeping mother, took his father's handgun from the closet and returned to school. ``I don't know whether he aimed at somebody," his mother says. ``Some kind of way, the Lord just fixed it that the bullet ricocheted and no one got hurt, but really it seems like he killed himself, because it really destroyed him. He hasn't been the same since."

Dennis Moore's mother, Merdis, is a school bus aide who helps handicapped children get to and from school. His father, Nathan, was a maintenance worker for the city of North Palm Beach until kidney disease forced him to retire. Of their four children, only Dennis has suffered from mental illness. The Moores have lived in the same house in Riviera Beach since 1965, but today bars guard the windows and a hurricane fence encircles the yard.

``We've had about five break-ins," Nathan Moore says in a voice thin and weary from his weekly dialysis. ``It's bad everywhere," his wife agrees, ``but some areas are badder than others." When he was 4, Dennis fell on a flower vase and had 21 stitches on the side of his head. At 10, he was hit with a soda water bottle and had 20 more on the other side; and then at 14 he fell playing basketball.

``He had a nickname because he had so many cuts and falls," his mother says softly. ``They call him Cut, and he hates that. So he's had a lot of head injuries. I think that had a lot to do with it, too." After Dennis was thrown out of school, Merdis Moore says, his mental problems seemed to emerge. He couldn't hold a job. He fought. His father recalls a time when Dennis tried to panhandle quarters, even though he had money in his pocket. Sometimes he imagined people were after him. He talked to himself. Eventually, he started hearing voices. ``I think most of the time he tried to ignore the voices," his mother says, ``but I don't know whether he ignored the voices all the time. Telling him to do bad things, you know."

On April 14, 1980, two days after West Palm Beach police arrested him for shoplifting - his second arrest - the Moores petitioned the court to have their son involuntarily examined. Mentally ill need help and all so on durgs, his mother wrote. Her son stayed out late, stole things and got into fights, she told the court. If he didn't get help, she feared, someone might hurt him, or he might hurt someone else. At the 45th Street Mental Health Center, a staff psychiatrist

concluded that Dennis was suffering from a personality disorder manifested by poor social skills, drug abuse, theft and lack of remorse.

The petition and response were the first in a long, sad series of legal papers that now fill a file nearly two inches thick. They document one patient's 13 years in South Florida's mental health system. In 1985, his parents wrote the court he hadn't held a job for more than two weeks since 1977. His mine is very bad, he can't remember things I tell him. Please help him. Thank you. He fights his sister. Please put him somewhere in a mental place so he can get well. In 1986 - after 16 arrests - he was admitted to the crisis stabilization unit at 45th Street Mental Health Center and discharged the same day with an appointment for outpatient treatment.

``He was in and out of 45th Street so many times I couldn't even begin to count it," his mother says. At the same time, his rap sheet was growing longer - for petty larceny, drinking in public, trespassing, retail theft and aggravated assault.

Finally, in August 1989 - nine years after his parents first sought psychiatric help for their son - Moore was diagnosed paranoid schizophrenic. ``Mr. Moore's drug problem is chronic and exasperated by his major mental illness," testified Dr. Gayle Kesselman, his psychiatrist at 45th Street Mental Health Center, and Circuit Judge Vaughn Rudnick ordered him sent to the Better Way Halfway House at Parkside Recovery Center in Hialeah.

Shortly after arriving at Parkside at 2 p.m. on Sept. 11, 1989, he ran away. Goes to houses trying to get money for drugs. Acts like a 3 year old child and sometimes violent. Said he burn house down. He threatens us, all the family members. Was his mother ever afraid of him? ``Usually, no," she says.

In August 1988, a private monitoring agency called the Advocacy Center for Persons with Disabilities investigated South Florida State Hospital. Nurses slept on their shifts, the agency found, and paint was peeling from the walls. Patients were ridiculed and put to bed or gotten up for staff convenience. Soap, dentures, toilet paper and other personal hygiene articles were being withheld. The resulting public outcry brought a new administrator and $1.8 million to repair leaking roofs, renovate living quarters and train new employees.

During an annual legislative orientation tour in February 1990, flower beds had been planted and vertical blinds installed; but some of the better-groomed, better-clothed patients said paintings and curtains had been put up the day before the tour. Still, nearly everyone agrees the hospital is much improved. In the Jefferson residence building, for example, 60 patients share two floors. Each room is nondescript but neat, with four single beds, four wardrobes and four bed tables. A plastic laundry basket sits under each table. The windows are large jalousies with screens but no curtains. The walls are bare except for the occasional assembly-line art - a cloyingly cute photograph of a koala bear, perhaps.

During the day, seven staff members serve each floor; at night, four staff members remain on

duty. Condoms and other forms of birth control are provided to the patients on request. Good behavior is rewarded with privilege points, which patients may use to join field trips to the movies or malls. A clothing boutique sells patients' handicrafts, and their artwork is on display. But in September 1990, a joint report by the Public Citizen Health Research Group and the National Alliance for the Mentally Ill trashed whatever cosmetic improvements had been made. ``South Florida State Hospital is as physically deteriorated as any state hospital in the nation,'' the report concluded.

Wards were still crowded. State standards require 15 beds for every 100,000 people in the five counties the hospital serves between Vero Beach and Key West; but the 350-odd beds average out to only about 8 per 100,000 - and they're almost always filled. At one point, some patients were on waiting lists as long as five years, and some reforms brought problems of their own. In 1991, 104 mental patients simply walked off the grounds. In the mental-health bureaucracy, however, hard facts are often softened to pale euphemisms.

Mental patients are ``consumers of mental health services.'' Walking away is called ``eloping.'' The hospital grounds are the ``campus.'' Last year, after the wards were unlocked during the day under pressure from patient advocates, the number of consumers who eloped from the campus rose to 187. But a crisis was already brewing. In April 1989, the Tallahassee-based Advocacy Center had filed a class-action federal lawsuit to force the state to spend whatever was necessary to fix South Florida State Hospital.

* Dennis Lee Moore was arrested and sentenced to five months and 29 days for leaving Parkside Recovery Center, the sentence to be suspended if he completed a drug treatment program. He didn't. On Nov. 6, 1990, Riviera Beach police arrested him for buying cocaine. Took money from his mother. Worry her all the time. Will not take his pills. He talks to his self all the time and steal from his mother and father. Finally, on Jan. 30, 1991 - 11 years after his parents sought help - Dr. Kesselman asked the courts to put Dennis in South Florida State Hospital.

``He is unable to function in the community and needs long-term care,'' the psychiatrist wrote. Circuit Judge Rudnick found Moore to be ``a chronic paranoid schizophrenic'' and ordered him held at 45th Street Mental Health Center until a bed could be found at South Florida State Hospital. Nearly 11 months later, in December 1991, he arrived at the hospital. ``He was down there for a year and I would go down often to visit him,'' his mother says. ``He was doing fairly well, and when he got out he was doing real good.''

After Moore had been in the state hospital for 15 months and 14 days - he eloped once, overnight - doctors decided he had made enough progress to try returning to Palm Beach County. On March 17, he was placed in the Phoenix program, a halfway house run by the 45th Street Mental Health Center. The Phoenix program takes a three-tiered approach to easing mental patients back into the community. In Phoenix I, patients are continually monitored and spend their days in vocational programs at the 45th Street Mental Health Center. In Phoenix II - 12 bungalows on

Metcalf Court in West Palm Beach - residents are left alone overnight after showing they can prepare meals and take their own medication.

Phoenix III, an old apartment building at 2722 N. Dixie Highway, is for residents who have shown they can hold jobs and get by with only occasional drop-in visits by caseworkers. ``Everything you see here," says James Crawford, the program's director of residential services, ``you could multiply by six to meet the need." Dennis Moore was to try the Phoenix I program for 30 days. If he did well, his stay could be extended for another 30 days.

The only problem was, Phoenix I is housed in a converted motel at 2901 Broadway in West Palm Beach, a strip of low-rent real estate sometimes known as Crack Alley. ``It's a really bad area," Merdis Moore says. ``It's right on Broadway where all the dopers and prostitutes are." Within days, Dennis was calling his mother. ``He kept telling me, `Mama, they're trying to get me to start back using drugs,' " Mrs. Moore recalls. For a while, Dennis did well, but in early June he was kicked out of the Phoenix program for smoking crack cocaine with a dealer in his room. After one night in a rented room found for him by a caseworker, Moore was back on the street and his parents filed another petition to have him involuntarily examined.

Mentally ill on dope and drinking if he can get some, any thing to get hi. take little ting, and not take his medi. don't have anyplace to live. But when Mrs. Moore went to file the petition, she was too late. On June 12, Mangonia Park police arrested him for snatching a $65 money order and $5 in cash from a woman leaving a check-cashing service.

Four days later, he was arrested at Kentucky Fried Chicken for grabbing Merrell Conkin's lunch money. Awaiting trial on charges of strong-arm robbery, petty theft, burglary to a vehicle and resisting arrest without violence, Moore recently talked about his life during a phone call from the county jail. ``I don't think I have a mental problem," he said. ``That's what I think it is - just drugs. They be saying I'm a paranoid schizophrenic, but I don't know what they be talking about." He was happy, he said, in the Phoenix program.

``I loved it," he said. ``I had my own room, and I had some new clothes and I was doing pretty good." But something went wrong: ``I drifted back on drugs. I don't think I'd do that no more if I get another chance. Somebody must have said some kind of magic word that means evil to me and I didn't take it for the right thing."

* On May 21, the state Department of Health and Rehabilitative Services announced plans to phase out South Florida State Hospital over three years. Bringing the 36-year-old institution up to acceptable standards would cost about $20 million, HRS concluded, and the $82,000 annual cost of caring for one patient there could be cut to about $34,000 if patients were treated in their own communities through programs such as Phoenix. ``We would have ended up with the best horse and buggy money could buy," HRS spokesmen said, and the horse-and-buggy metaphor for an outdated mental hospital fast became the official line.

Lt. Gov. and acting HRS Secretary Buddy MacKay used it in the Broward County Commission Chambers on June 17, when a standing-room-only crowd appeared for a legislative task-force hearing on the hospital closing. ``We don't want the best horse and buggy in town," MacKay said, and assured the crowd that the decision to close was not made for fear of losing the upcoming federal suit, but solely on the best interests of the patients.

Don't worry, MacKay said, the hospital will not close until adequate local services are in place and paid for. And then, for the next three hours, relatives, advocates, mental patients and hospital employees stepped to the microphone one by one and said basically the same thing: We don't believe you. As Pattie Hunt, a Jupiter mother whose son has been in the hospital six years, put it: ``A horse and buggy looks pretty good to somebody on the street that can't get help!" In a strange way, part of Merdis Moore is relieved to have her son in jail.

``I'm glad he's in jail because there wasn't no place I had for him to go at the time," she says, ``and that's bad. I didn't want him on the streets because I know there's nothing but death and destruction out there, especially for him." On Sept. 7, a day before the federal lawsuit against South Florida State Hospital was to be heard in Miami, lawyers for HRS and the Advocacy Center reached an agreement that avoids a trial and sets strict guidelines for discharging patients. Under the 24-page settlement, the state must provide community support programs if the hospital closes, or pay for improvements if it doesn't.

At about the same time, the six-member legislative task force recommended that South Florida State Hospital remain open, with A.G. Holley Hospital in Lantana perhaps expanding to accept Palm Beach County patients and a smaller facility placed in Dade or Monroe counties for patients from the southern area. South Florida State Hospital is being under-used and local services either don't exist or can't absorb all the patients if it closes. And, the report concluded, getting South Florida State Hospital accredited should be a goal. But the hospital's fate remains with the full Legislature, which has yet to act.

``I won't vote to close it, " vowed state Rep. Carol Hanson, a Boca Raton Republican. ``Over my dead body. I don't know if it's going to be more economically feasible to build a new facility, but there's got to be something in place. We can't walk away and turn our backs while we continue to build aquariums and theaters for the performing arts." At 8:45 a.m. on the same day the suit was settled, Dennis Moore was taken from the jail for a status hearing in Room 315 of the Palm Beach County Courthouse. Fifteen years had passed since Judge Edward Rodgers complained about the system's endlessly revolving door.

Merdis Moore sat alone in one of the spectator benches when her son filed into the courtroom, chained to 10 or 12 other prisoners. From a seat in the jurors' box, he sometimes waved to strangers entering the room. When Moore's name was called, Assistant Public Defender **Iola Mosley** gestured for him to remain seated while she approached the microphone to tell the judge that psychiatric evaluations were not complete. In less than five minutes, Moore was being led back to jail.``I'd like to get him into a Phoenix program as quickly as possible," **Mosley** reassured

Mrs. Moore. ``I'm working to get him back into the mental health system because it's been my experience that when they're kept in jail, they just deteriorate."

Dennis Lee Moore's trial on the robbery at Kentucky Fried Chicken is set for Thursday morning. He will appear before Circuit Judge Edward Rodgers.

Miami Herald, The (FL)
July 30, 1991

RAPE CHARGES FILED AGAIN AGAINST TEEN'S STEP-FATHER
Author: LORI ROZSA

A videotape of a man once charged with sexually assaulting his 13-year-old step-daughter that shows him lifting heavy bags and having lively conversations helped convince prosecutors to refile the rape charges -- after they were dropped because the man was deemed incompetent to stand trial. Assistant State Attorney Doug Fulton said Monday the man is once again charged with two counts of sexual activity with a child, the same charges he faced in 1988 after his step-daughter told police he assaulted her. She became pregnant and later miscarried. The Herald is not printing the man's name to protect the girl's identity.

Fulton dropped the original charges against the man because medical experts said he was incompetent, and he had convinced doctors and other observers that he was barely able to speak or sit up in a chair.

Fulton said the man appeared to be in horrible physical shape, and when the girl's mother pushed for dismissal of the charges, Fulton agreed to drop them in May 1990. But a year later, a civil court judge found that the man's claim of "organic brain syndrome" arising from a work-related injury six months before he was charged with rape was a sham. Judge Lisa Campbell denied the man's workman's compensation claim after watching a videotape presented by attorney Neal Ganon.

The tape shows the man driving, lifting a 50-pound bag of dog food, and having animated conversations with people.

"In court, he kept his eyes down, his arm was bent up in a fetal-like position, you could hardly get a word out of him without him looking like he was in pain," Ganon said. "And here he is smiling, with easy, joyful expressions. He's even driving."

Iola Mosely, the public defender who represented the man in the original charges, said she hasn't seen the videotape. "Just because a person can lift something does not mean he is mentally competent or able to understand the charges that are pending against him," Mosely said. Fulton said the step-daughter had gone to live with her natural father.

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 9

Gary K. Oldehoff

Fort Pierce City Attorney Candidate Report

Section 9

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Cover Letter and Resume

GARY K. OLDEHOFF
3061 SE Falmouth Drive
Stuart, Florida 34997
772-919-1040
gkoldehoff@gmail.com

October 17, 2018

Honorable Mayor and Commissioners
City of Ft. Pierce
100 N. U.S. Highway 1
Fort Pierce, FL 34950

C/O: Colin Baenziger & Associates
Recruit37@cb-asso.com

Re: Fort Pierce City Attorney Position

Honorable Mayor and Commissioners:

Please accept this letter in response to the advertisement for the position of Fort Pierce City Attorney. I would be pleased and honored to serve you and the City in the position of City Attorney, and I am very sure I am well suited to you and to this position.

I am a graduate of the University of Virginia School of Law, which is recognized as one of the top 10 law schools in the country. I have practiced local government law in Florida for nearly 35 years. I am intimately familiar with all areas and facets of municipal and local government law. I worked for the Miami-Dade County Attorney's Office and the Sarasota County Attorney's Office. I worked for the Martin County Attorney's Office, and was the Martin County Attorney. I have lectured for many years on a variety of local government law topics. I have experience with the state's executive and executive agencies, the state legislature, and the courts. I've represented the Florida League of Cities and the Florida Association of Counties in the United States Supreme Court. I have worked individually and collectively with elected officials, staff, interest groups, and local governments to solve problems and issues. I am absolutely sure I have all the knowledge and experience you could be seeking in your City Attorney.

I am a partner with Lewis Stroud & Deutsch in Boca Raton. We represent the Florida League of Cities, the Palm Beach County Sheriff's Office, the town of Jupiter Shores, Miami Lakes, the Village of Estero, and several other municipalities. Our work and services run the gamut of municipal and local government law, including (for example), administration, labor, budgeting, government and public financing, procurement, zoning, code enforcement, code and ordinance writing, comprehensive planning, sunshine and public records law, government ethics, utilities, civil rights, eminent domain, redevelopment, regulatory issues, and all areas of litigation.

I have lived on the Treasure Coast in Stuart since 1989. My firm's senior partner recently passed away after a brief illness. This event has prompted me to relocate closer to home.

I have attached a copy of my resume. I would appreciate the opportunity to speak with and provide you any more information and references you might need or desire.

Thank you for your consideration.

Very truly yours,

GARY K. OLDEHOFF

GKO/cl
Enclosure: Resume

GARY K. OLDEHOFF

Curriculum Vitae (abridged)

Relevant Employment Experience:

LEWIS STROUD & DEUTSCH, PL, 1875 Corporate Way, Boca Raton, FL 33431

Partner November 2007 - present

Practicing exclusively in civil matters, consisting primarily of advising, representing, and defending local governments in Florida, on all areas of local government law. Particular emphasis is on state and federal court litigation, land use law and police defense work.

SARASOTA COUNTY ATTORNEY'S OFFICE, 1660 Ringling Boulevard, Second Floor, Sarasota, FL 34236

Assistant County Attorney June 2002 - November 2007

Attorney responsible for Sarasota County's land use and growth management programs. Legal advisor to County Planning Commission, numerous boards and committees, and County staff associated with all aspects of planning and development. In particular, legal advisor to County's Planning and Development Services Department and Environmental Services Department. Practiced extensively in all areas of land use law, including, but not limited to, substantial trial and administrative practice in state and federal courts and agencies, state and federal regulatory compliance, local government finance, and land use and growth management law.

MARTIN COUNTY ATTORNEY'S OFFICE, 2401 SE Monterey Road, Stuart, FL 34996.

County Attorney April 1997 - October 2000

County Attomey and legal advisor to the Martin County Board of County Commissioners. Legal advisor to County boards and committees and County staff. Practiced extensively in all areas of local government law, including, but not limited to, substantial trial and administrative practice in state and federal courts and agencies, transactions, state and federal regulatory compliance, sunshine and public records law, and land use and growth management law. Supervised a staff of eleven, and coordinated outside counsel providing specialized legal expertise. Managed a budget of over one million dollars.

Chief Deputy County Attorney November 1995 - April 1997

Engaged in a multi-faceted civil practice encompassing a wide variety of areas of local government law. Practice included all areas previously handled as assistant county attorney, with greater emphasis on administrative and policy-making activities. Served as County Attorney when the County Attorney was absent.

Assistant County Attorney September 1989 - 1995

Engaged in a multi-faceted civil practice encompassing a wide variety of areas of local government law. Practice included litigation before state and federal trial and appellate

courts, as well as administrative agencies and bodies, and acting as legal advisor to the Board of County Commissioners and related advisory boards and County departments. Primary focus was in the area of land use law.

Education:

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia 22904. J.D. 1984.

Activities: Journal of Law and Politics, Editorial Staff.
Lile Moot Court Competition, Third Round.

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida 33124-8087. Graduate Program in Estate Planning (1986-). LLM not completed.

STATE UNIVERSITY OF NEW YORK, Plattsburgh, New York, 12901. B.A. 1980 History. Minors: Political Science, Anthropology.

Honors: *Summa Cum Laude*
New York State Regents Scholarship
Selected for Albany Semester Program

Bar Membership:

FLORIDA:

Supreme Court of Florida, 1984
11th Circuit Court of Appeals
U.S. District Court for the Southern District of Florida
U.S. District Court for the Middle District of Florida
U.S. District Court for the Northern District of Florida

VIRGINIA: (associate)

Supreme Court of Virginia, 1987
4th Circuit Court of Appeals
U.S. District Court for the Eastern District of Virginia
U.S. District Court for the Western District of Virginia

UNITED STATES:

United States Supreme Court 2009

Section 9

Candidate Introduction

GARY K. OLDEHOFF

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia. J.D. 1984. Journal of Law and Politics, Editorial Staff.

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida. Graduate Program in Estate Planning (1986-). LLM not completed.

STATE UNIVERSITY OF NEW YORK, Plattsburgh, New York. B.A. 1980, *Summa Cum Laude.* Major: History. Minors: Political Science, Anthropology.

EXPERIENCE

LEWIS STROUD & DEUTSCH, PL, 1900 Glades Road, Suite 251, Boca Raton, FL 33431
Partner November 2007 – present

SARASOTA COUNTY ATTORNEY'S OFFICE, 1660 Ringling Boulevard, Second Floor, Sarasota, FL 34236
Assistant County Attorney June 2002 – November 2007

MARTIN COUNTY ATTORNEY'S OFFICE, 2401 SE Monterey Road, Stuart, FL 34996.
County Attorney April 1997 - October 2000
Chief Deputy County Attorney November 1995 - April 1997
Assistant County Attorney September 1989 - 1995

CHESTERFIELD COUNTY, VIRGINIA ATTORNEY'S OFFICE, 9901 Lori Rd. Chesterfield, VA 23832
Assistant County Attorney 1988 – 1989

MIAMI-DADE COUNTY ATTORNEY'S OFFICE, 111 NW 1st St, Miami, FL 33128
Assistant County Attorney 1984 – 1987

BACKGROUND

I am a partner with Lewis Stroud & Deutsch in Boca Raton. I directly supervise my legal assistant/paralegal. We specialize in local government law and represent the Florida League of Cities, the Palm Beach County Sheriff's Office, and several other municipalities in South Florida. The firm represents local governments in litigation in state and federal court, and advises local governments on a wide variety of local government matters, especially land use matters.

GARY K. OLDEHOFF

I have a Bachelor's degree, *summa cum laude,* from the State University of New York (SUNY), and a Juris Doctorate (JD) degree from the University of Virginia School of Law. After law school, I worked at the Dade County Attorney's Office. A few years later, my wife and I moved to Virginia, where I worked for a private law firm. There, I performed, supervised, and managed civil rights defense of sheriff's offices and police departments throughout the country. I left that firm and went to work at the Chesterfield County Attorney's Office.

In 1989, we moved to Stuart, and I worked as an Assistant County Attorney at the Martin County Attorney's Office. In 1994 I was appointed Deputy County Attorney, and from 1997-2000 I was the Martin County Attorney. From 2002-2007, I worked at the Sarasota County Attorney's Office, supervising the County's land use program. From 2007 through the present, I have worked at Lewis Stroud and Deutsch, PL, in Boca Raton, representing local governments and governmental entities and specializing in local government law.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I have lived in Stuart since 1989. I am very familiar with the City of Ft. Pierce and the city government. My children attended John Carroll High School in Ft. Pierce. My wife is the Magistrate in Ft. Pierce. I have served the community in a number of capacities. When not working, I enjoy spending time with my family, reading, playing golf, and kayaking.

I see the chance to be the Ft. Pierce City Attorney as an opportunity to work for a very talented group of elected officials and to do something I really enjoy. I believe the City of Ft. Pierce should have a City Attorney's Office of a caliber, quality, and standing commensurate with its size and position on the Treasure Coast. I created an exceptional County Attorney's Office when I was Martin County Attorney in the 1990's. I would be excited to have the opportunity to create an exceptional city attorney's office for the City of Ft. Pierce.

I believe an exemplary City Attorney is objective, gives sound legal advice and counsel, and produces impeccable legal products that stand the test of time. I am recognized as bright and articulate, and known for having an excellent analytical mind. I am able to examine an issue or problem from many different approaches and angles to arrive at the best right answer to legal and practical problems. I have been in local government law since 1984, and I have experience in every area of law the city will encounter. I have a proven track record of success as a local government attorney.

As I see it, a City Attorney must be above reproach. I have purposely chosen to work in local government law since I got out of law school because high standards of ethics and character are absolutely necessary. I understand the expectations placed on public figures and I have lived for nearly twenty years in the public eye, under the public records law. I have taught and lectured on ethics many times. There is nothing in my background that would embarrass the City if it became public knowledge. There is no "dirt" on me.

I am known to be an accomplished communicator, particularly with elected officials, city staff, and the public. I have sat on the dais with commissioners for more than a decade. I am able to speak in a wide variety of settings and to a wide variety of audiences. I have spoken and made presentations to homeowners' associations and citizens' groups as well as regular presentations to citizens and staff. Naturally, a City Attorney must be an effective advocate for the city's interests in the legal arena. I have a proven reputation in that regard.

I do not seek out the media. I prefer to let others speak to the media. When asked to do so, I have explained commission actions and discussed matters in litigation with news reporters to try to assure that the city's actions are accurately reported. I strive to have a good relationship with reporters. When I have spoken to reporters, I have tried, first and foremost, to help the reporter understand the matter well enough to write an accurate report.

I have lectured on a variety of topics, including ethics, the Sunshine Law and land use issues. The Local Government Law Section of the Florida Bar gave me an award in 1993, recognizing me for excellence in legal writing. I have met with legislators and agency heads to present local governments interests; I have litigated scores of cases on behalf of local governments in the state and federal courts; and I have argued successfully on behalf of local governments in the Florida Supreme Court and the United States Supreme Court.

My service as Martin County Attorney is illustrative of my management style and the kind of office I would create. One of my chief objectives was to assemble a staff that would rival the best local government attorney's offices in the state. I created an office that was broad in local government knowledge and experience, and respected and recognized among the community and the bar. I sought out and hired attorneys that were exemplary. Attorneys in the office were encouraged and expected to write or lecture at conferences, and to be active with the local and state bar. By doing so, they were challenged to improve themselves professionally and distinguish themselves among their peers. Employee evaluations included these matters, as well as client satisfaction. The benchmark set for the staff and the office was to exceed expectations so well that if the elected officials and staff were given a choice between the attorneys and staff of the County Attorney's Office and a private attorney, they would unhesitatingly choose the County Attorney's Office. The quality of the office I created, its products, and all it accomplished, is a matter of public record and speaks for itself.

It is my belief that a City Attorney must also be able to work with people, and be a good manager and administrator. My administrative and management style is extremely team-based. This would include a close working relationship with the City Manager. I am confident that if you asked anyone who worked in the County Attorney's Office during my time as Martin County Attorney, they would say it was an exciting, collaborative place to work.

My approach to handling lawsuits is to be involved before they are commenced, and active and focused on winning or obtaining the best result possible when the city has been sued. I proactively identify and follow matters that could ripen into a lawsuit, and seek to reduce or

eliminate the conflicts or risks associated with those matters. When the city is sued (or if the city is bringing the lawsuit), I assess the lawsuit for the resources that will be needed as soon as possible. The resources I have in the office to defend a particular lawsuit dictate whether or not the case will be handled in-house. If defending a lawsuit is going to exceed the resources of the office, or if the best way to defend the lawsuit is with outside counsel, I find those outside resources and bring the matter to the City Manager and City Commission as soon as possible for direction. I keep the City Manager and the members of the City Commission apprised at all times. I believe my record of litigation representing local governments is exceptional and is illustrative of my approach and abilities with litigation.

I believe that keeping the elected officials and City Manager informed is critical, and open communication with the elected officials and the City Manager is absolutely essential, since they have the day-to-day contact with the citizens, and they make the policy and practical decisions. I work as closely with them as they will permit me to. I always make myself available to meet or talk, and I usually try to have at least weekly meetings with officials to inform them of matters about which they might be asked.

My philosophy regarding legal advice is simple and straightforward: give elected officials and staff the right legal answers and the ability to make their best, most informed decision. I have worked directly and personally with well over 30 county commissioners. The elected officials and staff I have provided legal services and advice to have recognized the quality of my work, advice, and counsel. I believe the elected officials I have served will all speak very well of me, my work with them, and my abilities and the quality of my work. Likewise, I always had an excellent relationship with the all of the County Managers and County Administrators with whom I have worked, and I believe they will also speak very favorably of me.

I believe that my strengths are: I am very well educated, I studied law at one of the top law schools in the country; I have more than 20 years of experience in local government, both legal and practical; I am recognized in the field of local government law for my knowledge, abilities, and accomplishments for local governments; I have a demonstrated work ethic and a contagious love for the law and what I do; and I am a middle child, and therefore I am by nature a conciliator and a problem solver. In my legal career in local government law, I consider the following my finest achievements:

1. My accomplishments as the Martin County Attorney.
2. The work I did in representing the Florida League of Cities and the Florida Association of Counties in the Florida Supreme Court and the United States Supreme Court in *Stop the Beach Renourishment v. Department of Environmental Protection*.
3. The Interlocal Service Boundary/Annexation Agreement between Sarasota County and the City of Venice that I had a large hand in when I worked with Sarasota County.

4. The outcomes that I have obtained for my clients.
5. That my work products have stood the test of time.

I have always placed the highest emphasis on the quality of my work and judgment, for with my honor, they are the most important things I have as a lawyer. Once, however, I made a weak interpretation of language in an ordinance to try to help a colleague who was being criticized for his interpretation. I was not sure his interpretation was correct. In retrospect, he was wrong and I was wrong. I have always regretted it and will never repeat it. Since that day, I have always had a quote on the wall of my office from one of my law professors, which I have followed religiously and recited numerous times to local government attorneys and local government staff:

> *"It is not good enough to be creative, or to have good ideas, or to be provocative: the obligation of the legal advisor is to get it right. Getting it right is not the best thing, it is the only thing."*

If given the opportunity to be City Attorney, in my first six months on the job, I would hope to first stabilize the city's present legal need and requirements, while assessing and determining the overall needs of the office and the budget that is available to meet those needs and structure the office. I would want to move to assemble the office as expeditiously as possible.

REASON FOR WANTING TO LEAVE MY CURRENT JOB

I am willing to leave my current job for two reasons. First, I see this job as an excellent opportunity and a chance to do what I truly love to do. Second, I have been commuting to Boca Raton for more than 10 years and it would be nice to not have to make that trip each day, and instead carpool with my wife to Ft. Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- loyal
- knowledgeable
- ethical
- innovative
- dedicated
- savvy

CURRENT/MOST RECENT SALARY

My current salary is approximately $160,000.00.

CB&A Background Checks

Background Check Summary for
GARY K. OLDEHOFF

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Martin County, FL	No Records Found
Palm Beach County, FL	No Records Found
Sarasota County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Martin County, FL	No Records Found
Palm Beach County, FL	No Records Found
Sarasota County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent No negative credit reporting since 2011 discharge of bankruptcy.
Bankruptcy	**June 2011 -** Chapter 13, Voluntary **Disposition:** Awaiting final discharge **See page two of personal disclosure for candidate explanation for record found.*
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #449679

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
GARY K. OLDEHOFF
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: GARY K. OLDEHOFF

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.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No X
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No X
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes X No ☐ SEE ATTACHED
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No X
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No X
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No X
7. Have you ever sued a current or former employer?
   Yes ☐ No X
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes X No ☐ SEE ATTACHED
9. Do you have a personal Twitter Account?
   Yes ☐ No X
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 X
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
    SEE ATTACHED

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/1/2018.

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

Background Check Summary for
GARY K. OLDEHOFF
Personal Disclosure Explanation

Personal Disclosure Questionnaire
Supplement

3) In January 2001, following my time as the Martin County Attorney, I opened my own practice in Stuart with my wife. For financial reasons, in June 2002, I accepted a position with the Sarasota County Attorney's Office, heading the office's land use practice. I got an apartment in Sarasota and came home every other weekend.

My wife Julie, also an attorney, continued working at the office we had opened, and our two sons stayed with her so that they would not have to change schools. I was working and living in a condominium apartment in Sarasota and returning on weekends to spend time with my family. By 2006, monthly rent for a one-bedroom apartment in Sarasota exceeded $1100, and the apartment where I lived converted to condominiums. In July 2006, we purchased that condominium for $169,500.00, investing all of our savings to reduce the mortgage as much as possible. In 2007, I received an offer to return to the east coast of Florida and work for a firm in Boca Raton doing local government and administrative law. By this time, both our sons were in college and the Stuart practice was doing better.

My wife accepted an offer to work at Greenspoon, Marder in West Palm Beach and we were able to maintain the payments on the condominium and our home in Stuart, as well as supporting our sons in college. Unfortunately, Julie was laid off in 2009 as a result of the economy and we found ourselves unable to keep up with the payments on the condominium. We attempted to work out an agreement with our lender to either short sell the condominium or have them take a deed in lieu of foreclosure. Unfortunately, they refused to do so. By this time, the value of the condominium had dropped to $79,000.00.

In early summer of 2011, we filed a Chapter 13 bankruptcy. We gave up the condominium through the bankruptcy but were able to keep our Stuart home. We made all payments due under the plan, completed the plan in early July, 2016 and received a discharge.

In 1997 when I was being vetted by Martin County, an investigation was done of my and Julie's financial and credit history, and it showed that our credit was impeccable. I understand that this is not the ideal economic situation for an applicant for City Attorney. However, as with many individuals in Florida, and St. Lucie County in particular, we found ourselves having done everything by the book but ending up casualties of the economic recession. We accepted responsibility for the situation and completed a Chapter 13 Plan. We are financially stable. I would be happy to provide you with any further information you need regarding this matter.

8) I have a Facebook account. I have a LinkedIn account.

11) George May v. Martin County, et al., 19th Judicial Circuit Case No. 43-1997420 CA (dismissed)
American Tower Systems, Inc. v. Martin County, et al., 19th Judicial Circuit Case No. 43 -1999389 CA (dismissed)
Sherry Carr v. Martin County, et al., 19th Judicial Circuit Case No. 43 2000371 CA (dismissed)
Chase Home Finance v. Gary and Julie Oldehoff, 12th Judicial Circuit Case No. 58-2009 CA 3707 (closed/foreclosed)
In Re Gary and Julie Oldehoff, U.S. Bankruptcy Court Case No. 2011-26542-PGH (discharged/closed)

CB&A Reference Notes

Russ Blackburn – Former County Administrator, Martin County, FL 772-284-0910

Mr. Blackburn first met Mr. Oldehoff in 1997 and worked with him until 2000 when Mr. Oldehoff left the County. They have had some contact after that time, but mainly on a personal level.

Mr. Oldehoff is an outstanding attorney who is incredibly smart. He has a photographic memory and has a firm command of the law. He has experience and knowledge in Constitutional Law, Contracts, Environmental Law, Land Use, Utilities, and Labor and Personnel matters. He worked on many aspects in all of the above mentioned areas of law and is particularly gifted in Land Use issues and knows just about everything in that field of law

Mr. Oldehoff is honest, proactive, responsible, and an all-around solid person with good values. He maneuvered the law extremely well, but was also smart enough to ask for help in areas that were not his expertise. Additionally, he is well connected and has tremendous contacts throughout the state of Florida.

Resolving issues comes naturally to Mr. Oldehoff. He is solution oriented and is someone who tries to find solutions to problems based on the governing body's wishes. During his time in Martin County the elected officials were extremely active and he dealt with some pretty big issues. He consistently made good recommendations to the Commission, even though they did not always follow his advice. One example was when they were facing a lawsuit regarding the annexation with the City of Stuart that angered the Commission. Mr. Oldehoff knew that the County did not have a strong legal case and advised the Council against the lawsuit, however they decided to pursue it against his advisement. Ultimately, the City of Stuart corrected the issues before it went to trial and it worked out to the satisfaction of all involved parties.

Communication is a definite strength of Mr. Oldehoff's. He always kept Mr. Blackburn informed of what was happening in the County. He is an open person who is personable, listens to others, and likes to talk to people. He was a fine administrator and manager to his staff and was extremely helpful to all of the County's employees.

Mr. Blackburn is not aware of Mr. Oldehoff being involved in anything controversial since he has known him. He has no knowledge of any item in his background that would be construed as embarrassing if the press were to investigate. Mr. Blackburn highly recommends him for any position, Mr. Oldehoff would be a wonderful City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Honest,
- Very intelligent,
- Hardworking,
- Creative,
- Responsive, and
- Team player.

Strengths: An honest and proactive professional who is exceptionally talented and knowledgeable in his field.

Weaknesses: None identified.

Dennis Wilkinson – Former Planning Director, Sarasota County, FL 941-749-0235

Mr. Wilkinson first met Mr. Oldehoff in 2002. They worked together on some major legal issues in Sarasota County for two years. They kept in contact for several years after Mr. Wilkinson retired until Mr. Oldehoff moved in 2007 and have since lost touch.

Mr. Oldehoff is persistent and pays special attention to details. He definitely has a solid command of the law. He was the lead attorney on a major administrative hearing that was worth millions of dollars regarding a massive land use plan. It was being challenged by the environmental and developmental communities and the County withstood their entire backlash due to Mr. Oldehoff's expertise and demeanor. No charges were cited by the Administrative Officer and it was a 100% win for the County.

Mr. Oldehoff was a pleasure to work with and he worked well with everyone. He was especially talented at making things tolerable during the stressful times. He was a hard worker who not only ensured that the big and tedious cases were taken care of, but he also kept the daily issues of the office running without a hitch.

Dealing with others in the organization was something that Mr. Oldehoff did well. He was professional in his dealings with the County Manager, the department heads and the staff. He also interfaced well with the municipalities within the County, which, at times, could be adversarial. He was always professional and handled himself in a dignified and polite manner. Furthermore, he met with the Chamber of Commerce, various community groups, and, on occasion, the press where he was always forthcoming and communicated what was necessary.

Mr. Oldehoff was a diligent worker and was always responsive to Mr. Wilkinson. He could not think of any major incidents where the elected officials did not follow Mr. Oldehoff's advice. He is the type of person who looks for solutions. Whatever the organization wants to accomplish he will creatively find a way to get it done within the regulations of the law.

Mr. Wilkinson is not aware of Mr. Oldehoff being involved in anything that would be looked at as controversial. He does not have any information about Mr. Oldehoff's past that would be embarrassing to any future employer. He would certainly seriously consider him as a candidate for a City or County Attorney position.

Words or phrases used to describe Gary Oldehoff:

- Dedicated,
- Diligent,
- Persistent,
- Detail oriented,
- Team player, and
- Entertaining.

Strengths: Diligent professional who is detail oriented and works tremendously well with everyone around him.

Weaknesses: In a team situation he will declare his territory and can sometimes have a strong personality which, at times, can rub others the wrong way, especially in a governmental setting.

Stephen DeMarsh – County Attorney, Sarasota County, FL 941-861-7272 941-861-7255

Mr. DeMarsh first met Mr. Oldehoff in 2002 and they worked together until 2007. Mr. DeMarsh became the County Attorney in 2004 and Mr. Oldehoff reported to him from that time forward. They have had some sporadic contact since 2007.

Mr. Oldehoff is a brilliant, extremely intelligent, and hardworking attorney. He is in the top echelon of people who can handle complex matters. He has an excellent command of the law especially in civil litigation. He is also well versed and experienced in Land Use, Constitutional Law, and in some aspects of Contracts.

Mr. DeMarsh considers Mr. Oldehoff as responsive and someone who served his clients well. He is a team player who has unbelievable energy and interest in the law. He is the type of person who can handle the heavy load of litigation and daily work that comes with the territory of working as a municipal attorney.

Mr. Oldehoff always made good recommendations to the elected body. He gave excellent recommendations to the Council on a number of complex matters and helped to clarify those matters. Mr. DeMarsh recalls one time when the elected officials did not follow his recommendation. He had essentially won a piece of litigation and they wanted to settle it anyway. The outcome was that they received less than what they would have had they continued with his recommendation to follow it through, but it is what they wanted.

Finding solutions is easy for Mr. Oldehoff, however, he does so within the limits of the laws and regulations. He first will advise his clients what the codes are, and then present them with the options so that they can decide for themselves.

Dealing with the public comes easily for Mr. Oldehoff. During his time in Sarasota he dealt with various members of the public as well as their attorneys. He also attended Commission meetings from time to time and interacted well with the elected officials as well as any member of the public who might be in attendance.

Mr. DeMarsh is not aware of Mr. Oldehoff being involved in anything controversial that was not part of his job description. He has nothing in his past history that would be thought of as unflattering if the press were to go digging. He would be a fine candidate for a City or County Attorney position because he has a vast understanding, experience, and knowledge of governmental issues. If any municipality wants someone who is sure of himself and can handle the full workload, he is the right pick.

Words or phrases used to describe Gary Oldehoff:

- Highly intelligent,
- Good command of the law,
- Hardworking,
- Interested in the law, and
- Knows what he is doing.

Strengths: An outstanding attorney who is dedicated to the law and has an immense amount of experience and knowledge in his field.

Weaknesses: An attorney who is best suited to a client who wants an attorney who is sure of himself, which, for some, could be a weakness.

Janet Gettig – Former Commissioner, Martin County, FL 561-746-0984

Ms. Gettig first met Mr. Oldehoff in 1992 and worked with him until 2000 when she left the Commission. The last time they had any contact was a few years ago.

Mr. Oldehoff did an excellent job for Martin County. He is extremely familiar with the law and is always well prepared. He is a fairly substantial and well recognized attorney in the area who works hard for positive outcomes for his clients.

Solving problems is an area where Mr. Oldehoff excels. He came up with some excellent strategies for growth management in Sarasota. He is responsive and makes good recommendations to the elected body. While he was with the County he advised the Council well and with his guidance they prevailed and had positive outcomes on various lawsuits and legal issues.

Mr. Oldehoff is a fine communicator. He was present at all of the meetings and was clearly prepared with staff reports. He had no other agenda other than that of serving the board and working for its, and the County's, best interest.

Ms. Gettig is not aware of Mr. Oldehoff being involved in anything controversial since she has known him. He has nothing, to her knowledge, that would be thought of as embarrassing if the press were to go digging. He would do well as a City or County Attorney and she would hire him if she were given the opportunity.

Words or phrases used to describe Gary Oldehoff:

- Responsive,
- Analytical thinker,
- Competent,
- Personable, and
- Good communication skills.

Strengths: Well prepared and experienced attorney who is knowledgeable in many aspects of municipal law.

Weaknesses: None identified.

Teresa Grassi-Wolosh – Legal Assistant, Lewis Stroud & Deutsch, Boca Raton, FL
561-826-2800

Ms. Grassi-Wolosh first met Mr. Oldehoff in 2014 when she came to the firm. In her position she reports to him on a daily basis.

Mr. Oldehoff is an amazing attorney who is fair, detail oriented, and thorough. He has an exceptional command and knowledge of the law. He is personable, easy to talk to, caring, and friendly. Additionally, he is a hard worker who goes the extra mile to get the job done.

Mr. Oldehoff makes excellent decisions when it comes to dealing with the law. He also negotiates well on behalf of the party whom he represents. He is responsive and is willing to problem solve, however he is very conscience of the law. He will not deviate from the law but will do what he can in a creative way within legal parameters.

As a boss, Mr. Oldehoff is one of the better bosses that Ms. Grassi-Wolosh has had during her career. He is communicative and always keeps her informed of what she needs to know about in regards to cases.

Ms. Grassi-Wolosh is not aware of Mr. Oldehoff being involved in anything controversial since she has known him. She is unaware of anything in his background that would be considered embarrassing if the press were to research his past history. If she were looking to hire a City or County Attorney, he would be a solid candidate whom she would definitely consider.

Words or phrases used to describe Gary Oldehoff:

- Hardworking,
- Outgoing,
- Problem solver,
- Friendly, and
- Detail oriented.

Strengths: A hard working professional who is personable, friendly, and gets the job done in the best interest of his organization and client.

Weaknesses: None identified.

David Wagner – Former County Attorney, Alachua County, FL 352-246-6546

Mr. Wagner first met Mr. Oldehoff in 1995. They worked together regarding issues in Martin County. They have stayed in contact over the years via phone calls and at various conferences.

Mr. Oldehoff is a superb attorney who has a very good command of the law. He does well when presenting the law to others and has a wide range of local government experience. He is a hard working person who understands not only governmental city law, but also county law.

Mr. Oldehoff makes fine decisions in regards to the law. He also makes solid and sound recommendations to his elected body. While in Martin County his recommendations were always well founded and backed up with facts. He is also an excellent negotiator and works well for the people whom he represents. He does what he can to find solutions rather than stating that the law does not permit something to be done.

In order to be a successful attorney one must be able to communicate and deal well with the public. Mr. Oldehoff is an effective communicator and is always prepared to provide the best legal advice.

Mr. Wagner is not aware of Mr. Oldehoff being involved in anything controversial that was not part of his job. He has nothing in his background that would be construed as unflattering if the press were to research him. He would be a fine candidate for a City or County Attorney position and Mr. Wagner would hire him if he were looking for one. He has the requisite experience and maturity to do the job and do it well.

Reference Notes
Gary K. Oldehoff

Words or phrases used to describe Gary Oldehoff:

- Competent,
- Inclusive,
- Friendly,
- Even keeled personality, and
- Calculating in his communication.

Strengths: Experienced and knowledgeable individual who works well with others and who is one of the best in his field.

Weaknesses: None identified.

Denise Neiman – County Attorney, Palm Beach County, FL 561-355-2225 561-355-3389

Ms. Neiman first met Mr. Oldehoff approximately in the 1990's when he was with the Martin County Attorney's office. She has not had contact with him for several years.

Mr. Oldehoff is highly intelligent and has a good command of the law. He is an excellent writer and not only knows the information, but also knows how to clearly communicate it both written and verbally. Although Ms. Neiman is not entirely familiar with what type of law in which he has experience, she does know that he knows Constitutional Law and Contracts.

Ms. Neiman was not only impressed by Mr. Oldehoff's intelligence and firm command of legal issues, but his healthy approach to life both professional and personal. He is a good, well-rounded person whom people gravitate towards. He is a genuinely honest individual who practices with high ethics and morals.

On the few issues that Ms. Neiman worked with Mr. Oldehoff on he was always responsive. He is also one who embraces finding solutions to problems. He makes good decisions with regards to the law and practices with common sense. He always works with an element of practical application to the law that Ms. Neiman found to be refreshing.

Mr. Oldehoff has nothing in his past history that would be thought of as controversial or embarrassing if the press were to go digging. For him to have stayed in Martin County for so long speaks volumes as it is an area that is traditionally difficult. If he applied for a position in her office she would most definitely hire him.

Words or phrases used to describe Gary Oldehoff:

- Highly intelligent,
- Personable,
- Common sense,
- Communicative, and
- Well-rounded.

Strengths: Exceptional attorney with a solid understanding of the law who practices with a common sense approach and gets results.

Weaknesses: None identified.

Nora Patterson – Former Commissioner, Sarasota County, FL 941-349-1721

Ms. Patterson first met Mr. Oldehoff in 2002. She worked with him until he left the County in 2007. They have had no further contact since that time.

Mr. Oldehoff has an excellent command of the law and is a fine trial attorney. On numerous occasions Ms. Patterson went to talk to him and always found him to be bright and that he represented the County well. He was responsive and made the best recommendations to the elected body. In fact, she does not remember a time where the elected officials did not follow his advice and decided on something different.

Mr. Oldehoff is a solution oriented person, but also someone who stays within the confines of the law. He did his best to do what the Commissioners wanted, but if he thought they were walking a plank, he let them know.

Ms. Patterson felt comfortable asking Mr. Oldehoff questions. He was always accessible and communicated what she needed to know in regards to County legal business. He was a knowledgeable attorney who knew what he was doing especially in regards to Land Use issues as that is what he did, for the most part, in Sarasota.

Ms. Patterson is not aware of anything in Mr. Oldehoff's background that would be considered controversial or embarrassing. She would definitely hire him if she were looking for a City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Bright,
- Outspoken,
- Articulate, and
- Intelligent.

Strengths: A capable attorney who represents his clients well and who is highly intelligent.

Weaknesses: Outspoken.

Joseph Barbetta – Commissioner, Sarasota County, FL 941-921-9566

Mr. Barbetta first met Mr. Oldehoff in 2006 when he was elected to the Commission. He worked with him for about a year up until Mr. Oldehoff left the County. They have had no further contact since that time.

Mr. Oldehoff is a very smart person who has an outstanding command of the law. Mr. Barbetta interacted with him a few times per week and was always pleased with how he was treated. His dealings with him were mostly in regards to Land Use issues in which he is extremely experienced and well versed.

Mr. Barbetta would characterize Mr. Oldehoff as responsive. He also makes very good and thorough recommendations to the elected body. He does not recall of any circumstances where the Commissioners did not follow his advice and did something different.

Mr. Oldehoff always kept Mr. Barbetta and the other Commissioners well informed about things he was working on. He was a solutions driven attorney who helped as much as he could. He was straightforward and ensured that they understood that his solutions always came from an ethical and legal place.

Mr. Barbetta does not recall of Mr. Oldehoff having been involved in anything controversial. He does not know of any item in his background that would be thought of as embarrassing by any future employer. Mr. Barbetta would definitely hire Mr. Oldehoff as a City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Bright,
- Conscientious,
- Excellent communication skills,
- Responsive,
- Amicable,
- Easy to deal with, and
- Good person.

Strengths: A highly capable attorney who is intelligent and experienced in the law.

Weaknesses: None identified.

Jeri Wright – Legal Assistant, Lewis Stroud & Deutsch, Boca Raton, FL 561-826-2800

Ms. Wright has known Mr. Oldehoff since 2012 when she came on board at the firm. He is one of the attorneys that she reports to in their office.

Mr. Oldehoff is a wonderful attorney who has an excellent command of the law, but if something comes up that he is not familiar with he will do his research. His overall character is fantastic. He is very intelligent and she feels comfortable going to him when she has questions.

Mr. Oldehoff is definitely responsive. He never leaves things unattended and makes himself available. From her perspective he makes good decisions in regards to the law and negotiates well on behalf of the people whom he represents. He is absolutely a problem solver and looks for solutions to issues rather than saying they cannot be handled because the law does not permit.

Communication is an area where Mr. Oldehoff shines. He never turns Ms. Wright away and his door is always open. He does a fine job of managing his area of the office and works well with the staff. She would hate for him to leave as he adds such a wonderful aspect to their office.

Ms. Wright is not aware of Mr. Oldehoff being involved with any controversies since she has known him. She has no knowledge of anything in his background that would keep him from doing a top notch job at any organization. He is an excellent candidate for a City or County Attorney position because he is personable and deals well with others.

Words or phrases used to describe Gary Oldehoff:

- Intelligent,
- Helpful,
- Sociable,
- Easy to get along with, and
- Experienced.

Strengths: An intelligent and experienced professional who is easy to work with and who is extremely helpful.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

Section 9

CB&A Internet Research

Palm Beach Post, The (FL)
July 16, 2014

Pair: Nasty, petty politics threatened dream home
Author: Jane Musgrave

When Richard and Marilyn Barfield's house in Jupiter Inlet Colony was walloped by back-to-back hurricanes in 2004, they knew it would take many months, possibly more than a year, to mend their lives. As a result of what they call widespread corruption and petty, yet vicious, politics, it would be six years before they got permission to move into the dream home they designed to replace the one Hurricanes Francis and Jeanne destroyed. Rather than help the Barfields rebuild as they had promised, small-minded town officials did everything they could to thwart them, their attorney told a Palm Beach County jury on Tuesday. Then-Mayor John Zuccarelli III dispatched members of the tiny town's police force to spy on the couple, attorney Steven Katzman said. Workers, including roofers, drywall hangers and paving contractors, were chased off their property. Day laborers they hired were forced to register at town hall.

800 code violations

Before their new house was finally completed in 2011, they had been issued more than 800 code violations and more than $100,000 in fines, he said. "Why did they get all these violations?" Katzman asked jurors during opening statements in a trial in which he is expected to seek millions in damages. "We believe it's because they stood up and spoke out and were punished for doing so." Attorneys representing Zuccarelli, two town commissioners and Police Chief John Benevento disputed the notion that the Barfields were punished because Marilyn Barfield used her position as a town commissioner as a bully pulpit to criticize long-standing town policies. "This case is not about free speech. It's not about unlawful searches. It's not about discrimination," said attorney Michael Burke, who represents Commissioner Douglas Pierson and current Mayor Daniel Comerford III. "The evidence will show they tried to bully and intimidate folks in the town who were responsible for enforcing the rules of the road when it comes to construction." He disputed Katzman's claims that the Barfields paid tens of thousands in fines. "The evidence will show not one penny has been paid," he said.

Attorney **Gary Oldehoff**, who represents Zuccarelli and the police chief, also blasted the couple for trying to skirt town rules. The hurricanes, he said, gave Barfield, an emergency room doctor, and his wife, who worked as a nurse, an unexpected gift. "The Barfields saw this as an opportunity to build their dream house," **Oldehoff** said of the grand two-story, 10,000-square-foot home they built to replace their aging 5,000-square ranch-style house. "They wanted to build their house on their own time, on their own terms." The level of animus belies the atmosphere of the neatly manicured 128-acre community at the tip of Jupiter Island. It seems more likely to embody the characteristics of its most famous resident, the late crooner Perry Como, who climbed to the top of the charts with such hits as "Some Enchanted Evening."

An enchanted life

For 10 years, Marilyn Barfield testified, life on the island was enchanted. "It was the most beautiful place I'd ever seen," said Barfield, who was raised in West Virginia. An active town volunteer, in 2003 she decided to seek office. That was when, she said, she discovered cracks in the town's veneer -- cracks she couldn't ignore. She questioned why the town moved its money into Independent Community Bank, where Zuccarelli was a 9.9 percent owner and Pierson owned stock. She pushed fellow commissioners to fix what she said were blocked or undersized drainage pipes, claiming they were contributing to flooding and sink holes. She criticized Pierson for not putting an enclosure around his pool and Comerford, then a commissioner, for not trimming bushes that obstructed motorists' views. She questioned why the town charged so much for building permits. Zuccarelli, she said, told her it was to keep property taxes low.

With each complaint, she said, her elected colleagues got angrier and angrier. When the Barfields then needed the town's cooperation to build their new house, the outraged commissioners got their chance for revenge, she testified. Police began visiting the construction site several times a day, taking photographs and issuing citations. As citations mounted, she said she and her husband went to visit Zuccarelli to call a truce. "We decided to go and speak to him and tell him we were done complaining about the town," she said. "All we want to do is build our house and live in peace." Zuccarelli's response was swift: "He said we would never move into that house and we would never get a certificate of occupancy," she said.

Police called vigilant

Throughout her testimony, Zuccarelli and Pierson shook their heads as Barfield recounted conversations she said she had with them. **Oldehoff** said Zuccarelli didn't sic the police on the Barfields. Police watch the 180 houses in the community constantly. And, he said, that includes being vigilant about code enforcement violations. They were particularly watchful of the Barfields because they appeared to be doing work without permits, he said. Work trucks and construction equipment littered the site and dust billowed from it, in violation of town rules. The couple tried to avoid paying extra to extend building permits when they expired, he said. They moved in before construction was completed. They also low-balled the cost of the house to reduce the price of permits, which are based on construction costs.

Experts estimate they spent as much as $3.5 million to build their house while the Barfields said it cost $400,000, he said. "It really boils down to the fact that the Barfields wanted to have things their way," he said. The trial, which is expected to last several weeks, continues today.

Florida Times-Union, The (Jacksonville, FL)
June 18, 2010

High court backs beach restoration Private property owners claim they're losing land value, rights
Author: STEVE PATTERSON

Florida's program for rebuilding eroded beaches Thursday survived a U.S. Supreme Court challenge that could have stalled restoration projects statewide. The case centered on the improbable question of whether oceanfront landowners in Walton and Okaloosa could sue the state for building beaches in front of their property. The high court unanimously said no. "We're very, very pleased. ... We'll be able to continue doing beach restoration, especially now with the hurricane season coming up," said **Gary Oldehoff**, a Boca Raton lawyer who filed a brief for the Florida Shore and Beach Preservation Association and two local-government associations.

The case was followed by property rights advocates nationally, because it invited a decision about whether judges ruling against property owners are in fact illegally taking property rights. That remained unsettled, though, with only four out of eight justices saying a so-called judicial taking was possible. Four others stopped short of addressing that, giving two separate reasons why that decision wasn't needed in this case. The ninth justice, John Paul Stevens, owns Florida beachfront property and didn't take part in the ruling. The suit stems from a Panhandle restoration project that was first planned in 2003.

Landowners who organized a group called Stop the Beach Renourishment Inc. questioned the need for some work, saying part of the beach was actually expanding, not eroding. Their property extended to the water's edge, with the state owning everything below the high tide line. They argued that the state-funded beach project would cost them both land value and rights because it involved pouring sand onto state-owned - previously submerged - land. Doing that would move the high tide line further out to sea, creating a strip of publicly owned beach between the water and their property.

After the Florida Supreme Court overturned a ruling that backed the landowners, they appealed to the nation's highest court, saying they were entitled to be paid if their property rights were taken. Since restoring a beach already costs $3 million to $5 million per mile, beach advocates worried that adding extra payments for landowners would make the work prohibitively expensive. But the justices said nothing in the state's action amounted to taking the landowners' rights. "Florida law ... allowed the state to fill in its own seabed," Justice Antonin Scalia wrote. Two Tallahassee attorneys who represented the landowners, Kent Safriet and Richard Brightman, said in a statement they feared the ruling "will lead to more incidences of government unfairly taking private property away from hard-working citizens." But they and other property rights advocates said they were encouraged that four justices went out of their way to talk about the chance for judicial takings even after ruling one had not happened this time. "Four did say yes; we didn't have four say no," said Jim Burling, director of litigation at the Pacific Legal Foundation, a property rights advocacy group.

Florida Times-Union, The (Jacksonville, FL)
October 8, 2009

High court to hear beach erosion suit Landowners say state stole their beachfront by replenishing sand.
Author: STEVE PATTERSON

Florida's system for saving beaches from erosion is being challenged in a U.S. Supreme Court case that could reshape rights of landowners and governments nationally. The case centers on two questions: whether people who own beachfront land can suffer a financial loss by the state adding new sand, and whether judges are violating property rights if they let that happen without ordering payment to the owners. A top federal lawyer and the attorneys general for 26 states filed briefs this week supporting Florida's state government. More than a dozen property rights groups or business associations have filed arguments supporting landowners who sued over a beach project in Walton and Okaloosa counties in the Panhandle that started in 2006. The suit's opponents say a court ruling to pay the landowners could stop beach projects in their tracks. "The outcome of this case will decide whether the beach restoration program will continue in Florida, as well as similar programs in the rest of the country," argued a brief filed jointly by the Florida Shore and Beach Preservation Association and the Florida Association of Counties and Florida League of Cities.

EROSION AND PROPERTY VALUES

The suit, by a group called Stop the Beach Renourishment Inc., will be argued before the justices in December. The landowners' suit claims their rights were taken because the 2006 project created a new strip of public beach that separates them from the Gulf of Mexico. They say their beach was stable and would have eventually grown. "That land is no longer oceanfront. It's ocean-view," said Menelaos Papalas, a Jacksonville attorney who filed a friend-of-the-court brief for the nonprofit Coalition for Property Rights. That group agrees with the landowners who argue the project lowered their property values by opening up a beach that anyone could use. "This is a fundamental legal right to be compensated," Papalas said.

Government agencies spend hundreds of millions of dollars yearly in Florida to repair eroding beaches by pumping offshore sand onto the beach around the high tide line. By law, the area underwater at high tide is owned by the state. But the added sand pushes the tide line farther out, leaving a state-owned strip of dry land that will normally slowly erode again. That's only done to stop the sea from carving up the coastline, so arguments about losing property value make no sense, said **Gary Oldehoff**, a Boca Raton attorney who filed the brief for the beach preservation association. Restoring a beach normally costs between $3 million and $5 million per mile, so if landowners' rights were somehow damaged, that should more than make up for it, the brief argues.

IMPACT COULD RIPPLE

The Florida Supreme Court ruled against the landowners last year, but the new suit argues that was a kind of judicial activism. It asks the U.S. Supreme Court to rule that the decision amounted to a "judicial taking," where a judge's decision represents a violation of property rights guaranteed under the Constitution's Fifth Amendment. The Supreme Court has never ruled such a thing exists, and many of the interests involved in this case see that as having far-reaching impacts. **Oldehoff** said he's worried that a judicial taking ruling would start a torrent of claims from all sorts of landowners. "The concept of property covers a very narrow spectrum in the minds of some people but a very broad spectrum in the minds of others," he said. "If the people with that much broader notion ... thought they had a remedy for every judicial decision that affected their property in the Supreme Court of the United States, their docket would be flooded. The federal courts would be flooded."

In the middle of arguments about sweeping theoretical issues, the case could end up drifting away from the facts that first touched some Panhandle landowners, said Keith Hetrick, general counsel for the Florida Home Builders Association, which filed a brief in support of the suit along with the National Association of Home Builders. Because of the scope of issues in play, "groups start lining up and taking black-and-white, the-sky-is-falling type positions," Hetrick said. "The truth is somewhere in the middle, obviously."

Sarasota Observer, The (FL)
February 21, 2008

Planners to consider new Lowe's store - The home-improvement retailer has altered its plans to deed eight to 10 acres to the county to serve as a buffer
Author: Robin Hartill

A proposed Lowe's home improvement store on Central Sarasota Parkway in Palmer Ranch faces a crucial test Feb. 21 when its development application goes before the Sarasota County Planning Commission. This the proposed Lowe's store that brought about the resignation last year of assistant county attorney **Gary Oldehoff**, who resigned after opposing the store at a public workshop last fall. **Oldehoff** also happened to be a resident of a condominium next to the Lowe's proposed site.

Palmer Ranch Holdings Inc. owner Hugh Culverhouse Jr. complained about **Oldehoff** 's Sept. 25 appearance, alleging it was a conflict of interest and prejudicial. **Oldehoff** was the attorney who often presided at Planning Commission meetings during which commissioners decided whether to approve or deny development requests. Culverhouse said it was unethical for **Oldehoff** to oppose the Lowe's project and then sit on the panel that would help decide its fate.

County Attorney Steven DeMarsh initially backed **Oldehoff**, saying it was his right as a property owner to be at the meeting. But after more than a month of letters between DeMarsh and Culver-house's attorneys, **Oldehoff** resigned. Culverhouse attorney Lawrence Kellogg said he would monitor the approval process carefully, and if the planning commission or County Commission rejected the project, he would want to investigate why it was turned down.

Lowe's has held three neighborhood workshops, with the most recent one last week. The communities that will be most affected by the 20-acre development are the Bella Villino condos to the east of the proposed store, the Royal Palms Mobile Home Park to the west and the Venetian Mobile Home Park to the south. Based on neighbors' concerns about noise and traffic, Lowe's has changed some of its plans. It has offered to give to the county at no cost the deed to eight to 10 acres of natural space on the southern side of its property that will serve as a buffer area. It also has reduced the size of its loading area behind the store to allow for a greater buffer and to reduce the truck noise. Lowe's hopes to build a 153,000-square-foot store with 450 parking spaces.

Englewood Sun (FL)
November 11, 2007

Attorney involved in federal housing suit resigns
Assistant County Attorney Gary Oldehoff was a central figure in the Tammi House case.
Author: Jack Gurney

A key player in the U.S. Justice Department's intentional housing discrimination case against Sarasota County has resigned. Assistant County Attorney **Gary Oldehoff** will leave the job this Friday and return to his former home in Martin County. **Oldehoff** advised the county building and zoning officials who unsuccessfully tried to close Tammi House, a complex of six Warm Mineral Springs homes for residents in recovery from alcohol addiction, substance abuse and mental illnesses. The county's 2004 actions triggered an investigation by the Justice Department's civil rights division and prompted a lawsuit that cost taxpayers an estimated $4 million in legal bills and settlement payments to avoid a federal jury trial.

The terms of the Oct. 26 out-of-court agreement include mandatory U.S. Fair Housing Act training sessions for county officials, and a four-year probationary period during which all county housing activities must be reported to the federal government. **Oldehoff** was no stranger to controversy before he came to Sarasota in 2002. He was fired "without cause" as the Martin County attorney in 2000 and given a $93,000 severance package by county commissioners, two of whom did not stand for re-election. In 2004, **Oldehoff** got involved in the Tammi House case when he advised building and zoning officials the complex was a "community residential home" that should be licensed by the state, and as such each of the homes should have 1,000 feet of separation between them.

An order was issued to the owners of Tammi House that would have required 30 residents to vacate five of the homes. The owners appealed both the determination and order to an appointed county board of zoning appeals that was also advised by **Oldehoff.** On Oct. 4, 2004, in response to a board member's question about whether federal, state or local law prevails in such cases, **Oldehoff** advised the members they should only consider county rules. "You are to focus only on the zoning code," he said, "and what the code says." Rather than argue the county's findings in a state court, the Tammi House owners contacted federal housing officials. The case was referred to civil rights lawyers in the Justice Department who issued a warning to the county in 2005 before filing suit in 2006.

Venice Gondolier Sun (FL)
November 2, 2007

Education key element of settlement
Author: Jack Gurney

When Sarasota County accepted the terms of an out-of-court settlement with the U.S. Department of Justice to resolve alleged intentional housing discrimination charges it assumed an obligation to learn more about provisions of the 1968 U.S. Fair Housing Act. As a result, many top county officials who make critical building, planning and zoning decisions will attend classes arranged by a new court-mandated county employee whose job title will be the Fair Housing Act Compliance Officer.

The officials include Zoning Administrator Tina Crawford, Planning and Development Services Manager Rob Lewis, Planning Manager Anne McClung, Build Official Paul Radauskas, Code Enforcement Manager Sandra Jones, Community Housing Manager Mary Beth Humphreys and Housing and Community Development Manager Don Hadsell. Also required to attend is Assistant County Attorney **Gary Oldehoff**, who is responsible for advising the board of zoning appeals about provisions of the Fair Housing Act. He was a key player in county decisions that led to the federal lawsuit.

The Fair Housing Act prohibits landlords, real estate firms, local governments, banks, insurance companies and all other providers from denying housing to people because of their race, color, religion, sex, national origin, familial status or disability. Oct. 24, the county commission unanimously agreed to settlement terms with the Justice Department that will remain in effect for four years, during which time the U.S. Federal Court in Tampa will retain jurisdiction and decide whether all the parties have met their obligations. As has been previously reported, the case stemmed from a 2004 county decision to close five of six Warm Mineral Springs homes clustered in a complex known as Tammi House that rents rooms to people in recovery from alcohol addiction and drug abuse.

County officials cited zoning violations. Justice department lawyers visited the facility in late 2005 and warned the county its actions were unlawful. In June 2006, the county was charged with violations of both the Fair Housing Act and Americans with Disability Act. The settlement allows all six homes to remain open as "sober houses," but states they must be independently operated under rules that prohibit on-site drug testing, distribution of medications, group substance abuse education or group counseling. Terms of the settlement include a $750,000 county "contribution" to the owners of Tammi House, a $10,000 payment to the Justice Department and bills for a legal defense against the charges from the Washington, D.C., law firm of Holland & Knight. The estimated cost to county taxpayers for trial preparation and the out-of-court settlement is about $4 million. A more accurate total will be available when all the bills have been submitted for payment and are accounted for by Court Clerk Karen Rushing.

South Sarasota Observer, The (FL)
November 2, 2007

County attorney resigns
Accused of a conflict of interest over his objections to a Lowe's development, an assistant county attorney steps down.
Author: Kyle Rogers

The Sarasota County attorney at the center of an ethics probe has resigned. Assistant county attorney **Gary Oldehoff** will step down from his post Nov. 9. **Oldehoff** had come under fire after his vocal appearance at a neighborhood meeting concerning a proposed Lowe's home-improvement store in Palmer Ranch. **Oldehoff's** resignation appears to be the latest development in a month-long, back-and-forth dialogue between Sarasota and Palmer Ranch Holdings, resulting from his appearance at a Sept. 25 workshop for the project, which is required as an initial step in the development-approval process. **Oldehoff** owns a condo next to the vacant land where the store would be built. According to Palmer Ranch lawyer Lawrence Kellogg, **Oldehoff** asked several detailed questions at the workshop, which reflected his intimate knowledge of the county's development standards, and spoke out against the project saying: "This site plan will not work."

Palmer Ranch owner Hugh Culverhouse Jr. accused **Oldehoff** of a conflict of interest. **Oldehoff** is the attorney who sits on the Planning Commission, which is the second-to-last step before any development can move forward. "Hopefully, (the resignation) puts an end to the concerns about **Oldehoff** influencing the county's decision (on the Lowe's development)," Kellogg said. Culverhouse was also concerned about the presence of county planner Ed Wolfe at the workshop, who sat with **Oldehoff** and conversed with him prior to **Oldehoff** 's pointed questioning. Wolfe does not live in the neighborhood surrounding the Lowe's property. Wolfe's supervisor, Anne McClung, told The South Sarasota Observer that Wolfe was in the neighborhood to take photos of the site and decided to stop in to the workshop to pick up some documents from WilsonMiller representatives, who were consulting on the Lowe's project.

However, Frank Domingo, one of the WilsonMiller representatives at the meeting, said nobody picked up any documents from him and he doesn't remember even taking any with him that night. McClung didn't return calls seeking clarification. After reading in The Observer McClung's explanation of Wolfe's presence at the meeting, Kellogg sent a letter to County Attorney Stephen DeMarsh Oct. 26, which said McClung's statements are "belied by the facts that Mr. Wolff (sic) received no documents from the developer, nor did he ask for any, (and) pictures cannot be taken at night, which is when the meeting occurred." DeMarsh had defended **Oldehoff** 's appearance at the meeting as his right as a private citizen and as a neighbor of the project.

In an Oct. 3 letter to Kellogg, DeMarsh said **Oldehoff** would not work on that particular project, but did not comply with Kellogg's request to take **Oldehoff** off of all Palmer Ranch projects.

Kellogg responded Oct. 11, asking not only that **Oldehoff** have no further dealings with Palmer Ranch, but also that DeMarsh conduct an independent investigation of the incident.

DeMarsh wrote Kellogg again Oct. 15, and he agreed to assign all Palmer Ranch projects to other attorneys, but he denied the request for an independent investigation. DeMarsh and **Oldehoff** did not return calls seeking comment. While Kellogg is satisfied with **Oldehoff 's** resignation, he said if the Lowe's development isn't approved, he would wonder if the assistant county attorney influenced the project after all. "We would have to investigate further about why it was rejected," Kellogg said. "Hopefully, we're not in that situation. Hopefully, this is the end."

South Sarasota Observer, The (FL)
October 19, 2007

County denies Ranch's investigation request
Author: Kyle Rogers

Palmer Ranch owner Hugh Culverhouse Jr. wanted county employees ' presence at a proposed Lowe's store workshop probed. Palmer Ranch Holdings ' request for outside counsel to conduct an independent investigation of what it calls questionable ethics has been turned down. County attorney Steve De-Marsh responded this week to a Palmer Ranch attorney's call for an independent entity look into the presence of two county employees at a neighborhood workshop for a proposed Lowe's home-improvement store. He said he would not hire outside counsel to investigate, but Palmer Ranch is within its rights to file a complaint with the Commission on Ethics.

DeMarsh did, however, agree to another Palmer Ranch request – that one of the employees who attended, assistant county attorney **Gary Oldehoff**, will not work on any Palmer Ranch projects. The problem arose Sept. 25, when **Oldehoff**, who is a Palmer Ranch resident, attended that workshop. **Oldehoff** was critical of the project, which would be built next door to his Bella Villino condo, and asked pointed questions of the developer.

Palmer Ranch owner Hugh Culverhouse Jr. accused **Oldehoff** of a conflict of interest. **Oldehoff** is the attorney who sits on the Planning Commission, which is the second-to-last step before any development can move forward. But DeMarsh defended **Oldehoff**, saying it was his right as a homeowner to attend and that the assistant county attorney would recuse himself from any business dealing with the Lowe's store. That didn't satisfy Culver-house, whose attorneys asked the county in an Oct. 11 letter to conduct an independent investigation of the matter. "Palmer Ranch appreciates that Mr. **Oldehoff** will not have any future involvement in the processing of Palmer Ranch's Parcel Q-1 Application, but remains concerned about the influence that Mr. **Oldehoff** already appears to have imposed," wrote Culverhouse attorney Lawrence Kellogg.

According to Kellogg, **Oldehoff** was heard at the meeting saying: "This site plan will not work." **Oldehoff**, according to Kellogg, also asked several detailed questions, which reflected his intimate knowledge of the county's development standards. Palmer Ranch is also concerned about county planner Ed Wolfe's appearance at the meeting. Wolfe does not live in the community, which was invited to attend the meeting, and he reportedly conferred with **Oldehoff** outside the meeting room before **Oldehoff** asked some of his more critical questions.

Culverhouse said those same questions appeared on an official letter from the county's planning department, which listed the problems with the Lowe's development application. "It is also troubling that the questions asked at the Neighborhood Meeting by Mr. **Oldehoff** – which appeared to have been fed to him by Mr. Wolfe – have now found their way into (county planner) Todd Dary's comments on the application, sent to Palmer Ranch's consulting firm on Oct. 3," writes Kellogg.

Shelley Hamilton, a senior project consultant at WilsonMiller, which represents the Lowe's project, and a former planner for the county, said it would be uncommon for Wolfe to attend the workshop. "It is unusual for county staff to show up," Hamilton said. "It is frowned upon. Staff is instructed not to attend, because it looks like you are in support or opposed, and (they) are supposed to be neutral." In his response, DeMarsh wrote: "I am satisfied that neither (Wolfe or Dary) as been asked by Mr. **Oldehoff** to assist him in any way with respect to concerns he may have regarding the (Lowe's store) … I have taken reasonable steps … to insure that your client continues to receive fair treatment in its dealings with Sarasota County Government and the Office of the County Attorney."

Wolfe's supervisor, Anne McClung, agreed that **Oldehoff** did not ask Wolfe to attend, saying Wolfe was just in the neighborhood Sept. 25, so he decided to stop by the meeting. McClung said Wolfe was at the development site the night of the meeting, so he stopped by to get some documents from the Lowe's representatives. "We typically don't attend neighborhood meetings, but (Wolfe) was there for pictures and thought it was an opportunity to coordinate with the applicant on some information," McClung said.

Sarasota Observer, The (FL)
October 4, 2007

Palmer ranch questions county ethics
Article Text:

After an assistant county attorney protested a development in his neighborhood, lawyers for Hugh Culverhouse Jr., owner of Palmer Ranch Holdings, sent a warning to Sarasota County. The letter requested assistant attorney **Gary Oldehoff**, who presides over the Sarasota County Planning Commission, recuse himself from any business concerning the proposed Lowe's home improvement store on Central Sarasota Parkway.

It also took the drastic step of asking that **Oldehoff** be prevented from working on any Palmer Ranch project in the future. Culverhouse claims **Oldehoff** violated ethical standards by speaking out against the Lowe's project at a neighborhood workshop Sept. 25. **Oldehoff** owns a condo next to the vacant land where the store would be built. The developer also admonished the county over the presence of a Sarasota County planner at the same neighborhood meeting. Palmer Ranch lawyers said Ed Wolfe's attendance contradicts ethical standards of objectivity.

In the Oct. 2 letter, Culverhouse lawyer Lawrence Kellogg cited a state law, which emphasizes impartial behavior and restricts public officials from using their office for private gain. According to the letter, **Oldehoff** was a vocal member of a small audience at the workshop, which is required as an initial step in the development approval process. Palmer Ranch lawyers said **Oldehoff** spoke out against the project, when he said: "This site plan will not work." **Oldehoff**, according to the letter, also asked several detailed questions, which reflected his intimate knowledge of the county's development standards. At one point in the workshop, Culver-house's attorneys said **Oldehoff** and Wolfe left the meeting, and it appeared they conferred outside, so that **Oldehoff** could re-enter the meeting and rebut the developer's representatives. "It has been a standing practice that county staff do not attend any neighborhood meeting," Kellogg writes. Wolfe does not live in the neighborhood surrounding the proposed store.

Shelley Hamilton, a senior project consultant at WilsonMiller, which represents the Lowe's project, and a former planner for the county, said it would be uncommon for Wolfe to attend the workshop. "It is unusual for county staff to show up," Hamilton said. "It is frowned upon. Staff is instructed not to attend, because it looks like you are in support or opposed (to a project), and (they) are supposed to be neutral."

County Attorney Steve DeMarsh, **Oldehoff** 's boss, said a decision has been made to keep **Oldehoff** from working on the Lowe's project. "Mr. **Oldehoff** is a condominium owner, and he had a right to participate (in the workshop)," DeMarsh said. "But this means he will not be involved as a lawyer in the Lowe's case at all." But DeMarsh said he did not think the county would comply with Culverhouse's other request that **Oldehoff** be removed from all cases involving Palmer Ranch.

Bradenton Herald, The (FL)
August 20, 2004

STATE MAINTAINS LEGALITY OF SARASOTA 2050 PLAN
Author: Lisa Marie Lentz

Sarasota 2050 looks like it could be a go. The state's Department of Community Affairs handed down its final ruling on the legality of the controversial Sarasota growth plan this week, adopting the recommended order of administrative law Judge Donald Alexander. In May, Alexander ruled that Sarasota County acted within its citizens' best interests in shaping Sarasota 2050, a 50-year, incentive-based land use plan designed to manage and shape growth in the county. The ruling came after months of administrative hearings, prompted by lawsuits brought against the county and DCA by environmental group ManaSota-88 and Old Miakka resident Becky Ayech. Sarasota County attorney **Gary Oldehoff** said he was happy to see the process come to a conclusion, adding that all claims of the challengers had been rejected with no changes deemed necessary. Sarasota County planner Matt Lewis said he hasn't celebrated, or had the spirit to do so, in the aftermath of Hurricane Charley. "With everything going on, we haven't had time to breathe a sigh of relief yet," he said. "We'd like to be able to."

Although **Oldehoff** said ManaSota-88 or Ayech could seek an appeal within 30 days, he indicated they may have trouble establishing standing for such an appeal with the findings being as "compelling and conclusive" as they were. Dan Lobeck, attorney for ManaSota-88, agreed that while the group had standing to challenge the plan, they lack the same standing to appeal. Both Lobeck and Ayech expressed disappointment in the ruling. Lobeck said 2050 land development regulations recently adopted by Sarasota's County Commission could bring urban sprawl earlier than the county's comprehensive plan would have normally allowed. **Oldehoff** said the adoption of the land development regulations, a months-long process, should start to bring in applications for development under the 2050 plan.

First to the gate may be Lakewood Ranch developer Schroeder-Manatee Ranch, which participated with Sarasota County in a theoretical test run of 2050 on its Sarasota property just south of University Parkway. SMR officials were pleased with the ruling, but not surprised. "We were confident that the DCA's decision would be consistent with the judge's ruling," said Todd Pokrywa, SMR's vice president of planning. "This is a significant milestone in the process since, following the decision, the 2050 plan went into effect immediately." The ruling allows SMR to push forward without impediment. "SMR is diligently working on the Development of Regional Impact application and master plan for the Villages of Lakewood Ranch South," Pokrywa said, "and, subsequently, we anticipate filing an application before the end of the year."

Herald Tribune, Sarasota, FL
April 26, 2004

Seeking sanctions over 2050 challengers is taking it a step too far

The Sarasota County Attorney's office has ratcheted up the pressure in its legal battle over the Sarasota 2050 long-range growth strategy. The plan is being challenged by the predictable amalgam of environmentalists and anti-growthers who have turned to the courts to get what they could not get through the democratic process. It's a common strategy used by some, turning over every legal rock possible to block the represented will of the people.

Assistant County Attorney **Gary Oldehoff** has accused Dan Lobeck, an attorney and long-time foe of population growth, of "filibustering" and "offensive behavior." Both are believable based on historic precedent. But **Oldehoff** also criticized former planning commissioner Becky Ayech's claims as "completely irrelevant and clearly frivolous" and accuses her of trying to delay the case. Well, maybe. But that is what the judge is supposed to decide. Where things take a dubious turn is that **Oldehoff** filed a motion asking for sanctions against Ayech and the environmental group Manasota-88, which Lobeck is representing. If the judge rules for the county, the groups would be ordered to reimburse the county for the cost of defending the plan -- some $200,000 at this point.

Challenging amendments to county comprehensive plans, such as 2050, is part of the process of changing the plans. While it is often an end-run around the decisions of elected officials accountable to voters, the safeguard is still required. While I am sympathetic to county frustration with the challengers, the degree of intimidation in seeking sanctions is just not becoming of local government. The city of Sarasota wants to consolidate developers' money for transportation improvements rather than have the developers make road improvements at their condos and office buildings.

Currently, the city requires developers to build or widen roads associated with their development. The proposed change would allow the city to charge a "development impact fee" that would be used for public transit, bike paths and other such items. It's easy to see why the city might prefer this method. Having the money in one large pot for downtown gives city planners more flexibility. It would also be a way to pay for the $40.8 million downtown transportation plan - including some expensive roundabouts to help traffic flow. But some folks see a sinister motive behind it. Robert M. Johnson, a lawyer for the Bayfront Condominium Association, said: "It's very troubling. It says 'give developers whatever they want.'" Well, actually it says, "give the city whatever it wants." Developers will still be shelling out the bucks.

Government v. Government

There is just something distasteful about government using tax dollars to try to influence other levels of government. It's not new, but the trend is for ever more of it. Southwest Florida cities, counties and school boards are part of state and national associations that represent their interests

to lawmakers in Tallahassee and Washington, D.C. That's understandable, if still grating. But that is just the tip of the government-lobbying-government iceberg. More and more, local governments are hiring their own lobbyists to directly work the state Legislature for local interests.

Sarasota County has been on a trajectory for increasing its lobbying efforts in Tallahassee for several years. Now the county is paying $150,000 -- just a reminder, that's taxpayer money -- for a team of lobbyists from Holland and Knight, one of the state's powerhouse legal firms. That is in addition to the county's full-time lobbyist based in Sarasota and being paid $75,000 per year, which is in addition to $38,000 in dues to the Florida Association of Counties. The thing is, I thought this was the very purpose for which we had local representation in the Legislature in the first place -- unless, of course, local government has diverging interests from the local public.

Englewood Sun (FL)
April 5, 2004

Sarasota battles phosphate
Hearing set for May 10
Author: WARREN RICHARDSON

SARASOTA COUNTY -- Two weeks after commissioners agreed to increase participation in the litigation over phosphate mining, Sarasota County is officially in the battle. Last week, assistant county attorney **Gary Oldehoff** filed a petition with the Florida Division of Administrative Hearings challenging IMC Phosphates' plan to mine approximately 4,200 acres near Ona in Hardee County. After the Florida Department of Environmental Protection issued IMC a permit to open the Ona Mine in 2003, Charlotte County and the Peace River/Manasota Regional Water Supply Authority filed an administrative challenge to DEP's decision.

Lee County has also intervened in the action because of the potential impact on the Charlotte Harbor Estuary into which the Peace River drains. Sarasota became able to file its own challenge when IMC applied for and received permission from DEP last month to construct a clay settling complex on property adjacent to the Ona Mine. The Ona Mine lies in the Peace River Basin near Troublesome Creek, Oak Creek, and Hickory Creek, all tributaries to the Peace River. Also in the area that would be affected by the mining activities are the West Fork of Horse Creek, Brady Creek and Brushy Creek. Phosphates are considered vital to all life and are mined to help agriculture, but the counties and the authority want to limit mining since most of it is on the headwaters of Horse Creek, a prime tributary of the Peace River. The counties rely upon the Peace River as a source of drinking water through the authority.

In his challenge, **Oldehoff** claims the mining will decrease the water quality and the flow in Horse Creek and the Peace River. Under state rules, the authority can only make limited withdrawals from the Peace River during high flow periods. Decreasing the level of flow in the Peace River would limit the authority's ability to take water from the river, ultimately affecting the amount of water available to its customers, **Oldehoff** claims. **Oldehoff** also claims the IMC has not provided "reasonable assurances" that the mining is not inconsistent with the objectives of the Southwest Florida Water Management District and won't violate state water quality standards, nor will it adversely affect the public health and safety or will not cause further pollution. In addition, he alleges that IMC has not performed an adequate cumulative impact analysis from opening the Ona Mine, and that the mining will also negatively affect wetlands in the area. Because Sarasota's challenge is similar to those of Charlotte County and the authority, Administrative Law Judge Robert Meale granted a request from DEP and ordered a consolidation of the two challenges so that they will be heard at the same time. Meale will hear the two challenges on May 10 in space provided by the Stetson University College of Law in Tampa. Sarasota County could also become involved in further phosphate challenges. Deputy county administrator Dave Bullock said IMC is expected to file applications to open the Wingate Mine in Manatee County, which is on the headwaters of the Myakka River. He did not know when that application would be filed.

Herald Tribune, Sarasota, FL
August 19, 2003

Lawyers spar over expert's opinions
Author: Dale White

SARASOTA COUNTY -- An expert in New Urbanism got caught in a verbal crossfire Monday as lawyers defended and attacked his opinions about the Sarasota 2050 growth plan. **Gary Oldehoff**, an assistant county attorney, and Dan Lobeck, attorney for the environmental group ManaSota-88, repeatedly objected to each other's tactics as an administrative hearing about the plan continued through its 11th day. New Urbanist planner R. Wayne Bennett, a witness for ManaSota-88, returned to the stand after a more than month long recess in the proceeding to undergo a lengthy grilling by **Oldehoff**. Bennett, a town planner based in Louisville, Ky., is a proponent of New Urbanism -- a concept that calls for compact, walkable communities with shared amenities and open spaces. The county wants to enact a growth plan that promotes New Urbanist-style villages in now-rural areas east of Interstate 75. Yet Bennett claimed the plan falls short of achieving New Urbanist goals because it could cause "leapfrog development" and "urban sprawl." Bennett referred to many of 2050's policies as "vague and uncertain." He concluded that the amendment to the county's comprehensive land use plan is "inconsistent" with the comp plan itself and "not in compliance" with state growth management laws.

Oldehoff cited portions of Cornerstone 2020, a growth plan for the Louisville region that Bennett helped craft. He quoted passages that also promote New Urbanism but could be construed as being as broadly worded as Sarasota 2050. Bennett said he had disagreed with others working on Cornerstone 2020 about some of its wording as well. **Oldehoff** noted that the 2050 plan recently won an award from the Congress for New Urbanism, the leading association of planners, architects, and others who specialize in neo traditional communities. He stressed that consultants, county planners, and the Florida Department of Community Affairs concluded that 2050 complies with all state and local growth laws. "Are you saying they're all wrong and you are right?" **Oldehoff** asked Bennett.

Lobeck frequently objected to such questions. He claimed that **Oldehoff** "mischaracterized" Bennett's earlier testimony and engaged in "a continual game to try to confuse, befuddle, and trip up this witness." **Oldehoff** fired back, accusing Lobeck of conducting "a filibuster" when he spent most of the previous 10 days of the hearing presenting ManaSota-88's witnesses. **Oldehoff** questioned whether Bennett, a former Orlando-area planner, was up to date on Florida growth policies and had sufficient knowledge of Sarasota County's terrain on which to base his opinions. He also challenged Bennett's motive for stepping into the 2050 debate. "You wouldn't be here if you hadn't been paid by ManaSota-88," **Oldehoff** told him. The hearing is expected to continue into September. A judge assigned by the Florida Division of Administrative Hearings will recommend that the DCA uphold or reject the comp plan amendment. Depending on who files an appeal, the case could head into the courts or be settled by the governor and the Cabinet.

Palm Beach Post, The (FL)
May 17, 2002

BUILDER NOT ABLE TO DITCH BUFFER PLANS
Author: Sarah Eisenhauer

When most residents in Palm City's Islesworth development bought their homes, they expected a 15-foot buffer of large trees between their modern community and the 5-acre property with horse pastures next door, their attorney argued Thursday. The owners of the 5 acres, Leslie and John Kingsley, agree. Islesworth's developer, Pulte Homes, left only 5 feet of space between the properties when it built the community in the late 1990s. On Thursday, Pulte's attorney asked the Martin County Development Review Committee to recommend the county commission eliminate the final site plan's requirement for a 15-foot buffer. But Pulte encountered another problem: the Kingsleys' accusations that Pulte's construction of Islesworth is to blame for causing their property to flood during hard rains. Because county staff reported Pulte had done little to address the drainage problem, development review committee members said Pulte should not get the commission's help with the buffer issue. The board unanimously voted to recommend the county commission deny Pulte's request. "They have not offered any specific solutions to the drainage problems," county planner Harry King told the committee. "This request does not appear reasonable until the drainage issues are addressed."

Pulte's attorney Johnathan Ferguson argued that the drainage issue is a private matter between Pulte and the Kingsleys and has nothing to do with the buffer request. He said the project's plat shows only the 5-foot separation, where Pulte has installed a solid wood fence. "It's unfortunate that the plat and site plan were not submitted at the same time, and now We're stuck with an inconsistency in the documents," Ferguson said. "We're talking about seven homes in Islesworth that would be affected by this. The 15-foot landscape buffer would have a minimal effect for Islesworth." But attorney Deborah Ross, who represents Islesworth's homeowners association, said the final site plan with the 15-foot buffer was what most of the 123 residents saw at Islesworth's sales office. "It's not seven homeowners, it's 123," Ross said. "If there's any ambiguity, you have to err on the side of caution and say the buffer is supposed to be there."

Gary Oldehoff, who represents the Kingsleys, said county codes spell out that the final site plan should be the ultimate guide in such disputes. He said it's the county's duty to look at the drainage issue when considering the buffer request. "I think it's very, very clear this buffer is needed," **Oldehoff** said. "You shouldn't excuse a failure to do something like this."

Palm Beach Post, The (FL)
September 21, 2001

WRONG - BUT 'ETHICAL'

The Florida Commission on Ethics has cleared Martin County Commission Chairman Dennis Armstrong of allegations that he broke ethics laws by voting to give public money to a project from which he stood to earn a real-estate commission. If that isn't a violation, you wonder what is. When the matter became public in April, Commissioner Armstrong apologized and took responsibility, though it seems unlikely he would have confessed if nobody had noticed. He voted to spend $137,424 on a 124-unit affordable-housing project for seniors in Stuart. He stood to make a $19,128 commission for being a "transaction broker" on the deal. After he was caught, Commissioner Armstrong first said the commission vote was not close, so his vote didn't matter. Then he blamed bad advice from former County Attorney **Gary Oldehoff**. Mr. **Oldehoff** noted, however, that while the tainted vote came in January, he had left the county three months earlier, the last time he saw Commissioner Armstrong. Mr. **Oldehoff** also said he advised the commissioner not to vote on another issue in March 2000 because of a similar conflict.

After Commissioner Armstrong's apology, the commission again approved public money for the housing project, this time with Commissioner Armstrong abstaining. The deal fell through, though it could be resubmitted. Two Stuart residents filed a complaint with the ethics commission, which last week dismissed the case, citing "insufficient evidence." The panel ruled that Commissioner Armstrong and his firm, Stuart Land Co., would stand to gain or lose from the commission's vote only if Commissioner Armstrong's vote decided the sale. "It's a pretty obscure point of law having to do with contractual relationships," conceded Kaye Starling, complaint coordinator for the Ethics Commission. "What on the surface may look unethical might be illegal. It might be immoral, or wrong or unwise. But it may not be unethical as our statutes cover it."

Justice may wear a blindfold, but the ethics commission appears to be blind to plain facts: A commissioner should not vote on any matter from which he stands to gain financially. Commissioner Armstrong has asked the new county attorney to draft a list of questions for the ethics group to help him figure out what to do in the future. That's a waste of a public employee's time. Anyway, the misguided ethics commission apparently has its own rule: If it's illegal, immoral, wrong or unwise, it's probably ethical.

Stuart News, The (FL)
April 7, 2001

OLDEHOFF: NO ADVICE ON TANGLEWOOD ARMSTRONG ADMITS HE DIDN'T TALK WITH FORMER COUNTY ATTORNEY
Author: SUZANNE LATSHAW

Former Martin County Attorney **Gary Oldehoff** says he never gave advice to commission Chairman Dennis Armstrong on whether to vote on giving county-controlled money to Tanglewood Village, a housing project on which Armstrong stood to make a real estate commission. "I had no involvement whatsoever in Commissioner Armstrong's violation of the ethics code," **Oldehoff** wrote Thursday in a letter to The Stuart News/Port St. Lucie News. The state ethics code requires public officials to abstain from voting and publicly declare their conflict of interest on issues that could financially benefit them.

Last week, Armstrong said **Oldehoff** had advised him "it wasn't a problem" to vote to fund developers of Tanglewood, a proposed $5.5 million low-income senior apartment complex. Armstrong is the real estate agent for the developers, The Gatehouse Group, on the Tanglewood project. Asked on Friday to respond to **Oldehoff's** statements, Armstrong acknowledged he never talked to **Oldehoff** about the Tanglewood issue, which came to a vote Jan. 9 - about three months after **Oldehoff** left county government. "I never spoke to **Gary Oldehoff** on the Gatehouse issue. I agree with **Gary** on that," Armstrong said in an interview with the News. Later in the interview, Armstrong continued, "I did not receive any advice from any one of the county attorneys, not **Gary Oldehoff**, not Krista Storey, not Stephen Fry, on this specific Gatehouse issue."

In his letter to the News, **Oldehoff** criticized the newspaper for not contacting him to get his response to Armstrong's initial comments on the voting issue before publishing articles and an editorial about the controversy. "If you had simply asked me, I could and would have told you that I never advised Commissioner Armstrong that his action on January 9, 2001 would not constitute a violation of the ethics law . . .," **Oldehoff** wrote. In response, Tom Weber, editor and president of the News, said, "I do regret that we did not get **Gary Oldehoff**'s statement earlier and I apologize."

In his letter, **Oldehoff** wrote, "I did not advise Commissioner Armstrong that he did not have a conflict of interest on the Tanglewood project, nor was I ever asked to render any opinion on whether he had a conflict with regard to that project." **Oldehoff** also emphasized that while county attorney he advised that "it would be a conflict of interest for a commissioner to vote on the county's acquisition of real property from which the commissioner or his office might benefit." **Oldehoff** continued: "My advice to Commissioner Armstrong was consistent throughout my employment with the county - do not vote on any land acquisition by the county which would tend to benefit you or your real estate office."

Oldehoff noted that in March 2000 he advised Armstrong about a potential conflict on an issue with "facts remarkably similar" to the Tanglewood project. In that case, Armstrong asked whether he could vote on the possible acquisition of 3,020 acres called the Pal-Mar Ninejem tract, which had as its real estate agent SLC Commercial, the company Armstrong has worked for since 1995. "He should consider himself to have a potential for a conflict of interest," **Oldehoff** said at that March 14, 2000, meeting. "He may not make a motion, he may not vote on a motion, but he may participate in discussions." **Oldehoff** continued at that meeting, "The law tends to try to proceed in a cautionary way and tries to avoid even appearances of impropriety."

Armstrong, asked on Friday to explain his earlier Tanglewood comments, said he had been referring to past broad discussions about the general conflict-of-interest issue. That issue, Armstrong continued, is "of me being a Realtor and trying to figure out what was a conflict and what I should do and what I shouldn't. I thought I understood but I guess I didn't." Armstrong said he never talked with **Oldehoff** regarding any specified land deals he was involved with, only general ethics questions. "I don't believe it is my responsibility or my need to divulge to the county attorney, or anyone for that matter, in what I'm involved as a business person. I can only divulge a situation," Armstrong said.

If the Tanglewood project was funded at the state and local levels, Armstrong would have received a commission on the sale of 8.3 acres on Central Parkway, appraised at $571,496. Commission for real estate agents range from 2 to 10 percent of the sale. A 5 percent commission would be $28,500. Armstrong did not abstain on the Jan. 9 vote to give The Gatehouse Group $137,424 in county-controlled State Housing Initiative Partnership (SHIP) funds. At Tuesday's county commission meeting, Armstrong requested a new vote on the SHIP allocation and a separate public meeting regarding land in which SLC Commercial has interest, and apologized for his January vote. "It would be nice to blame it on everybody," he said. "I thought I was pretty clear that it was my fault and I accept full responsibility for it."

Stuart News, The (FL)
April 7, 2001

OLDEHOFF: 'NEWS' DEFAMED ME
Author: **GARY K. OLDEHOFF**

My attention has been called to two recent articles in the News. The first was published on April 3, 2001 and was titled, "Armstrong owns up to ethics violation." The byline on that article was Suzanne Latshaw. The article included the following paragraph: Fry said Monday that he called the Commission on Ethics in Tallahassee and gave advice to Armstrong, who relied on the advice of former County Attorney **Gary Oldehoff** to vote on the measure in January.

The reference to my giving advice to Commissioner Armstrong to violate the law is a lie. I had no involvement whatsoever in Commissioner Armstrong's violation of the ethics code. I have not spoken to Commissioner Armstrong since Oct. 13, 2000 and I am certain that it would not be a surprise for you to learn that, after my departure, Commissioner Armstrong never again approached me requesting legal advice. I did not advise Commissioner Armstrong that he did not have a conflict of interest on the Tanglewood project, nor was I ever asked to render any opinion on whether he had a conflict with regard to that project. I was not the county attorney at the time of the vote.

You might imagine my distress, then, when I was advised of the similarly libelous News column by (Associate Editor) Nancy Smith, published the next day, April 4, 2001. Ms. Smith quotes Commissioner Armstrong as follows: "On the other hand, I did ask **Gary Oldehoff** about this last year, and he didn't see a conflict." Ms. Smith uses this quote as a springboard for her further comments in the article impugning my character, my ethics and the quality of my professional work.

Rather than investigate whether I did in fact advise Commissioner Armstrong on this project, much less whether I had even heard of it, your paper saw fit to publish this quote unsupported by any source other than Mr. Armstrong. I understand why Mr. Armstrong would seek to blame someone else for his violation of the ethics code. Why might your staff have been suspicious of the veracity of the commissioner's statement?

1) Commissioner Armstrong's improper vote occurred on Jan. 9, 2001, three months after I left the county.

2) To the best of my knowledge, neither the Tanglewood project nor the request for funding was even known to the county on or before Oct. 13, 2000, my last day with the county.

3) As your articles have reported, it would reasonably appear that Commissioner Armstrong had clearly violated the ethics law. Thus, he had a reason to try and place the blame on someone else.

4) According to the reports in your publication, by voting on the Tanglewood project, Commissioner Armstrong voted to give $137,424 of public money to the contract purchaser of a property for which he was a sales agent in order to keep the sale (and his "almost $30,000" commission) alive. The very notion that any attorney, or for that matter any reasonable person, would conclude that the commissioner did not have a voting conflict, or that his voting would not give an appearance of impropriety (which also calls for abstaining), defies logic and reason.

Commissioner Armstrong apparently never discussed this matter with Acting County Attorney Krista Storey or with Stephen Fry, the present county attorney, until the story of his ethics violation broke in the papers, despite the fact that Ms. Storey was right down the hall and the board had just hired Mr. Fry. When you interviewed Mr. Fry on Monday, April 2, 2001, he immediately acknowledged to your paper that the commissioner had committed an ethics violation.

In fact, it is a matter of public record that the Board of County Commissioners had requested that I research and advise them of a potential for conflict of interest by Commissioner Armstrong which arose in early 2000, regarding the Ninejem property which presented a set of circumstances strikingly similar to those referred to in your recent articles. As the record shows, Commissioner Armstrong and his office were the listing agents for a piece of property which was eligible to be purchased by public monies from the Save the Rivers project. The issue presented was whether Commissioner Armstrong could cast votes regarding the use of Save the Rivers funds when such votes would benefit the Ninejem property. My advice to Commissioner Armstrong was placed on the record at the March 14, 2000 County Commission meeting. A representative of your publication was at that meeting, and the written minutes, audio tapes and videotapes of that meeting reflect my advice. I urge you to review these immediately, but for your benefit, I have provided the following transcription of what occurred and the advice I gave:

Commissioner Melzer: "Is - is Commissioner Armstrong the broker on the Ninejem parcel?"

Dan Hudson: "I don't know what his particular role is on that. I know that the property was referred to us and we sent it on down to the Water Management District by the Stuart Land Company is the representative. I don't know if Commissioner Armstrong has a specific role in that acquisition or not."

Commissioner Gainey: "Mr. Chair - I would ask that our attorney clarify that because if I recall, when that question was asked before, Commissioner Armstrong said that his office had an interest in it, the office that he worked in and he was not a broker, so would you please clarify that for the record."

Gary Oldehoff: "Well, when this came up a few months ago, the Board asked me, directed me to research it and talk to Commissioner Armstrong about that situation and I have spoken to Commissioner Armstrong and he will proceed accordingly."

Commissioner Gettig: "Well, what was your research, what was the result?"

Gary Oldehoff: "The question was whether there was a potential conflict of interest that would prevent him from being able to vote and... . He should consider himself to have a potential for a conflict of interest. He may not make a motion, he may not vote on a motion, but he may participate in discussions." (Emphasis added.)

Commissioner Melzer: "Just for the general public, as I understand the way conflicts of interest work, it's not only if I would have a direct interest or Commissioner Armstrong would have a direct interest, but a business partner would also. Is that pretty close?"

Gary Oldehoff: "That's right. That's right. In this instance, it didn't matter whether he was the individual broker that was handling that property or the company that he is contracted with who is handling it. The law tends to try to proceed in a cautionary way and tries to avoid even appearances of impropriety."

Commissioner Melzer: "Thank you."

Commissioner Gainey: "Okay and that was the concern that I had that you had made the contact or there was not going to be an issue of impropriety."

Gary Oldehoff: "Right."

Commissioner Gainey: "Okay. Thank you."

For your information, the "research" and "review" I undertook of the above matter included review of several written communications from the Commission on Ethics in Tallahassee, confirming that the commissioner did have a conflict and could not vote on land acquisition matters in which he or his firm had an interest.

As Ms. Smith indicated in her column, I previously stated in 1996 that it would be a conflict of interest for a commissioner to vote on the county's acquisition of real property from which the commissioner or his office might benefit. I gave the same opinion in March, 2000 and my employment with the county ended in October, 2000. My advice to Commissioner Armstrong was consistent throughout my employment with the county - do not vote on any land acquisition by the county which would tend to benefit you or your real estate office. This statement, unlike your statements, is confirmed by the public record and written documentation.

It troubles me immensely, but does not surprise me, that neither you nor anyone else from the News ever contacted me to get my comments or response before you published these defamatory statements. You and your reporters have my home phone number, despite the fact that it is unlisted, and felt free to call me at home many times when I was the county attorney. Indeed, one of the News reporters actually came to my home once to obtain a quote. If you had simply asked me, I could and would have told you that I never advised Commissioner Armstrong that his action on Jan. 9, 2001 would not constitute a violation of the ethics law, and prevented you from

damaging me, my family and my professional reputation. Instead, you acted recklessly, maliciously, and with utter disregard of the truth to do just that.

I consider your publication of the above-quoted excerpt from the article by Suzanne Latshaw and all references to me in the column by Nancy Smith to be both defamatory and actionable. You clearly published a false, defamatory statement with actual malice, that is, with a reckless disregard as to whether it was false or not. Your false statements have directly and proximately resulted in serious injury to my reputation.

I will always have a deep love for Martin County and the wonderful people who live here. It was my honor and privilege to serve the county and its people for 11 years. I have no regrets about the quality of the services that I provided to the county, though at times my job was very stressful and sometimes even placed my personal safety in jeopardy. Had you ever seen my office, on the wall next to my chair you would have observed a quote from one of my first-year law professors expressing his and my philosophy of the practice of law. It is also on the wall of my new office, and it reads: "It is not good enough to be creative, or to have good ideas, or to be provocative; the obligation of a lawyer is to get it right." I demand that you immediately print a front-page retraction of the statements made concerning me in the above-mentioned articles. This should be considered notice of and demand for a retraction within five (5) days in accordance with Florida Statutes Section 770.01.

GOVERN YOURSELVES ACCORDINGLY.

Stuart News, The (FL)
October 29, 2000

HOW CAN 'NEWS' LET OLDEHOFF MATTER DROP?

The Stuart News has suddenly become very quiet about the almost 100-grand golden parachute handed outgoing County Attorney **Gary Oldehoff** by the outgoing County Commission majority and smacks of blatant cronyism. People in management positions get fired every day without cause. It's part of the game called politics, be they corporate or civic. When a new regime takes over, somebody has got to go to make room for the new management team and their players. It has happened to me on two occasions. In the back of your mind you know this could happen when you accepted the promotion your team leader gave you: new regime, new faces. In effect, you are fired without cause. When you reach a certain management level in the corporate world, from there to the top spot it's all corporate politics. Of the half-dozen men I know who have had this happen to them, not one ever received a reward such as Mr. **Oldehoff** is receiving.

The reason given by the outgoing commission, "To avoid a blood bath," is grossly theatrical. This is Martin County, U.S.A., not a coup d'etat in some banana republic. It appears Wetlands Wanda (Melzer) and go-along Gettig, along with good ole boy Wilcox, just want to pay off their buddy for services rendered. The whole thing has the odor of "So there, Martin County, take that!" Another slap in the face for Martin County taxpayers. Litigating Liza didn't even carry her own district, that should tell you something. The new commission should disallow the payment to **Oldehoff**. And by the way, congratulations to the new commission - it looks like a clean sweep for common sense.

Robert J. Naughton - Palm City

Stuart News, The (FL)
October 15, 2000

OFFICIALS VOW NEW LEGAL STRATEGY
"THE THING I DIDN'T LIKE IS THEIR PHILOSOPHY OF 'IF YOU DON'T LIKE WHAT I'M DOING, SUE ME.' I THINK GARY THOUGHT HIS OBLIGATION WAS TO THE THREE (MAJORITY) COMMISSIONERS . . . RATHER THAN THE RESIDENTS OF MARTIN." - LEE WEBERMAN, COMMISSIONER-ELECT
Author: Melissa E. Holsman

STUART - With the departure of County Attorney **Gary Oldehoff**, incoming county commissioners say there will be a change in legal strategy, with different priorities over when to sue, settle or accept defeat. Commissioner-elect Lee Weberman said the former majority of Janet Gettig, Donna Melzer and Marshal "Bud" Wilcox used **Oldehoff** to further their political agenda, often to the detriment of county taxpayers. "The thing I didn't like is their philosophy of 'if you don't like what I'm doing, sue me,'" said Weberman. "I think **Gary** thought his obligation was to the three (majority) commissioners . . . rather than the residents of Martin County - there is a big distinction there." Weberman, a former 11-year county engineer, said he thought **Oldehoff** "tailored" his advice to please the commission majority and acted as a de facto county administrator. "That's the way the commissioners wanted it," Weberman said. "I want to return to the way the county is supposed to function with a true county administrative type of government."

Commissioners on Tuesday chose two-year employee Krista Storey as acting county attorney to replace **Oldehoff**, whose last day was Friday. He was dismissed Sept. 26 by the outgoing majority, but received a compensation package of more than $93,000. Commissioner Dennis Armstrong agreed with Weberman that **Oldehoff** seemed often to tailor legal advice to majority policy. "**Gary** was way too interested in the politics instead of saying, 'Here's the law and here's where you can go.' Instead, I saw the majority say, 'Here's what we want to do' and then ask, 'Where within the framework of the law can we do it?'" Armstrong said. "I would be interested more in someone who was rooted in law and not so much of where the board wanted to go." **Oldehoff** did not return phone calls seeking comment.

In past debates over legal strategy, Gettig and Melzer argued lawsuits filed by the county reflected the commission's commitment to the environment and pioneering laws regulating growth. "Caving in to preposterous developer's plans . . . would be nothing short of gutting the Comprehensive Plan," Gettig said during a July discussion of lawsuits. "I believe the county Comprehensive Plan policies are worth defending and fighting for." Armstrong last week said when the new commission is seated Nov. 21, residents will see a distinct philosophical change. "The new board will be a more 'let's get along with . . . the school board and the city of Stuart' rather than take a position that says, 'We're right and you're wrong, and we are going to fight you on it every step of the way,'" he said.

Armstrong said he also wants the new commission to set policy guidelines for retaining outside counsel.

In the past, he said, an outside attorney hired at a flat rate has been allowed to charge the county for other related costs such as photocopies - a practice Armstrong said he wants stopped. "For example, we hire engineers and that's a flat fee that includes (their) expenses . . . and that's not something that's appropriate for outside attorneys," Armstrong said. "If you're paying $125 an hour, it should include expenses." Debate on how much the county spends on lawsuits became more heated earlier this year when the Palm City Chamber of Commerce issued a report stating the county has spent almost $2 million on outside legal help defending laws passed by the current majority.

After the chamber report, Armstrong requested a full litigation study, which **Oldehoff** presented to the commission in July. It showed the county has been involved in about 150 lawsuits since 1989 and more than $3 million has been spent. Chamber president Len Hoag said most lawsuits came about because of "actions of the commission." "All the litigation came about through (**Oldehoff**'s) understanding with the majority. He was their lackey," Hoag said. "The fact that he was paid so handsomely upon their departure makes you think that he had committed himself to whatever they wanted, not necessarily what he thought was right."

As an example, Hoag cited the former Section 28 Partnership, in which a judge slapped the county with a $100,000 judgment. According to court records, the lengthy case involved a land developer who in 1997 sued Martin County for the right to build an 810-home community in south county on a parcel referred to as Section 28. "That cost taxpayers about $1.5 million in litigation. The county kept appealing, even when the appeals were turned down," he said. "They thought they had the deepest pockets and kept bringing this thing back. At some point, a reasonable man would have said we are beaten. But that wasn't done." Hoag said the next commission needs to apply "reasonable regulations."

"There were no abilities for exceptions . . . and that resulted in lawsuits. The change in philosophy that I want to see is, don't use legislation and regulations to achieve your personal agenda," he said. "Use it to achieve what is in the best interest in the community." The county's wetlands ordinance, adopted in June by a 3-1 vote, was hailed by its supporters as the pinnacle of environmental protection efforts. Since then, critics say they've had trouble getting building permits and in some cases, after months and sometimes years of planning, developers' plans have been rejected by commissioners, who said they needed to scale projects back to protect wetlands before proceeding.

Incoming Commissioner Michael DiTerlizzi said there's more than one approach to approving land regulations that have such controversial potential. "With the wetlands policies, they rushed through and it caused some lawsuits. Then there's the thought that you go slow . . . and not have to fix it later. They're now fixing the wetlands ordinance," said DiTerlizzi, adding other ordinances passed under **Oldehoff's** watch should be examined. "There are some people that

think **Oldehoff** was filing suits to delay," said DiTerlizzi. "Part of his job was to warn the commission; it seemed like they were telling him what to do."

The ongoing annexation appeals filed against Stuart also are examples of what new commissioners consider the former majority's "unwarranted" legal maneuvers. "How many times do you have to lose before you get the message that you're off base?" Weberman said. "The only reason they were initiated in the first place is because the board had some rigid and uncompromising policies in place." Weberman said he wants the upcoming search for a county attorney to be "equitable" and he'll insist the new one provide sound legal advice without "interjecting their personal philosophy to the commission." DiTerlizzi said the attorney search should be "as open as possible" adding, if the new commission employs "fairness and public participation," the county could avoid future lawsuits. "With **Oldehoff**, it is all water under the bridge and it's time to look forward," DiTerlizzi said. "I want an attorney that will be open-minded and honest with the board and not what we want to hear - that's what happened in the past."

Stuart News, The (FL)
October 12, 2000

JOURNALISTS, TELL US TRUTH BEHIND OLDEHOFF FIRING

News readers cannot fairly judge the "antics" of their county commissioners in the firing of **Gary Oldehoff** because many important facts have not been ferreted out and reported. To list the many unanswered questions would make this letter unacceptably long. But based on the meager facts reported in the newspapers so far, readers must conclude the County Commission should not have fired **Gary** - not necessarily for the reasons given by the dissenting commissioners, but for too many more important ones.

The commission should not have succumbed to the arrogant, bullying threats (to fire **Oldehoff** and Blackburn) made by one commissioner-elect. The "majority" responded to "the handwriting on the wall." I've seen handwriting on the wall - it's called graffiti. It's characteristically put there by immature, irresponsible persons who have no respect for the property or sensitivities of others and cannot be considered sound basis for making serious decisions.

The commission must base its decisions on what is best for the citizens of Martin County and not necessarily on what is best for individual county employees. **Gary**'s expertise in land management issues and comprehensive planning will be needed more than ever during the next few years. The decision will deprive the incoming commission of this expertise at a very critical time. It probably will not easily be replaced, if at all. One commissioner-elect said he wanted **Gary** to stay on. Of course, if **Gary** wanted to leave, nobody can stop him. But that would be at his option, not the county's.

The reasons given by the "majority" commissioners for giving **Gary** the boot make very little sense. So I have come up with my own theory as to what went on. Other Martin Countians will do the same. Unless the News digs out all the facts and reports them, which is what good journalists are supposed to do, there will be all kinds of speculation and unproven theories floating around for years, as is still the case over the Peter Cheney firing.

Richard E. Towne - Hobe Sound

Stuart News, The (FL)
September 29, 2000

CHICKY, SMITH DIFFER ON OLDEHOFF ISSUE
THE CANDIDATES FOR THE DISTRICT 1 COUNTY COMMISSION SEAT WERE INTERVIEWED BEFORE PARTICIPATING IN A LIVE DEBATE ON WPSL/1590, WHERE THEY DISCUSSED TAXES, PARKS, AND THE INCOMING COMMISSION.
Author: Melissa E. Holsman

STUART - County Commission runoff candidates Jon Chicky and Doug Smith disagreed Thursday over the controversial firing of County Attorney **Gary Oldehoff**. Interviewed before a radio debate, Chicky wanted to say little about this week's 3-2 commission vote to fire **Oldehoff** "without cause," guaranteeing **Oldehoff** more than $93,000 in severance pay. Chicky is aligned with the commission majority that approved the deal - Marshal "Bud" Wilcox, Janet Gettig and Donna Melzer - but said he had no opinion about it. "That has nothing to do with me," Chicky said. "They are the commission until Nov. 21. That's out of my realm," Chicky said. "I've been in government. . . . Things take place by the seated commission. They can do what they want to." Smith, however, criticized the current majority's decision. "It's disappointing that it couldn't be handled by the incoming commission," Smith said in an interview. "Those kinds of decisions should have been handled in the next commission. . . . If there was a reason to discuss his contract and something came out that was wrong, then the new commission would have dealt with it."

The candidates in Tuesday's runoff for the District 1 seat were interviewed before participating in a live debate on WPSL/1590, where they discussed taxes, parks, and the incoming commission. Tuesday's election is open to all registered voters in Martin County. Chicky, 60, a former mayor of Sewall's Point, has been backed by several citizen-based political action committees that endorse what they consider the "slow growth" policies of the outgoing majority. He began by describing his background and stating his campaign goals. "I'm a 40-year resident of District 1 and an Air Force vet. For 28 years, I've owned Savannas Water Service," Chicky said. "I started months ago with three points to my message - protect our quality of life, preserve the comp plan and promote economic development."

Smith, 38, a Massachusetts native who moved here in 1990, has gathered numerous endorsements from business and development-related groups. Before the Sept. 5 primary, he was aligned with Commissioners-elect Lee Weberman and Michael DiTerlizzi to form a "business friendly" slate. Smith began by thanking his supporters, including the Realtors association and local firefighters. "In north county, people are really driven to produce for the county what's good for the whole," Smith said. "That's what excited the county in coming out Sept. 5, and we're looking forward to everyone coming back out on Oct. 3."

Of the incoming commission that will be seated Nov. 21, both candidates speculated on what might be expected in the coming months. "My campaign is about balance and I think the new commission will continue that," Smith said. "There is an air of relief that good things are

coming. . . . I think we'll see exciting things for the county." Chicky, who before the primary was closely aligned with the failed Melzer and Gettig campaigns, said he was taking a "wait-and-see attitude." "I can't say how this new commission will go. There's a lot of rhetoric out there," said Chicky. "I would hope they will balance themselves out. I hope they will not weaken our environmental laws." Chicky - referring to almost a dozen lease violations found during an audit of the Martin County Golf and Country Club - said that if elected, he would first request an audit of all county finances. "We did it in Sewall's Point when I became mayor," Chicky said. "You want to know where you're going, see where the money's at, how much is spent and where the money's going."

Smith said his first priority as a commissioner would be to "resolve the issues with the city of Stuart." "Let's do what we need to do to resolve it. . . . They are doing some fabulous things," said Smith. "In District 1, there will be many things that we'll work on. I think we'll look forward to working together." Chicky and Smith agreed that improving the tax base and spending tax dollars "wisely" need to be top priorities. "Taxes are a big thing. We have some really big issues coming up that I don't think we are ready for," Smith said. "We're going to have to be incredibly resourceful with our tax dollars. We always have to keep that tax base in mind. . . . Ending the lawsuits with Stuart will help return some of the money that's been spent." Chicky said he'd like to see taxes "stay the same." "Like death, they're inevitable," said Chicky. "A lot of things are coming down the pike - new roads, refitting storm water systems, parks - they all cost money. We need to look for ways to get our tax base up and look at economic development." Of the urban services district boundary, both candidates agreed that the boundary line should not be moved for development and that the county's Comprehensive Plan should continue to guide future growth. The WPSL broadcast was the last public debate scheduled before Tuesday's election.

Stuart News, The (FL)
September 28, 2000

LATEST ANTICS SHOW NEED TO ALTER MARTIN GOVERNMENT STRUCTURE
Author: Joe Crankshaw

The actions of the outgoing members of the Martin County Commission are very interesting to watch. Commissioners Marshal "Bud" Wilcox, Janet Gettig and Donna Sutter Melzer voted to "fire" County Attorney **Gary Oldehoff** to spare him a "bloodbath" when the new commissioners come on board. I guess they know something about "bloodbaths." They certainly chopped down former County Administrator Peter Cheney as he lay on his deathbed. They were certainly the epitome of concern then, so why should anyone be surprised at their concern for **Oldehoff**. For that matter, what sort of concern do they have for County Administrator Russ Blackburn? If the incoming commissioners are supposed to be ready to dump **Oldehoff**, what sort of plans do they have for an administrator who did everything the outgoing commissioners wanted done without objection?

The matter involving **Oldehoff** and Blackburn shows that the system of county government needs to be restudied. The two men are the only two people who actually work for the County Commission. **Oldehoff** had an advisory position as a lawyer, while Blackburn, in theory and theory only, is supposed to be the county's executive officer. The theory of commission-manager or commission-administrator is that the commission sets policy and the manager or administrator carries them out. The manager exercises full authority over all staff and employees, directing them to accomplish the policies and goals set out by the commission. Some people want you to believe that an administrator does the same thing, but, as local history shows, that is not the case.

A manager shields the staff and employees from politics. He sees that they discharge their duties in an efficient and professional way. Commissioners, as individuals, have no authority to tell a single employee (other than their aides) what to do. That is not the case for administrators. Blackburn showed that during the flap over the chartering of a jet flight from Witham Field, when he declared the employee who chartered the flight was not politically aware. County employees are supposed to do their best without considering politics.

Want further proof? Back in 1996, Melzer, just ten days on the board, gathered up the personnel files of County Engineer Don Holloman and Building and Zoning Director Mike Sinkey, Chief Building Official Bart Stuart, and Building Inspector Bobby Chambers, and sent them off to the state for examination of their qualifications. It wasn't her job, but Cheney was too sick to object. Sinkey made a complaint about the commissioners, saying they had violated open-meeting laws to plan on firing Cheney. A grand jury declined to indict the commissioners for the alleged violations. When Blackburn was hired in 1997, county government was restructured to leave Sinkey on salary, but without formal duties and isolated. Eventually the matter was settled in court, and Sinkey was paid $23,000 for legal expenses and restored to duty in another capacity at $68,000 a year. The settlement also guaranteed Sinkey his job through March 2003. It is

interesting to note that Melzer found that provision unfair. Maybe she wanted to give a severance package like the one received by **Oldehoff**.

Then there was the budget planning in May of this year, when the commission decided to write Commissioner Dennis Armstrong's aide out of the payroll. That sort of micromanaging was going down without a peep of objection from the county administrator. If the outgoing commissioners fear a "bloodbath" for staff, maybe they would consider starting a move to create a charter county with a real county manager, who could isolate employees from commissioners trying to micromanage local government.

Come to think of it, that might be a good idea for the incoming commissioners, just to keep them from doing any micromanaging of their own. I would think that right about now the outgoing and incoming commissioners could agree on a charter and a strong manager capable of enforcing our growth management laws in the face of political pressures. Our growth management laws need to be interpreted and enforced uniformly, without fear or favor. People wishing to build or develop should know what the rules and regulations are at the start, and not suddenly be subjected to changes demanded by one interest or the other. Only employees secure in their jobs, and able to act as professionals, can manage that sort of work.

The Palm Beach Post
September 27, 2000

MARTIN ATTORNEY FIRED - FAVORABLY
Author: Sarah Eisenhauer

The three Martin County commissioners most supportive of County Attorney **Gary Oldehoff** cast the votes needed to fire him Tuesday - a move they say spared him a possible "bloodbath" when the new board is seated in November and assured him a $93,994 severance package. The commission's outgoing majority all said they did not want **Oldehoff** to be subjected to a nasty and bitter ousting such as top employees have endured in the past when the commission changes power. They also said it seemed inevitable the new board would not keep **Oldehoff** around for long. "Clearly, the indications from the incumbents and elected folks are they pretty much have their minds made up," said Chairman Marshal "Bud" Wilcox, who proposed terminating **Oldehoff's** contract. "There's no question in my mind where the future board was going."

Commissioners Elmira Gainey and Dennis Armstrong voted against terminating the contract "without cause" - meaning no reason has to be specified - which ensured **Oldehoff** will receive the severance. "I find it surprising that the people most supportive of Mr. **Oldehoff** are the ones making the motion for his termination," Armstrong said. "I don't see any crystal balls at all. If the new board wants to do something, let them do it when it's their time to do it. I'm just wondering if this is just a bit of some sore losers showing." Janet Gettig and Donna Melzer lost their seats in the Sept. 5 primary election, and Wilcox opted to retire this year. The race for his seat will be decided in Tuesday's runoff.

Commissioner-elect Michael DiTerlizzi, who will replace Melzer, said he's not so sure the new board would have fired **Oldehoff**, let alone have done it in a bitter "bloodbath." DiTerlizzi added that he "had no intention" of terminating the contract and believes his leadership skills could have swayed two more votes in favor of keeping **Oldehoff**. "I don't think this was about Mr. **Oldehoff**," said DiTerlizzi. "This was a way for them to try to throw us in turmoil." But Commissioner-elect Lee Weberman, who will replace Gettig, said Monday night that he would have proposed terminating **Oldehoff's** contract. "It was inevitable. I think it would have come to a vote," Weberman said.

Gainey said she believed there was cause to fire **Oldehoff**, citing his role in recent allegations that the county had violated the Sunshine Law. If the board had found cause to fire **Oldehoff**, it would not have had to pay the severance package. "This is an extraordinary amount of money that is a waste of taxpayer dollars," Gainey said of the severance package. "I am also concerned about this item being brought up so quickly." Wilcox said he proposed the "emergency" agenda item because he wasn't sure the full board would be present at any more meetings before the new commissioners are sworn in.

Melzer and Gettig both praised **Oldehoff**, calling him an expert on land-management issues and the county's comprehensive plan, its strict blueprint for growth. "Mr. **Oldehoff** has done a stellar

job in land-use cases. I want to make sure the public is aware of the quality of his legal services,"Gettig said. "I would be very much in favor of him not getting the boot with the connotation that he has done a miserable job." Melzer said she doesn't believe strict growth management will be a priority for new board members, so it would not be in their interest to keep **Oldehoff**. "I would suggest the writing is on the wall. You don't need a crystal ball to see the handwriting." DiTerlizzi countered that land-use and growth management are important to him, which is a primary reason he supported **Oldehoff**. **Oldehoff**, an 11-year county employee with a $117,000 salary, declined to comment after the meeting Tuesday. He said his last day would be Oct. 13.

The Palm Beach Post
September 26, 2000

POST WANTS MARTIN HELD IN CONTEMPT
Author: Pat Moore

The Palm Beach Post filed court papers Monday asking a judge to declare Martin County in contempt of court for repeatedly violating the Sunshine Law and a 1997 court order requiring them to settle lawsuits in public. The county has settled seven lawsuits this year totaling more than $2.5 million in violation of the law and a court judgment that ended a suit filed by The Post three years ago, the newspaper's attorney Martin Reeder said. The Post's request to reopen the lawsuit claims five cases settled this year by attorneys for the county's self-insurance group have never been settled in public. "I don't like this type of thing to continue," Commissioner Elmira Gainey said. "Look at what our taxpayers will be subjected to." A judge required the county to pay $15,900 for The Post's attorney's fees in 1997. The Post is seeking attorney's fees again.

Reeder said The Post gave commissioners written notice in December 1997 and May 1998 of other violations of the 1997 court judgment without taking court action. "We're trying to break the pattern of violations once and for all," he said. "Time has proved the county has basically ignored the judgment." The Post asked the court Monday to void settlements reached in violation of the Sunshine Law or the court judgment. Gainey and Commissioners Dennis Armstrong blamed County Attorney **Gary Oldehoff** for failing to make sure the five suits handled by attorneys for Treasure Coast Risk Management Program, known as TRICO, were settled in public meetings.

Commissioner Janet Gettig said County Administrator Russ Blackburn also should share the responsibility for making sure the cases were handled correctly. Commissioners are expected to call for **Oldehoff's** resignation at today's commission meeting. **Oldehoff** would not comment to a Post reporter Monday, but six weeks ago, when told of the TRICO settlements, he said he was shocked to learn attorneys were settling cases without his knowledge. He vowed to make sure future settlements were properly settled in public.

The Post's request for a court hearing to find the county in contempt also accuses commissioners of improperly settling two cases in a hurried Sept. 5 commission meeting after settlements in both cases had been announced in court a month earlier. Commissioners had discussed both of those cases - one brought by paralyzed Port St. Lucie resident Margaret Helm and a second by Steven and Veronica Pochopin of Jensen Beach - in closed-door sessions in July. Florida law allows the private sessions among elected officials and their attorney to discuss litigation strategy. Before going into the July closed-door meetings, commissioners announced they were going to discuss the Helm case, but did not mention as required by the Sunshine Law that they also would discuss the Pochopin case, the newspaper's attorney said. Within a week of the private session, the county's insurance attorney persuaded a Fort Lauderdale senator to file a claims bill in Tallahassee that would allow the county to pay Helm $2.25 million more than the legal cap set for government.

The claims bill stated Helm and the county "have entered into a settlement agreement," a month before it was approved in a public meeting. Transcripts of those sessions remain sealed. Cases settled by TRICO attorneys without a public hearing include:

- a $50,000 settlement for David Smith, a former emergency operations center dispatcher struck by lightning.

- a $45,000 settlement for Elizabeth West and a $25,000 settlement for Bridget Rachel Lee, both of whom filed suits claiming they were injured when they slipped and fell on county property.

- a $19,000 settlement for Valerie Primm and a $15,500 settlement for Brenda Hile, both sheriff's dispatchers who said the mold and poor air quality at the sheriff's office made them sick.

Stuart News, The (FL)
July 26, 2000

COUNTY'S TOP-PAID OFFICIALS GET RAISES
Author: Paul T. Rosynsky

The administrator and attorney have received about $50,000 in raises combined in three years. STUART - In a vote that highlighted past arguments about county lawsuits and free spending on administrators, a majority of the County Commission agreed Tuesday to give its two highest-paid officials raises totaling more than $10,000. During their second public review since being hired in 1997, County Attorney **Gary Oldehoff** and County Administrator Russ Blackburn were given 5 percent raises, hiking their salaries to $117,200 and $119,700, respectively. "We've made a lot of demands on them ... there has been a lot going on and I just think that these two executives and leaders deserve a lot of credit," County Commissioner Donna Melzer said. "It's changed and I think this administration has been a real part of that."

Commissioners agreed last week that both Blackburn and **Oldehoff** did a good job leading the county through a host of improvements, including land development changes, keeping taxes low and opening government to residents. But they could not agree on the amount of raise, and the debate continued Tuesday afternoon as commissioners argued whether Blackburn deserved a 5 or 3 percent increase and whether **Oldehoff** should get a 5 or a 2.5 percent raise.

Commissioner Elmira Gainey, who asked for the week postponement to talk with both administrators, asked the board to be fiscally responsible and suggested a 2.5 percent raise for **Oldehoff** and a 3 percent raise for Blackburn. Gainey said **Oldehoff** deserves a 2.5 percent raise because he has not properly warned commissioners that some of the ordinances they passed would be challenged in court. She also criticized the attorney for finding "loopholes" for some commission members. "A lot of the issues regarding Mr. **Oldehoff**, I think, they could have been avoided if he was more outspoken," Gainey said. "I think he needs to look at that more carefully. We've wasted tax dollars." Gainey's critique sparked a heated reaction from Commissioners Melzer and Janet Gettig, who defended **Oldehoff** and said the county has won many of the cases that have gone to court. "I'm getting tired of hearing about all the little lawsuits that have appeared," Gettig said. "You were able to provide the legal expertise so we would prevail in court."

Added Melzer, "Our two staff members are protecting what the residents want for their future and I admire what they have done." Tuesday's pay increase was the third for the two administrators since they were hired in 1997. After the first year on the job, both received an automatic 5 percent raise without commission discussion, and last year they both had increases of 15 percent, for a total of close to $50,000 in raises combined in three years. Citing those past increases, Gainey said the two have been amply compensated for their work. "Your salaries are comparable with the other counties," Gainey said. "This would still make yours a competitive salary."

Commissioner Marshal "Bud" Wilcox, however, reminded board members that a 5 percent raise means extraordinary performance. "A 3 percent raise reflects a merely satisfactory performance," Wilcox said. "I've just heard from you that you thought that both are doing a fine job. The 2.5 to 3.5 percent to me is saying, "Here's your hat; you better find a job because you are barely satisfactory."' Commissioners voted 3-2, with Gainey and Commissioner Dennis Armstrong voting no, to give both a raise and an increase in their car allowance to $345 a month from $300 a month.

Stuart News, The (FL)
July 19, 2000

REPORT ON LITIGATION TRIGGERS ARGUMENT
Author: Paul T. Rosynsky

Growth management proponents lauded the report and county efforts. Foes called efforts a waste and the report incomplete. STUART - Depending on who was looking, the report that County Attorney **Gary Oldehoff** presented Tuesday was either a glowing tribute to strict growth management laws or a confusing and incomplete review of his office's expenses. As county commissioners analyzed the awaited report on the county's lawsuits, they argued about what all the numbers and explanations really meant for the community. But **Oldehoff**, who gave a 45-minute explanation of the 128-page report, tried to clear it up. "Sheer numbers may not be an indicator of whether things are good or things are bad." Those numbers - about 150 lawsuits since 1989 and more than $3 million spent so far on open cases - have caused considerable controversy in the county, as critics and supporters of the commission majority argue whether the county is spending too much on unnecessary lawsuits.

Opponents of the commission majority continually argue the county is wasting money by enacting illegal laws and proponents argue it's worth spending money to save the environment. Similar arguments surrounded the report Tuesday, as commissioners tried to emphasize their own take on a report **Oldehoff** said was intended "to present the facts of litigation in Martin County." Commissioners Janet Gettig and Donna Melzer said it reflected the county's commitment to the environment and pioneering laws regulating growth, but Commissioners Dennis Armstrong and Elmira Gainey said it failed to emphasize the cost incurred by the county in defending laws passed by the majority, which is committed to slowing growth in the county. "I like the report and am disappointed that some of the most vocal critics ... are not here," Gettig said. "I see that most of the outcry I have seen has been total misinformation. For the most part it's political churning of a position that is not true."

Gainey, however, said misinformation will only increase because of the report's lack of detail. "I understand what you are saying about the numbers not really telling everything but ... this doesn't reflect the numbers," Gainey said. "We looked at the report. It wasn't quite clear." Debate on how much the county spends fighting lawsuits increased earlier this year when the Palm City Chamber of Commerce issued its own report that stated the county spent almost $2 million on outside legal help defending laws passed by the commission's slow-growth majority.

Armstrong immediately requested a full report, which took the attorney more than three months to complete. Armstrong said Tuesday he was concerned the report was not complete. "There are some cases here that are not on your list," he said. "There's probably good reason for all them but there did seem to be differences." **Oldehoff** said he tried to supply the commission with the most complete report possible. Within the 128 pages, he detailed the number of lawsuits the county filed and those filed against the county since 1989, a breakdown on what those suits were about,

a detailed description of the 48 open cases being fought by his office and a comparison between Martin County and others facing similar problems.

The report "is the first of its kind in Martin County," **Oldehoff** said. "It is the most detailed and comprehensive report on litigation than any other county attorney's office that I know of." **Oldehoff** defended the amount of money spent by his office as he gave an explanation about the costs of a typical lawsuit and why every legal challenge must be taken seriously. "When people litigate, they don't litigate to lose. If you must litigate, it's important to use your best efforts," he said. "Not taking litigation seriously can lead to disaster."

Oldehoff also warned commissioners the report did not show the number of lawsuits his office was able to avoid with specific laws and successful negotiations sessions. Gettig also said she was disappointed that the report did not list the lawsuits won by the county. "One of the things I would have liked to see in the report is we have had some very big wins and they are not here," she said. "I think what has not been recognized in this report is the talent." Despite the differences, commissioners unanimously approved the report with Gainey and Armstrong saying they will meet with **Oldehoff** to clear up differences. "I guess, to me numbers can be figured in different ways and as a county under development pressures we are within the same line as other counties that have similar pressures," Melzer said. "I know my residents are very grateful."

Stuart News, The (FL)
June 30, 2000

LEGAL EXPENSE REPORT DRAWS COMMISSION FIRE
Author: Paul T. Rosynsky

STUART - A report detailing how much County Attorney **Gary Oldehoff** spent on outside legal help last year sparked a political storm Thursday as county commissioners argued over its content and purpose. In an 11-page report to County Commissioner Dennis Armstrong, who requested the numbers in April, the county attorney's office said it spent more than $300,000 in 1998 and 1999 on outside legal firms to help the county defend against more than 10 lawsuits. But the amount of money spent and the number of lawsuits defended became secondary issues for Armstrong, who said the report did not adequately fulfill his request. "It wasn't exactly what we were looking for," he said. "All the information requested wasn't there." Armstrong, along with fellow county minority member Commissioner Elmira Gainey, asked **Oldehoff** in April for a detailed description on how much his office spent for outside legal help since the 1996 elections, when Commissioner Donna Melzer took office, forming a commission majority committed to slowing growth in the county.

Their request was sparked by a report from the Palm City Chamber of Commerce that claimed the county spent nearly $2 million on outside help defending laws passed by the commission majority - made up of Melzer and Commissioners Marshall "Bud" Wilcox and Janet Gettig. It was also prompted by Lee Weberman, a former county engineer who is challenging Gettig for her District 3 commission seat. Weberman complained to the commission that **Oldehoff** was denying his repeated requests for the information about legal expenditures.

On Thursday, Weberman and Armstrong said they wanted the information because residents repeatedly ask how much the county is spending. "Everywhere I go, people ask me, they want to know how much we are paying for lawsuits," Weberman said. "It's an election issue." But Gettig, who defended the costs in a letter to the Palm City Chamber of Commerce, accused Armstrong of using the report to strengthen Weberman's campaign. "Dennis is very involved in a political campaign this year," she said. "In this election year, he is all of a sudden involved in every single issue." Gettig said she did not see Thursday's report and couldn't comment on it, but said money spent defending Martin County laws are a tiny portion of the overall county budget. "Caving in to preposterous developer's plans ... would be nothing short of gutting the Comprehensive Plan," she said. "I believe the county Comprehensive Plan policies are worth defending and fighting for." Melzer and Wilcox could not be reached for comment. Senior Assistant Attorney Fred Van Vonno, who wrote the report, did not return phone calls.

Stuart News, The (FL)
May 9, 2000

DENVER LAWYER URGED AS AIRPORT COUNSEL
Author: Jerry M. Gutlon

STUART - Martin County Attorney **Gary Oldehoff** today plans to recommend the County Commission hire a Colorado-based law firm as legal consultants for issues concerning Witham Field. After a search of several weeks, **Oldehoff** wants the board to retain the law firm of Cutler & Stanfield of Denver to act as the county's attorneys in matters involving the airport, which has been the center of controversy for several years. **Oldehoff** specifically named attorney Peter Kirsch of the firm as a lawyer well versed in aviation-related matters.

In a memorandum to the commission, **Oldehoff** wrote that he has worked out a financial agreement with Cutler & Stanfield for a basic rate of $225 an hour to serve as special counsel to Martin County. **Oldehoff** suggested the commission allocate as much as "$50,000 to $75,000" for legal fees, although he said that "the actual expense could be lower or higher" than that range. He also pointed out that the commission hadn't budgeted for special counsel.

Oldehoff said Cutler & Stanfield has an extensive track record of representing municipal governments on airport- and aviation-related matters. Among Florida-based municipalities the Denver firm has represented are Palm Beach County, Boca Raton and Naples. "Eighty percent of Cutler & Stanfield's airport work is representing local governments throughout the United States," **Oldehoff** said. The criteria **Oldehoff** utilized in selecting potential legal representation included "experience with local governments, citizens' groups, pilots, and the Federal Aviation Administration."

Among the local issues **Oldehoff** noted that Cutler & Stanfield could assist on, he cited "noise abatement and reduction; weight and size restrictions; restrictions on touch and go operations; curfews; redrafting and updating the County's airport ordinance; assistance with Part 150 and Part 161 studies and related remedial options based on such processes." **Oldehoff** wrote that he thinks the Denver firm has experience in all the areas of concern the commission is grappling with. "Mr. Kirsch and the firm have extensive experience in each of the areas of particular concern to the board," **Oldehoff** wrote. "I am confident that Mr. Kirsch and his firm can give the county the kind of representation it desires."

Oldehoff said he began his search by surveying nearby local governments. He then made additional contacts within the legal realm and searched literature and databases. Ultimately, **Oldehoff** said he narrowed the field of candidates down to four firms: Spiegel & McDiarmid of Washington; Cutler & Stanfield of Denver; Winthrop, Stimson, Putnam & Roberts of Washington; and Schnader, Harrison, Segal & Lewis of Philadelphia and Washington. The county attorney wrote that lawyers with the experience and reputation of the finalists he cited don't come cheap. "Lawyers and law firms of this stature from cities like Denver, Washington, and Philadelphia come with a premium," he wrote.

Stuart News, The (FL)
April 19, 2000

COUNTY COURT COSTS TO BE EXAMINED
Author: Jerry M. Gutlon

Commissioner wants spending breakdown on outside attorneys

STUART - At the behest of Martin County Commissioner Elmira Gainey, County Attorney **Gary Oldehoff** has been instructed to compile a breakdown of all the public funds spent on outside attorneys and lawsuits the county is involved in. Lee Weberman, a candidate for incumbent Commissioner Janet Gettig's District 3 seat, broached the topic after The Stuart News/Port St. Lucie News published a story Tuesday recounting expenditures of nearly $2 million for outside counsel to defend the county in more than 40 lawsuits.

According to figures compiled by the Palm City Chamber of Commerce, Martin County has spent more than $1.4 million on one zoning lawsuit alone. The suit - which was initially lodged against Martin County in 1994 - involves a proposed upscale housing project that developers wanted to build straddling the county line with Palm Beach County. Martin County officials denied the zoning change request, effectively killing the project. The developers sued the county, initially winning a judgment of $200,000. Ultimately, attorneys for the county convinced an appellate judge to cut the amount of damages in half. At one point, the U.S. Supreme Court denied a request to review the case, but the litigation continues.

Last week, Weberman asked **Oldehoff** for a breakdown of legal fees the county has spent on outside representation. In a letter to Weberman, dated April 6, **Oldehoff** said he didn't have to provide Weberman with a summary of outside legal costs because "a public record is a document which already exists." When **Oldehoff** verbally requested the county records late in Tuesday's meeting, **Oldehoff** repeated his contention, telling Weberman that he was under no obligation to draft a new document in response to Weberman's "Sunshine Request."

In an earlier letter Weberman wrote to County Commission Chairman Marshal "Bud" Wilcox, Weberman requested estimates of the money on in-house counsel on an hourly basis. He said he never received a response. If it hadn't been for Gainey, Weberman would still be waiting for an answer. When Weberman, who is resigning his job as a county engineer to campaign full time, asked **Oldehoff** to respond to the request, **Oldehoff** refused to give Weberman a straight-from-the-shoulder answer. "Mr. **Oldehoff's** response was cute, but non-responsive," Weberman said. Turning to Wilcox, Weberman asked him to direct **Oldehoff** to gather and release the data. Wilcox didn't respond to Weberman's plea. Instead, he issued a lesson in the political realities of Martin County. "You've been around long enough," said Wilcox. "You know how it works. You (can) make your comments but we don't need to answer you right away." **Oldehoff** appeared heartened by Wilcox's response but the attorney's relief proved short-lived. Gainey then announced that she wanted the data, too, and instructed **Oldehoff** to compile the information. In other action Tuesday, the commission:

*Voted unanimously to have county growth management staff provide Jensen Beach's Neighborhood Advisory Committee with a complete set of updated land development regulations - something committee members said they have been seeking for two years.

*Granted Commissioner Donna Melzer, who represents Palm City and western Martin County, $135,000 for renovations designed to slow traffic on Murphy Road. However, Melzer - who was looking to secure a "no strings" funding source - was foiled, as fellow commissioners refused to give her the money outright. Instead, Martin County "loaned" Melzer the money, which must be paid back from district funds within three years.

*Continued the tedious process of refining the proposed stormwater regulations, as well as the pending revisions to the county's zoning ordinances.

Stuart News, The (FL)
August 4, 1999

COUNTY TO WAIVE SELECTED BUFFERS
Author: Dan McCue

An internal report blamed staff members for erroneous advice over the years on wetlands rules.

STUART - The Martin County Commission on Tuesday blamed staff members for years of bad advice to local waterfront property owners seeking to build near wetlands. As an act of contrition, the commission voted to waive a 25-foot wetland buffer requirement for some of the residents. "What we have here is a half-dozen instances - and there are probably many more - where people were given an interpretation of our wetland protection buffer rules and relied on what they were told by county staff to make decisions about what land to buy and what they wanted to do with their property," Commissioner Janet Gettig said. "If staff presented these people with erroneous information, I think we're obligated, as a board, to try and do something to rectify the situation," she said. "With that, though, people have to understand that from this day forward, the staff's been put on notice - they have to follow what's been represented in our ordinances."

In an internal report, County Attorney **Gary Oldehoff** and acting Growth Management Director Nicki Van Vonno assert that for more than 15 years staff members erroneously informed local waterfront property owners about setback requirements under the county's Comprehensive Plan. In essence, these homeowners were first told they could develop their land as they saw fit, then told they couldn't. It wasn't until the new wetlands protection ordinance was adopted in mid-June that some began to have second thoughts about advice they'd received.

Donna Clasen, a zoning technician with the county's Growth Management Department, dismissed the charge that staff foul-ups are to blame for the wrong advice. "What I see here is a deliberate case of obfuscation," Clasen said. "It is a cavalier attempt to cast blame when none is deserved. "I believe this is being done to protect someone higher up," Clasen said. Ever since the new wetlands protection ordinance was adopted, the county's Growth Management Department has been contacted by waterfront property owners seeking clarification and relief from some of the requirements. Van Vonno said most people who've contacted her department own single-family waterfront lots that were legally bulkheaded and border man-made canals. In many cases, the property owners had received incorrect information on setback requirements from county staff, she said.

The **Oldehoff**/Van Vonno report found the property owners typically were not told their land was subject to the Comprehensive Plan's wetland buffer requirements. The county's Comprehensive Plan requires a wetland buffer of 25 feet on lots with a 10-foot setback, though the Board of Zoning Adjustments may reduce the requirement by 5 feet in some cases. Residents such as Frank Carofano of Hobe Sound say they were told by county staff - in writing - that they could have buffers of as narrow as 15 feet. "It's a devastating situation to be in," Carofano said.

"Here you plan for something to enjoy later in life, and when you finally get around to doing it, you're informed the county was wrong and you can't do to your property what you thought you could." After an extended debate in which Commissioners Elmira Gainey and Dennis Armstrong lobbied for a major revision of the wetlands protection rules, the commission voted 3-1, with Armstrong dissenting, to waive the 25-foot wetland buffer in cases in which the property owner shows:

*The lot is single-family residential.

*The lot is on a canal.

*The lot has been stabilized by a legally constructed bulkhead, retaining wall or other shoreline protection structure.

*The owner before July 1 was told by the county, verbally or in writing, that the lot could be developed without any wetland buffer.

*The owner bought the lot, designed a home and applied for permits on the basis of advice from county staff.

Commissioner Marshal "Bud" Wilcox was ill Tuesday and not at the commission meeting. After the vote, Armstrong said he was worried the exemptions would create a bigger mess in the long run by granting some land owners special privileges. He proposed that all legally permitted lots with legal bulkheads on man-made canals be exempt from shoreline and uplands setback criteria, but that motion failed to win the support of anyone but Gainey. Like Clasen, Morris Crady, a former county planner, said staff members should not be criticized for the misunderstandings. "We spent a lot of time talking about this," he said. "I don't think it was a case of our interpreting the rules incorrectly. ... I think it just didn't make sense to apply the buffer rules in instances where the shoreline had been hardened already with a buffer."

County Administrator Russ Blackburn said he didn't think the **Oldehoff**/Van Vonno report blames only the staff. "It makes everybody look bad," he said. **Oldehoff** agreed. "We never intended to cast blame," he said. "What happened in the past happened. Our sole intent was to determine where the county went wrong and set standards to assure it never happens again."

Stuart News, The (FL)
June 17, 1999

15% RAISES DON'T AMUSE CHAMBER
Author: Dan McCue

2 increases to cost county $38,000 STUART - When it was his turn to speak at the Stuart/Martin County Chamber of Commerce meeting Wednesday morning, Commissioner Dennis Armstrong got a big laugh with a joke most in the room thought wasn't funny. "I told them the raises we doled out the night before were just in keeping with the cost of living," Armstrong said. "And they told me, "Nobody in the private sector is giving out the kind of raises we do,'" he said.

On Tuesday night, Martin County commissioners voted 3-to-1, with Armstrong dissenting, to increase the base salaries of County Administrator Russ Blackburn from $97,650 to $114,000 and County Attorney **Gary Oldehoff** from $89,880 to $112,000 - an increase of about 15 percent and the second hefty raise for both men in the past six months. In support of the increases, Commissioners Marshal "Bud" Wilcox, Janet Gettig, and Donna Melzer said they were a reward for the work the men have done and an incentive to keep them from leaving. They backed up their contention with supplemental memos comparing **Oldehoff**'s and Blackburn's salaries with their counterparts in other parts of the state.

Charlotte County, for instance, which has a population of 110,975, pays its county attorney $114,343. Clay County, which has a population of 105,986, pays its county attorney $117,223. Indian River County, with a population of 90,208, pays its attorney $95,298 annually. But Armstrong said such comparisons were weak because they only showed base salary and did not provide any information on the size of the staffs being supervised. "Both our county administrator and our county attorney just received 7 percent raises not that long ago," Armstrong said. "Now we go and double those increases." "What kind of message are we sending to people?" he continued. "Are we now going to turn around and give everybody a 15 percent raise?" None of the commissioners who voted in favor of the pay raises could be reached for comment Wednesday, but Commissioner Elmira Gainey, who left Tuesday's meeting before the vote, was outraged. "We were only supposed to discuss their evaluations, then I come in this morning and discover my colleagues handed out a big fat raise," she said. "It's unconscionable." **Oldehoff** and Blackburn did not return phone calls Wednesday.

John Catrambone, president of the Stuart/Martin County Chamber, said his board members laughed at the raises, but didn't think they were funny. "I'll tell you one thing, our commissioners certainly aren't business people," Catrambone said. "They think they can do anything they want with taxpayers' money because they don't have to answer to a board of directors. "Well, soon, thankfully, they'll have to answer to the voters," Catrambone said.

Stuart News, The (FL)
March 19, 1999

PAY INCREASE EXPECTED FOR TOP ATTORNEY
Author: Dan McCue

Oldehoff overdue for review

STUART - Martin County's top lawyer is scheduled to receive a $4,200 pay raise next week, although he has yet to have the annual performance review called for in his contract. The raise would increase County Attorney **Gary Oldehoff**'s salary from $84,000 to $88,200, and be retroactive to the date of his first anniversary on the job, June 1, 1998. The retroactive pay is necessary because county commissioners are now nine months late in their evaluations, which **Oldehoff** concedes have not been done - at least in a formal manner. "I have received feedback from commissioners as they saw fit to give it to me," **Oldehoff** said. "I've sat down with some commissioners on occasion and talked about things. But, honestly, some of those discussions have been informal in nature, talking while we're walking down the hall, that kind of thing."

Commissioner Marshal "Bud" Wilcox, who is pushing for **Oldehoff's** raise, praised the attorney for his "tireless work" and "the level and quality of the legal counsel" he's given the County Commission. But although they say the five-member board will approve the raise at its Tuesday meeting, commissioners Dennis Armstrong and Elmira Gainey said Thursday they'll likely be voting against the proposal as well as an attached proposal that would amend **Oldehoff's** contract to mandate automatic raises in the future. "Frankly, I don't think he's done that great a job," Armstrong said.

Wilcox wrote in the raise proposal to be considered by the commission, "I have discussed **Oldehoff**'s performance with him and I believe my fellow commissioners have done so as well." But formal evaluations are another matter. Last July, in keeping with **Oldehoff's** contract, County Administrator Russ Blackburn asked commissioners to prepare reviews of the attorney's performance. Seeking to have those reviews done in a timely fashion, Blackburn requested they be completed by Oct. 1, 1998. As of Thursday, however, Armstrong's evaluation of **Oldehoff** was still sitting on his desk, and Gainey was hard pressed to find hers. "I did do one. I wrote down some comments regarding things I wasn't pleased with, but I never did anything with it," she said. **Oldehoff's** situation mirrors Blackburn's, who four months ago received a pay raise from commissioners without any formal review of his performance.

The raise increased Blackburn's annual salary from $93,000 to $97,650. **Oldehoff** supervises a staff of 10 - four lawyers and six staff people. He said a "fair amount" of his time each day is spent meeting with commissioners, commission staff, administrators and the general public on legal matters pertaining to the county. "I can literally arrive at work in the morning with nothing specific on my agenda and wind up leaving at the end of the day having had a full day of meetings and discussions," **Oldehoff** said.

Wilcox is unreserved in his praise of **Oldehoff**, saying the attorney's counsel and advice has been invaluable to the board. Asked to evaluate his own performance, **Oldehoff** was reserved. "I have a fairly strong sense of Christian values and normally don't tout my own accomplishments," he said. "I'd prefer just to say I've worked hard to be of benefit to the county and the county commissioners." Wilcox told fellow commissioners that a 5 percent increase would be consistent with raises given county attorneys in the past. He's also proposing to change **Oldehoff's** contract in regard to future salary increases.

When Blackburn took his job in summer 1997, his contract included a provision that gives him a 5 percent pay raise if the commission failed to evaluate his performance in a public meeting before his anniversary date. "That contract was a sample take from the International City and County Managers Association," said Cynthia Morris, the county's human resources specialist. "It is used in other areas." Wilcox said a change in the attorney's contract will prevent such a delay from happening again. "Mr. **Oldehoff** should not have had to wait this long for a raise he deserves," Wilcox said. Armstrong thinks the change would be a mistake. "Essentially then, a raise is a slam-dunk," he said. "Evaluations are a mechanism for employees to improve their performance."

The Palm Beach Post
December 28, 1998

OLDEHOFF IS MARTIN'S WISE MAN
Author: Howie Paul Hartnett

Everybody does it at least once each Martin County Commission meeting. Someone will say something, then look immediately at County Attorney **Gary Oldehoff**. Sometimes they look for confirmation. Sometimes for information. And sometimes they look to the county's top legal adviser to play the heavy. It's up to **Oldehoff** to tell a resident that the law won't allow a sea wall or a development of some kind. He doesn't mind being the messenger, though. It's part of the job. ``I don't have an opinion until the county commission tells me what it is," **Oldehoff** likes to say. But he is probably the only employee in the county who can tell commissioners no. More often than not, they heed his advice. ``I think we have to have a stronger reason not to follow his advice now than before," said Commissioner Donna Melzer. ``We don't have the give-and-take leeway anymore."

Blame it on a growing hypersensitivity to liability and lawsuits in society. Blame it on CourtTV and Judge Judy and books by John Grisham. Whatever the reason, the results are clear: More people are filing more lawsuits. Martin County has about 25 suits pending, ranging from developers challenging development laws to residents upset over the configuration of a county ballpark that means foul balls land in their back yards. Litigation is just one part of what **Oldehoff** and his four assistant attorneys handle daily. Every county contract and practically all memos bear the mark of the legal department. County staffers and commissioners also lean on legal staff for research.

By comparison, Stuart City Attorney Carl Coffin doesn't feel like his workload has increased that much the past 10 years. He also hasn't gotten a sense from city commissioners that they want him to increase his presence. ``I haven't been putting words in their mouth, but in **Gary**'s case it's probably an excellent idea," he said. Coffin was referring to **Oldehoff's** efforts to help commissioners craft motions using appropriate language, something Coffin doesn't generally do for city commissioners. Despite having a hand in almost all the county's pies, **Oldehoff** sees only his role, not his power, growing. ``I think that there has been more of a desire by the county commission, county administrator and staff to have the county attorney's office involved because they value the judgment of the legal department," he said. ``I don't think I make policy, but I may be asked to help them explore (an issue) so they can make a policy choice."

Melzer agrees with **Oldehoff's** job assessment and trusts his judgment. ``There are a tremendous number of court cases out there and if our attorney isn't up on them, we could lose our comprehensive plan," she said. ``(**Oldehoff**) has been through some really heavy-duty cases dealing with growth management issues. I think he's very professional." She may get an argument from Commissioner Dennis Armstrong. ``I'm not real comfortable with some of the advice he gives," Armstrong said. ``Sometimes it seems like he gives us a lot of juicy legalese but you can't figure out what he says you can or cannot do." **Oldehoff** also has a tendency to

stretch a law beyond its intent to fit the desires of the commission, or rather that of three commissioners, Armstrong said.

It's no secret Martin County politics are polarized, with Commissioners Melzer, Janet Gettig and Marshal ``Bud'' Wilcox on one side and Armstrong and Elmira Gainey on the other. In general, the majority favors environmental issues, while the minority favors business issues. Outside of feel-good proclamations and issues of universal urgency, the commission typically votes 3-2. ``I've worked under several city and county attorneys,'' Armstrong said. ``In my estimation, the best one I've worked under is Carl Coffin at the city. He would lay out the parameters. I liked that. I don't get that type of feeling with **Gary**.' 'tell them the law.''

Stuart News, The (FL)
May 13, 1998

INCREASE OK'D FOR LAWYER'S BUDGET
Author: Kevin Osborne

County commissioners approved the 157 percent increase amid a debate about county priorities and spending practices. STUART - County commissioners Tuesday approved a 157 percent increase in the county attorney's budget, but not before a heated debate about how the county sets priorities and spends money. Two commissioners spoke against the budget increase, saying legal spending is out of control. A commission majority, however, supported the increase. They called it essential to protecting Martin's quality of life and accused their colleagues of opposing the action solely for political purposes. Commissioners will use emergency reserve accounts to pay for the increase, possibly tapping a natural disaster fund.

In a 3-2 vote, the commission approved raising the county attorney's budget for litigation from $176,000 to $450,000. Commissioners Dennis Armstrong and Elmira Gainey were opposed. Until the pair pulled the item, commissioners weren't scheduled to discuss the increase before making a decision. It was part of the group's consent agenda, a slate of unrelated items that are approved by a single vote and without comment. "I am very concerned about the amount being expended and the number of attorneys being hired," Gainey said. "There's no limit. Everything is sort of wide open at this point. I'd like to see how we can put a limit or get a handle on this." Other commissioners questioned their motives, noting both Armstrong and Gainey are seeking re-election this year. "How are we to handle lawsuits when we are sued? Are you in favor of simply abandoning our rights?" asked Commissioner Janet Gettig, who supported the increase. "We are not the plaintiffs in the majority of these cases ... please represent the facts and not the politically expedient thing to say."

County Attorney **Gary Oldehoff** recommended against imposing a strict cap on spending, adding it would hamper legal strategies in the cases. "No lawyer would ever advise his client to proceed with one hand tied behind his or her back. The risks are too great," he said. "I have made and will make every effort to keep costs down." County budget documents indicate that most of the increase is needed because of three cases:

*An annexation dispute with the city of Stuart;

*A zoning violation against Pioneer Concrete Tile in Hobe Sound;

*A dispute with a developer who wants to build on land known as Section 28, near Jonathan Dickinson State Park.

Armstrong said the annexation and Pioneer cases were filed in response to actions the county had taken. Martin often becomes involved in litigation when there are other options such as mediation, he said. "I am certainly not suggesting we don't have suits. I'm suggesting that, at

some point, we prioritize these suits," Armstrong said. "The money just isn't there. We need to pick and choose our fights, and we need to pick the fights on (the basis of) the ones that most affect (residents) ... Now we're spending the money on any and all of them."

Commissioner Marshal "Bud" Wilcox likened some of the cases to being hit in the nose. The county has no choice but to fight back and must defend its zoning and development rules, he said. "If you have a high profile and are in business, you're going to get sued," he said. Then, primarily to Armstrong, he said, "I'm not running for office, so I'll call it like it is. This is baloney!" "There are more important things to spend our money on," Gainey said, citing libraries and a regional park. "To say this is politically motivated is absurd." Armstong criticized the all-GOP commission for not upholding Republican ideals. "Yeah, I guess it is political," Armstrong said. "It goes to the heart of what it is to be a Republican, less government and less taxes. I didn't see that at last budget time, either."

Last fall, Armstrong was the sole vote against a $251 million county budget, which included an 11-percent average increase on the part of the tax bill that is controlled by the county. Commission Chairwoman Donna Melzer said money spent on legal fees can yield great savings if it used to prevent bad developments that spark the premature expansion of sewer and water systems. The nation relies too heavily on lawsuits to solve disputes, and Martin County is falling prey to the trend, Gettig said. She wanted the commission to take another approach to reducing costs. "I would like to hear an impassioned plea for the public not to sue the county," Gettig said. "That might work a little better."

The Palm Beach Post
May 13, 1998

COMMISSIONERS CARP ABOUT REQUEST FOR MORE CASH FOR OUTSIDE COUNSEL
Author: Howie Paul Hartnett

County Attorney **Gary Oldehoff**'s request for more money to continue fighting lawsuits touched off a battle of its own among Martin County commissioners Tuesday. While some called the $275,000 for additional outside counsel and expert witnesses necessary, other commissioners said it was ``appalling." The request was approved 3-2, with Commissioners Elmira Gainey and Dennis Armstrong dissenting. ``We can't ask our community to continue funding all these legal expenses," Armstrong said. ``It just seems like this is a bottomless pit." Roughly half of the county's 32 active lawsuits use outside attorneys. As of April 26, the county attorney's office had spent $165,177 of its $176,324 outside counsel budget for the year.

Most of that money went to new lawsuits opposing Stuart annexations and new work on the Section 28 development case, **Oldehoff** said. But those and many other pending cases deal with the county's long-range planning document, which must be defended, Commission Chairwoman Donna Melzer said. ``It is pretty amazing that commissioners don't want to support the things that the people hold dear." Commissioner Janet Gettig wondered how much of the concern was from ``Commissioner Armstrong" and how much was coming from ``Candidate Armstrong." ``I think this concern is politically motivated," Gettig told Armstrong, who is seeking re-election in the fall. ``I would like to know what your solution is." Make a decision and stick with it, Armstrong said. ``Every year we have our budget hearings and that is the forum where we determine what we need and want and how to fund them," he said. ``My problem is now in mid-stream we're trying to reprioritize."

The only thing Armstrong wants to reprioritize is the importance given to existing cases. Fight the big cases and settle the little ones, he advised. Commissioner Marshal ``Bud" Wilcox said the idea ``sounds a little stupid." ``I`m not running for office (this year) so I'll tell it like it is: This is baloney," he said. ``If you have a high profile and you're in business, you're going to get sued."

Stuart News, The (FL)
May 10, 1998

COMMISSION MINORITY CRITICAL OF COUNTY ATTORNEY'S METHODS
Author: Kevin Osborne

STUART - The Martin County Commission has run afoul of state law in the past over the method it used to settle lawsuits, and some commissioners say the county almost did it again. But the county's attorney says he never planned to discuss a settlement offer outside meetings prescribed by law. Even if County Attorney **Gary Oldehoff** had reviewed the offer individually with commissioners, the state attorney general's office says it wouldn't have been necessarily illegal. But it would be easy for the conversation to stray into areas that would violate open-meeting laws, said Pat Gleason of the attorney general's office. For that reason, many local governments avoid separate sessions between elected officials and lawyers, Gleason said.

Last week, a former Martin County department head offered to drop his federal lawsuit against the county under certain conditions. County commissioners were told of the offer Wednesday, 13 days after **Oldehoff** received it. **Oldehoff** then scheduled appointments with each commissioner for the following day. "We were told it was to review the offer," said county Commissioner Elmira Gainey. "I was disturbed by that and with the delay in getting the offer in the first place." The use of separate meetings with commissioners also was met with skepticism from Barbara Petersen, director of the First Amendment Foundation in Tallahassee. Separate meetings could be a way for the county attorney to function as a liaison between commissioners, which is illegal, Petersen said.

Oldehoff said reviewing the offer wasn't his intention. Instead, he wanted commissioners to meet an outside attorney they hired to handle the case. "He was going to be here working on the case anyway, so I thought it would be good to introduce him to all of the commissioners," **Oldehoff** said. The length of the introductions varied widely among commissioners. Gainey's private session with **Oldehoff** and the attorney took about 10 minutes, but a meeting with another commissioner directly involved in the lawsuit lasted about an hour. Gainey and Commissioner Dennis Armstrong, who make up a commission minority at odds with how the board handles many issues, said conflicting information might have been given to some commissioners. Separate meetings to discuss a lawsuit are uncommon, Gleason said. The state's open-meetings law prohibits members of a commission from having private conversations about issues that will be voted on later. To discuss pending lawsuits, it recommends commissioners meet jointly in a closed-door executive session. However, any decision on a settlement must be voted on publicly.

Last year, commissioners settled a lawsuit with an area newspaper after it was revealed the group had a history of illegally voting on lawsuits in private. "There's nothing illegal with meeting individually, per se, as long as a person isn't used as a liaison or a decision isn't made," Gleason said. "I think a lot of counties prefer to do it together in a client-attorney session for that reason. "Presumably, the county attorneys are careful to know what the limitations are," Gleason added. "All it would take is one word, and they'd have a real problem."

Oldehoff said the delay in getting the offer to commissioners was caused by scheduling problems. "We haven't deviated at all with the way we've dealt with other settlement offers when they come in," **Oldehoff** said. "We work with the person who submitted it to find out when we can get them all together" for an executive session. The offer to settle was made by Mike Sinkey, the county's former building and zoning director. Sinkey sued Martin County under the state "whistle-blower law," alleging he was improperly demoted last year after accusing commissioners of wrongdoing. Commissioners are scheduled to discuss Sinkey's offer Tuesday in a closed-door session.

The Palm Beach Post
May 6, 1998

MARTIN COUNTY COMMISSION

STUART - Commissioners took action Tuesday on the following issues: Coquina removal: Decided to start a program to remove coquina rock from unpaved roads in Martin County. The commission also decided to try an experimental procedure sealing coquina to the road along a mile stretch of North Boat Ramp Road. With the coquina gone, dirt roads will need grading at least once a week.

Legal: Granted County Attorney **Gary Oldehoff** the power to file another lawsuit against Stuart for adding county land to the city. The additions, approved by the city commission April 13, are the latest in a series. County commissioners believe the additions violate city law. **Oldehoff** also got permission to take legal action to stop an adult bookstore from opening in Port Salerno. County officials believe the store is too close to a gymnastics school. State law bars adult businesses within 1,000 feet of education centers.

Indian Riverside Park: Approved a scaled-down $3 million first phase for Indian Riverside Park. Some amenities, such as shoreline restoration, will be moved to future phases. Officials hope civic groups will help with other improvements, such as landscaping and picnic tables. The commission also directed county staffers to investigate buying land north of the park for parking and other uses.

Indian Street: Agreed to widen Indian Street between Kanner Highway and U.S. 1 from two to four lanes, which would allow Willoughby and other developments pending along Indian Street to expand.

The projects have been stalled since December 1996 when the county found its vehicle capacities for many county roads too low to allow for new developments. But part of Willoughby's agreement with the county charges the county with adding two lanes to Indian Street when necessary. The capacity problems have made it necessary.

The Palm Beach Post
September 17, 1997

MARTIN PAYS TWO LAWYERS $12,000
Author: Stephanie Desmon

Martin County paid more than $12,000 to a pair of Boca Raton lawyers in July and August for advice on growth management issues. Commissioners voted Tuesday to spend far more than that in coming months if needed. They voted unanimously to allow County Attorney **Gary Oldehoff** to seek the opinions of the two attorneys, who earn as much as $175 an hour, on whatever issues he chooses, including development applications. No limit was placed on how much **Oldehoff** can spend.

The county attorney's office has been running at half-staff for months since the resignations of County Attorney Robert Guthrie in April and Assistant County Attorney Tony Mutchler in June. **Oldehoff** said those two positions - and a third authorized during the recent budget process - won't be filled until at least the end of October and it will take time for the lawyers to get up to speed. Martin County regularly hires outside counsel for assistance. The county seeks advice on bonds, airport litigation and telecommunications issues, among other matters. Large trials are often handled by other attorneys. **Oldehoff** said he doesn't know how much the advice costs the county each year since different departments pay the bills.

Commissioner Elmira Gainey said she was worried about the apparent blank check being given to **Oldehoff**. ``I see it as an open-ended funding source that you have here," she said. Commissioner Donna Melzer, whose idea it was to increase the workload for the attorneys from Burke, Weaver & Prell, defended the move. ``It's not like he thinks he can make $1 million with this and walk away with it," Melzer said. ``He's very aware of our budget.

Palm Beach Post, The (FL)
August 24, 1997

LOOPHOLE LETS ATTORNEYS SPEND TAXPAYERS' CASH
Author: GLENN HENDERSON

Now, let me see if I have this straight. The Martin County Commission is responsible (is that too strong a word?) for spending the public's money in a manner that's sane and rational (OK, I know those words are too strong). With that in mind, we have this new policy adopted by commissioners in which they allow attorneys to decide how much of the public's money to spend. If YOU don't have a problem with this, then ... well ... you must be an attorney.

Commissioners have had trouble obeying Florida's Sunshine Law, which requires them to do their business in public view. One such problem involves the county's policy for settling lawsuits exceeding $5,000. The state says commissioners have to approve those settlements. The thinking here - probably good thinking - is that elected officials should have a say-so when large amounts of money pass from the public till into private hands. But the state's ruling used the word "approve" instead of "vote." And that ambiguity gave the county's attorneys, with some crafty assistance from Port St. Lucie's city attorney, the loophole they sought. So new Martin County Attorney **Gary Oldehoff** recommended, and commissioners approved without discussion, this new policy in which they hold public hearings on the settlements - but without voting on the recommended amount. That "non-vote" will be accepted as de facto approval of the proposal agreed to by attorneys for the county and the county's insurance carrier.

Commissioners will be giving their "approval" by, in reality, sitting on their hands. I am troubled by a number of things here, perhaps the biggest of which is this scary precedent of giving unparalleled significance to commissioners' inactivity. Can you imagine the scenarios?

Attorney: "Mr. Chairman, I recommend we pay this poor individual who stubbed his toe while distributing copies of the grand jury report throughout the county the sum of $375,562.13, along with 10 free copies of your new book, The Dark Side of the Sunshine Law."

Commissioners (sitting on hands): . . .

Attorney: "OK, thank you very much."

County administrator: "Commissioners, I suggest you approve a policy in which all employees whose names rhyme with `Stinky' be assigned to the Palm City Landfill, where their new duties will be to measure and document all bad smells."

Commissioners (gazing at the ceiling): . . .

County administrator: "OK, thank you very much."

Growth management director: "Commissioners, in view of how much you dislike vehicles using our highways, I suggest we put tollbooths at the county line and start demanding passports before allowing cars driven by Port St. Lucie residents to enter Martin County."

Commissioners (fumbling with their car keys): . . .

Growth management director: "OK, thank you very much."

As you can see, we have a problem on our hands.

Unless someone takes action - for real.

The Palm Beach Post
July 26, 1997

FLORIDA BAR CLEARS MARTIN ATTORNEY OF LYING IN DOCUMENT
Author: PAT MOORE

A Florida Bar committee has cleared Martin County Attorney **Gary Oldehoff** of any wrongdoing stemming from a complaint a developer filed against him in February. Woodrow Kantner, who sued the county in 1994 over the development of a marina, accused **Oldehoff** of lying in a court document about the date he received a letter from the Department of Environmental Protection regarding the review process for the project.

Oldehoff denied Kantner's accusations, calling them unjustified and intended to punish him for representing the county in the litigation. "That's great," **Oldehoff** said Friday, when told of the committee's decision. "I was confident once the committee looked at the complaint and reviewed it they would conclude as they did." Kantner's attorney, Tim Wright, said he was disappointed "because it means the committee found one of two things - either I'm lying when I told them (**Oldehoff**) knew about the letter and swore under oath he didn't or they don't care if he lied."

Kantner, who recently pledged $300,000 to a California foundation that plans to open an office in Stuart to fight environmental and growth-management laws, said he also was disappointed. "It was an absolute lie," he said. He accused **Oldehoff** of stating in court papers that he received a DEP letter notifying Kantner his marina project did not need to go under strict review more than a year after **Oldehoff** received a copy from Wright's office.

Oldehoff told the Florida Bar he couldn't find the letter when he initially responded to the court document. County commissioners were unaware of the Bar complaint against **Oldehoff** until a week after they selected him as the new county attorney in June. He said he assumed former County Attorney Robert Guthrie had told them.

Stuart News, The (FL)
June 26, 1997

ATTORNEY REJECTS CONTRACT PROPOSAL
Author: Kevin P. Connolly

County Attorney **Gary Oldehoff** plans to make a counterproposal today. STUART - Newly appointed Martin County Attorney **Gary Oldehoff** has rejected a contract offered by county commissioners because he is "uncomfortable" with the employment terms proposed earlier this month. **Oldehoff**, who was offered a salary of $84,000, is expected to make a counterproposal to commissioners today. He declined Wednesday to detail the problems he has with the offer commissioners made June 9, when he was selected from a short list of four attorneys to serve as the county's top legal adviser. **Oldehoff**, an assistant county attorney since 1989, also declined to elaborate on possible details of his counterproposal, saying "it's too early to tell" what he might ask for. "I just want to carefully look at it," said **Oldehoff**, noting that he planned to review the issue with his wife before turning the proposal over to acting County Administrator Randall Reid.

Commissioners asked Reid to forge a tentative agreement with **Oldehoff**. They were expected to approve his contract Tuesday. Reid told commissioners in a memo Wednesday that **Oldehoff** has rejected their offer to extend to him the same contract they had with former County Attorney Robert Guthrie. Guthrie, who was hired in 1995, resigned under pressure April 1. "Mr. **Oldehoff**, in our discussions of this contract, has indicated that he is uncomfortable with the terms of Mr. Guthire's contract and has implied that "it is not well-written,'" Reid wrote. He told commissioners **Oldehoff** is comparing Guthrie's contract to proposals for other "public executives," including the agreement commissioners forged with incoming Administrator Russ Blackburn.

Blackburn, a deputy administrator for Loudoun County, Va., was selected over Reid for Martin's top post in May. He negotiated a $93,000 salary, which is $8,000 more than the last county administrator, the late Peter Cheney, was paid. Commissioners also agreed to Blackburn's request for a six-month severance package, which is two months longer than Cheney's. Blackburn, who starts in Martin County on July 5, sought the additional severance because of the county's high turnover of administrators. Reid told commissioners to expect that **Oldehoff** will "have similar concerns ... regarding the tenure of attorneys in Martin County," noting that **Oldehoff** was appointed by a 3-2 vote. In addition to Guthrie's former annual salary of $84,000, **Oldehoff** was offered a severance package equal to six months' pay - or $42,000 - if he is fired without cause during his first two years. The severance package drops to an amount equal to five months' salary if he is fired without cause during the third and fourth year of employment. It would drop to four months' severance after the fifth year. The county wouldn't have to pay severance if **Oldehoff** is fired "for cause." The offer also includes a $300-per-month car allowance, a deferred compensation program and 15 vacation days a year. Other benefits include life insurance, medical coverage and contributions to Florida's retirement system.

The Palm Beach Post
June 18, 1997

STOP POINTING AT ME, EX-COUNTY ATTORNEY SAYS
Author: PAT MOORE

Former Martin County Attorney Robert Guthrie, who resigned under fire in April, lashed out Tuesday at his former colleagues for pointing the blame toward him "every time someone panics over there." Guthrie said he was "startled" to learn that new County Attorney **Gary Oldehoff** blamed him for not telling commissioners a Stuart developer filed a Florida Bar complaint against **Oldehoff** in February. Guthrie reminded **Oldehoff** in a letter Tuesday that the two of them had agreed initially the complaint was "confidential" unless **Oldehoff**, the developer or the Florida Bar decided to release the information.

Once the complaint advanced to the grievance committee level - which occurred after Guthrie resigned - he said it was **Oldehoff's** responsibility to notify the commissioners. **Oldehoff** called Guthrie's accusations a "misunderstanding between the two of us." Guthrie said he will not let the criticism go unchallenged. "I want to say to you and the others that I will respond ... if a pattern emerges in county government that elicits a reflex response that points to my empty chair and suggests `he did it' every time someone panics over there," Guthrie wrote.

Commissioners criticized Guthrie earlier this year, claiming he gave them poor advice that caused them to violate the state's Sunshine Law when settling lawsuits in private. They also blamed him for their appointment of Joan Wilcox - wife of Commission Chairman Marshal Bud" Wilcox - to a county board in January in violation of the state's anti-nepotism law.

Stuart News, The (FL)
June 17, 1997

ETHICS COMPLAINT FILED ON OLDEHOFF
Author: Kevin P. Connolly

STUART - A developer who has clashed with the county in the past has focused his attention on County Attorney **Gary Oldehoff**, accusing **Oldehoff** of violating bar rules by lying and filing "frivolous" legal actions against him. Woodrow Kantner filed a complaint against **Oldehoff** with The Florida Bar Association in mid-February, alleging **Oldehoff** lied about the date he received a letter from the Department of Environmental Protection dealing with one of Kantner's developments. **Oldehoff**, recently appointed the county's top lawyer, said last week Kantner's allegations are false. He declined to elaborate. "I completely deny it. That's crystal clear," **Oldehoff** said.

At least one county commissioner contacted Monday said he would have preferred that **Oldehoff** disclosed Kantner's ethics complaint before commissioners promoted him from assistant to top attorney June 9. "Don't get me wrong, I believe that everyone is innocent until proven guilty," said Commissioner Dennis Armstrong, who voted against **Oldehoff's** promotion. "(But) in my mind, it's something that we should have known before we made our decision."

A Fort Pierce lawyer, Richard V. Neill Jr., is investigating the ethics complaint for the Bar's Grievance Committee, 19th Judicial Circuit. Kantner unsuccessfully sued the county in 1994 when commissioners didn't approve fully his development plans for 77 acres north of Kanner Highway and east of Interstate 95 along the South Fork of the St. Lucie River. The projects included a development called Lost River Cove, with 78 boat slips, which was the subject of the DEP letter.

Oldehoff received a copy of a June 9, 1994, letter from the DEP that said Lost River Cove didn't need to be reviewed as a "development of regional impact," a designation that requires scrutiny by a variety of local, regional, state and federal officials. Kantner says **Oldehoff** got a copy of the letter Sept. 22, 1994, and **Oldehoff** lied in a court brief when he wrote that he didn't get it until Dec. 14, 1995, the complaint alleges. **Oldehoff** said later he got the letter in January 1995, the complaint says. The original statement by **Oldehoff** "was not only a false statement, but it was a blatant lie," the complaint reads. Kantner "believes that Mr. **Oldehoff** acted unethically, and it cost him a lot of money to defend the case," said Kantner attorney Tim Wright of Stuart. **Oldehoff** filed a petition with DEP on March 15, 1996, in an attempt to overturn the DEP's decision. An administrative hearing officer upheld the DEP decision. But the DEP ordered a new hearing, which hasn't been conducted, Wright said.

In May 1996, a federal judge ruled against Kantner in his 1994 lawsuit against Martin County, rejecting the developer's claims that the county violated his rights when it didn't approve all of his plans for the Lost Lake projects. Kantner has asked that a federal appeals panel review that decision, Wright said.

Stuart News, The (FL)
June 10, 1997

COMMISSION CHOOSES NEW COUNTY ATTORNEY
Author: Kevin P. Connolly

STUART - Martin County commissioners Monday considered two other applicants before selecting in-house candidate **Gary Oldehoff** as their next county attorney. **Oldehoff**, an assistant county attorney since 1989, replaces former attorney Robert Guthrie, who was forced out by commissioners April 1. **Oldehoff**, one of four candidates who interviewed for the job, will make $85,000 a year, or the same salary Guthrie earned, commissioners decided. "It's glad it's over," said **Oldehoff**, who unsuccessfully tried for the job in 1995 when commissioners opted for Guthrie. "I look forward to being an effective county attorney for Martin County."

Oldehoff has been the interim lawyer since Guthrie's departure, and he made about $69,000 as an assistant attorney. Commissioners voted 3-2 for **Oldehoff**, with Commissioners Elmira Gainey and Dennis Armstrong casting the dissenting votes. The two commissioners pushed for candidate Joni Armstrong Coffey, an assistant attorney for Dade County since 1982, but a motion for her appointment died after the other commissioners - Marshal "Bud" Wilcox, Janet Gettig and Donna Melzer - voted against her.

The second motion for candidate Terrell Arline, the legal director for 1,000 Friends of Florida, a growth-management advocacy group, failed by a 4-1 vote, with Melzer offering the lone vote of support. "I would just reiterate the fact that Mr. Arline has a great deal of experience of being able to get up to speed on a lot of issues in a relatively short period of time," Melzer said. Melzer also said Coffey wouldn't be as dedicated to preserving Martin County's laws, noting that she has worked for officials in Dade County, who Melzer said have allowed unchecked growth and damage to the environment.

Melzer said Arline, a former lawyer with the Florida Department of Community Affairs, had the experience to shield Martin County's tough growth rules against attacks from developers. But Arline's lack of experience in other legal areas - such as labor relations, public financing and departmental operations - didn't sit well with other commissioners. "He doesn't have any experience in any of the other areas," Gainey said. "I can appreciate his land-use and urban design experience, but I think we need more than that in our county."

After the motions failed for Coffey and Arline, Gettig nominated **Oldehoff** for the post. During his interview, **Oldehoff** noted the cases he won when he worked as an assistant attorney in the Dade County legal department from 1984 to 1986. He also reminded commissioners about several of the land-use battles he has fought for commissioners during the past eight years. "I know Martin County, and I know local government law," **Oldehoff** said. "I have been involved in some of the most important cases in the state of Florida since the adoption of the Growth Management Act in 1985." None of the commissioners mentioned the fourth applicant, Maria Chiaro, the former attorney for the city of Naples.

The Palm Beach Post
August 2, 1990

LAWYER ASKS FOR PUBLIC MONEY TO DEFEND NEELY
Author: PAT PLARSKI

Before ordering Martin County taxpayers to pay a private attorney about $12,000 to represent Todd Patrick Neely in his second attempted-murder trial, a retired Broward County judge Wednesday said he wants to know if the Public Defender's Office will take the case. Stuart attorney Joseph Negron asked retired Circuit Judge John Ferris to appoint him as a special public defender, so taxpayers can pay him to defend the Stuart man who has run out of money to pay attorneys. But Assistant Martin County Attorney **Gary Oldehoff** said he would rather see the Public Defender's Office represent Neely, so the state would pick up the tab, not the county. "Until the public defender disqualifies himself or the defendant asks the Public Defender's Office (to withdraw), I don't think the court has much discretion in the matter," Ferris told attorneys in a telephone conference hearing Wednesday.

Public Defender Phil Yacucci said it makes sense to have Negron handle the case, "from a judicial economy point of view." Neely, 22, was convicted and sentenced to 15 years in prison after his first trial for the 1986 burglary and stabbing a Port Salerno woman, but the 4th District Court of Appeal last month ordered a new trial because prosecutors improperly withheld information from his attorneys that would have led to a second suspect.

Ferris scheduled Neely's new trial to begin Sept. 4 in Martin County, but Assistant State Attorney Richard Barlow said he will ask it be moved because publicity. Yacucci said his office is preparing for a first-degree murder trial in September and would be hard-pressed to prepare for the Neely trial by that date. Negron told Ferris he is the logical choice for the job because he assisted Stuart attorney Russell Ferraro in Neely's trial in 1987 and represented him during a weeklong hearing last year before retired Circuit Judge William Frye. Miami attorney Ellis Rubin has agreed to represent Neely in his new trial for free, and Dallas attorney Ed Sigel, who has represented Neely in several hearings, will participate in the new trial. But Sigel won't be paid, Neely's mother, Edith Crosley, said. "We aren't paying any of the attorneys in the new trial. There isn't any money left," she said.

Two months ago, Neely paid Stuart attorney Richard Kibbey an initial fee of $1,000 to represent him in a misdemeanor drunken driving case. That case is pending. **Oldehoff** said he wants to investigate Neely's financial obligations more thoroughly. "He was under age 21 in his past trial and I'd like to get more information as to whether he's on the hood for those payments, not his parents." Neely owns an $11,000 Ford truck, but he still owes $66,500 to Ferraro for representing him in his first trial, Negron said.

Edith Crosley said she and her husband, Lewis Crosley, already have paid more than $108,000 in legal expenses-- more than 90 percent raised through contributions to the Todd Neely Defense Fund. She said they consider all the donations loans, which they intend to repay. Barlow said he

believes it is illegal for Negron, who is running for the legislative seat held by state Rep. Jim Hill, R-Jupiter, to receive a salary from taxpayers while he is campaigning. But Negron said his law firm-- not himself-- would be paid to represent Neely.

Research Compiled by: Cara Slade
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 10

Peter "Pete" J. Sweeney

Fort Pierce City Attorney Candidate Report

Section 10

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Cover Letter and Resume

Peter J. Sweeney, Esq., B.C.S.

215 13th Avenue, Vero Beach, FL 32962 | 772-359-3054 | peterjsweeney@gmail.com

October 12, 2018

City of Fort Pierce

Honorable Mayor Linda Hudson and Members of the City Commission

C/O Colin Baenziger

100 N. U.S. Highway 1

Fort Pierce, FL 34950

Dear Mayor Hudson and Members of the City Commission:

I would like to be the next City Attorney for the City of Fort Pierce. As a Fort Pierce native and lifelong Treasure Coast resident, this is a dream opportunity for me. I grew up in Fort Pierce, went to elementary school at Lawnwood Elementary and attended middle and high school at Lincoln Park Academy, where I graduated Salutatorian. From playing Little League baseball on Delaware Avenue to surfing on South Beach, the City has been an integral part of my life and helped to form who I am now.

For the past six years, I have worked in the Palm Bay City Attorney's Office and served as a Deputy City Attorney. I am the only attorney, out of over 105,000 members of The Florida Bar, who is a board-certified expert in **both** City, County & Local Government Law **and** Construction Law. I believe this is an invaluable asset to the City considering the tremendously important construction and redevelopment projects in the City's immediate future. Particularly, I am aware of the redevelopment of the former H.D. King parcel, potentially involving BrightLine train service, as well as the imminent development of the Port of Fort Pierce (which is governed by the land use and building restrictions of the City). These are but two projects which will involve complicated construction and municipal government expertise, which I am uniquely suited to provide. Additionally, I have been featured in Florida Trend's Florida Legal Elite as being one of the top 1% of attorneys in Florida in 2016, 2017 and 2018, as well as holding an AV Preeminent Rating from Martindale, which is the highest possible rating in both legal ability and ethical standards.

I know that I would be an excellent fit as your next City Attorney if afforded the chance. It is truly a dream opportunity for me, and I would love to be able to spend the rest of my career in the town I grew up in, representing it to the best of my ability and helping it continue to develop and advance. I look forward to meeting with you and the other members of the City Commission.

Sincerely,

Pete Sweeney
Florida Bar No. 815721

Peter J. Sweeney, Esq., B.C.S.
215 13th Avenue
Vero Beach, Florida 32962
Telephone: 772-359-3054
E-mail: peterjsweeney@gmail.com
Florida Bar No. 815721



Practice Areas

- City, County & Local Government Law
- Construction Law
- Tort/Liability Defense Litigation
- Zoning, Planning and Land Use
- Appellate Law

Summary

- The only attorney in Florida that is board certified in both City, County & Local Government Law and Construction Law by the Florida Bar
- Deputy City Attorney of Palm Bay, the largest city in Brevard County, the 12th largest city in Florida by land area, and the 16th largest city in Florida by population
- AV Preeminent® peer review rated by Martindale-Hubbell® and 10.0 Superb rating from Avvo®
- Selected for inclusion in Florida Trend's Florida Legal Elite in 2016, 2017 and 2018

Education

The Florida State University, College of Law — Tallahassee, FL
Juris Doctor – *Cum Laude* — 2004

- *Florida State University Law Review* - Member
- Moot Court Team - Treasurer and Member
- Order of the Barristers - Member

Florida State University, College of Business — Tallahassee, FL
Bachelor of Science, Management – *Magna Cum Laude* — 2001
Bachelor of Science, Multinational Business – *Magna Cum Laude* — 2001

- Dual Bachelor's Degrees from a top-30 Public Business School in the United States of America.

Experience

Office of the City Attorney — Palm Bay, FL

Deputy City Attorney II — October 2012 – Present

- In-house legal representation of large municipal corporation. Serve at the pleasure of the City Attorney as the charter officer responsible for all legal affairs of this Florida municipal corporation with approximately 115,000 residents and 66 square miles of real property, making it the largest city in Brevard County, the 12th largest city in Florida by land area, and the 15th largest city in Florida by population.
- Act as the City Attorney on an as-needed basis.
- Supervise two attorneys, a paralegal, a risk manager, a worker's compensation adjuster and two administrative assistants.
- Render oral and written legal opinions to City Departments regarding local government matters. Departments include City Manager, City Clerk/Legislative, Fire, Police, Economic Development, Growth Management/Land Planning, Community Redevelopment, Building, Utilities, Public Works, Parks & Recreation, Finance, Information Technology, Human Resources and Code Enforcement
- Provide legal research, drafting, review and opinions on various legal documents and correspondence including but not limited to: contracts, bonds, leases, easements, deeds, municipal ordinances, municipal resolutions, policies, procedures, RFPs/RFQs, releases/indemnification provisions, land development agreements, claims, liens, MOU's, land plats, and ILA's.
- Reviewed and revised portions of the City's Charter while assisting Palm Bay's Charter Review Commission.
- Assisted with the development and creation of a Merged Risk Management Division into the City Attorney's Office, improving customer service response times and lowering insurance premium payments, saving the citizenry an average of millions annually as demonstrated below:

  2012: $ 218,777.00;
  2013: $1,252,729.78;
  2014: $ 506,526.81;
  2015: $1,909,545.00;
  2016: $2,108,942.60; and
  2017: $1,722,565.87.
  TOTAL: $7,719,084.06

- Serve as principal tort litigator and support appellate advocate for Palm Bay which has an average annual caseload of greater than 300 cases, notably:
  - Successfully defended $1.8 million bid protest by competing design-builders.

- First Chair of a trial and appellate team that successfully defended the City's Sexual Predator and Offender Ordinance against nine (9) separate constitutional law claims asserted by a registered sex offender at the trial court and 5th Fifth District Court of Appeal twice.
- First Chair of trial team which received a directed verdict in a lawsuit involving the Palm Bay Police Department on a cause of action for negligent entrustment.
- Second Chair of an appellate team that successfully defended the City's land use decision on appeal to both the Eighteenth Circuit and Fifth District Court of Appeal which resulted in the preservation of a $1 million regional asset used by numerous law enforcement agencies in Central Florida.
- Second Chair of a trial team which filed suit seeking approximately $10 million from a prominent public contractor for construction defects due to settling of twin runs of stormwater pipelines causing road depressions to manifest along one of the City's two main arterial roadways.
- Second Chair involved in the successful defense of the City's interest in a Chapter 11 bankruptcy proceeding in the U.S. Bankruptcy Court for the Middle District of Florida (Tampa division) which enabled the City to meet its obligations to the Florida Department of Transportation for the construction of the new I-95 interchange at Micco Road with an economic impact to Palm Bay of $55 million.
- Reported appellate cases including:
    - *Holmes v. City of Palm Bay*, 249 So. 3d 760 (Fla. 5th DCA 2018).
    - *City of Palm Bay v. Ranger Construction Industries, Inc.*, 236 So. 3d 1114 (Fla. 5th DCA 2017).

Vocelle & Berg, LLP Vero Beach, FL

Associate August 2004 – September 2012

Litigation associate with trial experience throughout Indian River, St. Lucie, Brevard and Martin counties. First and Second chair litigation experience including §768.28 claims, construction, commercial, serious personal injury and wrongful death, and trust/probate matters. Litigation responsibilities including initial claim investigation, drafting and arguing motions, conducting and defending depositions, successful negotiation/mediations of claims and trial. Appellate experience in the Fourth and Fifth District Courts of Appeal for the State of Florida. Reported appellate cases including:

- *Laufen, Inc. v. Andrew*, 83 So. 3d 898 (Fla. 5th DCA 2012).
- *Denco, Inc. v. Tropicana Products, Inc.*, 78 So. 3d 549 (Fla. 4th DCA 2012).
- *Larkin v. Buranosky*, 992 So. 2d 268 (Fla. 4th DCA 2008).
- *Havens v. Chambliss*, 906 So. 2d 318 (Fla. 4th DCA 2005).
- *McMullin v. Beaver*, 905 So. 2d 928 (Fla. 4th DCA 2005).

Certifications

- Board Certified in Construction Law by the Florida Bar, 2013 – present
- Board Certified in City, County and Local Government Law by the Florida Bar, 2016 – present

Bar Admissions

- State of Florida
- United States Supreme Court
- United States Circuit Court of Appeals for the Eleventh Circuit
- United States District Court, Northern District of Florida
- United States District Court, Middle District of Florida
- United States District Court, Southern District of Florida

Programs

- National Institute for Trial Advocacy, *Teacher Training: San Francisco*, 2016
- National Institute for Trial Advocacy, *Building Trial Skills: San Diego*, 2015

Recognitions

- **Florida Trend's Florida Legal Elite**
  - Recognized in 2018 as one of the top 1,012 attorneys licensed to practice law in the State of Florida and as one of the top 58 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.
  - Recognized in 2017 as one of the top 1,080 attorneys licensed to practice law in the State of Florida and as one of the top 67 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.
  - Recognized in 2016 as one of the top 1,144 attorneys licensed to practice law in the State of Florida and as one of the top 65 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.

- **AV® Preeminent Peer Review Rated by Martindale-Hubbell®**
  - Highest possible rating in both legal ability and ethical standards given by this renowned attorney rating service, 2015 – present.

- **Avvo® 10.0 Superb Rating**
  - Highest rating by this lawyer referral service calculated using a mathematical model that considers the information shown in a lawyer's profile, including a lawyer's years in practice, disciplinary history, professional achievements and industry recognition, 2014 – present.

Organizations

A. FLORIDA BAR

- Florida Bar Foundation, Fellow, 2016 – Present
- Governmental and Public Policy Advocacy Committee, July 2018 – Present
- Member Benefits Committee, July 2010 – June 2016 and July 2018 – Present
  - Chair, July 2014 – June 2016
  - Vice Chair, July 2013 – June 2014
- Eminent Domain Committee, July 2015 – Present
- Unlicensed Practice of Law Committee (19th Judicial Circuit), August 2011 – March 2018

B. LOCAL BAR ASSOCIATIONS

- Brevard Bar Foundation, 2017 – Present
- Brevard County Bar Association, 2012 – Present
- Indian River County Bar Association, 2004 – 2012

Publications

- *Risk[y] Business: Transitioning to a Stand-Alone Self-Insurance Program*, Stetson Law Review, May 2017, 46 Stetson Law Review 3.

Presentations

- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Palm Beach County League of Cities, Palm Springs City Hall, October 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, October 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Northeast Florida League of Cities, Orange Park City Hall, September 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Suncoast League of Cities, Dunedin City Hall, July 2018.
- *Sovereign Immunity* (2632), Florida Bar's City, County and Local Government Law Section Annual Certification Review Course, May 2018.
- *Local Government Lobbying Regulations – Look Who's Talking*, Florida Association of County Attorneys Midyear CLE Program, November 2017.
- *What Lies Beneath? Latent Defects in Pipe Construction: A 6-Year Story of Construction Litigation Told from the Trenches* (2313R), Florida Bar's City, County and Local Government Law Section's 40th Annual Local Government Law in Florida, May 2017.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, October 2017.

- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, September 2016.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc., Belleview City Hall, June 2015.
- *Transitioning to a Stand-Alone Self-Insurance Program*, Florida Bar's City, County and Local Government Law Section's 38th Annual Local Government Law in Florida (1863R), May 2015.

Related News

- Rachael C. Moulton, *Palm Bay City Attorney's Office Employs All Board Certified Full Time Attorneys*, The Capstone News and Resources for Board Certified Lawyers Issue 63, Jan. 2016, at 3.
- *City of Palm Bay Attorneys' Office Raises Bar On Professional Standards*, Space Coast Daily (Aug. 5, 2015), http://spacecoastdaily.com/2015/08/city-of-palm-bay-attorneys-office-raises-bar-on-professional-standards.
- Bryan A. Lober, *Office Spotlight: Palm Bay City Attorney's Office*, The Ex Parte, A Publication of the Brevard County Bar Association, Apr. 2015, at 14.
- *City Attorney's Office Among Elite Experts In The Field*, Space Coast Daily (Aug. 8, 2013), http://spacecoastdaily.com/2013/08/city-attorneys-office-among-elite-experts-in-the-field.

References

- John Stewart, Esq., President-Elect, The Florida Bar, 772-231-4440
- Palm Bay Mayor Guillermo "William" Capote, 321-292-0382.
- Patricia Smith, Esq., City Attorney, City of Palm Bay, FL, 321-409-7185.
- Allison Dawley, Esq., City Attorney, City of Melbourne, FL, 321-608-7247.
- Rory C. Ryan, Esq., Ryan Law, P.A., Oviedo, FL, 407-359-0403.
- Steve Brannock, Esq., Brannock & Humphries, Tampa, FL, 813-223-4300.
- Michael Sjuggerud, Esq., Cantwell & Goldman, P.A., Cocoa, FL, 407-413-4301.
- Chief Jim Rogers, Police Chief, City of Palm Bay, FL 321-952-3458.
- Chief Jim Stables, Fire Chief, Johnson City, TN, 423-975-2852.

Candidate Introduction

Peter Sweeney

EDUCATION

Juris Doctor, The Florida State University College of Law (Cum Laude)
Bachelor of Science, Management, Florida State University (Magna Cum Laude)
Bachelor of Science, Multinational Business, Florida State University (Magna Cum Laude)

EXPERIENCE

Deputy City Attorney, City of Palm Bay, Florida	2012 - present
Associate Attorney, Vocelle & Berg, LLP, Vero Beach, Florida	2004 - 2012

BACKGROUND

Palm Bay is the largest city in Brevard County and is the 15th most populous city in Florida, with a population of approximately 115,000 residents. It is also a very large city, comprised of 66 square miles of real property, but is only 45% developed. The city is bisected by I-95 and also borders US-1 on its eastern edge, with several miles of frontage on the Indian River Lagoon. The city is a full-service municipality, with 815 employees, spread across 15 departments including Utilities, Police, Fire, Public Works (including Stormwater), Community Planning & Economic Development (including Code Enforcement), Community Redevelopment (CRA), Parks and Recreation and Human Resources, among others. In Fiscal Year 2018, the overall city budget was approximately $170 million, with the General Fund accounting for $68 million of the total budget. The Palm Bay City Attorney's Office is comprised of five attorneys and seven staff members. As Deputy City Attorney, I have direct responsibility for management and supervision of two attorneys and four staff. I also have acted as the City Attorney on multiple occasions, including attendance at Council meetings, when the City Attorney is on leave.

We are a full-service City Attorney's office and handle as much legal work in-house as possible. This includes all Risk Management litigation, which includes tort claims (trip and fall, auto accidents), police liability (Section 1983 claims), workers compensation, property damage claims and professional liability/errors and omissions. The only legal work that is outsourced are labor and employment matters, due to the inherent conflict of interest that can arise in those claims. The total budget for the office is $4.5 million, but approximately $2.85 million is the cost for city-wide insurance coverage, and funding for claim reserves.

The most significant legal issues facing the City of Palm Bay are:

- Large-scale development projects. The city has more than 20,000 acres of developable land. Currently, there is a new I-95 interchange scheduled to open by March 2019, and two different developers are in the process to develop more than 2,000 acres of property. The

legal issues include planning and zoning issues with specific focus on large-scale Planned Unit Developments (PUDs), utilities extensions (both water and wastewater), infrastructure development and stormwater management.

- Community Redevelopment/Business attraction. The city is home to Harris Corp, which is one of the largest defense contractors in the United States. The city is constantly renewing and developing strategies to attract more defense/aerospace/technology-oriented businesses. The legal issues involved in that process include tax-abatement and other relocation incentives, creation of a business development district and code modification/amendments to address new technologies.
- Pollution in the Indian River Lagoon. There have been massive fish kills in the last several years and it is believed that stormwater runoff has been the major cause. The city has taken significant steps to mitigate stormwater runoff, which required substantial legal expertise. The issues include development of a stormwater special assessment, creation of a legally-defensible calculation/methodology for stormwater Equivalent Residential Unit ("ERU's") and a successful bond validation lawsuit, including appeal, to support the cost of the stormwater program.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

As a Fort Pierce native and lifelong Treasure Coast resident, this is a dream opportunity for me. I grew up in Fort Pierce, went to elementary school at Lawnwood Elementary and attended middle and high school at Lincoln Park Academy, where I graduated Salutatorian. From playing Little League baseball on Delaware Avenue to surfing on South Beach, the City has been an integral part of my life and helped to form who I am now.

For the past six years, I have worked in the Palm Bay City Attorney's Office and served as a Deputy City Attorney. I am the only attorney, out of over 105,000 members of The Florida Bar, who is a board-certified expert in **both** City, County & Local Government Law **and** Construction Law. I believe this is an invaluable asset to the City considering the tremendously important construction and redevelopment projects in the City's immediate future. Particularly, I am aware of the redevelopment of the former H.D. King parcel, potentially involving Brightline train service, as well as the imminent development of the Port of Fort Pierce (which is governed by the land use and building restrictions of the City). These are but two projects which will involve complicated construction and municipal government expertise, which I am uniquely suited to provide. Additionally, I have been featured in Florida Trend's Florida Legal Elite as being one of the top 1% of attorneys in Florida in 2016, 2017 and 2018, as well as holding an AV Preeminent Rating from Martindale, which is the highest possible rating in both legal ability and ethical standards.

I believe the most important attributes of a successful City Attorney are honesty, adaptability, and a broad knowledge of municipal law. Without absolute honesty, Council will never trust in your legal opinion, which is the number one priority of a successful City Attorney. Adaptability is key

because most legal situations involving the city are dynamic, with multiple moving parts and people. One must be able to adapt to any situation that the city could face. Finally, having a broad knowledge of municipal law is important for at least two reasons. First, the more I know, the more I can properly advise my Council without having to resort to hiring outside counsel. Secondly, if the issue truly is outside my broad knowledge of municipal law, my Council has confidence that the issue really is unique and requires specialized outside attorneys.

My approach to handling law suits is unique from many other city or county attorneys, as I have direct responsibility for the defense of all tort claims filed against the city. This means that as soon as the city is served with the lawsuit, I begin the defense of the claim, which includes filing an answer and affirmative defenses, preparing and propounding discovery requests, taking and defending depositions, filing motions to dismiss, handling mediation and ultimately trying the case as necessary, including the appeal on several occasions. My belief is that lawsuits must be properly managed at all times, with the appropriate resources used carefully and efficiently. Further, it is vital that I make myself aware of all possible outcomes so that I can inform Council and advise them with the best possible legal advice regarding the potential liability and exposure of each case. My management style is above all respectful. I have managed all types of personalities, including different generations, ethnicities and educational levels, and I have treated each and every one of them with respect, dignity and encouragement. I believe in investing in staff members, whether it be by mentoring directly, supporting initiatives to further educational or professional development, or simply asking how I can help a subordinate do his or her job better.

In communicating with elected officials, particularly with my City Council members, I feel it is important to provide the most pertinent and important legal issues at the beginning of any conversation. I always prepare myself to provide as much detail as requested, but Council members' time is valuable, and I do not waste it. However, I will take as long as any member of Council would like to discuss any legal issue facing the City. I am happy to meet in person, communicate by phone or by email, depending on the preferences of the different council members. I believe the members of the City Council would say I provide honest and objective, direct, ethically-correct, top-notch legal advice and that I do not play politics, nor do I impart my own personal views into the decision-making process. I am not a policy-maker and I pride myself on providing the best possible unbiassed legal advice to each of them, no matter what. I believe the City Manager would echo these statements, as I have provided the same level of service to him for the last three and a half years.

A weakness is that I do not tolerate incompetence. I have on occasion directly pointed out a department director's mistake (which was always based on facts) that could or actually did expose the city to liability. However, I have learned to nuance my approach, and work with the City Manager to allow him to do his job in managing the departments under his direction.

My greatest achievement is to have been a key member of the transition team of bringing all risk management litigation in-house. I was specifically hired in 2012 to lead the team and defend the

city from all tort lawsuits; the entire program hinged on my ability to efficiently and effectively protect the city. It has been an incredible success, as we have not lost a single tort case in my entire tenure and have saved the city several million dollars in that timeframe. I have had the privilege of leading, but also mentoring, coordinating and developing the rest of the team, which has been just as important to the overall success of the program.

However, I am human, and my biggest mistake was becoming a friend with a subordinate. It was discovered he was having an affair with another married female office member, but he also lied about it, even when confronted with indisputable evidence. I had to fire him, and it was more difficult because I was friendly with him. I have learned to treat all employees, and especially subordinates, as professional colleagues and I do not spend time with them outside of the office. I believe it has made me a better manager because my staff respects my position and role; as a result, staff do not attempt to play the "friend" card when difficult conversations are necessary.

In the first six months as the City Attorney for Fort Pierce, I would do the following:

- First and foremost, I would take as much time as possible, as soon as possible, to meet with the elected officials, management and senior staff of all the departments to understand the immediate and long-term legal issues facing each of them, both as individual components and collectively on behalf of the city.
- Next, I would make sure I am aware of every lawsuit currently pending against the city, including reviewing any notice of claims received over the last four years. I would then coordinate a discussion of each claim with the insurance defense counsel that is handling the litigation, so that I may advise the Commissioners as to the status of liabilities against the city.
- Review and discuss with each current staff member what current work loads are, and if necessary, rebalance work distribution to meet fairness and efficiency within the office. I will also develop a specific plan for each employee to continue to develop professionally by discussing and asking what the employee's short, medium and long-term goals are within the city.

After six months, I expect that I will do a top-down review of my performance and modify any aspects of the position in order to best serve the Commission and the City.

I have not had to work with the media very much, but I am comfortable and confident on television or as a speaker at conferences. I understand the role the City Attorney plays when interacting with the media on the city's behalf and I am happy to oblige as much or as little media interaction as the City Commission prefers. I do not believe you will find any negative media coverage of any type about me, nor do I believe anyone in any community will contact you with any negative things to say.

Peter Sweeney

In my leisure time, I enjoy spending as much time as possible with my wife and two young sons, which often includes boating and diving offshore of Fort Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Honest
- Respectful
- Adaptable
- Intuitive
- Well-informed/Wide area of knowledge in the law
- Determined

REASON FOR DEPARTING CURRENT POSITION

I have truly enjoyed my time with the City of Palm Bay, but I want to be a City Attorney. The opportunity to guide the legal office of my home town is a dream and I know I have the ability, knowledge and determination to represent the City of Fort Pierce, especially as it is poised to experience unrivaled development and growth in the immediate future.

CURRENT / MOST RECENT SALARY

My current salary is $133,182, which includes a monthly vehicle allowance.

CB&A Background Checks

Background Check Summary for
PETER "PETE" JAMES SWEENEY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Brevard County, FL	No Records Found
Indian River County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Brevard County, FL	No Records Found
Indian River County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found

Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #815721

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
PETER "PETE" JAMES SWEENEY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Peter Sweeney

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.

Please explain any yes answers on a separate sheet of paper.

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.

N/A

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Property of Colin Baenziger & Associates

Section 10

CB&A Reference Notes

Jim Stables – Fire Chief, Johnson City Fire Department, Johnson City, TN 423-483-5829

Mr. Stables is the former Fire Chief in Palm Bay and first met Mr. Sweeney in 2012 when he came on board at the City. Mr. Stables left the City in 2017, however they have remained in contact since that time.

Mr. Sweeney is a collaborator and all of Mr. Stables interactions with him were positive. Many times people in the legal field will take hard lines and not build bridges, but not him. He was instrumental in getting their department set on a solid legal foundation. He is someone who is genuine in finding solutions and not trying to expedite things for his own agenda.

Mr. Sweeney has competence in every aspect of the law and Mr. Stables never had any issues or conflicts with him. He has a good command of the law but he is not frivolous with responses and ensures that they are solidly grounded in the law.

Mr. Sweeney absolutely negotiates well on behalf of the party he is representing. Even though he was tasked with work from several departments in the City he never indicated that he had a heavy workload. Mr. Stables worked with him on negotiations with the Union at the City and he always gave 100% of his attention to the task. He maintained the diligence for the client without being offensive or combative.

While Mr. Stables was in Palm Bay he noticed that Mr. Sweeney was well respected by the elected officials. They worked well together and he is not aware of a time when they decided to go against what he recommended. Additionally, he absolutely worked well with the other department heads and acted as a bridge between them when they collaborated on issues.

Mr. Stables is not aware of Mr. Sweeney being involved in anything controversial personally, but the City Attorney's office went through some turmoil when Mr. Stables was leaving, but Mr. Sweeney was never looked at in regards to those issues. He kept it together for the other staff members during that time. He is not sure exactly what was happening since he was on his way out, but it had to do with some strife with the previous City Attorney, the City Manager, and the Council.

If Mr. Stables was looking to hire a City Attorney he would definitely hire Mr. Sweeney. He is confident that he would do an excellent job in that position.

Words or phrases used to describe Peter Sweeney:

- Friendly,
- Cordial,
- Approachable,
- Professional,
- Always well prepared,
- Highest integrity of anyone in the legal field.

Strengths: A highly collaborative individual who gets along well with others and is a solution finder.

Weaknesses: None identified.

Patricia Smith – City Attorney, City of Palm Bay, FL 850-567-3676

Ms. Smith first met Mr. Sweeney in 2012. At the time she was the most senior attorney under the City Attorney and she hired him. Since her promotion to City Attorney in September 2018 he has reported directly to her.

Mr. Sweeney is very intelligent and quick on his feet. He easily maintains a good rapport with people and his trial skills are most excellent. He is a problem solver who can get the client to a yes in a legal and ethical way. He is willing to stand strong in his convictions but also provides sound advice.

Mr. Sweeney gives excellent recommendations to the elected officials especially in the area of construction law. They currently have a road project which has been somewhat derailed and his background in this area has been relied upon by not only the staff, but also the elected officials. Ms. Smith is not aware of any instances where the Council went against his recommendations.

Mr. Sweeney has a plethora of experience in various areas of the law including constitutional law where he has actually helped do some training throughout the State in regards to home rule power and has participated in activities related to the board of certifications exam. He has also rotated through contracts and has taken care of the majority of it recently regarding vendors, procurement, etc. Additionally, since he has been with the City he has worked with Ms. Smith on growth management dealing with development, redevelopment, and land use.

In regards to working with a homeless population, Mr. Sweeney does have some experience. He worked in conjunction with the Parks and Recreation where they were preparing to do some construction on City property. Unfortunately, a homeless camp was set up on the property, however, he worked with the department making sure signs were posted in a timely fashion to alert the homeless people about the impending construction. By the time the construction was ready to begin they had moved on because the word got out in enough time for them to find a new location.

When it comes to dealing with the public, Mr. Sweeney does an excellent job. Whether it is in Council meetings or with residents in particular districts he cultivates good relationships with people and they tend to like him. Even if they do not receive the answer they want, they feel like they have been heard and respected.

Working well with the elected officials is another area where Mr. Sweeney excels. He has worked with numerous Commissioners on various projects and problems and they consider him to be responsive. Additionally, the City Manager and the staff get along with him. Only once does Ms.

Smith recall an issue with a department head, but that was because this particular individual decided to go ahead on his own with something, loosely telling Mr. Sweeney about it. When the department head was questioned about his actions he told people that Mr. Sweeney said it was okay when it fact he did not. Any tension that arose from that situation was because Mr. Sweeney stood his ground.

Ms. Smith is not aware of any controversies surrounding Mr. Sweeney. He has nothing in his background or conduct that would be of concern to a reasonable person. If she were looking for a City Attorney she would hire him for that position. It will be a natural fit for him and it is only a matter of time before he moves on to bigger and better things.

Words or phrases used to describe Peter Sweeney:

- Outgoing,
- Intelligent,
- Respectful,
- Trustworthy,
- Highly motivated, and
- Ambitious.

Strengths: An intelligent and experienced attorney who gets along well with people.

Weaknesses: Mr. Sweeney tends to be a people pleaser which can be a weakness when some in government have a warped moral compass.

William Capote – Mayor, City of Palm Bay, FL 321-292-0382

Mr. Capote first met Mr. Sweeney when he came to Palm Bay in 2012. He has worked with him as the Mayor the entire time.

Mr. Sweeney is a professional with credibility, character and integrity. He tells people the truth whether they like it or not. That goes a long way in the political world and he does a fine job of educating the Council well from the perspective of the law. He does a wonderful job of keeping the Mayor informed about projects and issues they are working on together.

When it comes to the law, Mr. Sweeney has a firm grasp on several areas. He can answer questions on the spot about what he has knowledge and he holds his own in terms of the law. He knows that he has experience and is well versed in contracts, development, redevelopment, land use, and utilities.

Mr. Sweeney is solutions oriented and responsive. He always gives good recommendations to the Council and Mr. Capote does not know of a time when they as the elected body went against his recommendations.

The City Attorney relies heavily upon Mr. Sweeney in the office. He does a fine job of managing the office while handling the legal affairs of which he is in charge. He has filled in on numerous occasions when the City Attorney is not in the office. During those times he is nothing short of polished and experienced.

Mr. Capote is not aware of any controversies involving Mr. Sweeney. He does not know of any item from his background or conduct that would be considered unflattering by a reasonable person. If he were looking for a City Attorney, he would hire Mr. Sweeney for that position.

Words or phrases used to describe Peter Sweeney:

- Integrity,
- Family man,
- Good character,
- Level headed,
- Thick skin, and
- Good sense of humor.

Strengths: An individual with excellent character and integrity who tells people the truth.

Weaknesses: None identified.

Harry Santiago – Council Member, City of Palm Bay, FL 321-576-2387

Mr. Santiago first met Mr. Sweeney when he was elected in November 2012. They have been working together since that time.

Mr. Sweeney is a wonderful people person with whom Mr. Santiago has never had any issues. He is very knowledgeable in terms of the law and has excellent communication skills. He can convey the complicated intricacies of legal jargon helping him to understand it. Additionally, he has always given good advice when asked and Mr. Santiago is not aware of a time when the elected body decided to go in another direction from his advice.

When Mr. Sweeney has covered a regular or special council meeting he is always prepared and if he does not have the answer he will research it and follow up in a timely manner. He works well with the staff to get the information out as fast as possible to Mr. Santiago and the other Council Members. Furthermore, he is a solution finder and does not merely say that the law does not permit certain things from being done.

Working with the public is another area where Mr. Sweeney shines. He has sat in during Council meetings as the representative of the department and conducted workshops where, in both situations, he has interfaced with the public. He is not confrontational or contentious and does well guiding the Council and the public in doing what is lawful.

From what Mr. Santiago has seen Mr. Sweeney gets along well with the City Manager and the other department heads. He has not heard of any major issues involving him. At times people may not like his answers but he always follows the law and then follows up with solutions on how to get to the end result. Overall, everyone has a very good working relationship with him.

Mr. Santiago does not know of anything embarrassing from Mr. Sweeney's background or conduct that would be of concern. He is not aware of any controversies involving him either. He would definitely hire Mr. Sweeney as a City Attorney if he were looking to fill such a position.

Words or phrases used to describe Peter Sweeney:

- Hardworking,
- Knowledgeable,
- Attorney,
- Solution finder, and
- Will not steer people wrong as far as the law is concerned.

Strengths: A skilled communicator who is knowledgeable in the law and gets along well with others.

Weaknesses: None identified.

Dylan Reingold – County Attorney, Indian River County, FL 772-226-1427

Mr. Reingold first met Mr. Sweeney in 2013. They interact together as local government attorneys bouncing ideas off of each other in a collegial relationship.

Mr. Sweeney is knowledgeable about local government law and is always interested in diving into the law. Every time Mr. Reingold has called him with a question he has been familiar with the issue and has provided guidance and advice on the situation.

Mr. Sweeney is a solutions based individual and is not the type of person to say that the law does not permit something to be done and walk away. Mr. Reingold does not follow politics in Palm Bay and therefore is not aware if the elected body has ever gone in a different direction than that prescribed by Mr. Sweeney.

In terms of experience in various areas of the law, Mr. Sweeney has been exposed to several. Mr. Reingold is quite impressed with the way he analyzes issues below the surface. Most of what they do as municipal attorneys at the end of the day boils down to constitutional law and he definitely has experience in that area. He is also quite knowledgeable and has experience in development, redevelopment, land use, and labor/personnel matters.

Mr. Reingold is not aware of anything controversial about Mr. Sweeney. He does not know of any unflattering behavior in Mr. Sweeney's background or conduct that would be of concern to any future employer. He would definitely hire Mr. Sweeney as a City Attorney and knows he would do a fine job in such a position.

Words or phrases used to describe Peter Sweeney:

- Knowledgeable,
- Enthusiastic,
- Inquisitive, and
- Dedicated.

Strengths: An extremely knowledgeable attorney who is experienced and gives excellent advice.

Weaknesses: None identified.

Debbie Hunt – Litigation Paralegal, City of Palm Bay, FL 321-301-0690

Ms. Hunt first met Mr. Sweeney in 2012 when he came on board in Palm Bay. She reports to the City Attorney as well as Mr. Sweeney.

Mr. Sweeney has proven to be an excellent teacher and mentor to Ms. Hunt. He has helped her to grow and develop in her position through his extensive knowledge. She has worked with him on numerous cases from torts to construction issues. She appreciates that he provides answers with context and background.

Mr. Sweeney has a superb command of the law which helps him to speak knowledgeably to the Council. He has established and continues to nurture good relationships with the Commissioners and can explain complex litigation issues to his audience in a manner that they can understand. Furthermore, the way he presents arguments in the courtroom are clear and concise to both the judge and the jury.

Ms. Hunt would characterize Mr. Sweeney as responsive. They conduct daily briefings and when she has completed an assignment she is delegated, he is highly responsive with his review or advising her of the next step in the process.

When it comes to giving recommendations to the elected officials Mr. Sweeney does a fantastic job. The elected officials trust him because he is honest with them. If proposed action cannot be taken because of legal constraints then he will offer alternatives to the outlined issues. As far as Ms. Hunt knows the elected officials have never gone against his advice.

Reference Notes
Peter Sweeney

Mr. Sweeney has vast experience in several areas of the law including constitutional law and contracts. He is often called upon by the Florida League of Cities to present about ethics. He also knows about and is experienced in development, redevelopment, and land use. Additionally, he has worked with homeless issues in Palm Bay. He serves as the City Attorney's office liaison with the Brevard County Coalition for the Homeless. He has a working knowledge in that area and has established some good working relationships.

Mr. Sweeney does a fine job of managing the responsibilities in the office as well as the legal caseload for which he is assigned. He has responsibility over the full-time risk manager as well as Ms. Hunt. He is an even keeled supervisor and calm in his approach to issues. If someone makes a mistake or error, they have no problems going to him with the problem and they will figure out a solution. He focuses on how to fix the problem rather than the mistake itself. He has a professional working relationship with everyone in the office and also manages with a good sense of humor.

Because of Mr. Sweeney's responsibilities with the utilities department and providing legal reviews for the police and fire departments he has had the opportunity to interact with residents. He has forged some good relationships and his style is to come away with a good outcome whether it is the originally desired one or not. He is an excellent listener and is extremely respectful to people.

Ms. Hunt is not aware of anything in Mr. Sweeney's background or conduct that would be considered embarrassing or unflattering. He has not been involved in any controversies since she has known him. He would absolutely be a wonderful City Attorney because not only does he have the leadership skills and practical knowledge of the law, but he also has expertise in and out of the courtroom and provides the elected officials with sound advice.

Words or phrases used to describe Peter Sweeney:

- Excellent listener,
- Teacher,
- Mentor,
- Leader,
- Strong interaction with the Council, public, staff, and volunteers, and
- Leads by example.

Strengths: A highly knowledgeable attorney who continues to learn and improve himself, works well with those around him, and is a tremendous mentor.

Weaknesses: None identified.

Brian Anderson – Council Member, City of Palm Bay, FL 321-408-3817

Mr. Anderson first met Mr. Sweeney prior to being elected in 2015. They have worked together since that time.

Mr. Anderson appreciates that Mr. Sweeney always goes into detail and gives the pros and cons of each situation. He is also available when needed and responsive to questions and requests. Additionally, if he does not feel he is the expert in a certain area he will point people in the right direction and will not give advice about which he is not confident.

Mr. Sweeney is professional and he has never failed to take care of business for Mr. Anderson. Any research he has been asked to do for him has been done quickly and he usually gives his opinion of the matter with the research to back it up.

Mr. Sweeney gives the Council excellent advice and Mr. Anderson does not know of a time when the elected body went in a different direction than the one advised by him. In his particular role right now he does have to follow the direction of the Council, however he stays within the parameters of the law while still trying to find solutions.

When it comes to working with the public Mr. Sweeney does well. He is very approachable, mild mannered, and quite direct with his answers. He is also the same way with Mr. Anderson and the rest of the Council. Sometimes he does not always give them the responses they want, but he is honest and tells them what they need to hear.

Mr. Anderson is not aware of any controversial situations that Mr. Sweeney has become involved with that were caused by him. He has no knowledge of anything from Mr. Sweeney's past history or conduct that would be of concern to anyone. He has never heard anything negative about Mr. Sweeney. He would hire Mr. Sweeney if he were looking to hire a City Attorney and knows that he would do a solid job in that position.

Words or phrases used to describe Peter Sweeney:

- Caring,
- Approachable, and
- Easy to talk to.

Strengths: A professional and available individual who is detail oriented and knowledgeable in his field.

Weaknesses: None identified.

Terese Jones – City Clerk, City of Palm Bay, FL 321-952-3414

Ms. Jones has known Mr. Sweeney since 2012 when he came to the City. They have worked together as colleagues since that time.

Mr. Sweeney has several strengths, but his main one is that he will give Ms. Jones his opinion immediately but he always double checks to make sure that he gives her the proper answer. He has a very consistent personality and she has never seen him act differently with anyone with whom he has interacted. He is always friendly and open with communication. He is extremely professional even in times of stress and is the person who calms others down.

Mr. Sweeney is a wonderful asset to their organization and he always knows the answers to questions posed to him. If he does not know the answer, he will research it and follow up with the involved parties.

Ms. Jones has seen him at Council meetings and he is always attentive following the conversation ensuring to give good legal advice to the elected body. She is not aware of a time when they did not follow his advice and decided to go in a different direction. He is also flexible and if the law does not allow something that the Council wants to pursue he will advise if they have other options.

When Mr. Sweeney interacts with the public he is approachable and always professional. He has a warmth about him that is welcoming and makes people feel comfortable and at ease. He is equally as friendly and professional with the elected officials and the rest of the staff from what Ms. Jones has seen.

Ms. Jones does not know of any instances where Mr. Sweeney has been involved in any controversies. She is not aware of anything from his past or conduct that would looked upon as unflattering by anyone. She would most definitely hire him as a City Attorney if she were looking to hire one.

Words or phrases used to describe Peter Sweeney:

- Honest,
- Dependable,
- Responsive,
- Trustworthy,
- Integrity, and
- Professional.

Strengths: A highly professional individual who is an excellent attorney and works well with others.

Weaknesses: None identified.

Andrew Hament – Attorney, Ford Harrison, Melbourne, FL 321-724-5633

Mr. Hament has known Mr. Sweeney since 2012. He serves as the City of Palm Bay's outside Labor Attorney and when they have an employment or union issue he will assist them.

First and foremost, Mr. Sweeney has excellent analytical skills. Mr. Hament has spoken with him about some fairly complicated issues and he is a good thinker who grasps important facts and then can apply the law to those facts. Secondly, he is very personable and responsive. Furthermore, he has an immense amount of integrity and is always above board in doing the right thing.

Mr. Sweeney is a well-rounded municipal attorney who knows his stuff. He makes good decisions when it comes to dealing with the law and Mr. Hament is not aware of any negative feedback in terms of his recommendations to the elected officials. He does not know if they have ever gone in a different direction than what he has advised. Additionally, he is a problem solver who likes to find a way to get to a solution even if it is not the original path. He does what he can to accomplish the mission.

Mr. Hament can tell that Mr. Sweeney is a good person and that he most likely speaks and interfaces well with the public. Even though he has not seen Mr. Sweeney in that capacity he is certain that Mr. Sweeney would do fine in that area. The former City Attorney always spoke highly of him and was comfortable with letting Mr. Sweeney handle the public meetings in his stead.

Mr. Hament does not know of any controversies surround or involving Mr. Sweeney. He has no knowledge of anything from Mr. Sweeney's background or conduct that would prove to be an embarrassment to any future employer. He would hire Mr. Sweeney as a City Attorney if he were in a position to hire one.

Words or phrases used to describe Peter Sweeney:

- Analytical,
- Responsive, and
- High integrity.

Strengths: An extremely knowledgeable municipal attorney who is a straight shooter and very analytical.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

Section 10

CB&A Internet Research

June 15, 2018

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

BRENDA J. HOLMES, ON BEHALF OF HERSELF AND ALL OTHER PERSONS SIMILARLY SITUATED,
Appellant,

v. Case No. 5D16-2993

CITY OF PALM BAY AND GATSO USA, INC.,
Appellees.
_____/
Opinion filed June 15, 2018
Non-Final Appeal from the
Circuit Court for Brevard County,
John M. Harris, Judge.

[CB&A Note: The remainder of the case can be read here:
https://law.justia.com/cases/florida/fifth-district-court-of-appeal/2018/5d16-2993.html

The Florida Bar News
December 15, 2017

Eight board races set

Eight contested Board of Governors races involving 20 candidates will be on the Bar's March Board of Governors election ballot. Sixteen seats, all but two held by incumbents, were settled without a contested race when the December 15 filing deadline expired. The contested races are:

• In the First Circuit, Charles F. Beall, Jr., Jeremy C. Branning, and Joseph Passeretti, all of Pensacola, filed to replace retiring board member Stephen Echsner.
• In the Third Circuit, Andrew J. Decker IV is challenging incumbent board member Bruce W. Robinson. Both are from Lake City.
• In the Fourth Circuit, Seat 1, Wiley Braxton Gillam IV and Michael Fox Orr, both of Jacksonville, have filed to replace retiring board member Fred D. Franklin, Jr.

• In the 11th Circuit, Seat 3, Maria T. Armas of Miami, Jordan Dresnick of Miami, Alexandra Bach Lagos of Miami, and Patrick Montoya of Coral Gables have filed to replace retiring board member Leslie Lott.
• In the 11th Circuit, Seat 5, Judson Lee Cohen of Miami Lakes and Jeffrey Rynor of Miami Beach filed to replace retiring board member Dennis Kainen.
• In the 13th Circuit Seat 4, Jeffrey Carter Andersen and Paige A. Greenlee, both of Tampa, filed to replace retiring board member Michael Hooker.

• In the 17th Circuit, Seat 4, Hilary Creary of Plantation and Jon Polenberg of Ft. Lauderdale filed to replace retiring board member Jay Cohen.
• In the 18th Circuit, Damon Chase of Lake Mary, **Peter J. Sweeney** of Palm Bay, and James G. Vickaryous of Lake Mary filed to replace retiring board member John Alpizar.

Elected without opposition were Melissa VanSickle of Tallahassee in the Second Circuit, Seat 2; Joshua T. Chilson of Clearwater in the Sixth Circuit, Seat 1; Sam N. Masters of Daytona Beach in the Seventh Circuit, Seat 1; Thomas P. Wert of Orlando in the Ninth Circuit, Seat 1; Wayne L. Helsby of Winter Park in the Ninth Circuit, Seat 3; C. Richard Nail of Lakeland in the 10th Circuit, Seat 1; Roland Sanchez Medina of Miami in the 11th Circuit, Seat 1; John H. Hickey of Miami in the 11th Circuit, Seat 7; Thomas R. Bopp in the 13th Circuit, Seat 1; Michael P. Dickey of Panama City in the 14th Circuit, Seat 1; Rosalyn Sia Baker-Barnes in the 15th Circuit, Seat 1; Robin Bresky of Boca Raton in the 15th Circuit, Seat 3; Jay Kim of Ft. Lauderdale in the 17th Circuit, Seat 1, Laird A. Lile of Naples in the 20th Circuit, Seat 1; Ian Comisky of Philadelphia in Out-of-State, Seat 1; and Brian D. Burgoon of Atlanta in Out-of-State, Seat 4. All but Wert, Dickey, and Baker-Barnes are incumbents.

For the contested races, ballots will be mailed by the Bar's elections company, Election Services Corporation, on or around March 1. Voters again will have the choice of voting online or returning paper ballots, and instructions will be included with the ballots. All ballots must be

received prior to midnight March 21. In any runoffs resulting from the March voting, ballots will be mailed around April 2 and must be received prior to midnight, April 23. Five-hundred word platform statements from the candidates in contested races will be published in the February 1 Bar News.

October 11, 2017

RAFTOPOULOS v. CITY OF PALM BAY

Case No. 6:15-cv-1063-Orl-37KRS.

JOHN RAFTOPOULOS, Plaintiff, v. THE CITY OF PALM BAY, et al., Defendants.

United States District Court, M.D. Florida, Orlando Division.

October 11, 2017.

Editors Note
Applicable Law: 42 U.S.C. § 1983
Cause: 42 U.S.C. § 1983 Prisoner Civil Rights
Nature of Suit: 550 Prisoner: Civil Rights
Source: PACER
Attorney(s) appearing for the Case
John Raftopoulos, Plaintiff, Pro Se.

Steve Mimbs, Defendant, represented by Patricia Maria Rego Chapman , Dean, Ringers, Morgan & Lawton, PA.

Douglas F. Muldoon, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney, Jr**. , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

Mark Richards, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney, Jr.** , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

John Doe Hughes, Defendant, represented by Patricia Maria Rego Chapman , Dean, Ringers, Morgan & Lawton, PA.

Walter Evans, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney**, Jr. , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/infdco20171012b54

Palm Bay Florida.org
June 26, 2017

Palm Bay Attorneys Recognized as 2017 Florida Legal Elite

Now in its 14th year, Florida Legal Elite presents a prestigious roster of attorneys chosen for recognition by their peers. The 1,080 lawyers listed here exemplify a standard of excellence in their profession and by so doing, have garnered the respect and esteem of their colleagues. Congratulations to City Attorney Andrew Lannon and Deputy City Attorney **Pete Sweeney**. Both were recently named in Florida Trend's 2017 Legal Elite issue.

Palmbayseat4.com
March 20, 2017

Palm Bay Victory in Protecting Most Vulnerable Citizens

PALM BAY- The City of Palm Bay Attorney's Office is celebrating a win for the city and its residents after a judge ruled in favor of a Palm Bay Code of Ordinance that was originally put in place over 10 years ago. The ordinance in question was enacted to prohibit sexual predators and sexual offenders from making deliveries or working at places where children or vulnerable adults may reside or regularly congregate. "This is a great win for Palm Bay, said Mayor William Capote. "Safety is our number one priority and this case attests to the fact that we will do whatever it takes to make that so."

In 2006 two sexual offenders filed a lawsuit against the city, challenging the 2005 ordinance. Presiding Judge Lisa Davidson, found in favor of Palm Bay however the complainants, referred to as "John Doe", appealed to the Fifth District Court. After more than a decade long legal battle, on March 13th, 2017 the Fifth District Court of Appeal denied the motion, allowing for Palm Bay to finally put in place the ordinance designed with the safety and welfare of the city's most vulnerable citizens in mind.

"Palm Bay is already one of the safest cities in the State of Florida. Because of the prudent decisions of Judges Davidson and Harris at the Eighteenth Circuit and Judges Palmer, Orfinger and Evander at the Fifth District Court of Appeal in the instant case, Palm Bay residents are even safer today, particularly those who are most in need of our protection," said City Attorney Andrew Lannon. The entire case from start to finish was handled in-house by the Palm Bay City Attorney's Office at no expense to Palm Bay taxpayers, in particular Andrew P. Lannon, Esq., B.C.S., Patricia D. Smith, Esq., B.C.S., **Peter J. Sweeney, Jr.,** Esq., B.C.S. and Rodney A. Edwards, Esq.

The Florida Bar News
September 15, 2016

189 lawyers earn board certification

[CB&A Note: Only the information relevant to **Peter J. Sweeney** is listed below]

The Board of Legal Specialization and Education congratulates the 189 lawyers who in 2016 earned Florida Bar board certification, a designation that places them among the only group of Florida lawyers who may use the term "board certified" when referring to their legal credentials. Board certified lawyers are "Evaluated for Professionalism and Tested for Expertise" by The Florida Bar. Board certification evaluates attorneys' special knowledge, skills, and proficiency in various areas of law and professionalism and ethics in practice. About 5,000 of Florida's nearly 101,000 lawyers have earned board certification. Florida offers 26 specialty areas for board certification, more than any other state. For more information visit www.FloridaBar.org/certification or call 850-561-5842. Lawyers who earned board certification in 2016:

City, County and Local
Carl Edward Brody, Clearwater
Robert Michael Eschenfelder, Bradenton
Anita Geraci-Carver, Clermont
Amanda Louise Quirke Hand, Miami
Lawsikia Jumoke Hodges, Jacksonville
Kimberly Romano Kopp, Orlando
Arthur J. Grant Lacerte, Kissimmee
Rebecca Clayton Lavie, St. Augustine
Joshua Bernard Moye, Port Charlotte
Nicole C. Nate, Tampa
Thomas F. Pepe, Coral Gables
Abbie Schwaderer Raurell, Miami
Patricia Denise Smith, Palm Bay
Peter J. Sweeney, Palm Bay

PalmBayFlorida.org
July 5, 2016

Palm Bay City Attorney's Office Recognized in Florida Trend

Two members of the Palm Bay City Attorney's Office (CAO) were recognized in Florida Trend's Florida Legal Elite 2016 as among the top 1,144 attorneys in Florida and among the top 65 attorneys in Florida employed by municipal, county, state or regional government agencies and non-profit organizations. What is most significant about this recognition is that Palm Bay surpassed all other CAO's of similar size in Florida, with two attorneys from the same office recognized. Hence, for a law office of this size, Palm Bay has the best in the State! Congratulations to Andrew Lannon, **Pete Sweeney**, and the City of Palm Bay Attorney's Office.

Prnewswire.com
October 19, 2015

From Law Firms to Bar Associations to Legal Media and Technology, ".Law" Domain Gains Momentum Throughout the Legal Profession
The Florida Bar, Orrick, Law360 Join Early Adopters As New Domain Opens for Regular Access, October 19

LOS ANGELES, October 19, 2015 /PRNewswire/ --

Law School Waiver Program Will Provide Accredited Schools With Dedicated .law Domain Name Without Charge

Minds + Machines Group Limited (LSE: MMX), the owner of the new ".law" top-level domain, today announced that beginning October 19, 2015, .law domain names may be applied for by qualified lawyers on a first-come, first-served basis at standard rates. The seven-day Early Access Program, during which .law domain names were priced higher to accommodate initial demand, ended at 1600 UTC on October 19. Antony Van Couvering, CEO of Minds + Machines, commented, "The early interest in .law by the legal community has been outstanding. The legal profession seems to agree with our foundational policy: that every name sold under .law or .abogado must belong to a qualified lawyer and that there is real value in domain names governed by meaningful, verified policies."

Early Adopters Lead the Way

Early adopters of .law domain names include prestigious state associations such as The Florida Bar; leading law firms across the country including Orrick, Skadden, and DLA Piper; the leading legal media outlets Law360 and ALM Media; professional legal organizations such as DRI-The Voice of the Defense Bar, and the American Association for Justice, which is working with .law to ensure its members are aware of this opportunity; and many other firms, organizations, and individuals. "Interest is coming from all corners of the legal profession," Lou Andreozzi, CEO of Dot Law, Inc. said. "This is a once-in-a-lifetime opportunity to secure names that can help rebrand, expand, or otherwise promote the legal profession. Many of the associations have indicated that, in addition to their own use, they will provide access to the new domain names as part of their membership benefits. Law firms large and small have expressed interest not only in their names but also in practice areas. They see this as an investment to help ensure their position as a leading practice. It is exciting to consider the possibilities."

With over 100,000 members, The Florida Bar is the organization of all lawyers who are licensed by the Supreme Court of Florida to practice law in the state. "As The Florida Bar continues to serve an ever more diverse and engaged constituency, it is important to look for new tools with the potential to help our membership leverage their resources in order to best serve their clients," said **Pete Sweeney**, Chair of The Florida Bar Member Benefits Committee. "We are excited to be among the first organizations to receive the new .law domain names and make them available

to our members." Orrick is a global law firm focused on serving the technology, energy, infrastructure, and finance sectors. "Law firms are constantly looking for new and more valuable ways to share market insights and content with our clients, and we applaud efforts to innovate in this area," said Orrick Chairman Mitch Zuklie. "We are delighted to be an early recipient of a new .law domain name."

Free Registration Opened Up to Law Schools

In addition, Minds + Machines is proud to announce its law school program, which will provide a .law domain name to accredited law schools, and will waive registration and renewal fees for the domain name. U.S. schools are the first to be afforded this opportunity; outreach to non-U.S. law schools is planned for the near future. "We are proud to announce a program to provide accredited law schools with a dedicated .law domain name, without charge to the school," said Carl Jaeckel, COO of Dot Law, Inc. "For many law schools, their web and email addresses do not reflect that they are a law school or may be long and convoluted, such as 'initials of law school dot initials of university dot edu.' We hope that these new domain names will provide law schools with a tool to easily identify their position in the legal community."

Seton Hall Law School, the only private law school in New Jersey, is a leading law school in the New York metropolitan area. "We are delighted that the .law domain provides Seton Hall Law School with an extraordinary array of new branding opportunities for both the law school and our specialized programs," said Kathleen Boozang, Dean and Professor of Law, Seton Hall Law School. "setonhall.law distinguishes us as a leader in legal education and in the broader legal marketplace, regionally and globally."

About .law and .abogado

.law and .abogado are new restricted top-level domains (TLDs) that aim to promote trust in the professional legal community by creating exclusive online spaces in which lawyers can present themselves in a distinctive and memorable manner. Only qualified lawyers are eligible to secure a .law and/or .abogado domain name. A qualified lawyer is a professional who is licensed to practice law by an approved regulator of legal services in a given jurisdiction. For full eligibility criteria, please see the .law and .abogado Eligibility Policy. More information on .law is available at join.law.

About Minds + Machines

Minds + Machines (LSE: MMX) is a leading owner and operator of new generic top-level domains ("gTLDs") including ".law," and provides registry services to a range of high-profile clients. The Group also provides domain name services to consumers through its wholly owned registrar operations in the U.S. and Europe. For more information on Minds + Machines, please go to http://investors.mindsandmachines.com.

Space Coast Daily
August 5, 2015

City of Palm Bay Attorney's Office Raises Bar On Professional Standards
Makes Palm Bay one of most professional offices
Author: Space Coast Daily

BREVARD COUNTY • PALM BAY, FLORIDA – The coveted title of "Board Certified" attorney now belongs to all three full-time attorneys within the City Attorney's Office. The achievement makes Palm Bay one of the most professional and ethical offices in the State of Florida. The city attorneys join only 7 percent of eligible Florida Bar member attorneys in the state who share the certification, which is the highest recognition a practicing attorney can receive.

Andrew P. Lannon is double board certified in Business Litigation and City, County & Local Government Law. Patricia D. Smith is board certified in State & Federal Government & Administrative Practice. **Pete Sweeney** is board certified in Construction Law. "That is very impressive," said Councilman Jeff Bailey. "Each department member's commitment to excellence and professionalism should be commended." Patricia Smith became board certified in State & Federal Government & Administrative Practice. There are only 93 board certified attorneys in this area; there are 87,803 attorneys licensed to practice law in Florida. She was appointed secretary of the Brevard County Association for Women Lawyers (BCAWL), re-appointed to the Eminent Domain Committee of the Florida Bar, re-appointed to the Traffic Court Rules Committee of the Florida Bar and gave a presentation at the Florida Municipal Attorneys Association's 34th Annual Seminar.

Pete Sweeney received AV® Preeminent peer review rating by Martindale-Hubbell®, the highest possible rating in both legal ability and ethical standards. He was re-appointed chairman of the Member Benefits Standing Committee of the Florida Bar. This is based on a personal selection by the President of the Florida Bar, Ramon Abadin, and is unprecedented for this committee. He was also re-appointed to serve on the 19th Judicial Circuit Committee for the Unlicensed Practice of Law. He also gave a presentation at the Florida Bar's City, County and Local Government Law Sections 38th Annual Local Government Law in Florida Conference to all of the city and county attorneys' offices in Florida.

This presentation was selected for publication in the Stetson Law Review's Local Government Law Symposium, the premier local government law publication in Florida. **Sweeney** is board certified in Construction Law. There are only 360 board certified attorneys in this area; there are 87,803 attorneys licensed to practice law in Florida.

Andrew Lannon is recognized as one of the top 1,131 attorneys licensed to practice law in Florida in Florida Trend's Florida Legal Elite 2015. He became Board Certified by the Florida Bar in Business Litigation and is now a Board Certified Specialist in both Business Litigation and City, County and Local Government Law. There are only 255 board certified attorneys in

Business Litigation and 262 board certified attorneys in City, County & Local Government Law. He is one of only two attorneys that is board certified in both areas in the State of Florida. There are 87,803 attorneys licensed to practice law in Florida.

Lannon was appointed to the Executive Council of the City, County and Local Government Law Section of the Florida Bar. Lannon has been recommended by the Florida Bar to be a member of the 18th Judicial Circuit's Judicial Nominating Commission and is currently waiting on appointment from Governor Rick Scott. Lannon was re-appointed Secretary/Treasurer of the Vassar B. Carlton American Inn of Court. He gave 2 presentations at the Florida Bar's City, County and Local Government Law Sections 38th Annual Local Government Law in Florida Conference to all of the city and county attorneys' offices in Florida.

One of these presentations was selected for publication in the Stetson Law Review's Local Government Law Symposium, the premier local government law publication in Florida. He was also asked to present at the 41st Annual Public Employment Labor Relations Forum in October. Lannon is currently appointed to the Eminent Domain Committee of the Florida Bar. Other staff members within the City Attorney's Office are also highly qualified. Debra Hunt became a Florida Registered Paralegal, one of only 5,135 in Florida. Lindsey Pike became a Florida Registered Paralegal, one of only 5,135 in Florida.

Legal Fuel - https://www.legalfuel.com/florida-bar-winter-meeting-peter-sweeney-on-technology-and-member-benefits/
January 28, 2015

Florida Bar Winter Meeting: Peter Sweeney on Technology and Member Benefits

Florida Bar Podcast host Adriana Linares interviews **Peter Sweeney**, Deputy City Attorney of Palm Bay, Florida, at the 2015 Winter Meeting of The Florida Bar. As the chairman of the Member Benefits Committee of the Florida Bar, **Sweeney** discusses adding technological tools like Clio and Rocket Matter to member benefits and the vetting process of these tools. Also a member of the The Unlicensed Practice of Law (UPL) Committee, he examines the problem of people needing legal aid and how to adequately meet these needs within the confines of the law. In addition to being Deputy City Attorney, **Peter Sweeney** is board certified in Construction Law by the Florida Bar.

CB&A Note: To listen to the interview, follow this link - https://www.legalfuel.com/florida-bar-winter-meeting-peter-sweeney-on-technology-and-member-benefits/

Brevard Business News
September 2, 2013

Palm Bay City Attorney's Office among elite experts in field, Lannon and Sweeney Jr. earn board certification

PALM BAY — Attorney Andrew Lannon and Deputy City Attorney **Pete Sweeney Jr**. recently became board certified by the Florida Bar in the specialized areas of city, county and local government and also construction law. This ranks them among the top 2 percent of practicing attorneys in the state of Florida, and they are considered among the top experts in their specialized fields. **Sweeney** received board certification in construction law, and Lannon in city, county and local government law. Both passed a rigorous six–hour examination after more than eight weeks of study and preparation for the highly coveted credentials. Only six percent of eligible Florida Bar members, roughly 4,600 lawyers, are board certified. The certification is valid for five years, during which time the attorney must continue to practice law and attend Florida Bar–approved continuing legal–education courses.

"The City of Palm Bay is very fortunate to have such a highly credentialed and experienced legal staff," said City Manager Sue Hann. "I appreciate the very capable team in the City Attorney's Office and the city is extremely proud to now have two board–certified attorneys representing Palm Bay." Lannon was appointed city attorney in 2011. In 2012 and 2013, he was selected as Florida Trend's "Florida Legal Elite." He was also recognized in 2013 as one of the top 1,228 attorneys out of the 96,512 attorneys licensed to practice law in Florida and as one of the top 61 attorneys in the state employed by municipal, county, state or regional government agencies and nonprofit organizations. Lannon is AV–rated by Martindale–Hubbell, the highest possible rating in both legal ability and ethical standards given by this renowned attorney rating service.

Sweeney joined the City Attorney's Office in October 2012. He earned his law degree with honors in 2004 from Florida State University. **Sweeney** is now one of only 318 attorneys out of the 96,512 attorneys licensed to practice law in Florida to achieve board certification in construction law. He is admitted to practice law in all courts in the state of Florida as well as the U.S. District Courts for both the Middle, and Southern Districts of Florida. They work closely with Patricia Denise Smith who joined the City Attorney's Office in August 2011 as a deputy city attorney. Smith's focus with the city has been Palm Bay City Attorney's Office among elite experts in field, Lannon and **Sweeney Jr**. earn board certification litigation and police–liability matters. She started her career in the Public Defender's Office for the 19th Judicial Circuit defending over 45 jury and non–jury cases.

Smith subsequently accepted the assistant general counsel position with the Florida Department of Health prosecuting health–care licensure cases. Smith is admitted to practice in the U.S. District Courts in the Northern, Middle and Southern Districts of Florida and in the U.S. Court of Appeals for the Eleventh Circuit. The Palm Bay City Attorney's Office is currently handling 276 active litigation cases involving everything from foreclosures, construction projects and contracts to labor relations and other civil matters that "potentially put the taxpayers at risk."

February 17, 2012

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT JANUARY TERM 2012

LAUFEN, INC. AND JAMES JACKSON,
Appellant,

v. CASE NO. 5D10-1888

THOMAS ANDREW AND CONSTANTINA ANDREW,
Appellee.
_____/

Opinion filed February 17, 2012
Appeal from the Circuit Court
for Brevard County,
Robert Wohn, Jr., Judge.
Peter J. Sweeney, Jr., of Vocelle & Berg, LLP, Vero Beach, for Appellant.
Allan P. Whitehead, of Frese, Hansen, Anderson, Anderson, Heuston & Whitehead, P.A., Melbourne, for Appellee.

[CB&A Note: The remainder of the case can be read here:
http://www.5dca.org/Opinions/Opin2012/021312/5D10-1888.op.pdf

July 12, 2006

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

July Term 2006

COLLEEN E. NEELD, f/k/a COLLEEN N. WILMOTH,
Appellant,
v.
THE NEW PIPER AIRCRAFT, INC., a foreign corporation,
Appellee.

No. 4D05-3589
[July 12, 2006]
PER CURIAM.
Affirmed.
WARNER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert A. Hawley, Judge; L.T. Case No. 02-57 CA17.
Peter J. Sweeney, Jr. of Clem, Vocelle & Berg LLP, Vero Beach, for appellant.
Andrew S. Hament and Alec D. Russell of GrayRobinson, P.A., Melbourne, for appellee.
Not final until disposition of timely filed motion for rehearing.

[CB&A Note: The remainder of the case can be read here:
https://www.4dca.org/content/download/157740/1395321/file/4D05-3589.pca.pdf

June 15, 2005

Havens v. Chambliss, 906 So. 2d 318 (Fla. Dist. Ct. App. 2005)
District Court of Appeal of Florida
Filed: June 15th, 2005

Precedential Status: Precedential

Citations: 906 So. 2d 318

Docket Number: 4D04-3147

Author: Barry J. Stone

906 So. 2d 318 (2005)
Daniel S. HAVENS and Cynthia Havens, Individually and as Husband and Wife, Appellants,
v.
Hendry CHAMBLISS, Appellee.
No. 4D04-3147.
District Court of Appeal of Florida, Fourth District.

June 15, 2005.
*319 **Peter J. Sweeney, Jr.** of Clem, Vocelle & Berg, LLP, Vero Beach, for appellants.

Garrison M. Dundas of Brennan, Hayskar, Walker, Schwerer, Dundas & McCain, P.A., Fort Pierce, for appellee.

STONE, J.

[CB&A Note: The remainder of the case can be read here:
https://www.courtlistener.com/opinion/1951595/havens-v-chambliss/

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 11

V. Lynn Whitfield

Fort Pierce City Attorney Candidate Report

Section 11

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Resume

V. Lynn Whitfield

432 33rd Street
West Palm Beach, Florida 33407
(561)856-6757

BAR ADMISSIONS: Florida; District Court for the Southern District of Florida; Eleventh Circuit Court of Appeal; and United States Supreme Court

EDUCATION

1980 **University of Miami School of Law**
Coral Gables, Florida
JURIS DOCTORATE

1977 **Brandeis University**
Waltham, Massachusetts
BACHELORS OF ARTS
Honors in Sociology

WORK EXPERIENCE

December 1, 2016- Present
President - VLW Enterprise Inc.-West Palm Beach, Fl.
Trainer/Seminar Presenter of "What's in your toolbox?" trial advocacy skills seminars and trainer of public servants on "How to testify in court."

December 5, 2011-Nov. 29, 2016
City Attorney-City of Hallandale Beach, Florida
Responsible for advising the Mayor and City Commission Legal matters coming before the Commission; responsible Providing the representation of the City in litigation filed By or against the City; monitor work done by outside Counsel; supervise legal staff and support staff: review City code and policies and recommend appropriate Changes; work with other City departments and provide Legal advice; trainer of Commissioners on ethics and public servants on testifying in court responsible for developing department budget; performs other duties as assigned by Mayor and City Commission

January 3, 2006 – Dec. 2, 2011
City Attorney-City of North Miami, Florida
Responsible for advising the Mayor and City Council on all

	Legal matters coming before the Council; responsible for Providing for the representation of the City in litigation Filed by or against the City; monitor work done by outside Counsel; supervise legal staff and support staff; review City Code and recommend appropriate changes; work with other City departments and provide legal advice; assist in Developing legal department's budget; training public servants in testifying in court; and performs other Duties as requested by the Mayor and City Council
December 2, 2002-December, 2005	**Associate**- Walton Lantaff Schroeder & Carson, LLP Concentrating in General Liability Defense, Municipal Law And Criminal Defense **City Attorney-City of Pahokee, Florida**-Responsible for Advising the City Commission on all legal matters coming Before them. Providing legal advice to department heads. Providing representation of the City in litigation filed by or Against it.
August 1, 1992 – December, 2002	Private Practice-Law Offices of V. Lynn Whitfield, P.A. Whitfield & Mosley Concentrating in Criminal Defense, Civil Litigation and Municipal Law.
March, 1987-July, 1992	**Deputy City Attorney, Chief Litigator-City of West Palm Beach** Responsible for the defense of the City of West Palm Beach in all types of litigation including Personal Injury, Eminent domain, police brutality and federal cases. Over 20 civil jury trials. Handled all municipal issues including Zoning, land use and annexation
September, 1985-March, 1987	**Assistant Public Defender** – Palm Beach County Responsible for the defense of indigents charged with Criminal offenses throughout the county.
August, 1983-March, 1985	**Law Clerk-Municipal** Court-East Cleveland, Ohio
August, 1981-July, 1983	**Sole Practitioner** – Handled criminal defense cases along With personal injury and domestic cases.
1978-1981	**State Attorney's Office-Miami-Dade** County, Florida

Started as legal intern assisting the attorneys; became a Certified legal intern trying cases and advanced to Assistant State Attorney trying felony cases.

ORGANIZATIONAL AFFILIATIONS:

Offices held:

2006-2008	Board Member at Large-National Bar Association
2004-2005	President-Craig S. Barnard American Inn of Courts
2001-2005	Director-Palm Beach County Bar Association
2002-2003	Chair-Board of Directors-Gulfstream Goodwill Industries
1998-1999	President – Palm Beach Association Of Criminal Defense Lawyers
1997-1998	Regional Director Region XI-National Bar Association
1996-1997	President-Florida Chapter National Bar Association; Affiliate Representative-National Bar Association
1995-1999	Vice President-Board of Directors Florida Rural Legal Services
1986-1987	President – F. Malcolm Cunningham Bar Association, Palm Beach County

Memberships:

Palm Beach County Bar Association; F. Malcolm Cunningham Bar Association; Life Member-National Bar Association; Virgil Hawkins Florida Chapter National Bar Association; Life Member – NAACP; Florida Rural Legal Services Board

TEACHING:

2016	Local Government Lawyer's Legal Summit: Make Law your Profession not your life

2012 Ethics and Orientation for New Commissioners
Ethics training for all City Boards

2011 Forfeiture, Search and Seizure, and Testifying in Court – Internal training for City of North Miami Police Department

2009 South Florida Chapter National Forum of Black Public Administrators-"Ethics Jeopardy"

2008 South Florida Chapter National Forum of Black Public Administrators – Public Records and Sunshine Law

2006 South Florida Chapter National Forum of Black Public Administrators-"How to balance Tightrope, Live in a Fishbowl without upsetting your moral Compass"

1997 Florida Chapter National Bar Association Trial Advocacy Seminar-"From Teachin' to Preachin'-Direct Examination of Witnesses

1993 Faculty member-Southern Regional Trial Advocacy Seminar-National Institute of Trial Advocacy (NITA)

LEGAL COMMENTARY EXPERIENCE:

1998-2005 Legal Commentator for WPBF Channel 25-
Handled gavel to gavel coverage of State v. Brazill; Interview of Gary Condit; coverage of President Clinton's Investigation and impeachment; numerous other stories
Covered by WPBF-Channel 25

HONORS AND AWARDS:

2013-Present Martindale Hubbell AV Preeminent rating

2012 Strathmore's Who's Who for leadership and achievement in the occupation, industry and profession

2009 Named one of the most accomplished in the legal field ICABA in their Inaugural Edition

2007 Named one of the 25 most prominent & influential Black Women by Success South Florida Magazine

Recipient of the Presidential Award for Outstanding Service-National Bar Association

2000 Who's Who in Executives and Businesses

1997 Nelson Mandela Award-University of Miami School of Law Black Law Students Association

- Eligible to sit for board certification examination

Candidate Introduction

V. Lynn Whitfield

Hello, I am Vennie Lynn Whitfield. I practice under the name V. Lynn Whitfield. I'm a graduate of the University of Miami School of Law, class of 1980. I received my undergraduate degree in Sociology from Brandeis University in Waltham, Massachusetts.

After graduating from law school, I was an assistant State Attorney working for Janet Reno. I have also served as an Assistant Public Defender, an assistant City Attorney, and a deputy City Attorney. My career has included owning my own private law practice and working for a medium sized law firm.

In 2006, I accepted a position as Deputy City Attorney for the City of North Miami and five months later I was named City Attorney. I worked there for approximately five years before accepting the position as City Attorney for Hallandale Beach. I left Hallandale Beach, November 29, 2016.

Hallandale Beach has a population of approximately 38,000 permanent residents. The population grows to approximately 50,000 during the season. Hallandale Beach is a coastal city and is the home of two casino facilities. The city employs just under 500 full-time employees. The City Attorney's office is made up of two other attorneys and a legal assistant. I supervised all the employees of the City Attorney's office. In Hallandale Beach our staff handled the majority of the legal needs of the city. When I first became the City Attorney the budget for outside counsel was over a half a million dollars. During my tenure we reduced the amount to under two hundred thousand dollars.

Hallandale Beach is a city very involved with development and it does not utilize impact fees so we had to be creative in figuring out ways to provide upgraded parks and recreation facilities for the residents. We entered into a private public partnership with a developer which resulted in the refurbishing of one of the city's beach parks. The projected included the building of a $8 million dollar restaurant/spa facility which the city was a party to the operating agreement receiving a share of the profits. We also utilized development agreements on other projects to assist the city in providing services to the residents.

I consider myself to have a teaching management style. I believe it is important that everyone work together as a team and I'm only as good as those who work with me and for me. I like to acknowledge the good things my staff does and help them to learn what they might have done better. Ft. Pierce is a city with a lot of potential and that is why I'm interested. I've had the occasion to handle federal cases in Ft. Pierce in the past so I've watched it. I enjoy using my experience to help a city which is looking to grow and even rebrand itself. I was a part of the rebranding of both North Miami and Hallandale Beach.

I believe it is important that the City Attorney is able to effectively communicate to the City Commission the legal position of any issues facing the city. Also, the City Attorney should be able to think outside the box and assist the City Commission on finding ways to accomplish their objectives within the constraints of the law.

I have a lot of litigation experience so when a lawsuit is filed against the city I represent I first do an analysis of the case. I would have already discussed the facts with the administration so I know whether or not we could resolve the matter prior to the lawsuit being filed. I believe cases which should be settled should be done so early, but if they should not be settled, they should be defended vigorously.

Not all communication with elected officials should be in writing. I have an open door policy for all elected officials and most department heads. The City Attorney's office is a service department of the city and we are there to serve the needs of the elected officials and administration. The elected officials should be kept abreast of any and all legal issues which they might have to encounter as a commission. As City Attorney I work for the entire commission and not any one commissioner alone. That being said I also believe it is important to maintain the confidentiality of what one commissioner says to me.

One thing I have learned in life is that not everyone is going to like you. I believe the majority City Commissioners who have worked, with me even when I was at the City of West Palm Beach as an assistant city attorney, will say that I'm a good, honest, hardworking attorney who always had the best interest of the city in mind. There will be one or two who will speak negatively of me, but if you look at the work I did it will show what type of attorney I am. I had good working relationships with all the City Managers I worked with and together we accomplished a lot.

I believe my strengths are my good memory and my ability to analysis an issue and see the big picture. I am also going to give you the best legal opinion I can. I believe in being impeccable in my word and always doing my best.

My weakness is that I sometimes get impatient. I sometimes forget that others may take longer to grasp a concept than I do. I have learned to take the time and break things down so that everyone can understand what is being said and done.

My greatest accomplishment is my being an attorney at all. I come from a family where I am the first college graduate and first graduate of a professional school, then I suffered an early setback in my career which resulted in a 6 month suspension from the Florida Bar. The fact that I was able to rebuild my career and have a successful one in government, says a lot about my determination and it is something I'm proud to have accomplished.

As I mentioned, I suffered an early setback in my career. In 1981, while I was an assistant state attorney I told my secretary that she was going to be arrested for dealing drugs. They said I interfered with the administration of justice because they were only able to charge her with 14 counts. I accepted a 6 months suspension from the Florida Bar which was actually about 19 months. It was a very trying time in my life. As a result of that experience I cherish my right to practice law even more. I will not let anyone or anything put that in jeopardy again. I also learned that just because others may count you out, don't count yourself out.

Fortunately, I have not had to fire too many employees in the past. I believe that you work with the employee first to help them improve. If after all your efforts you are not able to get the employee to a level which is acceptable then termination is the only option. I believe you terminate with as much compassion as possible. It's important to me that I not strip the person of their dignity. I let them know that they would be better suited somewhere else. I know that it is not easy being fired and it is not a pleasant task to perform. While at North Miami I had to terminate an assistant city attorney and two secretaries. Before terminating them I documented the issues and discussed ways they could improve.

During the first 90 days I would do a review of the legal issues and the status of litigation in the City. I would implement an Internal Service Request system which has worked well in the other cities I have served as City Attorney. This allows us to track the type of work we are doing for the other departments and the Commission and provides a method of reporting to the City Commission what is occurring in the City Attorney's office. I would also meet with each member of the staff to determine their strengths and weakness and to find out what their goals are individually and as a member of the staff. The next 90 days would be spent putting together a plan to ensure that the office is working effectively and addressing the needs of the city. Of course, we would be also addressing all the current legal issues which would come up daily in a city. I would also look at what training we could provide to other departments to reduce future litigation. At the end of the six months I would present a report to the City Commission of the goals of the City Attorney's office.

As City Attorney it is not my position to be a spoke person for the city unless I'm asked to do so. However, I do have a lot of experience with media in that I was a legal commentator for WPBF for several years. I believe that all media contact should go through the City's public information officer. I respond to the public information officer.

I love to read murder mystery books and to write. I'm an avid golfer. I love professional sports especially football. Everyone that knows me knows I'm a diehard Cleveland Browns fans.

I believe I have told you already about my suspension from the Bar. I have not done anything else which would be an embarrassment to the City or myself. I'm involved or will soon be involved in litigation against the city of Hallandale Beach for discrimination and retaliation. I filed with EEOC and they determinated that I was retaliated against when I was fired from there. I'm not embarrassed by the actions I took because I believe I did the right thing.

Former Commissioner Keith London and Commission Michele Lazarow, might contact you about me. Also, Former Fire Chief Daniel Sullivan, during the discrimination investigation of Commissioner London, who is upset because I headed the investigation which lead to his termination has made some negative comments about me discriminating against people. His comments were not substantiated. I believe everyone else will have good things to say about me and my work.

V. Lynn Whitfield

I was terminated from my position at Hallandale Beach in retaliation for my accusing one of my commissioners of discrimination when he attempted to threaten me and intimidate me into allowing them to fire me so I could get my severance. When he was able to get a new commissioner elected, the next day I was terminated for pretextual cause. EEOC has determined that my termination was an act of retaliation.

The six adjectives or phrases I would use to describe myself are hardworking, funny, dedicated, compassionate, intelligent and honest. I am currently unemployed. My salary when I left Hallandale Beach was $203,000.

Section 11

CB&A Background Checks

Background Check Summary for
VENNIE LYNN WHITFIELD

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found

Credit	Very Good
Bankruptcy	No Records Found
Education	BA – Brandeis University ***Confirmed***
	JD – University of Miami ***Verifications Pending***
Employment	VLW Enterprise (2016 – Present) Hallandale Beach (2011 – 2016) North Miami (2006 – 2011) ***Confirmed***
	Walton Lantaff Schroeder & Carson (2002 – 2005) ***Verifications Pending***

Background Check Summary for
VENNIE LYNN WHITFIELD

Florida Bar Number Member in Good Standing
Bar # 314021

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
VENNIE LYNN WHITFIELD
Personal Disclosure

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Personal Disclosure Questionnaire

Name of Applicant: _____

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 need 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.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No x☐
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No x☐
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes ☐ No x☐
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No x☐
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No x☐
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No x☐
7. Have you ever sued a current or former employer?
   Yes ☐ No x☐ I'm in the process of filing a discrimination lawsuit against a former employer.
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes x☐ No ☐
9. Do you have a personal Twitter Account?
   Yes x☐ 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 x☐ there is nothing which would cause me embarrassment, but my termination from Hallandale Beach was very public. Also, at the beginning of my career I was suspended by the Florida Bar for six months. That was over 30 years ago.
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
    See below

Attested to: _____
Signature of Applicant

Property of Colin Baenziger & Associates

CB&A Reference Notes

Jennifer Warren– Deputy City Attorney, City of North Miami, FL 305-895-9810

Ms. Warren has known Ms. Whitfield since 2006 when she came to North Miami. They began working together in 2007 and enjoyed that relationship until Ms. Whitfield left for Hallandale Beach. They have continued to stay in contact.

One of the biggest strengths Ms. Warren admires in Ms. Whitfield is how well she communicates. At the City the Commissioners came from a variety of backgrounds and levels of education about the law and she always had a superb way of breaking down the legal concepts and strategies so they could understand them. They always felt confident in their choices because she explained everything to them so well.

Ms. Whitfield is well rounded and has all of the necessary skills of an outstanding lawyer. She was also quite good at managing the office as well as handling the legal affairs of the City. She was good at hand holding when necessary, but she also kept the case load moving.

As an attorney, Ms. Whitfield's biggest strength is her trial skills. She and Ms. Warren worked on developing trial strategies, jury selection, and anything else that pertained to litigation. When Ms. Warren needed direction in that area she always looked to Ms. Whitfield.

Ms. Whitfield consistently gave the Commission excellent recommendations. She was also good about giving them in-depth explanations of the law and any historical ramifications. Ms. Warren does recall instances when the elected officials did not heed the advice of Ms. Whitfield and decided to do something different. Although she could not speak to any specific examples, she does recall that those decisions usually ended up being quite costly to the City and if they had gone with Ms. Whitfield's analysis it would have been better.

Ms. Whitfield is the type of attorney who finds solutions within the parameters of the law. She always came up with solutions and did not always merely say no. Her answers may not have been what people wanted to hear, but she gave alternatives and directions that fell within the law. She went the extra mile to please the client as long as what they wanted was within the scope of the law.

In terms of Ms. Whitfield's experience with the law, she is highly experienced in several areas. Many of the cases that she oversaw in North Miami were constitutional law claims where some even went through the appellate. She is well versed in contracts and oversaw about 5 to 7 departments and their contracts. Additionally, during the time she was with North Miami she worked on a big project developing a large parcel of land that had previously been a city dump, thus using her expertise in environmental law. Furthermore, she is well versed and experienced in utilities, labor/personnel issues, development, redevelopment, and land use.

One of Ms. Whitfield's gifts is working with the public. She is good at taking the most disgruntled residents and making them her best friends. She was also just as good at dealing with the elected

officials. She was one of the few City Attorneys who gave equal attention to the Mayor and Council treating them all the same.

Ms. Warren is not aware of anything controversial involving Ms. Whitfield. She has no knowledge of any embarrassing or questionable behavior from Ms. Whitfield's past or present conduct that would be of concern. If she were looking for a City Attorney, she would definitely hire Ms. Whitfield.

Words or phrases used to describe Lynn Whitfield:

- Exuberant,
- Outgoing,
- Dynamic,
- Attentive,
- Savvy, and
- Integrity.

Strengths: An experienced professional who excels at communication and is confident in her command of the law.

Weaknesses: None identified.

Brett Schneider – Attorney, Weiss Serota, Boca Raton, FL 954-812-2760

Mr. Schneider first met Ms. Whitfield in the City of North Miami in 2007. He worked with her as the Labor Attorney in North Miami as well as at Hallandale Beach. They continue to stay in contact.

Ms. Whitfield is a hardworking, very smart, competent, and experienced attorney. She has an excellent command of the law and is extremely responsive with Mr. Schneider. She has experience in several areas of law including constitutional law, contracts, development, redevelopment, and land use. She also has dealt with a homeless population in some of her municipalities. When it comes to labor and employee matters, she handled employee complaints and would involve him when litigation was imminent.

Ms. Whitfield is the type of attorney who tries to find solutions to problems, but is also a straight shooter. She does what she can to stay a-political and give good legal advice regardless of the person asking the question. Mr. Schneider is not aware of any specific instances where the elected body went against her advice. However, in Hallandale Beach she had to deal with an extremely divided political environment where she may have not been well liked by one of the minority commissioners. Even if she was giving the right legal advice it always made someone upset.

In terms of interacting with the public, Ms. Whitfield does fine. Mr. Schneider has seen her at commission meetings interacting with citizens on occasion and she seems to do well. No one can be a City Attorney for as long as she has without having experience in that area.

Mr. Schneider suspects that Ms. Whitfield left Hallandale Beach because of the highly charged political environment. She made a complaint against one of the commissioners and an outside investigator was hired to look into the complaint. Nothing was found other than the commissioner was being overly hard on her. She has nothing in her background or conduct that would be considered embarrassing. The only person who might disagree with him might be the elected official who did not like her.

If Mr. Schneider were looking to hire a city attorney, he would certainly strongly consider Ms. Whitfield. She has the confidence and experience to do that job well.

Words or phrases used to describe Lynn Whitfield:

- Strong,
- Hardworking,
- Thorough, and
- Tough.

Strengths: A bright and competent attorney who is direct and gives excellent advice.

Weaknesses: Sometimes overextends herself because she is concerned with the bottom line and keeping the costs down.

Renee Miller – Former City Manager, Hallandale Beach, FL 786-253-8436

Ms. Miller first met and became acquainted with Ms. Whitfield prior to 2011 but they did not work together until 2012. They worked in Hallandale Beach for four years.

Ms. Miller greatly appreciated Ms. Whitfield's problem solving abilities. It was different having a City Attorney that was comfortable with problems and who understood the business challenges and issues. She always helped Ms. Miller find solutions to management problems and was very much a partner, but was also clear about who was her client.

Ms. Whitfield was not political; she gave her legal opinion; and then stood by it. She would tell people when she did not agree with them and would consistently represent that. In this area she was extremely dependable. However, sometimes her forthrightness and directness was taken the wrong way, but Ms. Miller valued that aspect of her personality.

In terms of legal experience, Ms. Whitfield is well versed in several areas of the law including contracts, development, redevelopment, land use, utilities, and labor/personnel matters. She is a highly capable attorney who is called upon by several other City Attorneys in South Florida for

advice. She always gave Ms. Miller good advice, but also knew when she needed to refer out cases to specialty attorneys. She was responsible in the way she managed her department.

When it came to the elected officials, Ms. Whitfield worked hard to protect all the commissioners. Whether they took her advice is a completely different matter. It is common knowledge that the environment was difficult and they were working with some challenging personalities. She did an outstanding job navigating those waters. Unfortunately, the elected body did not always heed her advice and they did, on occasion, go in a different direction. They were incorrect in those choices and the City was the worse for wear in those instances.

In Ms. Whitfield's duties at Hallandale Beach she did not report to Ms. Miller, but they had shared bosses in the Commissioners. As colleagues they had an excellent working relationship and they made a point to speak and collaborate weekly sharing information and keeping each other abreast of what was happening in their perspective areas.

With the public Ms. Whitfield has experience and is excellent at dealing with people in the community. She never shied away from constituents' complaints or speaking with them about their legal questions. She operated with an open door policy and spoke to people when it was appropriate.

Ms. Whitfield was very responsive to the commission and worked well with the reasonable commissioners. It was not for her lack of trying and she treated each one the same staying out of their squabbles, but some were quite difficult. She did eventually leave based on the shift in politics.

Ms. Miller is not aware of anything in Ms. Whitfield's background or conduct that would prove to be disconcerting. Ms. Miller would absolutely hire Ms. Whitfield if she were looking for a City Attorney.

Words or phrases used to describe Lynn Whitfield:

- Leader,
- Intelligent,
- Analytical,
- Persuasive,
- Integrity, and
- Good litigator.

Strengths: An experienced city attorney who is direct with communication and who is a problem solver.

Weaknesses: Sometimes her compassion for her staff may have given them more leeway than she would have liked.

Nydia Rafols– Interim City Manager, Hallandale Beach, FL 954-457-1338

Ms. Rafols met Ms. Whitfield in 2011 when she came on board in Hallandale Beach. They worked together as colleagues until Ms. Whitfield left the City in 2016. They have had no further contact since that time.

Ms. Whitfield was very smart and had an excellent grasp of the law especially in terms of constitutional law, contracts, and some minimal experience in development, redevelopment, and land use. She was strong willed and sometimes it was her way or no other way. That did make it challenging to work with her at times, but she was usually willing to come to the table and discuss issues. She tried to find solutions and even though she was strong willed, she did an excellent job representing the City as its attorney.

Ms. Whitfield did extremely well working with all of the commissioners and had excellent relationships with them until she filed a complaint against the Mayor for a hostile work environment. An investigation was conducted by an outside attorney and nothing was found to warrant the complaint. As far as working with Ms. Rafols, the two worked well together in various aspects of City business and never experienced any issues.

Ms. Whitfield always did her homework and made fine recommendations to the elected officials. She challenged others to ensure that things were being done right and according to the law. Ms. Rafols is uncertain if the Commissioners ever went against her recommendations and decided to do something else.

When it came to dealing with the public, Ms. Whitfield would pick and choose with whom she wanted to interact. She was the attorney for the City and not the general public and Ms. Rafols does not recall seeing any kind of interactions with the public, but she was not around Ms. Whitfield on a daily basis.

Ms. Rafols is not aware of anything in Ms. Whitfield's background or conduct that would be of concern to a reasonable person. She left the City because of the change in Commission. Ms. Rafols is not certain if she would hire Ms. Whitfield as a City Attorney if she were looking to hire one. As the City Manager she would be interacting with her as a colleague and it might prove to be a different experience than just another employee.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Strong willed,
- Excellent writer,
- Challenging to work with, and
- Challenged others to ensure what was being presented was correct or right.

Strengths: A smart professional who did a fine job of representing the City.

Weaknesses: None identified.

Anthony Sanders – Former City Commissioner, Hallandale Beach, FL 954-540-5100

Mr. Sanders has known Ms. Whitfield since 2011. He did know of her before that time, but started working with her when she came on board at the City. They worked together until she left Hallandale Beach and have remained in contact since that time.

Ms. Whitfield was a creative professional who knew what she was doing. Mr. Sanders always had confidence in any advice she gave. She helped them avoid many lawsuits at the City. She was very responsive which had much to do with the structure that she put into place in her department from the beginning. She was quite responsible in terms of her budget and her staff. Everyone in her office worked at being efficient. She managed her staff well as well as the workload as the City Attorney.

Their City was very difficult to work in because along with Ms. Whitfield being the first African American City Attorney it was the first time they also had an African American Police Chief, Clerk, and City Manager. Even though Mr. Sanders was glad to see some diversity in the City, not everyone felt the same. Unfortunately, that created some problems. She always did what was fair when it came to giving her recommendations to the Commission, but a few of the Commissioners made things difficult in spite of her professionalism. Having said that, he is not aware of the elected body ever going against her recommendations with a majority vote.

Ms. Whitfield is an attorney who is solutions oriented. she looks for ways to get things accomplished, but at the same time she kept it right and tight legally. She looks to solve problems and then gives ideas of how they can be accomplished within the parameters of the law.

When it came to communication, Ms. Whitfield always kept Mr. Sanders informed of what was happening in the City. As an elected body they were informed either in their executive sessions or her office was keeping them abreast of the different situations going on within the City. He also had a running monthly meeting with her and the City Manager in regards to projects they were working on together.

Unfortunately, the political environment at the City was a toxic one laced with hatred and controversy with some of the Commissioners attacking Ms. Whitfield personally on the dais. Much of that negative attention was directed towards her and the City Manager for various issues. She lodged a complaint against one of the Commissioners regarding race, gender, and one other problem that Mr. Sanders could not recall. This particular Commissioner's behavior would sometimes lead to manipulation and intimidation, especially with women one on one and she would not buckle to that. That is when it spilled over into the dais. The Commissioner was

investigated and the findings were that his conduct was not flattering, but not illegal. Mr. Sanders suspects that others were too scared to come forward and speak to his pattern of abuse because of fear of retaliation. In a nutshell, that is why Ms. Whitfield left the City.

Some of Mr. Sanders former colleagues would take everything that he has stated and reverse it even though the legal community would completely disagree with those colleagues. The City is a divided community. It is a black and white issue, or an East/West part of town issue. Ms. Whitfield, the City Manager, and other staff members brought the City's resources to the West side of the community for the first time in over forty years. Because she did that and because she is African American she was attacked. It was not an issue of her capabilities as an attorney.

As far as Mr. Sanders knows Ms. Whitfield has nothing in her background or conduct that would be construed as problematic or embarrassing to a reasonable person. He would, without a doubt, rehire her if he were still at the City.

Words or phrases used to describe Lynn Whitfield:

- Strong,
- Smart,
- Timely,
- Spiritual, and
- Quick on her feet.

Strengths: A knowledgeable and creative attorney who offered excellent legal advice and treated everyone fairly.

Weaknesses: None identified.

Kathy Schanz – Parks and Recreation Director, Hallandale Beach, FL 954-457-1409

Ms. Schanz first met Ms. Whitfield in early 2012 and worked with her until 2016. They have had some, occasional contact since then.

Ms. Whitfield is a thorough individual and explains legal concepts in an understandable manner depending upon her audience. She is a highly capable attorney who has a good command of the law. If a topic is complex and she does not know everything about it she will do her research so that she is fully informed.

Ms. Whitfield is a solution finder. She helped them to write the Parks and Recreation ordinances that never before existed. They wanted to accomplish some particular things and they needed to figure out a way to accomplish them, but keep them within the constraints of the law. She did a fine job of guiding them through that process.

Ms. Whitfield was definitely responsive and her responses were timely, but she did have some challenges with the Commission. Ms. Schanz could not think of any situation off hand where the elected officials did not take her advice and went in another direction. However, considering their environment she would not be surprised if it did happen.

Hallandale Beach has controversy on a regular basis. Ms. Whitfield handled her share of them being the City Attorney and unfortunately she also experienced numerous issues with the Commission. Ms. Schanz does not know of anything that would be of concern from Ms. Whitfield's background or in her conduct. She would hire Ms. Whitfield as a City Attorney if she were looking for one.

Words or phrases used to describe Lynn Whitfield:

- Thorough,
- Communicative,
- Polite,
- Knowledgeable with the law,
- Supportive, and
- Willing to share her knowledge.

Strengths: An extremely thorough individual who is a capable attorney that finds solutions to issues.

Weaknesses: None identified.

Pamela Ryan – Retired City Attorney, Riviera Beach, FL 561-686-8700

Ms. Ryan first met Ms. Whitfield in approximately 1995 in a social for the Florida Bar Association. Ms. Whitfield has acted as a mentor for Ms. Ryan over the years. After her retirement from Riviera Beach Ms. Ryan continued to practice law and still represents several municipalities in South Florida. Ms. Ryan has hired Ms. Whitfield as a special magistrate for her clients and that is where she continues to keep in touch with Ms. Whitfield.

Ms. Whitfield is very gregarious, smart, and a go-getter. She is quite adaptable and easily switched from the criminal side of the law to the municipal side. She is a tough, but fair attorney who is beloved by the staff and citizens with whom she works as a magistrate. Ms. Ryan cannot say enough good things about her.

In terms of communication, Ms. Whitfield is straightforward and tells people what they need to hear even if they do not like the message. She is good at spotting issues; seeing the pitfalls; then communicates them excellently.

Reference Notes
V. Lynn Whitfield

Ms. Whitfield's knowledge of the law is top notch. She is tremendously smart and knows what she is doing. She is solutions oriented. They only way to survive in their line of work is to solve problems whether it is for the City Manager, the Commissioners, or the citizens. The only reason she has lasted as long as she has in her field is because she is a problem solver.

Ms. Ryan is not aware of any instances of the elected officials going against the advice of Ms. Whitfield. She does know that much controversy came out of a situation in one of the cities where she worked regarding some issues she addressed directly with the Police Chief. The Commission asked her to deal with the problems directly when they should have and they took some heat from that from the public.

In Ms. Whitfield's dealings with the public she has performed quite well across the board. She is a well rounded person who people like. She is a motivational speaker who often is asked to speak to the Florida Bar and is very active in her community.

In Hallandale Beach Ms. Whitfield may have aligned herself too closely to one side of the elected officials and Ms. Ryan is not sure how she got so far from maintaining her independence from the politics. She became close with the now indicted Mayor which may have caused some issues. She ended up having a conflict with one of the elected officials who decided to go after her. they wanted her to leave and they came up with some ridiculous reasons for terminating her. Some comments were out of line alluding to the fact that she could not do her job because she is a female.

If Ms. Ryan were in the market to hire a City Attorney she would definitely hire Ms. Whitfield. However, if any municipality has the same dynamic as Hallandale Beach she may not be the person for the job. If a municipality wants someone to straighten them out while being straightforward and upfront, she is the right one for the job. Ms. Ryan supports Ms. Whitfield 100%. Once any potential employer meets her, they will see that she is a quality person whose talents go beyond the resume.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Well-rounded,
- People person,
- Motivating,
- Knowledgeable, and
- Candid.

Strengths: A straightforward and direct communicator who easily adapts and solves problems.

Weaknesses: At times her strength of being straightforward can be a weakness if it rubs people the wrong way.

Sonja Dickens – City Attorney, Miami Gardens, FL 305-622-8000

Ms. Dickens has known Ms. Whitfield since 1998. She has mentored Ms. Dickens over the years and they have also been colleagues in various capacities in a few South Florida municipalities.

Ms. Whitfield is a highly experienced and knowledgeable attorney. She has most likely touched upon every issue that one can as a City Attorney. She has such a good command of the law that she could go to the dais of any city and handle just about anything thrown her way.

Ms. Whitfield is direct and straightforward in her advice and is a by-the-book lawyer who makes good decisions in terms of the law. She is flexible enough to get her commission where it wants to go and always stays within the parameters of the law. Ms. Dickens is not aware of any time where the elected body did not follow her advice and went in a different direction.

Ms. Whitfield is excellent at working with the people in the community. In North Miami they have a number of residents who like to antagonize the elected officials. She always took the high road in those instances and ensured to get along well with everyone. She is equally well liked and beloved by her staff and colleagues. Unfortunately, she has been the victim of political scapegoating. Ms. Dickens suspects that the Mayor used her as a way to deflect some of his negativity onto her. Sometimes that is par for the course in their line of work and it was not a reflection of her job performance.

At Hallandale Beach Ms. Whitfield felt that she was being discriminated against and had some issues with one of the Commissioners. Because of the controversy there she was asked to leave. Keith London, a former commissioner, might be one person who might have some things to say to the contrary of Ms. Dickens.

Ms. Dickens is not aware of anything embarrassing from Ms. Whitfield's background or in her conduct about which any future employer should be worried. She would definitely hire Ms. Whitfield as a City Attorney. She will come right in and take care of business with little to no learning curve.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Kind,
- Nurturing,
- Intelligent,
- Outgoing, and
- Fun.

Reference Notes
V. Lynn Whitfield

Strengths: A very knowledgeable individual who is direct, straightforward, and extremely experienced in her field.

Weaknesses: Very direct and straightforward which is not always welcome by some politicians.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

Redbroward.com
July 19, 2018

Faux Outrage? Hallandale Beach Mayor Keith London Knew About City Attorney Recording For Eight Months Before Calling "Emergency" Meeting For Her Removal
Author: Tom Lauder

On November 1, 2016 WPLG Local 10 investigative reporter Bob Norman dropped another political bombshell on the City Of Hallandale Beach. The story, "Secret Audio Implicates Hallandale Beach City Attorney In Alleged Improper Conduct," detailed a conversation between then-Vice Mayor Bill Julian and City Attorney **V. Lynn Whitfield**. The conversation surrounded a March 2016 robo-call attacking Julian. A recording left by Julian related to the robo-call was the subject of Bob Norman story in August 2016.

In his November 2016 story, Bob Norman said he, "obtained an audiotape of an inadvertently recorded conversation [**Whitfield**] had with Bill Julian, in which she clearly provided Julian campaign advice and guidance." Norman stated **Whitfield**'s actions could be a violation of the law which prohibits public officials from "using their authority to interfere with elections in their own cities." On the audiotape, **Whitfield** allegedly told Julian, "I can't advise you on personal stuff and definitely I can't advise you on election stuff, ok?" But later in the three minute recording, **Whitfield** said, "When they do stuff to you, my advice, personally, is to plan….Plan out, list out, 'this is how they are going to come after me.'"

According to Bob Norman, Commissioner Keith London was "livid" after listening to the audiotape. He said **Whitfield** "doesn't know the basics of the city charter that says you work for the City. It doesn't say you work for Bill Julian." London said, "She gave personal and campaign advice to Bill Julian, she's got to go." Four weeks later, Keith London called for an "emergency" meeting to fire **Whitfield**. According to a WPLG story, London used the audiotape as a cause to fire her. Bob Norman said Keith London "is now the City's de facto leader." **Whitfield** was fired.

Once again, an outraged Commissioner Keith London portrayed himself to the local media as the corruption fighter at Hallandale Beach City Hall. However, sworn testimony given to the Broward State Attorney's Office shows Commissioners Keith London and Michele Lazarow knew about **Whitfield**'s action for eight months and never said anything.

LOBBYIST EVAN ROSS PLAYED **WHITFIELD** TAPE FOR KEITH LONDON

As REDBROWARD reported, lobbyist Evan Ross, a close ally of Hallandale Beach Mayor Keith London, gave sworn testimony to the Broward State Attorney (SAO) in March 2017. The Broward SAO was investigating whether Bill Julian accepted bribes as alleged in an August 2016 report by Bob Norman. A recording of Julian was provided to Norman by Ross after Keith London gave him the "green light." Even though the recording was made in March 2016, Keith London testified they kept the tape under wraps until August 2016 for "politically expedient"

reasons. London was the campaign manager for Julian's opponent in the November 2016 election. In his sworn testimony, Evan Ross stated Bill Julian left ten recordings on his system. The night the robo-call went out, Ross noticed a voicemail in "the system." When he listened to the call, Ross "quickly identified it was Bill Julian's voice talking to someone." The following day, Ross claimed he found more voicemails. He testified there were ten recordings, including the **Whitfield** tape. Evan Ross stated he told Commissioner Keith London about the Julian recordings the same day he discovered them. Ross testified he "advised Commissioner London and Commissioner Lazarow…to come to my home and told them that I felt it was of great importance." Both Commissioners came to Ross' house. Once there, he played ten recordings of Bill Julian.

Ross said three agreed not to do anything with the recordings. Ross stated, "[W]e all agreed that we should not make a decision on what to do with it sight unseen. And that we should take a little time." Ross said the recordings contained, "conversations with people who I believe to be city employees, some of them I could identify potentially." Ross told Assistant State Attorney David Schulson he still had all ten recordings. Schulson asked if he gave all ten to Bob Norman. Ross said, "At a later time, I gave [Bob Norman] the remainder of them, one which he used in a story, which was between Vice Mayor Julian and the city attorney." Ross described the contents of that recording in political terms. He said, "The city attorney was on that tape giving him political advice and saying less than flattering things about some of the other commissioners, most notably, Commissioner London.

ANOTHER POLITICAL DIRTY TRICK?
Keith London has a well documented adversarial relationship with **Lynn Whitfield**. In February 2015, a special counsel was hired to investigate **Whitfield**'s allegations of racial discrimination against Keith London. In February 2016, London was cleared of charges of discrimination and creating a hostile work environment. According to the Sun-Sentinel, "While investigators cleared London, they took him to task for rubbing people the wrong way. They quoted his critics, who accused him of being aggressive, intimidating and rude."

The meeting of two sitting Hallandale Beach Commissioners at the home of a lobbyist occurred on or about March 3, 2016. Just one month after London had been cleared. But they took no action when they heard the Hallandale Beach Vice Mayor talk about a potential crime. They took no action when they heard the city attorney possibly commit a violation of law. They waited. They waited for the election to be closer. As Keith London testified, he did not want the news to get "buried." Did London and Lazarow ever document the March 2016 meeting with lobbyist Evan Ross? Did London ever document his numerous conversations with Ross about the release of the Julian tape? Did London and Lazarow document discussions with Ross about the **Whitfield** tape?

Did London and Lazarow document their discussions about **Lynn Whitfield**? The Florida Sunshine Law covers discussions between elected officials about matters that may come before them for a vote. Didn't Keith London and Michele Lazarow vote to fire **Lynn Whitfield** in November 2016?

May 24, 2017

MAJOR v. HALLANDALE BEACH POLICE DEPARTMENT

Rayfield MAJOR, Appellant, v. HALLANDALE BEACH POLICE DEPARTMENT, Appellee.

No. 4D16–1714
Decided: May 24, 2017
Rayfield Major, Miami, pro se. **V. Lynn Whitfield**, City Attorney, and Andre Mckenney, Deputy City Attorney, Hallandale Beach, for appellee.

The defendant appeals from the circuit court's order denying his petition for writ of mandamus, which sought to direct the police department to comply with his request for public records relating to his conviction of attempted robbery with weapon. We affirm the denial of the petition, but without prejudice to the defendant filing a new petition attaching a document which he filed in this appeal, but did not attach to the petition at issue.

[CB&A Note: The remainder of the case can be read here:
https://caselaw.findlaw.com/fl-district-court-of-appeal/1861766.html

Florida Weekly
March 23, 2017

Lawyer to offer insights on persevering against the odds
Author: Eunice Baros

Are you feeling like you are on a constant obstacle course and you don't know if you have what it takes to get through it? Attorney **V. Lynn Whitfield**, 62, of West Palm Beach asks the probing question in the introduction to her autobiography, which explores the many highs and lows in her own life, including a sudden brain surgery a few years ago for a subdural hematoma (brain bleed) which left her paralyzed.

After four days in ICU following seizures in the recovery room and realizing the left side of her body would not move, Ms. **Whitfield** remembered back to when she was a 6-year-old riding in her aunt's car in a Cleveland rainstorm. Some people had stopped their cars and pulled off under an overpass to wait for the rain to stop, she says. But "Auntie" kept driving and explained to her curious niece "what we need to do in the storm is to keep driving through it. We don't pull over. Eventually, you will come through the storm on the other side."

Throughout her life, that message has stayed with Ms. **Whitfield**, who proudly boasts of being a scholarship recipient and graduate of Brandeis University in Boston and then earning a University of Miami law degree in Coral Gables in 1980. "Sometimes in life things will happen which knock you down and cause you to question whether or not you will be able to go on," she writes. " "It can be the loss of a job, the loss of a loved one, an arrest, or the news of a terminal illness. It doesn't have to happen to you directly; it can be happening to someone close to you and thereby affecting you," she observes. "These are the things which I refer to as 'life storms.'"

For example, as a young lawyer, Ms. **Whitfield** lost a job as an assistant state attorney in Miami more than 30 years ago and she rebuilt her career step by step, leaning on her deep religious faith and convictions. She has many awards and honors to her credit. In those "storm" situations she writes about in her book, "The Party's Not Over Until God Says So" (Professional Woman Publishing, 2015, $15 through amazon.com), it is easy to look at the problem as hopeless, Ms. **Whitfield** explains. "Enemies and those without faith may be quick to say it's all over for you."

But not for Ms. **Whitfield**. Once a ward of the state of Ohio and an orphan by the age of 18, she has persevered through some very good times and some very challenging and desperate days. She will bring her message of hope to others who yearn to hear her inspirational presentation as co-emcee for a one-day Women's Conference on March 25 at the Hilton West Palm Beach. Topics include leadership, healthcare, finances, legal issues and politics. (For more information, visit www.empowherofthepalmbeaches.org or call Geanine Wester at 336-0498).

"**Lynn Whitfield**'s story of struggles — in her legal career, with disease and day-to-day life — and with her sense of overcoming through religion the many challenges she's faced will engage the many readers who hold similar beliefs," says author John Katzenbach, who once wrote about

her in The Miami Herald. “In clear cut and direct prose, she tells of pitfalls and stumbles and how her connection with church and Bible got her through many difficulties,” he writes on the back of her book. “When adversity visits, many people cower and seek cover,” says Ms. **Whitfield**’s longtime friend and colleague, local attorney F. Malcolm Cunningham Jr. “**Lynn** does her best work in the face of adversity. She owns her condition and focuses all of her energy on returning to productivity. She did this in Miami when she had the incident as a prosecutor. She did it in the face of her illness. She’s done it in her business and in her employment. Never count her out – maybe down for a moment but never out. She is a fighter with a lot of heart!”

Delray Beach Assistant City Attorney Lawonda Warren, who is president of the F. Malcolm Cunningham Sr. Bar Association, adds, “**Lynn** is truly inspirational. Nine out of ten people could not have overcome many of **Lynn**’s obstacles. Through her faith, tenacity, intellect, and humor she inspires us all to drive through our storms to get to the other side, to achieve happiness and success.” “I think I am very blessed,” says Ms. **Whitfield**, a former city attorney in Hallandale, North Miami and Pahokee, “Over the years I have learned it is not what others do or say about your life that matters, but what you do or say when you find yourself in that apparent hopeless situation — that ‘life storm’. Do you buy into the hopelessness or do you pull yourself out of it?”

Ms. **Whitfield** says she was compelled to write her book to help and encourage people. “If others tell you there is no hope, laugh at them or don’t respond at all.” She teaches. “If you must respond all you need to say is “the party’s not over, until God says so.” ¦

— Eunice Baros is a lawyer and mediator in Palm Beach County and served on the board of directors when **V. Lynn Whitfield** was president of the local Craig S. Barnard American Inn of Court.

The Palm Beach Post
March 16, 2017

Judge: Parents in neglect case must have counsel
Author: Jorge Milian

A judge Wednesday morning ruled that a couple accused of living inside a car with their five malnourished children for two months cannot represent themselves. Palm Beach County Circuit Judge Samantha Schosberg Feuer rejected the requests of Donell Barron and Rikki Hart, who refused to acknowledge their names during a 20-minute hearing. In court documents, Barron refers to himself by the name El Rahmaat-Shuu and states that he is a sovereign citizen and member of the Yamasee Amazigh nation. Barron and Hart, both 34, responded to Feuer's questioning Wednesday with a volley of bizarre answers.

Barron told the judge that he was an "authorized representative" for himself, but would not identify himself and said that "Barron is a corporation." "Because you are not intelligently answering my questions ... I am finding you not competent to represent yourself," ruled Feuer, adding that Assistant Public Defender Nicolas Stebinger would continue to represent Barron. Hart's responses were equally strange. She began her testimony by referring to herself as a "living woman" and appeared to exasperate Schosberg with her refusal to logically answer simple questions.

Ade Griffin, Hart's court-appointed attorney, asked Wednesday to be removed from the case, citing her client's lack of cooperation. After speaking to Hart privately in the courtroom, Griffin complained to the judge that Hart repeatedly asked her to define the state of Florida. Feuer ordered Griffin to remain as Hart's legal counsel, adding that it was unlikely "any other lawyer would have less difficulty" representing Hart. "Do your best," Feuer advised Griffin. **V. Lynn Whitfield,** who previously represented the couple, asked in January to be removed from the case because of "irreconcilable differences" that made working with Barron and Hart "impossible." After his arrest in December, Barron also made a series of head-scratching comments to Palm Beach County sheriff"s deputies, including a statement that he practices law "but not as a lawyer."

Barron and Hart are each facing five counts of child neglect after a Palm Beach County sheriff's deputy found the couple and their five children -- ages 14, 8, 6, 5 and 4 -- living inside a Toyota in a Wal-Mart parking lot in Greenacres. The 14-year-old boy weighed only about 50 pounds and was "severely underweight to the point that his bones were clearly visible," according to the arrest report. The 14-year-old weighed only 5 more pounds than his 8-year-old sister, the report said. Barron told sheriff's officials that the children bathed irregularly at Okeeheelee Park west of Greenacres and had never enrolled in school. Instead, he said the children were home-schooled inside the vehicle, according to the report. The couple is being held in the Palm Beach County Jail in lieu of $5,000 bail for Barron and $6,000 for Hart. The children are in foster homes, according to a spokeswoman for the Department of Children and Families.

Local10.com
November 29, 2016

Hallandale Beach fires city attorney; mayor walks out of divided meeting
City Attorney V. Lynn Whitfield gives emotional farewell
Author: Bob Norman

HALLANDALE BEACH, Fla. - The first City Commission meeting in Hallandale Beach since a contentious election didn't disappoint those expecting drama, coming complete with the firing of a top official, an emotional breakdown on the dais and the mayor storming out at the midway point. "I will leave this meeting because I believe we are operating against our charter," Hallandale Beach Mayor Joy Cooper said as she walked off the dais, not to return. At that point, the city's newly christened Vice Mayor Keith London walked over, grabbed the mayor's gavel and kept going.

It wasn't just a symbolic gesture. After this month's bitterly fought, big-money election, London is now the city's de facto leader, controlling a majority of votes on the commission. London called the emergency meeting in order to fire not only City Attorney **V. Lynn Whitfield**, but also City Manager Daniel Rosemond, another of his longtime foes who was loyal to Cooper. Cooper was the lone "no" vote against firing **Whitfield**, saying the move to fire **Whitfield** with cause -- and without a compensation package -- would lead to litigation that would cost taxpayers "an abundant amount of money." "If you stand up to Commissioner London, you have a huge target on your back," Cooper said.

Voting to fire **Whitfield** were London and Commissioners Michele Lazarow and Anabelle Taub, the trio that now forms a majority bloc on the commission. Taub beat longtime Commissioner Bill Julian in November, who was caught on audiotape agreeing to accept secret gifts from a developer before a vote. Julian also admitted to agreeing to accept the gifts in a Local 10 News interview in a report that sparked an ongoing criminal investigation by the state attorney's office. **Whitfield** was also caught on audiotape offering Julian campaign advice shortly after admitting that her city position did not allow her to give the commissioner such advice.

London offered that tape -- along with the hiring of a recruitment company that London claimed was improper -- as causes to fire **Whitfield**, who broke down during her farewell speech. Curiously, **Whitfield** said that her signature on the contract with that recruitment company was made by another lawyer and that she had no knowledge of it. London said that presented more problems, including possible forgery. "I gave myself permission to be emotional today," she said before breaking down in tears. "To my friends on staff: We shared good times and rough times, but we will make it through it."

It was after that emotional speech that Cooper walked off the dais, saying that the firing left the commission without an attorney, in violation of the city charter. But shortly after she walked out the door, London and his two allies immediately installed an interim city attorney, as well as outside counsel, and continued the meeting. There was no vote on firing Rosemond after the

outside counsel, Gray Robinson attorney Steven Zelkowitz, said the move required a resolution. Rosemond did not attend the meeting, but his attorney, Freddy Perera, called the proceedings a "sham" and told the commission that Rosemond was prepared to engage in costly litigation should the commission go forward with firing the city manager with cause. The commission voted to go forward with a resolution to fire Rosemond, but both parties left the door open to come up with a negotiated exit in the meantime.

Getnews.info
November 26, 2016

Popular Motivational Speaker's New Book Has Been Selected as Bronze Winner of National Literary Habitat's Book Award

VLW Enterprise Inc.- Inspirational/Motivational Speaker/Author's Book "The Party's Not Over Until God Says So" has been selected as Bronze Winner of National Literary Habitat's Book Award in the Spirituality-Inspirational Category Fall 2016. **V. Lynn Whitfield**, a motivational speaker and the founder of VLW Enterprise, Incorporated, is pleased to announce her new self-help book "The Party's Not Over Until God Says So" has won an award. The new self-help book, which has been described as inspirational, motivational and honest, has been selected as a Bronze winner of National Literary Habitat's Book Award. It is no surprise to many that **V. Lynn Whitfield**'s new book won the award in the Spirituality-Inspirational category after receiving positive reviews from book reviewers and those that have bought the book to improve their lives.

V. Lynn Whitfield said of the award: "I was delighted to be considered, but to have won it, is overwhelming." The Party's Not Over Until God Says So, is not just another self-help book, it is a book that was written from personal experience to help people understand that no matter what life throws at you, you can overcome the problems and come out on the other end. **Lynn** takes you through her personal journey and shares with the reader intimate details of the problems she faced and overcame. The book is not only inspirational, it is also a book that will leave the reader with smiles and tears.

The award-winning book has been described as one of the most important self-help books of 2016, and with all the positive reviews it has received on Amazon, it's no wonder that it continues to receive worldwide acclaim. This book will benefit everyone that wants to achieve more out of life. Its words will encourage those who are currently facing a challenging life and who don't know how to drive through the storms or who are thinking of pulling over to the side and giving up.

Margaree King Mitchell, a renowned author herself, offered this review on Amazon: "love this book! The author is very transparent as she shares her challenges on the journey of life! She doesn't let anything keep her down. She gets right back up and keeps on moving forward. This book is great for anyone going through challenges and is thinking about giving up." To learn more about "The Party's Not Over Until God Says So" and find out why it has become one of the most talked about self-help books of 2016, please visit https://www.amazon.com/Partys-Not-Over-Until-Says/dp/0996580964

About **Lynn Whitfield**

Internet – Newspaper Archives Searches
V. Lynn Whitfield
(Articles are in reverse chronological order)

V. Lynn Whitfield is the founder of VLW Enterprise, Incorporated, who inspires and encourages people not to quit when faced with the storms of their lives instead to turn those storms into triumphs.

Distributed by In2town Public Relations
Media Contact
Company Name: VLW Enterprise Inc.
Contact Person: **Lynn Whitfield**
Email: vlwenterpriseinc@gmail.com
Phone: 561-324-7988
Address:432 33rd Street
City: West Palm Beach
State: Florida
Country: United States
Website: https://www.when**Lynn**speaks.com

Local10.com
November 01, 2016

Secret audio implicates Hallandale Beach city attorney in alleged improper conduct
Commissioner Bill Julian can't seem to hang up his phone
Author: Bob Norman

HALLANDALE BEACH, Fla. - After a recent commission meeting, Hallandale Beach City Attorney **V. Lynn Whitfield** vehemently denied playing politics with commissioners in her city. "I don't give campaign advice. I don't give election advice," said **Whitfield**, who has held the post since 2011. "I don't do elections." That's a good thing since **Whitfield** engaging in campaigning in her own city would constitute not only a clear conflict of interest, but could also possibly be a violation of law, as Florida statutes make it a misdemeanor for public officials to use their authority to interfere with elections in their own cities.

What **Whitfield** didn't know when she made that denial is that Local 10 News obtained an audiotape of an inadvertently recorded conversation she had with her city's vice mayor, Bill Julian, in which she clearly provided Julian campaign advice and guidance. In the audiotape, **Whitfield** is speaking with Julian after they had both just listened to a robocall attacking him for his vote to approve a $450 million high-rise development a the Diplomat Golf & Tennis Club in his city. "Vice mayor let me say this, I can't advise you on personal stuff and definitely I can't advise you on election stuff, OK?" she tells Julian on the recording.

But then she immediately turns around and gives him campaign advice. "When they do stuff to you, my advice, personally, is to plan, because you are going to do a lot of speaking for this election," she tells Julian. "Plan out, list out, 'This is how they are going to come after me.'" "I have to be ready for that," Julian replies. "Be ready for that and just smile," **Whitfield** said.

Whitfield also explains to Julian how he can politically attack fellow Keith London, a fellow Hallandale Beach commissioner and a longtime Julian foe, telling London also voted for the development and that "technically" he too voted against forcing the Diplomat developers to provide additional money for parks, a fire truck and other amenities for residents. After hearing the recording for the first time, London said he was "livid."

"Obviously, she doesn't know the basics of the city charter that says you work for the city," London said. "It doesn't say you work for Bill Julian. She's not here to give personal advice to Bill Julian, and she's certainly not here to give election advice to Bill Julian, and that's what she's doing." The recording is sure to add yet more bitterness to the politically divided city -- and it is just one of many that Julian inadvertently left behind when he called a number to listen to the negative robocall attacking his vote.

At the end of the robocall was a beep, signaling that it was going to a voicemail recording. On no fewer than 10 of his calls, the vice mayor apparently failed to hang up his phone properly and inadvertently left behind audio recordings of private conversations that have been obtained by

Local 10 News. "She gave personal and campaign advice to Bill Julian, she's got to go," Commissioner Keith London said. The first recording released was a bombshell: In it Julian admitted that he had agreed to accept secret gifts from the Diplomat -- including a van for his favorite charity and 300 workers to help with his campaign -- before his vote for the development. On the **Whitfield** recording, the city attorney tells Julian that she's certain is yet another commissioner, Michele Lazarow, whose voice is on the robocall. "That's Lazarow's voice," **Whitfield** said on the recording. "I know her voice."

Lazarow is a close ally of London and the two of them have called for **Whitfield** to be removed from her job several times in the past. When London threatened to terminate **Whitfield** last year, **Whitfield** accused him of racial discrimination and hired special counsel to investigate him. London was cleared in the investigation. Lazarow said that not only is it not her voice on the robocall, but that she had absolutely nothing to with the call whatsoever and had no advance knowledge of it. "I'm filing a bar complaint (against **Whitfield**)," Lazarow said after hearing the recording. "It's really a vile accusation, considering it's a political agenda." At a recent commission meeting, **Whitfield** refused to listen to the recording and wouldn't comment on it. "I'm not listening to that," she said. "I don't know how you have my voice on anything. I'm not answering your questions."

Sun Sentinel
October 20, 2016

Hallandale officials host forum on race relations
Hallandale Beach Town Hall meeting looks for solutions to police, race relations crisis
Author: Helen Wolt

Hallandale Beach recently hosted its second Let's Start Talking town hall meeting. A panel of 16 city officials, law enforcement officers and community leaders met to find solutions to police and race relations crisis. Hallandale Beach City Attorney **V. Lynn Whitfield** opened the forum at the city's Cultural Center with a recap from the first gathering that took place back in August. "The two major problems we identified were how police perceive and interact with citizens, and likewise, how the community perceives and reacts to police. The third is police transparency and accountability of misconduct," **Whitfield** said.

Panelist Brian Stewart, an attorney and community activist, suggested a community service requirement would provide a natural setting to help police interact with the public. Yushika Florence, a Task Force on Law Enforcement and Community Relations member, said in her past experience as a police officer she saw the benefits of getting out of the patrol car and talking to residents. The need for police training met with pros and cons from panelists. Skills in de-escalation, cultural competency and handling special needs populations are critical areas. Broward County Public Defender Gordon Weekes said the issue that he hears repeatedly from families is "the fear children have in encountering law enforcement." Youth don't know how to navigate an encounter and may react if an officer is aggressive.

"An officer should be removed from the force if they don't have the proper level of tolerance when dealing with the public," Weekes said. "It's difficult to train someone on something that should be embedded in their person." Attorney Ronald Book questioned training and referred to the difficulty of removing failing officers from duty. "Police unions have a very strong lobby," Book said. "It's unlikely the state would put more money to training." B.J. Jordan, a retired Hallandale Beach officer, said: "A police officer has got to earn respect. Nobody's going to give it to you. You have to treat people like you want to be treated."

After a two-hour dialog and many heartfelt remarks from the panel, Book said appointing a sub group will spur progress. Commissioner Sanders agreed having an action plan in place will lead the city to a solution. "It's baby steps," said Hallandale Beach Assistant Police Chief Miguel Martinez. "One-fell-swoop answers aren't possible, but moving toward an answer little by little is possible."

Broward Palm Beach New Times
June 24, 2016

Hallandale Fire Battalion Chief Fired for "No Bitch Tuesdays" Says He's Totally the Victim Here
Author: Jerry Iannelli

Jeff Lyon, an ex-Hallandale Beach Fire Rescue Battalion chief fired for a laundry list of sexist, racist comments — like admittedly calling a black employee a "token" and allegedly referring to male-only shifts as "No Bitch Tuesdays" — filed a petition in Broward County Court earlier this month claiming that he's totally the victim of discrimination in all this mess. According to a June 13 petition for writ of certiorari filed against the city of Hallandale Beach and the city's Civil Service Board, Lyon claims he was never offered a chance to rebut any of the claims the city made against him, that the charges against him weren't made according to the Florida Firefighters Bill of Rights, and that, since City Attorney **V. Lynn Whitfield** had allegedly called for "a change of culture" at the fire department — apparently due to rampant sexism — that meant she was too biased to handle Lyon's case.

"That comment indicates to me that she had a preconceived idea where the investigation was going to go," Lyon's lawyer, Mark Berkowtiz, told New Times. "This was obviously not impartial." Lyon is now asking for his job back, with back pay. Per the Sun Sentinel, Lyon was fired on October 30 after a departmental investigation accused him of operating a culture of intimidation and routine sexism at the Fire Rescue department. In addition to the aforementioned claims, Lyon, then 48, was also accused of asking women what their sexual orientations were and claiming that female employees had no business working in the fire department.

According to Lyon's recent legal complaint, he'd also been accused of telling two female employees to "coordinate their forthcoming pregnancies" so as to not inconvenience the department too much, and being overly harsh in criticizing female employees. Lyon had also been accused of making a "national origin epithet" at an employee of Hispanic descent. So yeah: Great guy to bring to a family dinner. He'd reportedly been working at the department for 13 years, making $106,654 in his final year on the job. Lyon's conduct on the job was apparently so egregious he also helped bring down his boss along with it: Former Fire Chief Dan Sullivan was suspended in April 2015, and ultimately fired the following October, for tolerating "discrimination" and spawning a "good old boys' environment that belittled minorities and women." Sullivan had been chief for 18 years and was pulling in a $167,000 salary.

Lyon then appealed his firing to the city's Civil Service Board, hoping to have his job reinstated. Instead, the board backed the city's decision last March. Lyon is now claiming in court that his firing only came after the city violated scores of due process rules before yanking his job. He claims he wasn't warned that he was under investigation when **Whitfield** asked to interview him — and, as such, wasn't able to bring a lawyer with him during the exchange. He also claims the charges he was later presented with were too "vague" to comply with state law: The state Firefighters Bill of Rights, Chapter 112.82 of the Florida Statutes, states that "No firefighter shall

be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter of the nature of the investigation. The firefighter shall be informed beforehand of the names of all complainants." Lyon says that at first, he wasn't told who had filed a complaint against him or what the specific charges against him were.

Importantly, Lyon also maintains he was never given a "pre-determination hearing" to refute the claims against him. While Lyon admits he called a black employee a "token" — an offensive term for a person of color who's only been hired because of diversity laws — Lyon says he only used the term because he didn't know the employee was around to hear him. He then says he apologized to the employee and that everything's totally cool now. "One example," Berkowitz explained, "was that one of the alleged charges was that he gave an improper ride to an investigative interview of a co-worker. The fact is that a superior ordered him to do that because of operational needs in the department." But, Berkowitz said, his client wasn't given the chance to defend himself.

He has denied belittling female employees, including using the phrase "No Bitch Tuesdays." The city, however, maintains that multiple witnesses corroborated the events in question. Lyon also alleges there were massive conflicts of interest in his firing: In addition to what he saw as clear bias on the part of the city attorney, Lyon says it was Hallandale Beach City Manager Renee Miller who filed a formal complaint against him, rather than any of the employees he supposedly wronged. Asked whether Lyon was implying the entire investigation was some sort of vendetta against him, Berkowitz responded: "I don’t want to say that. All I can do is comment on the pleading, and you can draw your own conclusions." As to why it took the city manager to step up and file a complaint against him, Lyon might have answered that question himself in his legal complaint, which says the employees in question kept quiet "allegedly for fear of retaliation."

Sun Sentinel
February 16, 2016

Hallandale commissioner cleared of bias claims
Yearlong investigation clears Hallandale commissioner of racial discrimination claim
Author: Susannah Bryan

Commissioner Keith London this week was cleared by an outside law firm of accusations of racial and gender discrimination. City Attorney **Lynn Whitfeld,** who is black, leveled the allegations in February 2015, after learning London planned to push for her termination. At the time, London said he had lost confidence in **Whitfeld's** ability to give impartial advice to her commission bosses. London declined comment Tuesday, saying he had not yet read the report. "I'm happy he's been vindicated," Commissioner Michele Lazarow said. "I expected him to be. I have never heard an accusation like that before about Commissioner London."

The year-long investigation, released Tuesday and handled by the Bryant Miller Olive law firm, cost taxpayers more than $100,000, city records show. "There is no factual support to find that Commission London's action in wanting to place Ms. **Whitfield'**s contract on the commission agenda was motivated by race or gender," the report said. Investigators also found London had no reason to terminate **Whitfield** for cause. **Whitfield**, who had also accused London of creating a hostile workplace, declined comment. She has been Hallandale's city attorney since December 2011.

While investigators cleared London, they took him to task for rubbing people the wrong way. They quoted his critics, who accused him of being aggressive, intimidating and rude. The report urges London to express his opinions in a professional manner. Mayor Joy Cooper says she plans to hold a special meeting Feb. 29 at 6 p.m. to discuss the report. "The report does not find discrimination based on gender or race," Cooper said. "But it does show a pattern of breaching our city charter."

In Hallandale, the commission hires and fires the city manager and city attorney, but is forbidden by the charter from giving direction to their staff. In the report, former City Manager Renee Miller alleges London spoke directly with staff rather than coming to her – a claim denied by London. "We can not remove a commissioner," said Cooper, a longtime rival of London's. "We can censure a commissioner. That is something we will have to discuss.''

Sun Sentinel
January 8, 2016

Some seeing red over blogger's request for upside down cross

Some seeing red over blogger's request for upside-down cross

BY SUSANNAH BRYAN
Staff writer

HALLANDALE BEACH – Chaz Stevens, the atheist blogger who made national news for putting up a Festivus pole at the Florida Capitol, now wants to erect an upside-down cross at City Hall.

The cross would say "In Satan We Trust, All Others Pay Cash."

"I would prefer to accommodate [him] rather than risk a lawsuit," Commissioner Keith London said during a meeting Wednesday.

Before granting the request, City Manager Daniel Rosemond and City Attorney Lynn Whitfield told commissioners they wanted to make sure Stevens' message contains no obscenities.

The message on the cross will not contain offensive language, Stevens assured Rosemond in an email this week.

"All of our public work for viewing is ALWAYS rated G," Stevens wrote. "We have children ourselves and understand the need to maintain proper decorum."

City Commissioner Michele Lazarow also expressed concern about the city leaving itself open to a lawsuit.

"Are we going to be leaving ourselves open to a lawsuit if we don't address this?" she said, referring to a string of emails Stevens began sending to City Hall on Dec. 29.

Rosemond told the commission he planned to review the matter with the city attorney.

"It is obviously a very delicate matter," he said.

Stevens wants to display the cross at City Hall the week of Jan. 18. He put in his request after learning a Nativity scene, Christmas tree and menorah had been put up at City Hall for the holidays.

"They are saying that area is a free speech zone," Stevens said. "It's all or none."

Some people were not amused by Stevens' request.

One man sent an email to the Sun Sentinel saying Stevens should "burn in hell since he dedicates his life to Satan."

Richard Alianiello, a Catholic from Margate, was incensed by the plan.

"That is shameful to put a cross upside down when we just celebrated Christmas," he said Thursday. "That really disturbed me. Atheists have a right to do what they want to do. But don't take our religion and turn it upside down."

Arguing for separation of church and state, Stevens has made it a mission to end prayer at public meetings by asking several local cities to allow him to perform a satanic prayer at commission meetings.

In his requests, he cites a recent U.S. Supreme Court decision that determined prayer is allowed at government meetings provided it applies to all religions, including Satanism, Stevens argues.

Dania Beach, Deerfield Beach, Coral Springs and Delray Beach have all dropped prayer before government meetings to avoid the spectacle.

sbryan@sunsentinel.com or 954-345-4554

Broward Palm Beach New Times
June 8, 2015

Hallandale Shooting: Witness Who Called 911 Disputes Cop's Story
Author: Ray Downs

On a January evening back in 2012, Willis Morgan, a retired pressroom supervisor at the Miami Herald, was trying to get a few winks in at his Hallandale Beach home before heading to his part-time concierge job. But the 64-year-old was jolted awake when he heard the startling screams of someone begging not to get shot. "I heard somebody screaming, 'Don't shoot! Don't shoot!'" recalls Morgan. "I thought it was a woman begging for her life and her husband was gonna kill her." Morgan jumped out of bed and called 911. He told the dispatcher that there was a confrontation outside and it sounded like a woman was begging for her life and a man with a gun was about to kill her.

Morgan says he thought it was a domestic dispute between a couple that was about to turn deadly. Turns out, Morgan was witnessing a confrontation between Hallandale Beach police officer Edward McGovern and shoplifting suspect Gregory Ehlers Jr., a 34-year-old Tampa native who had fled police after swiping some electronic items from a Best Buy. Ehlers tried to hide on top of a one-story roof in the tiny beachside city but was found and then surrounded by police. His story follows a now-too-familiar arc: a scared, aggressive police officer kills an unarmed man for a minor offense. In this case, police investigators' efforts to track down a witness were too little too late, and in a subsequent legal battle, city officials sounded more eager to be absolved of responsibility than to determine the truth.

At some point during the standoff, Ehlers was shot to death. In a video deposition after the killing, McGovern claimed he saw Ehlers reaching toward what he assumed was a gun and verbally warned Ehlers several times not to reach for it. No gun, however, was found on the scene, and the shiny object must have been either a cell phone or a mini laptop computer. Morgan, who lived next door to where the shooting took place, watched the video deposition of McGovern giving his account of the shooting, which was obtained by New Times. And Morgan says McGovern's story doesn't match up with what he heard that night. ""As far as [McGovern's] verbal account goes, everything he says is exactly what a police officer should say, but none of what he says is correct," says Morgan. "In the minute that led up to the shooting, never did I hear anyone say, 'Get your hands up, get your hands up.' Nor did I hear anyone say, 'Do not reach, do not reach down, don't reach.' Had I heard an exchange like this, I would have never thought this was a domestic dispute with a very angry male."

There were several calls from the immediate area of the shooting that were similar to Morgan's that night, according to 911 dispatch logs. Morgan's 911 call is summarized as: "HEARS SOMEONE SCREAMING FOR THEIR LIFE." However, the actual call recordings have since been destroyed. BSO's policy is to hold call recordings for only 30 days unless they're requested for evidence by police. A homicide investigation is one reason why a call would be saved,

according to BSO public information officer Keyla Concepcion. But Hallandale Beach Police didn't bother following up until it was too late.

Hallandale Shooting: Witness Who Called 911 Disputes Cop's Story
Ehlers family filed a wrongful-death lawsuit against the city in 2012, which was eventually settled for $150,000 in October 2014. About one month prior to the settlement, the city council held a meeting to discuss the case, which was being handled by Hallandale Beach City Attorney **Lynn Whitfield**. **Whitfield** claimed that after the shooting, police internal affairs investigators had tried to obtain the 911 calls in a timely fashion but couldn't because the Broward Sheriff's Office had made a mistake in logging the calls under the wrong case number. “Once we found out there was a mistake, it went back. Of course, the 90 days had passed,” she said, apparently unaware that BSO 911 call policy is to keep them for 30 days.

Whitfield explained to the city council that a probable witness' 911 call had been noted in a log but that investigators initially thought it was unrelated to Ehler's death because it mentioned a woman, not a man, begging for life, even though the call records matched the location and time of the shooting. Morgan says that a private detective hired by Ehlers' father managed to track him down to be interviewed about six weeks after the shooting. He wasn't approached by Hallandale Beach Police detectives until at least six months after the shooting. Officer McGovern claimed he shot Ehlers because he feared that Ehlers had a gun and could have shot him or fellow officer Miguel Mirabal, who was on the side of the house facing Ehlers' right side. But in a deposition, Mirabal said he had eye contact with Ehlers for nearly the entire 20 seconds between the time McGovern confronted Ehlers and shots were fired – yet Mirabal never drew his weapon (although he claimed in the deposition that he was in fear for his life when he saw Ehlers' head).

“So although you just testified that you were in fear for your life as you stared at his head, you never drew your firearm?” asked the Ehlers family attorney, David Heffernan. “That is correct,” answered Mirabal. In the city council meeting, Mayor Joy Cooper asked **Whitfield** if an outside department should be hired to investigate the shooting. “Even though it's our internal investigation, would it behoove us to do another?” Cooper asked. “No, no, it would not,” answered **Whitfield**. “I would leave it alone at this point. Because you don't want them saying, 'Oh, look, they're trying to, you know...'” Cooper interrupted **Whitfield** and said: “Yeah, [they've] already gone through the process in terms of it's not required. I never asked that question.” The shooting investigation by the State Attorney's Office is still pending. Morgan says he hasn't been contacted by anybody in that office.

Broward Palm Beach New Times
May 26, 2015

Why Hallandale Beach Paid $150,000 to Family of Unarmed Man Shot by Cop
Author: Ray Downs

On a cool winter evening on January 8, 2012, 34-year-old Gregory Ehlers Jr. exited a Best Buy in Aventura with a few items he didn't pay for. Aventura cops chased him at first, but that store is located just a few blocks from the line that divides Miami-Dade from Broward County, and Ehlers soon found himself in Hallandale Beach. Aventura cops didn't bother pursuing an iPad thief across county lines, so they let their Hallandale Beach counterparts know that there's a white male in their town with some electronics he shouldn't have. They also said on the APB that Ehlers didn't have a gun.

Hallandale Beach Police, eager for action in the tiny city, brought out several squad cars and at least one dog to pursue the shoplifting suspect. Ehlers, a Tampa man with a history of drug problems, ran through alleyways and hopped fences to elude the police. Eventually, he decided to climb on the roof of a one-story home in the city's northeast section, about 1.5 miles from the Best Buy. Officer Edward McGovern, a corpulent, ex-Miami Beach bouncer from Philly with 12 years on the force, drove up to the house. Twenty seconds later, he shot Ehlers three times, missing once. But the two bullets that hit Ehlers' arms were enough to bleed him to death. It took at least ten minutes for paramedics to get on the roof. By the time Ehlers was taken to the hospital, he was pronounced dead.

McGovern says he saw an object in Ehlers' hands and told the suspect to put it down. Ehlers obeyed at first but then reached back down, according to the cop's story. That's when McGovern says he fired. The only object found near Ehlers' body was a cell phone. The case is still being reviewed by the State Attorney's Office. But in October of last year, the City of Hallandale Beach paid out $150,000 to the Ehlers family in a wrongful-death lawsuit. New Times obtained copies of the civil case documents to find out why. On August 20, 2014, the city leaders of Hallandale Beach met to decide what to do about the Ehlers case, which by then was more than 2 years old and apparently not very important on their agenda.

City Manager Renee Miller thought the State Attorney's Office had already cleared McGovern, but that wasn't true, and City Attorney **Lynn Whitfield** had to correct her. “[The State Attorney's Office] had a crowded grand jury when they were going to take it, and our four witnesses are in Canada,” **Whitfield** explained. “You've got to be kidding me,” Miller replied. “No. So they have not gone to the grand jury,” said **Whitfield**. “The State Attorney's Office here is terrible, as far as I'm concerned.” “I can't believe this has gone on since 2012,” chimed in City Commissioner Michele Lazarow.

But it had, and **Whitfield** described the case. McGovern shot an unarmed man, she said. But the city had prepared a defense: Although Ehlers didn't have a gun, it's possible he could have found one in the bushes, which makes the shooting justifiable. “Our theory of defense is that the

suspect was a fleeing felon who fled from the police more than once," **Whitfield** said. "Hid from the police and then got on the rooftop, which gave him the advantage if he was armed. Although the BOLO [be on the lookout] did not go out that he was armed, he could have gotten a weapon while he was hiding in the bushes or anywhere else along the way." **Whitfield** explained that the Ehlers family was not only arguing that shooting an unarmed man on a rooftop was excessive force but that several 911 calls indicate that Ehlers was screaming for help and urging police not to shoot.

However, **Whitfield** said those 911 calls are irrelevant because they no longer exist. When Mayor Joy Cooper asked what happened to them, **Whitfield** explained there was a mix-up at BSO and because Hallandale Beach Police waited more than three months to get the calls, they were destroyed. "Well, we asked for the 911 calls from BSO when our detective was getting all the evidence. BSO gave us the dispatch calls and gave us our radio transmissions but did not give us the 911 calls of the people calling in because they had logged them on under a different case number. So once we found out there was a mistake, it went back. Of course, the 90 days had passed, and those calls had been – we do have the CAD report. The printout of the call. We have contacted the individuals who called in. They do not substantiate that they heard him asking for – calling for help."

Whitfield doesn't say who didn't substantiate the calls, but the printout of a call log indicate that at least two people called 911 and described hearing somebody plea for help. Although **Whitfield** told city leaders their defense case was strong, they should be prepared to settle for at least $75,000 out of a $200,000 state maximum for excessive force cases, especially because a trial would happen around Christmastime. "I don't like Christmas cases. People like to give on Christmas. I don't like it, though," **Whitfield** said. Furthermore, offering a low settlement would be a good idea because she knows the judge and mediator involved with the case. "Our mediator is former Judge Norman Gerstein, who I know very well," **Whitfield** said. "Also, our judge is Robert Scola, who I know very well too. We actually started in the State Attorney's Office together. I think he is a very fair judge. I think he is going to really do what he can."

Whitfield was asked if Ehlers had ever had any violent criminal charges or weapons charges, and she said no — just drug and theft charges. Miller asked if Ehlers had ever been a registered gun owner, and **Whitfield**'s answer again was "no." The city leaders authorized a minimum of $75,000 to pay. But after mediation, the final settlement was for $150,000. Gregory Ehlers Sr. tells New Times that he would have gone to trial for the $200,000 but was convinced to accept the $150,000 after attorneys for the city and police union warned that they would fight if he didn't settle. "They said there wouldn't be anything left of the settlement if I went to trial because of attorneys' fees and that it wouldn't be worth it," Ehlers Sr. said from his home near Atlanta. The elder Ehlers is still very angry about his son's death. But the 68-year-old retired computer engineer explained he wanted to secure some financial stability for his grandson.

Although the civil case is over, the criminal investigation is ongoing — a rarity, says Ehlers family attorney David Heffernan. "Oftentimes, the criminal end is resolved before the civil end, but we were able to develop some things from the civil end and gave the state attorney

everything we obtained in hopes of assisting them in the criminal process," says Heffernan. "The family is still very perplexed that the criminal investigation is still ongoing, and there hasn't been a conclusion there."

Sun Sentinel
February 18, 2015

Hallandale city attorney alleges racial discrimination after commissioner threatens her job
Hallandale city attorney accuses commissioner who wants to fire her of intimidation
Author: Susannah Bryan

In the wake of Commissioner Keith London's threat to push for the termination of City Attorney **Lynn Whitfield**, she has accused him of discrimination based on gender and race. **Whitfield**, who has hired an attorney to represent her, also accused London of creating a hostile workplace. In light of **Whitfield**'s allegations, Mayor Joy Cooper called a special meeting Wednesday to hire special counsel to investigate the matter. "This is a very sad, sad day for Hallandale Beach," Cooper said. "It weighs heavy on my heart."

After a spirited discussion, commissioners agreed to hire labor and employment attorney James Crosland to handle the investigation. London told the Sun Sentinel he planned to push for **Whitfield**'s termination due to his loss of confidence in her ability to provide unbiased advice to the commission. Commissioner London to debate firing Hallandale city attorney on Wednesday But on Wednesday, London said he would delay the discussion until the end of the investigation. **Whitfield**, 60, has been Hallandale's city attorney since December 2011. She watched from the back row as her five commission bosses debated hiring the outside attorney. "I find it interesting that up until yesterday there was no allegation of racial or age discrimination until I told her I was going to put an item on the agenda to discuss her employment," London said. "I find it very convenient."

Cooper commended **Whitfield** for standing up for her rights. "I want to publicly apologize that you have been put in such a situation," Cooper said. "We will step out and investigate any discrimination. We will see where the investigation takes us." Review of police use of force urged by chief, backed by elected officials in Hallandale Commissioner Michele Lazarow came to London's defense. "He made a comment," Lazarow said. "She filed a memo. It's a he said, she said. I'm disappointed to hear there are accusations of discrimination. I don't know how this is going to go. I haven't heard his side yet." When the discussion ended, **Whitfield** returned to her seat on the dais.

Crosland told commissioners City Hall has a legal obligation to investigate the allegations. "I will be interviewing the city attorney," Crosland said. "I will be interviewing other people. In the course of investigating her allegations, it may be that other people come forward and make allegations against Mr. London or maybe someone else." Crosland advised the commission that retaliation or harassment of any employee who makes allegations of discrimination could be costly for the city should a court award hefty damages down the road. Crosland said he was not sure how long the investigation might take or how much it might cost. "No matter how this plays out, it's going to cost us thousands of dollars," Commissioner Bill Julian said. "I'm really disgusted. This is an embarrassment. But we'll deal with it."

Sun Sentinel
January 29, 2014

Next step for ethics reform in Broward
Author: Sun Sentinel Editorial Board

The Broward Office of the Inspector General needs help. So do local politicians who want to attend community events while staying on the right side of the county's ethics code. Inspector General John Scott is calling for the addition of an ethics official or commission to ensure government leaders get consistent advice about accepting gifts or trips — and an impartial review when rules might have been violated. Scott is working on such a proposal for the November ballot. And he is on the right track.

Already, some politicians are objecting, decrying another level of bureaucracy. Some fear an independent body might call out those who are simply trying to do the public's business. They should look to history and remember how we got to where we are today. Two years ago, voters demanded a new ethics code after watching far too many elected officials hauled off in handcuffs, charged with bribery and public corruption. The headlines continue even today, as readers of the Sun Sentinel well know.

To enforce the ethics code, commissioners tasked the inspector general's office with investigating and prosecuting potential violations. However, since the referendum's passage, Scott and his staff have discovered problems that need addressing. For example, for advice on accepting a gift or free trip, local officials now mostly turn to their city or county attorneys. The result is a plethora of local opinions about what politicians can accept as a freebie. In the past two years, some 900 legal advisories have been served up countywide, the inspector general's office reports.

These advisories can put government attorneys in the awkward position of having to tell their bosses bad news about taking free stuff — or how to find a way around the law's intent. They also provide cover to politicians who may be seeking personal gain. After recently reviewing legal opinions from Weston to Sunrise to Fort Lauderdale, Sun Sentinel reporter Brittany Wallman found politicians are accepting questionable gifts and perks. In Miramar, for example, city attorney Jamie Cole told Commissioner Winston Barnes he couldn't accept 10 free tickets to the circus last year, but suggested the circus could provide "promotional" tickets to the city that could then be given to Barnes guilt-free.

City attorneys similarly told the mayors of Miramar and Hallandale Beach they could accept free trips to Riyadh, Saudi Arabia, though it's hard to see the public benefit there. Hallandale city attorney **V. Lynn Whitfield** told Mayor Joy Cooper the trip was allowed if it somehow promoted "the exchange of ideas between, or the professional development of, governmental officials or employees." She even said Cooper could bring along her husband, all expenses paid, so long as she reported it as a gift. Cooper went, but did not take her husband along.

The vast majority of local politicians work to do the right thing, no question. But a recent report shows public corruption in Florida continues to rank among the worst in the nation. Between 1998 and 2007, 824 Florida officials were convicted on public corruption charges at the local, state and federal level. The New York Times says the totals may be worse than in any other state. Ironically, in the face of this news, Florida lawmakers are considering a proposal to loosen the ethics reins. Legislation filed this month by Sen. Jeff Clemens, D-Lake Worth, would strip many gift-reporting requirements for public officials and officially protect them if they have a legal advisory in hand.

Meanwhile in Broward, the person responsible for investigating ethics complaints says that to improve the process, the system needs to be tweaked. We encourage county commissioners and the Broward League of Cities to embrace his goal and ensure that public officials countywide play by the same rules and definitions. Given our history with public corruption, it's time we got this right.

Sun Sentinel
January 15, 2014

Hallandale police to test out body cams for one year
Author: Susannah Bryan

Body cams may be the next high-tech tool for officers on patrol in Hallandale. Commissioners have given initial approval to a yearlong pilot program that would arm the department's road officers with video cameras small enough to clip onto their uniforms. The cameras are expected to cut down on complaints against cops and help improve relations with the public, Police Chief Dwayne Flournoy told commissioners Monday. "We're not looking to be punitive," Flournoy said. "We want to improve our officers and our police department."

The technology is becoming popular with agencies throughout the country, including departments in Boynton Beach, Daytona Beach and Orlando, the chief said. Hallandale would be the first agency in Broward County to use it. Most officers are reluctant to wear the cameras at first, Flournoy said, but change their tune when they realize the footage can show whether an officer acted properly in the event a citizen files a complaint with Internal Affairs. The system would cost an estimated $95,000 in the first year. If the program is a success, it would cost $290,000 over a five-year period. Commissioner William Julian said he didn't think it was right to put a "video leash" on the city's cops. "The officer's judgment might be slowed because of the cameras," Julian said. "I think it shows a lack of trust in our officers by putting a video leash on them."

Flournoy assured him the cameras would help with officer training and improve accountability with the public. City Attorney **V. Lynn Whitfield** says the cameras may cut down on police-related lawsuits against the city and help her determine whether to go to trial or settle a case. "It's much easier to defend a lawsuit if I have something I can see," she said. In December, a federal jury awarded $82,000 to a man who accused a Hallandale officer of punching and pepper-spraying him during a traffic stop in 2009. Fort Lauderdale attorney Gary Kollin, who represented the plaintiff, praised the department for its willingness to use technology that can bring the truth to light.

If a recording shows misconduct by the officer, it can help clear the victim of criminal charges, Kollin said. If it shows misconduct by the suspect, it can exonerate the officer and help the prosecution at trial. Commissioner Alex Lewy said he was worried about officers entering a home with cameras rolling and violating a citizen's right to privacy. "Anyone could pull it as public record and post it on You Tube for the world to see," Lewy said. The cameras won't always be on, Flournoy said. City officials plan to come up with a set of guidelines determining which calls should be recorded, with input from the rank and file. "We're not going to capture every single incident," Flournoy said.

Florida Bulldog
July 11, 2013

Defiant Hallandale commissioners reject call for new legal opinion on CRA spending
Author: William Gjebre

Hallandale Beach city commissioners have shot down a request from a legislative committee that it seek a new opinion from the Florida Attorney General on how community redevelopment funds can be spent and abide by the ruling. Sitting as directors of the city's Community Redevelopment Agency (CRA), commissioners voted 3-2 Wednesday night to approve telling the Florida Joint Legislative Joint Auditing Committee that the CRA "cannot at this time advocate seeking the requested" Attorney General opinion. The action raised the likelihood that state legislators could order an audit of the city's CRA spending. "I'm not concerned if they order an audit; they can do that regardless," CRA Attorney Steven Zelkowitz said after the Wednesday meeting.

The state committee got involved after reviewing a highly critical report by the Broward Inspector General's Office that found Hallandale's CRA had "grossly mismanaged" and misspent millions of tax dollars. The Inspector General's report relied heavily on a 2010 Attorney General's opinion that said CRA funds should be used for "brick and mortar" projects. City officials, however, have questioned that interpretation of state law and said that the use of CRA funds for things like handouts to local nonprofit groups and city fireworks displays are legitimate expenditures. Hallandale's defensive posture appears to have prompted the legislators to suggest the city seek a new legal opinion that it would agree to live by.

The city's resistance to that idea was clear in a four-page report to the legislators that was submitted to the CRA's board – Hallandale's five commissioners for their approval. "The questions the committee has requested to be posed to the Attorney General will have an impact on (CRA's) on a statewide basis," the report said. "The city and (its CRA) cannot legally bind themselves to abide by a yet to be issued [opinion]." Zelkowitz, City Manager Renee C. Miller and City Attorney **V. Lynn Whitfield** wrote the report. "I'm very disappointed," said Commissioner Bill Julian, who with Commissioner Michele Lazarow favored seeking the Attorney General's opinion but were outvoted. "I'm not surprised" by the vote, Lazarow said.

Mayor Joy Cooper, who attended via phone, Vice Mayor Alexander Lewy and Commissioner Anthony Sanders voted for the report. After the meeting, Lewy said the city has made numerous improvements to the CRA recently. In response to several other matters raised by the state committee, commissioners agreed to reply that is their position that state law and a few case rulings do not prohibit the questioned expenditures. "In fact, the statutes and case law provide a broad framework for the expenditure of CRA monies," the report said. On another issue, the city's report to the legislature noted that while Hallandale had co-mingled city funds with CRA money in the past — which the Inspector General said was improper — it established a separate CRA trust in May, 2012 and reported the fund balance is approximately $15 million at present. At the meeting, commissioners also unanimously approved an eight-page report outlining the

city's response to recommendations made by the Inspector General. The report – a copy of which will be sent to the state audit committee – said Hallandale has:

*Stabilized CRA staff by naming City Manager Miller executive director and hiring a new Deputy City Manager to serve as CRA director and supervise key departments that interact with the CRA.
*Provided training to top city officials regarding provisions of the state law, Chapter 163, governing CRAs, and established a process and standards for awarding funds/grants to nonprofit groups, as well as on-going performance evaluation.
*Trained staff on policies and procedures for all CRA programs; established legal and financial reviews of loans and other financial funds, and implemented controls to monitor all CRA expenditures.

Florida Bulldog
April 23, 2013

Broward Inspector General: Hallandale leaders don't know what they're talking about
Author: William Gjebre

The Broward Inspector General's final report on the "gross mismanagement" of millions in tax dollars by Hallandale Beach is sharply critical of city leaders it says have shown a "basic misunderstanding" of what's gone wrong. Hallandale Beach city managers past and present, the city attorney, the mayor and other city officials defended the handling of funds of the city's Community Redevelopment Agency in formal responses included in the 56-page report released last week.

The Inspector General, after a year investigating, determined that from 2007 to 2012 city leaders used the CRA like a piggybank to improperly pay for the city's general expenses and other pet projects, including donations to favored charities and loans to local businesses. By law, CRA is a limited purpose special district whose funds are only to be spent to address slum and blight conditions within a defined area. It receives 95 percent of the taxes collected on the appreciated value of properties within its boundaries, or about $70 million since it began in 1996 Some of the report's bluntest words rebut claims by Mayor Joy Cooper and City Attorney **V. Lynn Whitfield** that the Inspector General had no authority to investigate the CRA's activities.

Whitfield's "assertions ignore the fact that the OIG (Office of Inspector General) has authority over all municipal officials in identifying mismanagement of public resources," the report says. "A municipality cannot avoid OIG oversight by spending taxpayer funds through an agency that is independent in name only." Likewise, the report ripped "another common theme" of the city's defenders that the Inspector General mistakenly relied on a Florida Attorney General's advisory opinion that the Inspector General said precluded the city from spending CRA funds as it had.

City Attorney **Whitfield**'s arguments "reflect the basic misunderstanding that is at the core of the gross mismanagement identified in this report: the city has failed to comprehend that the CRA has a limited purpose and that the powers of the CRA to expend CRA…funds is not equal to the power of the municipality to expend general funds." The report urged Hallandale Beach's leaders to ask the Attorney General for another opinion if they don't like the original one.

CITY MANAGER MILLER CRITICIZED
The report also criticized City Manager Renee Crichton Miller, who it said made "unsupported" arguments to support Cooper and **Whitfield**'s erroneous claims that the Inspector General had incorrectly determined that CRA funds were improperly used to repay city bond obligations for park improvements in other parts of the city. City officials contended that it was always the city's intention to repay any CRA funds spent on parks outside the CRA boundaries, The report, however, says those arguments failed to "address the plain fact that $416,365 in CRA funds – deemed 'negligible' by (Miller) – have already been expended on parks outside the CRA boundaries" without any repayments or any plan for repayment.

Miller, hired last summer and not identified in the report as being responsible for past mismanagement, stuck by her arguments in an interview after the report's release, saying the city has every intention to repay funds owed the CRA. She said it does not have to do so now because those projects have yet to get underway. "We have a difference of opinion with the Inspector General," said Miller. "I would not disparage their view." Asked for comment, Mayor Cooper referred a reporter to her statements in the Inspector General's report.

Said former City Commissioner Keith London, who lost a race for mayor to Cooper last November, "I hope the State Attorney's office will look into this further." BrowardBulldog.org first reported the Inspector General's preliminary findings last month. Last week's final report incorporated the responses of city leaders. Investigators found at least $2.2 million in questionable CRA expenditures, including inappropriate loans to local business and grants to local non-profits. The city improperly also spent $416,000 in CRA money for parks outside the CRA boundaries, the report said.

The report also said there is "probable cause" to believe that Dr. Deborah Brown, the founder and director of the Palm Center for the Arts engaged in criminal misconduct. In one case, the center allegedly spent nearly $5,000 to make a payment on Brown's timeshare at the Westgate Resort in Orlando, and make payments to Brown and her brother. The matter was referred to the Broward State Attorney's Office for criminal prosecution. In her response to the Inspector General, Brown provided a document of expenditures and details of youth activities that she said provided "positive, measurable results" at her Palm Center for the Arts. The report, however, said there was a lack of supporting documentation for those expenditures. "Her submission does not alter our determination that there is probable cause to believe that Dr. Brown may have engaged in criminal misconduct," the report says. Brown could not be reached for comment.

CITY LOANS DEFENDED

In their responses, Cooper and former city manager Mike Good defended various CRA loans to local businesses, including a $75,000 loan in 2009 to Digital Outernet Inc., a startup firm that planned to earn income from advertising on televisions screens it hoped put in local businesses. Digital Outernet closed a short time later when its principal owner died. But the city failed to secure a guarantee of repayment from other investors and waived a provision in the deal that would have given it some collateral for the loan. Cooper said the Digital Outernet loan was "not gross mismanagement" because it attempted to help establish a minority-owned business, according to the report. Good said the loan was "properly made," adding that at it was "unfortunate that some paperwork had not been signed," the report said.

Good, too, defended a $50,000 loan to the South Florida Sun Times weekly newspaper, saying it was "justified" because the newspaper needed assistance. The 2009 loan, under terms so favorable that half of it need not be repaid, was made under a new program Good had established for assist struggling businesses. At the time, the two top executives of the for-profit newspaper reported to the IRS that they'd paid themselves $469,000 in salaries in the two years before

receiving the loan. Cooper told the Inspector General that the salaries of those seeking loans are now part of the loan evaluation process, the report said.

But the Inspector General's report said Hallandale Beach's failure until recently to take any steps to empower the CRA as an independent body that might "act as a check on the improper use" of CRA tax funds is problematic. "While we are encouraged by the remedial steps taken by the city and the CRA in the last year, the OIG remains concerned that the city has not acknowledged the statutory limit on the use of TIF (tax increment financing) funds diverted to the CRA," says the report, which makes a number of recommendations it said would ensure the CRA's independence.

Hallandale Beach is not the only Broward city to have misspent CRA funds. Within the last year, the Inspector General found $2.5 million misspent by Lauderdale Lakes and the Florida Auditor General identified "several significant expenditures" by Hollywood that did not follow state law. "It is becoming increasingly apparent that the gross mismanagement of CRA funds by a Broward County municipality is not a unique occurrence," the report says. "The OIG will continue to examine the expenditure of CRA funds by municipalities." The report also recommends the county assess its legal options "to prevent the ongoing abuse of the CRA process and recover those funds that may have been misspent."

Florida Bulldog
June 27, 2012

Broward Inspector General hits first legal hurdle; Hallandale CRA says hands off
Author: William Gjebre

Hallandale Beach's Community Redevelopment Agency, run by the city's five elected commissioners, has sent a message to Broward's new Inspector General's Office – you can't touch us. Numerous questions have been raised about the business dealings of the CRA, in which city commissioners also serve as directors of the agency. But now the agency has called into question the IG's authority to delve into its management practices, declining to have commissioners answer county investigators' questions about their actions as CRA directors. The move is the first significant challenge to the authority of the year-old criminal justice agency whose job is to investigate possible fraud, corruption and gross mismanagement.

"It is our opinion that the authority of the Inspector General does not generally extend to a community redevelopment agency (CRA) and its board members," CRA attorney Steven Zelkowitz wrote in a June 18 letter to Inspector General Counsel Jennifer Merino. "As we both know, the individual Hallandale Beach CRA board members and the city commissioners are each one in the same person. However, in these separate capacities they wear separate hats and are guided by separate legal requirements." The Hallandale CRA's bottom line: the IG's auditors and agents can talk to the five commissioners about their actions as commissioners, but not as CRA board members.

INVESTIGATIVE AUTHORITY QUESTIONED
Zelkowitz's legal opinion is rooted in the CRA's status as a special district, a distinct legal entity under Florida law. According to him, board members are public officers regulated by Florida's Code of Ethics for Public Officials, not the recently updated, and more stringent, Broward County Code that covers all officials and employees of the county and its municipalities. The CRA uses property tax dollars collected within the district to promote businesses and redevelopment.

What may happen next is unclear, but the Inspector General's Office is not expected to back down from continuing its probe in the face of a challenge that could impact its authority over the many other special districts in the county. They include large the North and South Broward Hospital Districts and smaller ones such as the Performing Arts Center Authority or the Hillsboro Inlet District. Inspector General John Scott declined comment.

Robert Jarvis, a professor of constitutional law at Nova Southeastern University, said this is the first big test of the IG's authority, and that Zelkowitz may have a point. He cited a recent decision by the Fourth District Court of Appeal in West Palm Beach that limited the jurisdiction of the Attorney General to investigate foreclosure mills. "I think the CRA may be right," said Jarvis. "I think this has to be decided by a court." Last week's letter is the second push back from Hallandale Beach. Several weeks ago, City Attorney **V. Lynn Whitfield** informed the IG that

the City Manager's Office would not voluntarily schedule meetings between city commissioners and county agents investigating city management practices, including those at the CRA.

In last week's letter to IG counsel Merino, Zelkowitz allowed that the IG has the authority, under county code, with respect to the same city commissioners in their city functions – but not those concerning the CRA. He also stated that the IG may have the authority to review any goods and services that CRA provides to the city. However, Zelkowitz, stated, "In such case, the Inspector General would have authority, but solely with respect to the provisions of such goods and services." Zelkowitz declined comment.

City Attorney **Whitfield** also declined comment. In her June 13 letter to the IG, she said her office wants to know whether the probe is targeted at commissioners as a whole or to actions of individual commissioners to determine what type of legal representation they may require. The IG is a watchdog agency established in the wake of recent county scandals. It can investigate, but not arrest. It is a member of Broward's Public Corruption Task Force – a specialized group of federal, state and local investigators and prosecutors – that in April was designated as a "criminal justice agency" by the Federal Bureau of Investigation.

CITY WANTS MORE INFO
Renee Crichton, Hallandale's newly appointed city manager, said when the office received a call from the IG it contacted the city attorney and the CRA attorney to discuss the IG's request to interview commissioners. She declined to comment on whether any member of the city commission was involved in the discussion at some point. "The CRA and the city commission has not taken any position" on the dispute, Crichton said. "On our part, we need more information as to why the Inspector General wants to interview commissioners. There needs to be some structure; what do they want to discuss." "We are not saying we will not cooperate," Crichton said, adding the city has done so by providing many of the documents requested by the IG.

A call to Broward County Attorney Joni Armstrong Coffey resulted in a callback from Assistant County Attorney Anthony Myers. Asked about the IG's authority in the matter under county law, Myers said he does not have "sufficient knowledge" to comment. He added it is possible the matter could end up in a court of law. At least one city commissioner disagrees with the CRA's position. "The IG does have jurisdiction," said London, who is running for mayor against incumbent Joy Cooper. A part of the state law, he said, speaks to the mingling of city and state funds and that would give the investigators authority.

If called by the IG, London said, "I'll go; I look forward to it." Commission members Dorothy Ross and Anthony Sanders both said they would be guided by the city legal counsel on whether to be interviewed. As Broward Bulldog reported last week, the IG has requested city documents about several community-based groups associated with Sanders or his wife Jessica. The complaints made to the IG, Sanders said, are "coming from the negativity of people. I'm not saying who specifically. It is what it is; it's a part of the politics." When and if he speaks to investigators, Sanders said, "I'll be glad to talk to them in any capacity, as a city commissioner

or a CRA director." Mayor Joy Cooper and Commissioner Alexander Lewy could not be reached for comment.

In his letter, Zelkowitz asked the IG to restrict his questioning of city commissioners "to their actions as city commissioners and not as HBCRA Board Members. In this regard, we defer to the City Attorney as to the direction of your investigation with respect to the City and Commissioners. "Notwithstanding the foregoing, the HBCRA is ready, willing and able to comply with all public records requests of the Inspector General as the records of the HBCRA constitute public records under Chapter 119, Florida Statutes."

The Miami Herald
November 2, 2011

Hallandale Beach hires North Miami's city attorney
Author: Carli Teproff

Hallandale Beach will soon have a new city attorney. On Wednesday, the commission unanimously agreed to hire **Lynn Whitfield**, who currently serves as North Miami's city attorney. **Whitfield**, who was with North Miami for nearly six years, will make $180,000 and begin Dec. 5. Her last day in North Miami is Dec. 2. **Whitfield** will fill a spot that was left vacant when former attorney David Jove resigned in July.

She's leaving North Miami at a time when the city is negotiating with Michael Swerdlow over Biscayne Landing, a massive development near Florida International University. She also leaves at time when several longtime department heads lost their jobs at the hands of the Interim City Manager Steve Johnson. Also, last month, North Miami Mayor Andre Pierre made a motion to fire **Whitfield**, saying only that he had no confidence in her. The motion was shot down.

The Miami Herald
October 25, 2011

North Miami fires two department heads; city lawyer may leave, too
The city manager fired the city's information technology and finance directors Monday for what the mayor called "performance reasons."
Author: Perry Stein

North Miami's newly appointed interim city manager unexpectedly fired two department heads this week, citing "performance reasons." But both were longtime city employee who said they have consistently earned outstanding marks on their evaluations. "It was totally unexpected," said former information technology director Hortensia Machado, who was fired on Monday. "My last performance evaluation was outstanding — in all the categories it was outstanding." Machado, who has worked with the city for more than 13 years, was fired along with Finance Director Carlos Perez, a 22-year veteran of the city.

Interim City Manager Stephen Johnson said he would not comment on personnel matters, but Mayor Andre Pierre said Johnson told him it was because of "performance reasons." Johnson, the city's former police chief, has been on the job for less than two months, prompting Perez to question how the manager even had enough time to judge his performance as finance director. "It makes no sense. I don't understand how he can judge performance in that short period of time," Perez said. "I gave my heart and soul to the city for 22 years and I think everyone knows that." The two employees did not receive a severance package but will be able to cash in their unused sick and vacation days.

City Councilman Scott Galvin said the firings were unexpected, and said he had heard no word of the employees' poor performances until Monday. "Perez surprised me the most because he has been such a highly regarded member of the staff for so long," Galvin said. Johnson also fired the building and zoning director, Jacqueline Gonzalez, two weeks ago to consolidate her department with the community planning and development department. The city may also lose its lawyer if city attorney **Lynn Whitfield** accepts another position at the city of Hallandale Beach, a departure that would likely not upset the mayor.

In September, the mayor tried to oust **Whitfield**, saying he had no confidence in her. He received no backing from the City Council. But the city of Hallandale Beach said it is negotiating a contract for **Whitfield** to serve as its city attorney. George Amiraian, the personnel director for Hallandale Beach, said the City Commission approved **Whitfield** as the city attorney, and that she is expected to accept the contract. **Whitfield** would not comment on the matter.

The Miami Herald
February 15, 2009

NORTH MIAMI Disruptive behavior may be banned from North Miami meetings
Anyone who disrupts a public meeting in North Miami soon might be escorted out after the council gave preliminary approval to a civility and decorum ordinance.
Author: Carly Teproff

Like children in a classroom, anyone who goes to a North Miami public meeting soon might have to follow some basic rules -- no stomping your feet, screaming or speaking out of turn. North Miami City Attorney **Lynn Whitfield** said she believes that public meetings need order, so she proposed a decorum and civility ordinance. The council Tuesday unanimously approved it on first reading. Final approval will come later this month. "There is a way to express anger without being disruptive," **Whitfield** told the council and a handful of residents and staff who were left at the end of a long meeting. "This ordinance doesn't prohibit you from saying anything; it's how it's said."

The ordinance prohibits anyone who attends a meeting or the board or council to disrupt the proceedings. If a person does disrupt a meeting, they can be removed, after a warning, by the police chief or his designee. The ordinance applies to council or board members and the audience.
Though **Whitfield** didn't cite a specific incident that sparked the new law, the proposal came weeks after David Levin, a frequent critic of North Miami government, spoke out of turn at a meeting. Late last year, Levin told the council he felt that a meeting should be canceled because he believed it wasn't properly advertised. Mayor Kevin Burns asked him to sit down several times, but Levin continued.

Levin and several other residents say the law is an infringement on First Amendment rights. "I have never, ever, threatened anyone," said Levin, who acknowledges he often speaks passionately about city issues. "But I have said what you've done wrong and I've called you to task." Resident Judy Feldman says she is not comfortable with being told how she must act when she goes to a council meeting. "I think it's a reaction to some of us that are loud mouthed," Feldman said. "It's subject to tremendous abuse by you all, not us."

Whitfield used a PowerPoint presentation to explain her proposal. Citing case law and other local cities with similar ordinances, **Whitfield** said her proposal is nothing new. At Miami-Dade County meetings, those attending cannot clap; they must wave. Coral Gables, Surfside, Sweetwater and Palmetto Bay also have civility ordinances. "Coral Gables will arrest you if you fail to relinquish the podium," **Whitfield** said. At least one resident agreed with needing order in council meetings. "I don't think this council which governs my city should have to put up with insults at the time of a meeting," said James Tracton. "I think perhaps maybe we do need this ordinance."

Florida Bar News
September 15, 2006

Florida will be well.(Appointments of personnel to National Bar Association)(Brief article)

FLORIDA WILL BE WELL represented in the National Bar Association this year. Along with newly sworn-in NBA President Linnes Finney of Port St. Lucie, **V. Lynn Whitfield** of West Palm Beach will serve as an at-large member of the NBA board; Cynthia Everett of Coral Gables will serve as Regional XI director; Justice Peggy Quince and Judge Sheree Cunningham of West Palm Beach will sit on the NBA Judicial Council's executive board; Detra Shaw-Wilder of Miami is the corresponding secretary of Women Law Division's executive board; June C. McKinney Bartelle of Tallahassee will serve as the recording secretary of the Women Law Division board; and Edrick Barnes of West Palm Beach was elected treasurer for the Young Lawyers' Division of the NBA. Pictured at the NBA convention, top row from the left, are Judge Cunningham, Justice Quince, and Evett Simmons of Port St. Lucie, a past president of NBA. Sitting from the left are Bartelle and **Whitfield** at the Detroit Gala where Finney was sworn in as NBA president.

Jet
September 11, 2006

V. Lynn Whitfield.(People)(appointed as city attorney)(Brief article)

V. Lynn Whitfield, North Miami's deputy city attorney, has been sworn as city attorney for the city of North Miami. **Whitfield** is past president of the Craig S. Barnard American Inns of Court. She earned her juris doctorate from the University of Miami School of Law and specializes in municipal law, civil litigation and criminal defense.

Westside Gazette
July 20, 2006

V. Lynn Whitfield takes oath as City Attorney in North Miami

[CB&A Note: Only the information relevant to **V. Lynn Whitfield** is listed below]

NORTH MIAMI, FL- **V. Lynn Whitfield** was sworn in as the new City Attorney for the City of North Miami on Tuesday, June 27, 2006 after serving as the city's Deputy City Attorney for six months. **Whitfield**'s first boss as a young lawyer, former US Attorney General, Janet Reno, administered the oath of office. "Having Janet Reno administer the oath of office was very special to me. It afforded me an opportunity to publicly thank her for giving me my start as a lawyer," described **Whitfield** after the meeting. "Working for her is the foundation which led to me being the attorney I am today."

Whitfield began her legal career as an Assistant State Attorney in Miami-Dade County in 1978. Her background also includes serving as an Assistant Public Defender in Palm Beach County, Deputy City Attorney for the City of West Palm Beach, City Attorney for the City of Pahokee and many years of private practice with specialization in municipal law, civil litigation and criminal defense. **Lynn Whitfield** earned her Juris Doctorate degree from the University of Miami School of Law. She is a member of the Florida Bar and many professional organizations, including her most current post as president of the Craig S. Barnard American Inns of Court.

[Sidebar] **Whitfield**'s first boss as a young lawyer, former US Attorney General, Janet Reno, administered the oath of office.

Sun Sentinel
October 1, 2005

Minority students intern at law firms
Author: Missy Stoddard

When Cesar Alvarez first became a lawyer in the 1970s, he said, minorities and women were not considered equal to their white counterparts. And though **V. Lynn Whitfield** gained valuable experience as a prosecutor in Miami-Dade County fresh out of law school 25 years ago, she was greeted less than warmly when applying to private law firms afterward. "I can recall interviewing with a large firm in Palm Beach County after being referred there by a judge, and I was just totally blown off," **Whitfield** said. "This was after years of practice. I wasn't a new lawyer."

Today Alvarez, who is Cuban, is the president and chief executive officer of Greenberg Traurig, the country's eighth largest law firm. He said he never let others' opinions or expectations affect his goals. "I may not have been born here and I didn't speak the language perfectly. I just worked very hard," he said. "It just evolved along the way." **Whitfield** is a senior associate in municipal law and criminal defense in the Palm Beach County office of Walton, Lantaff, Schroeder & Carson, a statewide firm. Both Alvarez's and **Whitfield**'s firms are participating in a Palm Beach County Bar Association program offering internships to South Florida minority law students at firms and agencies historically recognized as prestigious. Eight students from schools including the University of Miami, Nova Southeastern and St. Thomas universities are the recipients.

"These are the cream of the crop, silk-stocking law firms which only take a very limited number of students," said Meenu Sasser, a shareholder at the Gunster Yoakley firm in West Palm Beach. "These are most highly sought-out positions." The goal is to provide minority students a mentoring atmosphere as well as exposure to the legal community they might not otherwise get. The hope is that the experience will increase the students' chances for success in the real world. "If you bring people in and don't have anyone who's going to mentor them as they would their white counterparts, the chance of them staying and remaining in the firm is less," **Whitfield** said. "It's important when they come in to be paired with someone who is going to nurture them and take them under their wing and explain how it works. How you do billing to get your hours, how you make contacts to get clients, how to do client development."

Whitfield's protM-igM-i is Patrick Johns, a second-year law student at the University of Miami. The 23-year-old from Richmond, Va., hopes to one day do criminal defense work. He has already been struck by the dearth of black lawyers. "This program helps you get your foot in the door in places that are difficult," Johns said. "It's tough to get interviews when you're an unconnected person not at the top of the class, but you still have skills." The youngest of six children raised by a single mom who supported the family by babysitting other children, Shelly Springer is a Cornell University grad and a second-year law student at the University of Miami. Though her family may not always have known where the next meal was coming from, the children were always expected to attend school and study hard. "My mom instilled good values in us," said Springer, 23, who is working 10 hours a week at Gunster Yoakley.

Judge Matthew Stevenson of the 4th District Court of Appeal in West Palm Beach hopes the program will broaden the talent pool and attract more minority recruits to the area. Since beginning his law career decades ago, Stevenson said he has tried to offer a helping hand to other minority lawyers. "I think the worst thing anybody can do is shut the door behind them," he said. "I feel an obligation to assist those young lawyers that are coming up. It takes a village and it takes everyone involved in the process to make sure doors are opened. It's an important part of me being in the position I am."

Florida Bar News
July 1, 2005

Leopold to lead PBCBA.(Legal Roundup)

Leopold to Lead PBCBA: Theodore (Ted) J. Leopold was recently named president of the Palm Beach County Bar Association. Other new officers and board members include Manuel Farach, president-elect: Scott Murray; Bryan Poulton; Richard Schuler: Meenu Sasser; Michelle Suskauer; **V. Lynn Whitfield**; North County Section President William Fleck; Young Lawyers Section President Wade Bowden; and South Palm Beach County Bar Association President Jeffrey Mark,

Florida Trend
April 1, 2005

Turning point: will Henry Latimer's death be another setback to integrating the Bar's leadership ranks--or will it spur African-American attorneys to step into the void he leaves?(Florida Bar)(Biography)
Author: Pat Dunnigan

When Fort Lauderdale lawyer Henry Latimer died after a car crash Jan. 24, an opportunity that black lawyers throughout the state had awaited for decades died with him. Latimer, a widely respected former circuit court judge who joined the elite rank of partner at the Greenberg Traurig law firm, was positioned to become the first black president of the Florida Bar. Leadership roles at the Bar have consistently eluded black lawyers. Latimer got there, according to friends and colleagues, by building a career of accomplishments while quietly mentoring black lawyers and prodding the legal establishment to expand opportunities for African-Americans.

"His biggest accomplishment was to have been able to achieve distinction and prominence in the law and in the judiciary according to the rules of engagement or whatever the rules of the game are," says Miami lawyer George Knox, a former city attorney and law school classmate of Latimer's at the University of Miami, where they were members of the school's first class of black law students in 1973. Latimer agreed to run for the Bar presidency only reluctantly, Knox says. "He was not ambitious in that way."

But after years of pushing for greater representation in the Bar, black lawyers saw real prospects for change in Latimer, who had established respect and credibility on both sides of the color line. A brokered deal within the Bar put Latimer in line to run unopposed for the position in 2007, his colleagues say. "I don't think it had been settled, but the greatest chance for them (Bar members) to demonstrate that kind of openness and inclusion would have been Henry Latimer," says Knox.

History of frustration
Such optimism stands in sharp contrast to the frustration among black lawyers eight years ago. Then, the state's most prominent black lawyers group, the Florida chapter of the National Bar Association, resigned its seat on the Florida Bar's board of governors after 17 years of occupying a special, non-voting seat. The decision followed months of dissension within the Bar over a proposal to designate a black-lawyer seat on the board with voting power. The Bar's decision to reject the proposal particularly rankled black members because the Bar had just voted to create a fourth seat on the board for out-of-state members. "As long as we are second-class citizens, we don't want to sit at the table," said **Lynn Whitfield**, the chapter's then immediate past president.

The frustration was compounded by a pattern of black board members and candidates losing seats to white opponents in contested elections. Last year, the pattern repeated itself when Don Horn, a Miami prosecutor whose success had earned him a job offer and partnership at one of the city's most prestigious firms, lost his seat after one term. This year, both **Whitfield** and her successor at the National Bar, Allison K. Bethel, were seeking election to the board of governors.

At press time **Whitfield** was running in a contested race for a board seat in Palm Beach County. Bethel, director of civil fights prosecution for the Florida Attorney General's office, is running to fill the vacancy left by Latimer in Broward County. Plantation trial lawyer Bradley Winston had also qualified to run for the seat. Voting closes April 21.

Depending on the outcome of those two races, Latimer's death could leave the board of governors with no black lawyers among its members. A seat reserved for public members is held by a retired African-American educator. It also leaves the state's black law association leaders with an opportunity--and a quandary. Does it honor or dishonor Latimer to suggest that this is an opportunity for the Bar to make room for more black lawyers in its leadership? "Whether or not (Latimer's) position is vested or designated or a position of entitlement ... that's subject to debate," Knox says. Latimer, says Knox, "would want to ensure that no rules were broken ... no preferences to the exclusion of others in an unfair way."

At the same time, Knox says many African-American leaders have a sense that the rules have not always been applied in their favor. The last time this issue was debated before the Bar, "the Bar pulled out the rule book, and it was absolutely impossible for an African-American to win a seat in a contested election," Knox says.

Creating a buzz
If nothing else, Latimer's death has reignited interest in the Florida Bar among black lawyers. "Many African-American lawyers like myself have been inspired by the void that he leaves to get more involved in the Florida Bar," Knox says. Now, he says, there's "a sort of buzz" about who might be recruited to run for open seats in future elections. Whatever happens, Knox says the acknowledgement that Latimer was in line to become Bar president is a huge step forward. "I think the discussions will get more and more serious," he says. "The pressure to recognize that this is a person who is first among equals is a major breakthrough--a stereotype buster."

Miami lawyer H.T. Smith, a past president of the National Bar Association and another member of the UM law school class of 1973, says Latimer would have made a huge impact as Bar president, particularly in improving the Bar's credibility with its black members. "For the past five years, the Bar has been really reaching out to minority lawyers, but minority lawyers have not been responding," Smith says. Smith, a sharp-tongued advocate for racial equality who helped lead a two-year tourism boycott of Miami-Dade County to protest inequality in the tourism industry, says Latimer also had the ear of the state's big law firms in a way that could have been very effective in pressing for more opportunities. "It took me a long time to realize," Smith says, "you really need a person on the inside for the person outside to be effective."

The Palm Beach Post
December 12, 2002

Justice differs for mothers in sons' deaths
Author: Emily J. Minor

Lynn Whitfield has been making her living lately as a defense attorney - a black, female defense attorney - which means she sees the world from a different perch. Like that time in court not so long ago. The judge went on and on about how well-spoken she is. "He kept saying, 'Oh, you're so articulate,' " says **Whitfield**, who most recently represented accused lookout Otto Wright in the Nicholas Megrath murder case. "Whites just don't have those experiences. They don't understand why blacks tend to think that everything has to do with race. If you live through it all the time, after a while, you get the point."

The point? Two women have been in the news recently - mothers who were in court because their actions endangered their children. Neither mother beat her child. Or drove the car drunk. Indeed, by all accounts, each mother loved her son deeply. In the case of Dora Chong, she left her sleeping toddler and went shopping. In the case of Marguerite Saccone, she left her toddler son with a boyfriend she knew was abusive. Chong's son drowned in the pool while she was gone. Saccone's son was beaten to death while she was gone. The Asian woman's staying home. The black woman's going to prison. More than race at play

I called **Whitfield** this week because something was bothering me. Mainly, did the Asian woman get off because her skin is white? Is Saccone going to prison for three years because she's black? In **Whitfield**'s mind: Yes, and no. In **Whitfield**'s mind: It has more to do with money and influence than race alone. After her son's brutal murder, Saccone gave up her job as a hospice aide and moved in with her mother in a small apartment along 45th Street in Riviera Beach. The places she haunted before her son's death were Jamaican nightclubs along the railroad tracks in a section of the city I wouldn't party in at night. For that matter, **Whitfield** probably wouldn't either.

Chong, on the other hand, lives in a big home along Flagler Drive in West Palm Beach. Her front yard looks out at the water. Her neighbors are white. The baby's father, Chong's married former lover, is a prominent Palm Beach businessman. In court, Chong's supporters wore expensive suits and nice jewelry. During Saccone's trial, the supporters wore long skirts, kept their hair in braids and skipped lunch to save money. Dora Chong's sentencing hearing wasn't even on the docket, suggesting someone wanted it hush-hush. But we found out about it, and the Chong story appeared across the top of the front page in The Post the next day. Saccone's sentencing was on the docket, and her story was printed in the Local section. Both mothers left their children

Whitfield said all these incongruities occurred to her before I called - of course. "One of the things that's interesting is that both of them actually did the same thing," says **Whitfield**. "They left their children. If you're going to give one probation, why wouldn't you give the other probation?" It's the kind of question **Lynn Whitfield** has asked herself all her life.

The Florida Bar News
August 15, 2002

Dade Bar elects Pennekamp

Tom Pennekamp, Jr., was recently installed as the president of the more than 4,000 member Dade County Bar Association. "The Dade County Bar has much to celebrate and much more to be proud of as we enter our 84th year as the leading voluntary local bar association in Florida and I am honored to serve this tremendous organization," Pennekamp said. Pennekamp is a member of the ABA, the Cuban American Bar Association, the Academy of Florida Trial Lawyers, the Association of Trial Lawyers of America, the Broward County Trial Lawyers Association, and he is a volunteer special assistant state attorney in Dade County. Pennekamp lives in Coral Gables and has been a resident for the past 38 years. He received his undergraduate degree from Dartmouth University and graduated with honors from the University of Florida Levin College of Law in 1990. The association also recently swore in John H. (Jack) Hickey as its president-elect. Hickey is a Board Certified Civil Trial Lawyer and has practiced in Miami for over 22 years.

GREGORY COLEMAN was recently installed as the 80th president of the Palm Beach County Bar Association. Coleman joined the association in 1990, and is also currently a member of the Supreme Court Commission on Professionalism, The Florida Bar Standing Committee on Professionalism, The Florida Bar Council of Sections, Student Education and Admissions to the Bar, and Speakers Bureau committees. He previously served as president of The Florida Bar's Young Lawyers Division. Lisa Small will serve as president-elect. Additional Board members serving two-year terms are: Ted Leopold, **Lynn Whitfield**, and JoAnn Kotzen. Board members serving a one-year term are: Manny Farach, Stanley Klett, Darryl Kogan, Scott Murray, Meenu Sasser, and Scott Zappolo. Amy Smith will serve as immediate past president. Seated from the left are Sasser, Small, Justice Major Harding, JoAnn Kotzen, and **Lynn Whitfield**. Standing from the left are Klett, Kogan, Zappolo, Smith, Coleman, Murray, and Farach.

Florida Bar News
July 15, 2001

Smith to lead Palm Beach Bar.

The Palm Beach County Bar recently installed Amy Smith as its new president. Smith, a resident partner in the West Palm Beach office of Walton Lantaff Schroeder and Carson, is a graduate of Nova University School of Law. Other new officers include Greg Coleman, president-elect, and board members Manny Farach, Stanley Klett, Lisa Small, Jo Ann Kotzeno, Yvette Trelles, and **Lynn Whitfield.** The Palm Beach County Bar Association currently has 2,460 members. For more information about the PBCBA log onto www.palmbeachbar.org.

The Palm Beach Post
February 2, 2001

Court: Parents can sue over burial of son
Author: S.V. Date

The parents who were not notified that their 23-year-old son had died in West Palm Beach and had been buried by city and county officials will have an opportunity to sue after all, thanks to a Florida Supreme Court ruling Thursday. "I'm ecstatic," said **V. Lynn Whitfield,** the West Palm Beach lawyer for John and Betty Crocker. "They've given us another shot." Jay Crocker was found dead without any identification in a city alley in December 1995. A few days later, investigating officers from West Palm Beach police found his personal belongings and tracked down his parents in Miami Shores but made little attempt to contact them beyond an initial call to the Miami Shores police.

The body was later released to Palm Beach County for burial in a pauper's grave - even as the still-unaware Crockers started a search for their missing son, which included filing a missing person's report with police in West Palm Beach. The couple learned of their son's death six months later, at which time they had him exhumed for burial in Miami and began legal proceedings against the city and Palm Beach County. The lawsuit was thrown out by a trial judge, a decision upheld by an appeals court. But the state's highest court decided that both lower courts had erroneously applied an earlier case involving the removal of eye tissue for organ donation. "Florida case law has long recognized the right to possess a loved one's remains for purposes of burial or other appropriate disposition," wrote Justice Barbara Pariente.

She and five of her colleagues wrote they did not know whether the Crockers, having conceded that they haven't been able to show malice on the part of the police, can successfully pursue a claim that their civil rights were violated. The seventh justice, Chief Justice Charles Wells, wrote in a separate opinion that he believed the Crockers would not be able to win a civil-rights claim. **Whitfield**, though, said she was undeterred by the court's language. In any event, the case must first return to the 4th District Court of Appeal in West Palm Beach and then back to the trial level before it can be decided.

February 1, 2001

Supreme Court of Florida.

John CROCKER, et al., Petitioners, v. Richard PLEASANT, etc., et al., Respondents.

No. SC95148.

Decided: February 01, 2001

V. Lynn Whitfield of **Whitfield** & Mosley, West Palm Beach, Florida; and Dea Abramschmitt, West Palm Beach, FL, for Petitioners. Patrick N. Brown, City Attorney, Claudia M. McKenna, Deputy City Attorney, and Mayra I. Rivera-Delgado, Assistant City Attorney, and Leonard Berger, Assistant County Attorney, West Palm Beach, FL, for Respondents. Carl E. Brody, Jr., Assistant County Attorney, Clearwater, FL, for The Florida Association of County Attorneys, Amicus Curiae.

We have for review a decision of the Fourth District Court of Appeal, which certified the following question certified to be of great public importance:

DOES [STATE V.] POWELL [497 So.2d 1188 (Fla.1986)] PRECLUDE ALL SECTION 1983 CLAIMS GROUNDED ON INTERFERENCE WITH AN INTEREST IN A DEAD BODY?

[CB&A Note: The remainder of the case can be read here:
https://caselaw.findlaw.com/fl-supreme-court/1489244.html

The Stuart News
March 28, 2000

Ex- Deputy's sex case dropped
Randy Toombs had been accused of asking for sex from a 14-year-old.
Author: Suzanne Latshaw

STUART - The state attorney's office dropped all charges against an ex-Martin County deputy who was accused of asking a 14-year-old girl to perform oral sex on him on the night of Sept. 5, 1998. Randy Toombs, 43, of Fort Pierce, who was scheduled to have a hearing Monday morning, will not have to face Judge Stewart Hershey on charges of solicitation to commit a lewd act. "He's ecstatic, not that this is something we didn't expect," said **Lynn Whitfield,** Toomb's attorney. "This is over for him now. He has no charges pending." She said Assistant State Attorney Lev Evans called her late Friday and told her she and her client would not have to show up for Monday's hearing. He did not explain why the charges were dropped, but another prosecutor said it was because the alleged victim wouldn't be available to testify.

"The victim in the case is 15 years old and she ran away from home a few months before the trial was to begin," said Assistant State Attorney Ryan Butler, who also worked on the case. "The case simply could not proceed without her." Prosecutors alleged that in 1998, Toombs, in uniform, approached the girl and a 22-year-old man in a car parked at a beach access along Hutchinson Island. According to police reports in 1998, Toombs ordered the man to walk down a boardwalk out of sight from the car. Then he allegedly asked the girl to perform oral sex on him or he would tell her mother that she was with the man. When she refused, he asked her to show her breasts, which she did, the report stated. Toombs then reportedly said, "Damn, look at you!" When she put her shirt back down, Toombs told her "I didn't tell you to put it down," the report stated.

The state also dropped charges of battery against Toombs stemming from a separate incident on Jan. 25, 1998, when he allegedly grabbed another woman and pulled her shirt aside to look at her breasts, according to the state attorney's office. The battery charge was "inextricably intertwined" with the solicitation charge, Butler said. The victim's mother told The Stuart News/Port St. Lucie News at an earlier hearing that her daughter was scared to testify against the 6-foot-1-inch, 280-pound ex-deputy. "She's scared to death. She's telling the truth," her mother said in the Martin County Court house three weeks ago. "Little kids just do what they're told." The Martin County Sheriff's Office fired Toombs in September 1998 after an investigation accused him of lying about the incident and failing to follow procedures, as he did not check the license plate or the names of the alleged victim or the man she was with.

He was fired by the St. Lucie County Sheriff's Office in 1994 after he was arrested on charges of shoving his girlfriend's friend and hitting his wife, according to his personnel report. "Deputy Toombs does good work, knows the job well and gets along well with fellow workers, supervisors and the general public," Sgt. Harvey Sharpe wrote in Toombs' 1993 evaluation. "Deputy Toombs' weakness seems to be in his personal life." In St. Lucie County, he worked as a

school resource officer for several years before receiving a written reprimand in 1993 after two girls at Port St. Lucie High School said Toombs asked them to "pop" their bras to show whether any marijuana cigarettes fell out. He is still certified to practice law enforcement in Florida, according to the state Department of Law Enforcement.

Whitfield said she and Toombs will discuss his future employment options later this week. Toombs must be employed in the law enforcement field by Sept. 14, 2002 to be able to stay certified. A discipline case was opened against him after he was fired from St. Lucie County, but not after he was fired from Martin County, said Danny Quick, a training and research manager for the FDLE. There was no record in his Martin County personnel file that the sheriff's office reported the 1998 incident to the state, even though an internal investigation concluded the girl's allegations to be "sustained." The sheriff's office is required by law to report any action that would concern his moral character standards, Quick said. Butler said the state could refile the charges when the girl returns home. Ray Martinez and Gabriel Margasak of the News staff contributed to this report.

March 3, 1999

CROCKER v. PLEASANT

No. 98-0633.

727 So.2d 1087 (1999)

John CROCKER and Betty Crocker, Appellants, v. Richard PLEASANT, individually, City of West Palm Beach, a municipal corporation, and Palm Beach County, a subdivision of the State of Florida, Appellees.

District Court of Appeal of Florida, Fourth District.

March 3, 1999.

Attorney(s) appearing for the Case
V. Lynn Whitfield of Whitfield & Mosley, West Palm Beach, for appellant.

Leonard Berger, West Palm Beach, for Appellee-Palm Beach County.

Patrick N. Brown, City Attorney, and Mayra I. Rivera-Delgado, Assistant City Attorney, West Palm Beach, for Appellee-City of West Palm Beach.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/19991814727so2d108711648

Sun Sentinel
January 26, 1998

Dedication gets attorney to top post among peers
Author: Scott Gold

Lynn Whitfield is a minority in a minority. The West Palm Beach defense attorney is one about 15,000 female attorneys in Florida _ compared to the state's 42,000 male attorneys. And she is one of an estimated 1,000 to 1,500 black attorneys in Florida _ a number that pales in comparison to the percentage of the population that blacks encompass. "I am a product of the affirmative action movement in this country," **Whitfield**, 43, said in her office high above Clematis Street last week. "I am cognitively aware of that. It got me in the door. But it didn't keep me there."

What kept her there was hard work _ routinely as much as 75 hours a week. It has paid off with a successful private law practice, a series of high-profile clients and an identity that rests far more on legal skills than race or gender. And now it has paid off with her election as president of the Palm Beach County Association of Criminal Defense Lawyers. She will take over in November as the association's first black president. Most of the public hasn't heard of the association, but its monthly gatherings, as well as **Whitfield**'s imminent presidency, will likely produce some tangible results with a potential impact on thousands of county residents.

For example, Palm Beach County Circuit Court Judge Edward A. Garrison recently suggested handing out first-degree murder cases to attorneys who submitted the lowest bids. He hoped it would cut down on litigation costs paid by the county _ but defense attorneys saw the plan as a drastic affront to their clients' rights to a fair trial. No one submitted a bid, and Garrison eventually abandoned the idea, partly, **Whitfield** said, because of the criminal defense association's lobbying. Also, court officials are now considering dedicating a single judge to hear domestic violence cases. Though it is part of a proposal to help slow family violence, many defense attorneys _ joined by several judges _ fear it could hamper defendants' rights. "It's very dangerous," **Whitfield** said.

Whitfield, a Cleveland native and a 1980 law school graduate from the University of Miami, is well aware that the public is not always enamored with her choice of career. With varying degrees of success, she has represented her share of questionable characters during the years. She has represented Ronald Knight, who is awaiting trial in the second killing of a gay man he allegedly lured from a bar near West Palm Beach. There was Maceo Wright, a West Palm Beach man convicted in 1996 of killing ex-girlfriend Tasha Richard. There was Bryant Patrick, one of four men accused in the kidnapping, robbery and rape of a West Palm Beach student, who was left naked and stranded on a crime-ridden street.

Most recently, there was murder accomplice Anthony Thompson _ the lookout man in a botched robbery that led to the May 1996 slaying of Delray Beach convenience store owner Mohammad Rashed Karim _ who was sentenced to life in prison without parole. But she said she believes in

an idea instilled by a former boss _ Janet Reno, now the U.S. attorney general. When **Whitfield** started out of school as a prosecutor in Miami-Dade County, Reno _ then the county's state attorney _ told **Whitfield** that she firmly believed it better that 10 guilty people go free than one innocent person be wrongly convicted. "That's what keeps me doing it," **Whitfield** said. "When you have a client who is wrongfully charged, and when you get a not guilty in a case like that, it's worth everything else."

Whitfield acknowledges getting close to some of her clients _ and frustrated when she sees them re-arrested. Active in church and her community, **Whitfield** speaks in schools and mentors children. She has assisted a prison ministry and has gone into jails to act as a liaison between inmates and family members who have been left behind in dire need. Most of her community work takes place in inner-city West Palm Beach. She has been known to pull her car over to warn former clients that they should be home rather than hanging out with the wrong crowd. "People think that defense lawyers don't care about the revolving door," **Whitfield** said. "We do."

The Palm Beach Post
December 19, 1996

Boynton Oks settlement of traffic-stop lawsuit
Author: Chuck McGinness

City commissioners have agreed to pay $10,000 to settle a lawsuit by a Coral Springs man who claimed he was wrongly arrested and beaten by police during a traffic stop. Daniel Maxime, 33, claimed five officers pulled him out of his car, threw him to the ground and beat him with their batons. The incident occurred in June 1991, two months after he came to Florida from Haiti. He received injuries to his face, knee and back. He now has a job as a lawn maintenance worker, his attorney, **V. Lynn Whitfield**, said Wednesday.

A police report said officers pulled Maxime over after he stopped in the middle of Northeast 11th Avenue, blocking traffic, then ran a red light. Officers twice ordered Maxime to put his hands outside the car window, but he did not comply - which Maxime contended was because he did not understand English. When Maxime rolled up his window and reached for something under the seat, officers tried to "escort him" out of the car, the report said. A police spokesman at the time said officers used proper procedure. Commissioners approved the settlement Tuesday night. The city spent about $3,500 to defend the case. Legal costs could have topped $30,000 if it had gone to trial, said Wilfred Hawkins, assistant to the city manager.

The Palm Beach Post
October 25, 1995

Lawyer decrying O.J. 'bias" should reread her law books
Author: William R. Osterman

The Palm Beach Post recently published an article, ``Coverage of Simpson trial was biased from the start," by **V. Lynn Whitfield**, decrying the paper's coverage of the O.J. Simpson verdict. She accuses the editors of bias in their coverage of the Simpson trial and verdict. She feels that the editors should have printed the reactions of local black attorneys and further alleges that perhaps the editors were afraid of what they would say. When I think about lawyers in the criminal justice system, I automatically think of two types: defenders and prosecutors. Why would the color, gender, nationality, religion or sexual orientation of the lawyers be important in a society that claims a longing desire to be an inclusive society? Ms. **Whitfield** entifies herself as a black attorney. Would it be in bad form if I called her firm and asked to speak to a white, Hispanic, Jewish or Asian attorney? I would think it racist to do so. Ms. **Whitfield** states that for 200 years, this country has maintained a criminal justice system grounded in the Constitution. Ms. **Whitfield** must have missed a few classes in law school. U.S. criminal law is based on English common law. She states that the Constitution did not apply to blacks for 100 years. Actually, it was 81 years, but women had to wait 131 years for the constitutional amendment giving them the right to vote, and they are still waiting for the equal rights amendment.

Ms. **Whitfield** also makes remarks about the ability of an indigent defendant to get a fair trial. She is right on the money here, but let's leave race out of the debate. The powerless and poor are at a definite disadvantage and always have been. This is also true in the cases of police brutality. It is not a race thing. It is a class issue. Had Rodney King been driving a Mercedes and wearing an Armani suit, I doubt we would recognize his name today. Ms. **Whitfield** claims that Mr. Simpson was not given special treatment. But, can you imagine Mr. Doe, fugitive from justice, riding on the freeway with a gun, wanted for murder, being allowed to set the pace for a parade of policemen for hours? I am afraid Mr. Doe would have had so much lead in him that it would have taken a wrecker to lift him from the car.

This article is a prime example of the divisive attitudes that are alive and moving in areas of our society today, and it is unfair and unjust to all races of people. Ms. **Whitfield** must realize that O.J. was the celebrity in this case, and the race of the victims is really not relevant. They were humans, and they were murdered. Ms. **Whitfield**, please believe me when I tell you that the majority of the people of this country would have been overjoyed if the trial had had a Perry Mason ending with someone identifying the real killer. You must realize that O.J. was a superstar to almost everybody, and we have all been traumatized by seeing one of our superstars fall from the sky. Perhaps it is time to go to the library and restudy the works of the Rev. Dr. Martin Luther King Jr. and the civil rights movement. Has the movement that Dr. King led changed from a straight line of progress heading to the fulfillment of dreams into an unending circle that goes nowhere? William R. Osterman is a resident of Okeechobee, where he owns a car dealership. He wrote this article for The Palm Beach Post.

The Miami Herald
July 14, 1995

South Florida Psychiatric Society installs new officers
Author: Herald Staff

The South Florida Psychiatric Society, a district branch of the American Psychiatric Association, recently installed its new officers. They are: Dr. Richard L. Rubin, president; Dr. Ana E. Campo-Bowen, president-elect; Dr. Angel E. Garrido and Dr. Richard M. Steinbook, vice presidents; Dr. Ramona Abed, secretary; and Dr. Fernando Pino, treasurer.

National Bar's state officers announced
The Florida Chapter of the National Bar Association, an organization of black legal professionals, recently announced its newly elected officers. They are: Monique M. Edwards of Orlando, president; **V. Lynn Whitfield** of West Palm Beach, president-elect; Allison K. Bethel of Hollywood, vice president; Lansing C. Scriven of Tampa, secretary; Cynthia A. Everett of Miami, treasurer; Daryl E. Trawick of Miami, loan officer; and Michael A. Robinson of Fort Lauderdale, student liaison.

Palm Beach Post
December 20, 1993

Man seeks damages, says officers beat him in ’91
Author: Jounice L. Nealy

Daniel Maxime says he has shooting pains in his face. Looking at his left eye, it almost seems as if he is being hypnotized. The top eyelid hangs lower over the left eye than the one on the right. And Maxime said he still needs treatment for knee and back injuries he received almost 2 1/2 years ago. Maxime, 30, claims that five Boynton Beach police officers snatched him out of his car, threw him to the ground and beat him in June 1991, two months after he left Haiti.
And Maxime intends to sue the city and the officers he claims violated his civil rights while making a traffic stop. **V. Lynn Whitfield**, his attorney, filed a notice in October. Last month, she filed against each officer. ``It's not unusual that we are sued in these types of situations," spokesman Lt. William Galbraith II said.

Officers Richard Root, James Prestinari and Scott Vash, who is no longer with the department, are named in the suit. Lt. Patrick Smith and Sgt. Frank Ranzie also are named. The officers were advised by the department not to comment. Maxime said the officers beat him with their batons and kicked his head ``like a soccer ball." ``They grabbed me and walked on my body," Maxime said through an interpreter. Holding photographs of Maxime's injuries, **Whitfield** said he had stitches on his elbow and knee, in his mouth, around his eye and nose. ``I think sometimes they (officers) just don't take the time to truly assess the situation," **Whitfield** said. ``At best they say this was a traffic stop . . . and it ended up with five officers on the scene with guns drawn."

Maxime was stopped June 17, 1991, in the 100 block of Northeast 11th Avenue after police said he stopped in the middle of the road, blocking traffic, and then ran a red light. When he came to a stop, Maxime started to get out of the car, but police told him to get back in and he did, according to police reports. Officers ordered Maxime twice to put his hands outside the window. They said he did not comply. Maxime said he told the officers that he was Haitian and did not understand English, but he said they did not listen. Backup units soon arrived and shined a light that penetrated the tinted windows, police said, and they saw three occupants making ``furtive" movements.

They were ordered out of the car, but none of the occupants would comply, Root wrote in his report. ``We made the decision to approach the vehicle and remove all occupants. All officers had their weapons drawn due to the occupants' furtive movements," he wrote. Officers said Maxime rolled up his window when officers again ordered him out of the car and reached for something under his seat. ``At this time, I opened the door and attempted to escort the driver, Maxime, from the vehicle," Root wrote. He also said Maxime began throwing punches, and officers ``were only able to escort him to the ground." Galbraith said the officers followed proper procedure. Maxime was subdued and officers said he received ``minor injuries to the left side of his face."

Sun Sentinel
April 26, 1993

More black lawyers going it alone Many shed security of large firms
Author: Lois Frimet Perdue

Gwendolyn Key says she had no fears about leaving the safety of a large law firm to go out on her own and establish a law practice -- even in the competitive Palm Beach County market. Key, the president of S. Malcolm Cunningham Sr. Bar Association -- the 75- member black bar association in Palm Beach County -- said at least half a dozen of her colleagues have opened their own small or solo practices within the past year or so. Key and the other African-American lawyers who have abandoned the security of a paycheck from an established law firm or the public sector to start their own businesses said it is working out well. In fact, Key said business is going exceptionally well for her. "Society doesn't expect the African-American community to be able to support its own professionals," said Key, a Howard University Law School graduate. "But, I am earning more now than I could ever make working with a large law firm."

Black lawyers, like many who have left large law firms or the public sector to establish their own firms, have found that a successful solo practice requires building a variety of connections with the business and governmental communities, balancing business needs with community service, and building referrals through good work. Key and her partner, LeRonnie Mason, opened their practice about eight months ago in West Palm Beach, handling civil, criminal and litigation matters. New business comes from established contacts in the community and referrals from other attorneys. Key was an assistant state attorney for four years in Palm Beach County and an associate for two years at Gunster Yoakley in West Palm Beach.

Linda Mitchell is a name partner in the year-old practice of Hanna Mitchell & Associates in Lake Park. She and her partner, Harlington L. Hanna, have a general law practice and handle commercial, labor, entertainment and sports law matters, as well. Before opening her practice, the Tulane Law School graduate worked for two years at mid-sized Coogler, Adams, Watson & Merkel, P.A. in West Palm Beach. Mitchell said most young lawyers want to join a large law firm, reap the benefits of a good work product and then maneuver into the partnership track. But, she said, the opposite seems to be happening. "The trend seems to be that there are less attorneys being made partner and that large firms don't offer security any longer," Mitchell said.

By opening her own practice, Mitchell is creating her own security. To attract business, Mitchell believes in practicing the age-old lawyers' credo of doing good work to bring in clients. "If you have established a reputation and do quality work, clients will return and also refer others," she said. So far, it seems to be working. Mitchell said there are plans to expand the firm into the Belle Glade area, "where more attorneys are needed." Lawyer **V. Lynn Whitfield** has been in her solo practice for nine months in West Palm Beach. Her practice includes criminal and civil litigation, along with some personal injury work. With a background in government work for 12 years, eight in Palm Beach County, she says she is generating consistent business referrals. By

continuing to work for the public sector as she establishes her new practice, **Whitfield** is able to develop and maintain her practice.

The University of Miami Law School graduate is, for example, part of a conflict team with the Palm Beach County court system on a yearly contract. When the Public Defender's Office has a conflict in a case, **Whitfield** can receive the matter -- with the county paying the fees for the work. “It's a good source of income," **Whitfield** said. **Whitfield** also works part-time for West Palm Beach doing legal work at half the original salary she received when she worked there full-time as deputy city attorney. She also does legal work for Riviera Beach's civil service board. **Whitfield** has learned about negotiating fees in the few months she has been in practice. "Some prospective clients will try to negotiate fees with you. Young lawyers may tend to fall for lowering their fees, but if you sell yourself short, you may end up not getting the case at all."

Michael D. Brown was a lawyer on the partnership track. He had been with the Department of Justice's Executive Office of the U.S. Attorney in Washington, D.C., for about two years after graduating from Howard Law School. But he wanted to return to his hometown of West Palm Beach. Five years ago, he went to work at one of West Palm Beach's oldest law firms -- Jones, Foster, Johnston & Stubbs, Pa. Brown said he was the first black hired and, to date, the only one. But he gave it all up six months ago to open a solo practice in West Palm Beach. Brown said that practicing at the firm was a "wonderful experience" and an educational one. It particularly taught him about fitting in -- a vital skill now in managing and marketing his own practice.

"Working at a law firm or a large corporation is not any different," said Brown, who was on the law firm's recruitment committee for two years. "Both organizations are looking for a certain type of individual -- one who won't upset the hierarchy and is flexible." Brown seems to have learned his lessons well. He is involved in numerous community organizations and maintains his contacts at Jones, Foster. Brown is also involved in the black community, from which he receives referrals from relatives and friends. Brown thinks that all people need to interact more with different groups, particularly if they want to develop their careers. "It's a two-way street," he said. "Black attorneys. Hispanic attorneys. They need to get involved in groups other than in their own communities -- like the Rotary or Kiwanis."

For his efforts, Brown said he has generated a consistent flow of business and a steady cash flow. Mitchell is working hard to establish a referral base for practice -- a practice she said includes all colors and nationalities of clients. In addition to the referrals Mitchell receives from other attorneys and clients, she also receives referrals from Louisiana, where she also holds a license to practice law. Mitchell said a law firm, especially a new one, has to balance goodwill with good business practice. "If our clients are in need of services and don't have lump sums for fees, we will make financial arrangements for them," Mitchell said.

Brown, too, said that while he has office expenses to meet, he also provides additional services particularly to those in the black community in need of legal representation. "I provide discounts and other favors in certain situations at affordable rates," he said. Wilbur Chaney opened his solo practice in Delray Beach a few years ago after moving from Orlando, where he had been in

private practice for six years and was an assistant U.S. attorney. Chaney says it was difficult starting over with a new practice. He is handling criminal and civil litigation, but sees heavy competition from other lawyers in another area in which he practices: personal injury work. Chaney said he is considering advertising to generate more business.

Chaney does not depend only on Palm Beach County to generate business; he travels to do business with clients in Lee, Orange, Dade and Broward counties. To generate additional revenue, he has a contract with the Resolution Trust Corp. on a per project basis. Chaney also volunteers his time as a magistrate, hearing civil traffic cases once a month. From this, he says he also receives occasional referrals. Chaney expressed surprise that some blacks were leaving the haven of large law firms to go out on their own. "This is not an easy time to open a law practice because of the economy," he said.

Key, though, summed up her reasoning for forging ahead with her plans to run her own practice. "As an African-American, if you have survived passing the Florida Bar and working in a large law firm, you're not afraid to go out on your own."

November 18, 1992

Fazzolari v. City of West Palm Beach, 608 So. 2d 927 (Fla. Dist. Ct. App. 1992)
District Court of Appeal of Florida
Filed: November 18th, 1992

Precedential Status: Precedential

Citations: 608 So. 2d 927

Docket Number: 90-3425

Judges: Dimitrouleas

608 So. 2d 927 (1992)
Frank FAZZOLARI, Appellant,
v.
The CITY OF WEST PALM BEACH, Appellee.
No. 90-3425.
District Court of Appeal of Florida, Fourth District.

November 18, 1992.
Rehearing Denied December 29, 1992.
*928 Schuler, Wilkerson & Halvorson, P.A., and Philip M. Burlington of Edna L. Caruso, P.A., West Palm Beach, for appellant.

Kelley B. Gelb of Krupnick, Campbell, Malone and Roselli, P.A., Fort Lauderdale, Amicus Curiae, for Florida Academy of Trial Lawyers.

V. Lynn Whitfield, Asst. City Atty., and John J. Bulfin of Wiederhold, Moses, Bulfin & Rubin, P.A., West Palm Beach, for appellee.

DIMITROULEAS, WILLIAM P., Associate Judge.

[CB&A Note: The remainder of the case can be read here:
https://www.courtlistener.com/opinion/1843251/fazzolari-v-city-of-west-palm-beach/

The Palm Beach Post
June 17, 1992

West Palm deputy city attorney quits

Deputy City Attorney **Lynn Whitfield** announced her resignation recently. She plans to enter private practice. **Whitfield's** resignation will take effect July 31 and will follow the July 3 departure of City Attorney Carl Coffin. It leaves the city with three attorneys. Coffin's replacement is to be named June 26. **Whitfield**, who earned $62,545, filled in for Coffin until April, when she gave up the temporary post after clashing with Mayor Nancy Graham. Graham questioned **Whitfield's** friendship with a principal in a company that received an $18 million contract to build a police station.

The Palm Beach Post
April 17, 1992

West Palm counsel steps down
Lawyer dropped from station suit
Author: Joel Engelhardt

Acting City Attorney **Lynn Whitfield** resigned her post Monday after being relieved of legal responsibility for construction of a new city police station. Mayor Nancy Graham said she hired outside counsel to oversee litigation over the police station contract because **Whitfield** is a close friend of Ann McNeill, a partner in the joint venture that won the $18.6 million job. McNeill is chief executive officer of MCO Construction of Miami, which is a 25 percent partner in the project with Federal Construction of St. Petersburg. **Whitfield**, who was promoted to deputy city attorney in October, said Thursday that she would have removed herself from the case at any point that she felt her friendship with McNeill impaired her decision-making ability. In resigning the post, **Whitfield** gives up a $3,141 pay raise. She returns to the position of deputy city attorney at an annual salary of $62,545.

Graham said she is still committed to reducing city payments to outside counsel. But she said she had no other choice because without **Whitfield**, the city's legal staff could not handle the case. **Whitfield**'s decision leaves the City Attorney's Office without a director. The job will rotate among four of the office's five lawyers. Former City Attorney Carl Coffin will not be part of the rotation. Coffin resigned under pressure on Feb. 11 after 13 years as city attorney. He works in an undefined capacity roughly equivalent to an assistant city attorney. He retains his $81,993 salary. Graham sought Coffin's resignation, linking it to the city's mishandling of instructions to bidders on the police station contract.

The City Commission awarded the contract Feb. 3 to Federal/MCO, the sixth- highest bidder, based on its level of minority business involvement. Centex Rooney Construction, the low bidder at $17.77 million, sued the city over the award. Until last week, **Whitfield** oversaw the city's legal defense. On April 10, Graham hired the law firm Steel Hector & Davis to handle the litigation. The firm also will review contracts with subcontractors and monitor construction, reporting to the mayor and city manager. Graham is considering six candidates for the city attorney job. She plans to narrow the list to three on May 1 and select someone by May 15, said her assistant, Susan Olson.

None of the candidates is from Palm Beach County, Graham said. Some were among candidates identified by an executive search firm for a recent opening for county attorney. The county paid the firm about $11,000. The county selected Tampa lawyer Joe Mount on April 2. The other two finalists were assistant Palm Beach County attorneys. They will not be considered, Graham said. While the city's five attorneys will continue dividing the office work, no attorney is yet assigned to counsel the City Commission at its Monday meeting, Graham said. The duty will rotate among **Whitfield** and the three assistant city attorneys: Saul Smolar, Elizabeth McBride and Amy Diem.

October 10, 1991

Department of Transp. v. Konney

Annotate this Case
587 So. 2d 1292 (1991)

DEPARTMENT OF TRANSPORTATION, Petitioner, v. Loretta KONNEY, etc., et al., Respondents. PALM BEACH COUNTY, Petitioner, v. Loretta KONNEY, etc., et al., Respondents.

Nos. 75180, 75241.
Supreme Court of Florida.

October 10, 1991.

Michael B. Davis, of Davis Hoy Carroll & Isaacs, P.A., West Palm Beach, for petitioner, State of Florida Dept. of Transp.
Christopher D. Mauriello, Asst. County Atty., West Palm Beach, for petitioner, Palm Beach County.
Richard L. Martens and Fletcher N. Baldwin, III of Boose Casey Ciklin Lubitz Martens McBane & O'Connell, West Palm Beach, for respondents.

Robert A. Butterworth, Atty. Gen. and Franz Eric Dorn, Deputy Asst. Atty. Gen., Tallahassee, amicus curiae for The Office of Atty. Gen.
Susan H. Churuti, County Atty., Clearwater, amicus curiae for Pinellas County.
John J. Copelan, Jr., County Atty., Alexander Cocalis, Chief Trial Counsel and Stephanie W. Werner, Asst. County Atty., Fort Lauderdale, amicus curiae for Broward County.
Robert R. Warchola, Asst. County Atty., Tampa, amicus curiae for Hillsborough County.

*1293 Charlene V. Edwards, Asst. City Atty., Tampa, amicus curiae for City of Tampa.
V. Lynn Whitfield, West Palm Beach, amicus curiae for City of West Palm Beach.
Phillip C. Gildan of Nason, Gildan, Yeager, Gerson & White, P.A., West Palm Beach, amicus curiae for The Academy of Florida Trial Lawyers.
OVERTON, Justice.

[CB&A Note: The remainder of the case can be read here:
https://law.justia.com/cases/florida/supreme-court/1991/75180-0.html

The Palm Beach Post
December 7, 1990

West Palm may strengthen loitering law to fight drug sales
Author: Angela Bradbery

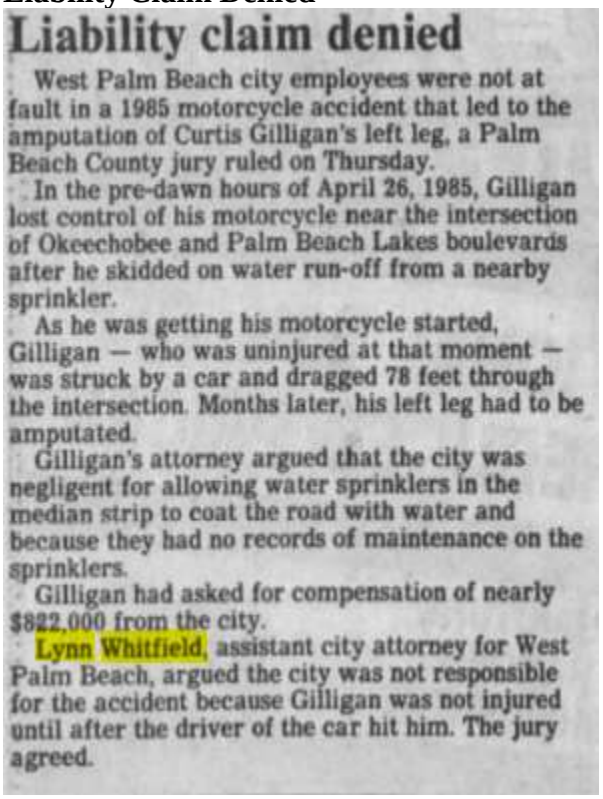
City officials are considering adopting a law identical to a controversial Tampa measure that allows police to arrest people for loitering if they appear to be selling or using drugs. The ordinance, to be considered Monday by the West Palm Beach City Commission, would beef up the city's present loitering law and allow police to arrest anyone who loiters "in a manner . . . manifesting the purpose of illegally using, possessing, transferring or selling" drugs. The law says police should consider someone a suspect if the person is a known drug dealer and if the person repeatedly beckons to and stops passers-by as if to offer them drugs.

The American Civil Liberties Union questioned the law in Tampa. "The mere fact of standing on a street corner and approaching a vehicle does not mean you are manifesting the intent to deliver drugs," said Robyn Blumner, executive director of the ACLU of Florida. "You don't have to justify your presence in America." City officials say the law is not an excuse for police to harass people but a tool to clear dealers from the streets. Tampa adopted the ordinance in April 1989 because residents in drug- infested neighborhoods "were screaming and yelling, `Why can't you get these people off the street corners?' " Tampa police spokesman Steve Cole said. Now, confidence in the police has been restored in some drug-ridden communities, he said.

The law has been unsuccessfully challenged in Tampa several times and is now being considered by an appellate court, Tampa's Assistant City Attorney Ty Brown said. Opponents argue that the law invites arbitrary enforcement and that it gives police officers too much discretion in deciding who might be dealing drugs, Brown said. Courts upheld the law because it detailed specific circumstances that would give police cause to question someone, Brown said. West Palm Beach Assistant City Attorney **Lynn Whitfield** said the law guards against violating people's rights because officers are required to give suspects a chance to explain themselves. West Palm Beach now has a similar law prohibiting loitering for the purposes of prostitution, she said. Violating the law would constitute a misdemeanor punishable by a fine of up to $500 and a jail term of up to 60 days.

Sun Sentinel
December 11, 1987

Liability Claim Denied



Liability claim denied

West Palm Beach city employees were not at fault in a 1985 motorcycle accident that led to the amputation of Curtis Gilligan's left leg, a Palm Beach County jury ruled on Thursday.

In the pre-dawn hours of April 26, 1985, Gilligan lost control of his motorcycle near the intersection of Okeechobee and Palm Beach Lakes boulevards after he skidded on water run-off from a nearby sprinkler.

As he was getting his motorcycle started, Gilligan — who was uninjured at that moment — was struck by a car and dragged 78 feet through the intersection. Months later, his left leg had to be amputated.

Gilligan's attorney argued that the city was negligent for allowing water sprinklers in the median strip to coat the road with water and because they had no records of maintenance on the sprinklers.

Gilligan had asked for compensation of nearly $822,000 from the city.

Lynn Whitfield, assistant city attorney for West Palm Beach, argued the city was not responsible for the accident because Gilligan was not injured until after the driver of the car hit him. The jury agreed.

The Miami Herald
October 27, 1987

Legal meeting recalls fight for civil rights
Author: Mark Kriegel

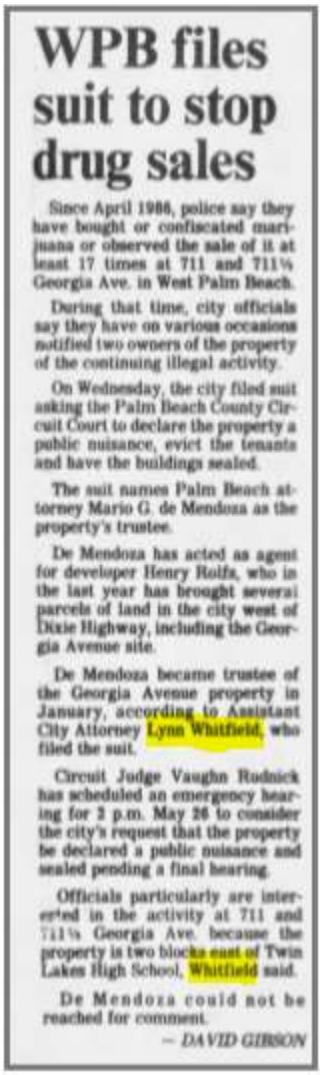
Members of two county lawyers' groups -- one black, the other Jewish -- met Monday evening in the hope of re- establishing ties that proved vital to the civil rights movement two decades ago. "There was too much headway made in the late '60s and early '70s for us to let (racism) creep back into our society," said **Lynn Whitfield**, assistant city attorney for West Palm Beach and president of the F. Malcolm Cunningham Sr. Bar Association, an organization of black lawyers in Palm Beach County. Monday's dinner meeting at the Airport Hilton in West Palm Beach, attended by about 150 local lawyers and judges, could be the first in a series of meetings sponsored by the Cunningham group and the B'nai B'rith's Norman J. Kapner Legal Unit, said Arlyne Warshall, the Kapner board member who organized the meeting.

Warshall, a civil rights lawyer, said she saw the need for such a meeting after listening to her own clients. "I've witnessed anti-Semitism and racism on the part of my own clients," she said. The meeting was not organized "to address any particular pressing problem," she said. One of the future issues the two groups might address is membership policies of the Kapner Unit itself. As a part of the B'nai B'rith, it is open only to Jews. Hugh Glickstein, the Kapner unit's president and a judge on the Fourth District Court of Appeal, tried to challenge the national policy and lost. In an interview before the meeting, Pat Clark, executive director of Klanwatch and the meeting's keynote speaker, gave an example of how the two lawyers' groups could work together.

B'nai B'rith lawyers, she said, came up with a key piece of evidence needed to win a $7 million settlement from the Ku Klux Klan in Alabama last February. The Southern Poverty Law Center filed suit against the Klan on behalf of Beulah Mae Donald, whose son, Michael, was lynched in 1981. Attorneys for Donald had to prove that Klan policy approved of lynching and murder. Lawyers from the B'nai B'rith's Anti-Defamation League uncovered a cartoon from a Klan periodical that depicted a black with his head in a noose. Clark said the effort by the law center and the Anti- Defamation League was "an example of what can be done" when civil rights groups work together.

Sun Sentinel
May 21, 1987

WBP files suit to stop drug sales



WPB files suit to stop drug sales

Since April 1986, police say they have bought or confiscated marijuana or observed the sale of it at least 17 times at 711 and 711½ Georgia Ave. in West Palm Beach.

During that time, city officials say they have on various occasions notified two owners of the property of the continuing illegal activity.

On Wednesday, the city filed suit asking the Palm Beach County Circuit Court to declare the property a public nuisance, evict the tenants and have the buildings sealed.

The suit names Palm Beach attorney Mario G. de Mendoza as the property's trustee.

De Mendoza has acted as agent for developer Henry Rolfs, who in the last year has brought several parcels of land in the city west of Dixie Highway, including the Georgia Avenue site.

De Mendoza became trustee of the Georgia Avenue property in January, according to Assistant City Attorney Lynn Whitfield, who filed the suit.

Circuit Judge Vaughn Rudnick has scheduled an emergency hearing for 2 p.m. May 26 to consider the city's request that the property be declared a public nuisance and sealed pending a final hearing.

Officials particularly are interested in the activity at 711 and 711½ Georgia Ave. because the property is two blocks east of Twin Lakes High School, Whitfield said.

De Mendoza could not be reached for comment.

— *DAVID GIBSON*

Fort Walton Beach Playground Daily News
July 22, 1983

Pensacola lawyer given 3 year suspension

Pensacola lawyer given 3-year suspension

From Staff and Wire Reports

TALLAHASSEE – The Florida Supreme Court on Thursday suspended a Pensacola lawyer from practicing law in the state for three years, saying the attorney improperly used trust funds.

The court also disbarred a North Palm Beach lawyer for allegedly importing marijuana.

The court said that Pensacola tax lawyer Daniel C. Perri operated several investment ventures for clients. He placed their funds in his firm's trust account. When some of the ventures suffered financial losses, Perri borrowed $127,446 from other trust accounts to cover the deficits, the court said.

In a separate case, the justices disbarred James E. Travelstead of North Palm Beach. Travelstead was charged with conspiring to import a large amount of marijuana. He was freed on bond and then failed to appear for a bond hearing, the justices said.

Travelstead also failed to appear at his disciplinary hearing, the court said, suggesting he has fled to escape prosecution.

The court also suspended Vennie Lynn Whitfield, a Miami lawyer, from the practice of law for six months.

While working as an assistant state attorney, Whitfield allegedly informed someone under criminal investigation about the probe. She also allegedly made false statements to an undercover agent about cocaine.

Research Compiled by: Tammie Browder
Colin Baenziger & Associates

Salaries

Candidate Salaries

The following are the base salaries that the semi-finalist candidates gave to us. Although salary is always a consideration, we recommend that it not be the determining factor. A highly qualified, experienced candidate may warrant a higher salary. That individual may well save the City several times the difference in salary by making better decisions.

We should also add that we have spoken with all the candidates and made it clear what the City wants to pay. Each has agreed to accept a salary in the advertised range.

Candidate	Current / Most Recent Salary
John J. Anastasio	Did Not Disclose
Lysia H. Bowling	$ 200,000
Cynthia A. Everett	237,000
Susan M. Garrett	165,000
Abigail “Abby” F. Jorandby	124,000
Harlene S. Kennedy	151,000
Iola T. Mosley	130,000
Gary K. Oldehoff	160,000
Peter “Pete” J. Sweeney	133,182
V. Lynn Whitfield	203,000

We suggest you ask the finalists about their salary requirements when you interview them.

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

John J. Anastasio

Attachments

Anastasio

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:09 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 2

John J. Anastasio

Fort Pierce City Attorney Candidate Report

Section 2

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CB&A REFERENCE NOTES	**19**
INTERNET SEARCH	**33**

Cover Letter and Resume

John J. Anastasio
Counselor-At-Law
3601 South East Ocean Boulevard, Suite 203
Stuart, Florida 34996
(772) 286-3336
E-mail: Contact.Office@psllaw.net

If we could read the secret history of our enemies, we should find in each man's life, sorrow and suffering enough to disarm all hostility.

- Longfellow

19 October 2018

Colin Baenziger, President
Colin Baenziger & Associates
2055 South Atlantic Avenue, Suite 504
Daytona Beach Shores, Florida 32118
Email: Recruit37@cb-asso.com

Re: Fort Pierce City Attorney

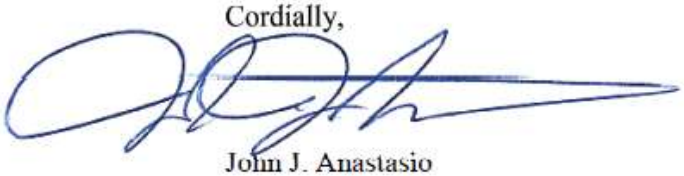
My dear Mr. Baenziger:

Attached to this email is my resume for the above advertised position.

Under separate cover I am forwarding to you a copy of my, ***A Blueprint for the City of Delray Beach City Attorney's Office*** and ***A Blueprint for the Village of Indiantown Village Attorney's Office*** This presents in detail my legal, philosophical, and managerial thoughts on local government and governing bodies, both for an established and a startup municipality.

Thank you for taking time to review my application, in preparation for my interview.

Cordially,



John J. Anastasio

Email attachment: Resume

JOHN J. ANASTASIO

10410 South Ocean Drive # 502
Jensen Beach (St. Lucie County) Florida 34957
john@psllaw.net **(772) 286-3336**

SUMMARY

A self-motivated, self-sufficient, and accomplished lawyer offering more than 37 years of broad experience in the field of municipal law, involving the representation government entities, officials, employees and citizens.

Relevant experience includes expertise in the fields of:

Land Development Regulations
Community Redevelopment law
Public employee discipline under chapter 112
Fair Labor Standards Act (FLSA)
Drug Free Workplace and testing
Occupational Health and Safety Act (OSHA)
Health Insurance…Act (HIPAA)
Local government Section 1983 liability
Federal and Florida Tort Claims Act
Commercial, contracts and construction litigation
Public policy analysis and rule drafting
Root cause and methodology analysis
Equal Opportunity Employment Comm. (EEOC)
Administrative hearings, jury trials, and appeals
Public Employment Relations Commission
Real estate and foreclosure law
Employee grievances and hearings
Family Medical Leave Act (FMLA)
Americans With Disabilities Act (ADA)
Labor Contract Issues
Chapter 120 Administrative Procedures Act
Land Development Regulations
Injury, med-mal, and workers compensation
Florida and federal jury trials, non-jury trials
Contract and pension plan analysis
Investment and financial statement analysis
Public records law and Sunshine Law

LOCAL GOVERNMENT LAW EXPERIENCE

Public Entity and Public Official Representation:

Counsel to the Honorable Joann Faiella
Mayor, City of Port Saint Lucie
Commissioner, Saint Lucie Fire District

Engaged in rendering daily legal advice to former Mayor on all aspects of local government law. See profile summary for a partial list of issues.

Municipal Attorney's Office
Young Dorsey & Fisher
With Senator Dorsey serving as Municipal Attorney providing day to day legal support for the municipalities of:

- Butler
- Dover
- East Hanover
- Montville Municipal Utilities Authority

Special counsel for Parsippany on hiring issues.

This involved all aspects of municipal law, (see summary) including legal advice at public meetings, zoning, land use, redevelopment law, housing, police and other employee discipline, state and federal labor issues, Public Employment Relations Commission (PERC), eminent domain issues, construction and contract review and dispute litigation, municipal tax appeals, municipal electric company issues involving the Federal Energy Regulatory Commission (FERC), public records and public meeting acts, drafting ordinances and resolutions, Guidance at Public Meetings, real property tax appeals, and Municipal Utility Authority (MUA) issues involving rate making methodology.

Attorney for the statutory Mount Arlington, Municipal Investigating Committee

Closed door Municipal Investigating committee authorized by statute, conducted the investigation of the Mount Arlington Police Department, drafted procedures for conducting closed door investigation hearings and procedures for disciplinary hearings, advised the governing body and the committee in all aspects of the proceedings, drafted charges brought against the defendants.

Special Prosecutor for Mount Arlington

Prosecution of the chief of Police and two other officers for violation of municipal regulations.

Authority Attorney for the Dover Housing Authority

Housing development, Section 8 low income housing, and related admirative and lability issues.

Eminent Domaine Commissioner

Appointed by Superior Court as one of the Commissioners to conduct a wide-ranging inquiry into valuation of condemned property and make findings and recommendations as to real property valuation.

SELECTED OTHER EXPERIENCES

Invalidated public records law records retention regulations, in an administrate rule challenge before the Division of Administrative Hearings, in which the State of Florida was forced to adopt a valid system for public records retention.

Numerous successful career service hearings under Chapter 112, including the only successful Career Service Board hearing in the Saint Lucie County Sheriff's Office, along with a number of successful appeals. Numerous other successful local government administrative hearings.

Extensive ligation experience in public records and Sunshine law litigation, successfully resulting in the dismissal of all charges against Mayor Faiella.

More than 75 appeals before the Fourth district court of appeals, and numerous appeal state and federal in other courts. Numerous reported appeal decisions, including *Finnegan v. Deutsche Bank*

Nat'l Tr. Co., 96 So. 3d 1093 (Fla. 4th DCA 2012) and *Dominko v. Wells Fargo Bank, N.A.*, 102 So. 3d 696 (Fla. 4th DCA 2012)) in the areas of real property foreclosure law, *Mancini v. Personalized Air Conditioning & Heating*, 702 So. 2d 1376 (Fla. 4th DCA 1997) in defamation law, *Dalem v. Dep't of Corr.*, 720 So. 2d 575 (Fla. 4th DCA 1998), involving public employee termination before Public Employees Relations Commission, *Gramm v. Port St. Lucie*, 574 So. 2d 1163 (Fla. 4th DCA 1991) and *Bernas v. Knowles*, 648 So. 2d 272 (Fla. 4th DCA 1995) involving police discipline, *Rauch v. Rauch*, 711 So. 2d 582 (Fla. 4th DCA 1998) involving the application of the full faith and credit provision of the United State constitution, *Janos v. State*, 763 So. 2d 1094 (Fla. 4th DCA 1999) involving the double jeopardy clause of the constitution

Authored *A Blueprint for the City of Delray Beach City Attorney's Office*, this mapped out most aspects of a City Attorney's Office and *A Blueprint for the Village of Indiantown Village Attorney's Office*. mapping out a Village Attorney's Office for a startup community, and The *Municipal Investigating Committee,* which mapped out procedures for the conduct of an investigating committee.

37 years involvement in numerous other fields of law, including civil trial, criminal trial, family law, civil rights law, and real estate development.

Appointment by the court as guardian ad litem for a minor in a multi-million-dollar settlement, resulting in the reduction of the minor's attorney fees by $250,000.00.

Member of the Supreme court's electronic service committee.

FORMAL EDUCATION AND SEMINARS

Bachelor of Arts	Major: Government Minor Labor Relations	Seton Hall University
M.P.A. Program (Discontinued to go to law school).		New York University
Juris Doctor		Seton Hall University

SELECTED SEMINARS (FROM DOZENS):

Association of Municipal Attorneys Annual Seminar	Annual Environmental Law Seminar
City, County & Local Gov't Law Certification Review	Sunshine Law and Records & Ethics
Public Employment Labor Relations Forum	Civil Trial Certification Review
Criminal Trial Certification Review	Appellate Law Certification Review
Advanced Legal Writing and Drafting	Circuit Court Mediator Certification

MANAGEMENT

Managed law practice involving 1 to 4 employees over a 36-year period. Lead the Florida Bar Traffic Rules Committee with 40 judges, state attorneys, public defenders, clerks, motor vehicle administrators in the legislative drafting of court rules.

COURTS

Florida supreme Court, all federal courts in Florida, 11th Circuit Court Of Appeals, United States Supreme Court.

U.S. Court Southern District of Florida — Member of Arbitrator Panel

PROFESSIONAL ACTIVITES

Florida Bar Traffic Rules Committee	Member 1992-1996, 2010-2014 Chairperson 2012
Florida Bar Rules of Judicial Administration	Member 2010-2011

Florida Bar City, County & Local Government Law and Environmental and Land use Sections

Pro Bono Awards: Numerous awards for service from Florida Rural Legal Services, including being nominated for Statewide Pro Bono Award.

PERSONAL INFORMATION

Selected Periodical Subscriptions: *Harvard Business Review, Foreign Affairs, Foreign Policy, The Economist* (European version of Time Magazine), *Army War College Review, Parameters* (War College Strategic Studies Institute), *Security Week, Analog Science Fiction/ Science Fact.*

Interests: Strategy, Decision Making Theory, Military and Diplomatic History, Operational and Strategic Level Conflict Simulations, Constitutional Law, philosophy, cooking, jazz, writing.

Deep Background:

Eagle Scout age 15 (with Fire Safety and First Aid merit badges.)
First job out of college: District Executive with the Boy Scouts of America
First came to Port Saint Lucie in 1970, when my grandparents moved there.

Candidate Introduction

John J. Anastasio

EDUCATION

Bachelor of Arts	Major: Government Minor Labor Relations	Seton Hall University
M.P.A. Program	(Discontinued to go to law school).	New York University
Juris Doctor		Seton Hall University

EXPERIENCE

I am a self-motivated, self-sufficient, and accomplished lawyer offering more than 37 years of broad experience generally. And, in the field of municipal law, involving the representation of government entities, officials, employees and citizens. My post graduate personal and professional studies include all fields of human endeavors.

BACKGROUND

Since 1989, I have served the Treasure Coast community offering legal services in many areas of law. This included most facets of municipal law, representing public officials, public employees and citizens. I have spent a lot of my life in the Sunrise City.

I have received a number of awards through the years, from Florida Rural Legal Services, for free civil and family cases performed for the poor on the Treasure Coast.

My first contact with the Treasure Coast was in 1969, when my maternal grandparents moved to Port Saint Lucie, then a city of 400 people. My ancestral homeland is the great state of New Jersey.

I first started learning leadership and organization through becoming an Eagle Scout. Later my first job out of college was as a District Executive with the Boy Scouts. My leadership training and experience has continued throughout my life.

My own law practice of 36 years has employed between 1 and 4 employees, including using 1 or 2 contract attorneys during the foreclosure crisis.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

As City Attorney, I am not in charge of legal affairs that are just a “necessary evil” or just part of the bureaucratic overhead. A properly lead City Attorney’s Office for Fort Pierce adds value to the City. It does this not merely by addressing current legal issues. The City Attorney’s Office must address future problems and issues. I can do so through forecasting techniques,

including environmental scanning of present circumstances and horizon scanning for future problems. Simply waiting for an issue to become a problem is unacceptable. Continuous analysis of all legal aspects of City operations to avoid surprise, build trust, and save tax dollars, must be the standard.

Leadership

My leadership style is that of servant leadership. While much has been written on this, I believe the Marine Corps sums it best with its philosophy of "officers eat last" and "lead from the front". A leader exists not for themselves, but to make their team better. It is a leader's first obligation to see to their team's personal and professional welfare. It is the obligation to first be human in dealing with team members, as well as the people we serve. Only in this way can I leverage my own personal talents, in the service of the City.

A leader's primary job is to train their replacement. This means every day seeking continual professional and personal development of each of your team members. Talent management and succession planning is essential. In this way I will produce for you a high-performance legal team for the City of Fort Pierce.

Trust

Trust building is essential. The Fort Pierce City Attorney's Office has recently faced two crises of trust. The first on billing issues resulting in the creation of an in-house City Attorney's Office. The next crisis followed in short order from toxic leadership, and conflict between the City Attorney and Senior Assistant City Attorney, resulting in the departure of the City's first in-house City Attorney.

As City Attorney my number one priority is rebuilding trust with the Commission, the staff, and the community. Trust is a pragmatic, tangible, actionable asset that can be systematically created. It involves proving: integrity (showing you walk the talk), good intent (showing good motives), credibility (the ability to perform), and establishing a good track record (personal and team performance). It also means, transparency, transparency, transparency, in all things. It's not the mistakes we make, but what we learn from them, that improves as well as defines us.

What will you say about me when I'm gone?

The legacy I seek working for the City is the creation of a permanent culture, that embodies respect, vision and productivity as its goals. In the same way the police department motto is to "protect and serve", as City Attorney the motto of the City Attorney's Office will be "Law, Logic, and Compassion".

Priorities. Dust in the wind, or…

John J. Anastasio

Again, and again, in business and government, we see promising initiatives fail, and promises and programs turn to memories, dust in the wind. We chuckle at the saying, "When you're up to your waist in alligators, it's hard to remember your objective was to draining the swamp." How will I avoid that problem? With two techniques.

First, as part of a book I am currently writing titled *Legal Operations in Local Government*, I have developed what I call City Attorney Leadership Focal Points or LFPs. It is a concept to provide vision, order, and disciple despite hectic day to day operations, which can distract any City Attorney from achieving their goals.

It involves categorizing important activities, prioritizing them, and allocating time for each weekly without fail, so that things do not get lost in the rush. It is the time allocation which is essential and allows constant movement forward of essentials. See graphic attached.

Second, long term priorities (6 to 12 months), will be achieved through the *4 Disciples of Execution*. Working on the wildly important (1 or 2 projects only that will make a difference). Acting on lead measures (20% of activities produce 80% of the results). Keeping a compelling scoreboard (keeping each team member on track with a scoreboard that motivates). Creating a cadence of accountability (a weekly process that highlights successes, analyzes failures, and course-corrects).

These two techniques will allow me as City Attorney and my legal team, to keep on track and sustain a performance management system, that produces a high-performance legal team.

Priorities Long Term (6 to 12 months)

1. Top down review of every ordinance, resolution, policy, procedure and contract.

2. Development of a City Attorney Policy Manual, Procedure Manual, including procedures for the creation, organization, and publication of formal City Attorney Opinions, and creating of procedures for turning the City Attorney's Office into a Center for Lessons Learned.

Implementation of the first set of long-term priorities

These priorities are on an ongoing process. It is an expansion of Goal G8 of the 2018 City Strategic Plan, to be done in-house. Each month the City Commission and the City manager will be presented with finished work for that month, for consideration, revision and approval. Chapter by chapter of ordinances, department by department of policies and procedures, contracts by topic areas and City Attorney policies and procedures.

Monthly in small strides, step by step we will avoid the problem of giving someone a drink with a fire hose, rather than a garden hose. It's time to get off the information overload merry-go-round with large legal projects.

John J. Anastasio

Immediate priorities

1. Relationship development with the Commission, City Staff, other local governments, Non-governmental Organizations (NGOs), and the public

2. Establishing new impact related metrics for evaluating City Attorney Office. All ordinances and resolutions are not created equal. A ceremonial resolution should not be scored the same way as a land development regulation or some other regulatory function.

3. Immediately scrapping the City Attorney's Office Mission Statement. The present mission statement provides neither operational or ethical guidance.

4. Immediately scrapping the City Attorney's Guidelines on providing legal services. The present Guidelines are unworkable, and violate civil and criminal law.

5. Establishing accountability rules for the use of outside counsel when needed. This includes rules for timekeeping, legal budgets, litigation monitoring, and compliance with the Public Records Law.

Implementation of immediate priorities

Spending regular quality time and thoughtful discussions with the Mayor and each City Commissioner at least weekly, to impartially provide full support for each governing body member's political agenda. And, develop a deep working relationship with each member.

Spending the time daily to learn what the City Manager and each Department head really needs, to "plow the road" and reduce legal distractions, so they can spend the maximum time managing.

Relationship development with city employees, other local governments, Non-governmental Organizations (NGOs), and citizens. Frequent police ride-alongs, visits to community associations, churches, temples and mosques and consultations with other government attorneys, to provide depth to legal public policy options generated.

I guess I'm not having breakfast or lunch alone for the foreseeable future, and perhaps even dinner.

Other Challenges

In an appearance before the Tallahassee City Commission earlier this year, I was asked what the most significant legal issue faced by City government in Florida. My response was compliance with the Public Records law and the Sunshine Law. This was because these issues had the greatest potential to impact City Commissioners on personal, political, and legal (civil and

criminal) levels. Too often City Attorneys do not proactively protect governing body members, so that they can do the job of representing the people.

Litigation style.

There are exceptions. Some people are inherently unreasonable. Sometimes time is too short. But, generally, if the City faces litigation, I would consider it a failure on my part as City Attorney not to have avoided litigation.

If the City or its employees or policies are wrong, then we squarely face it. And, when necessary, promptly pay full and fair compensation. If the City is right, then aggressive tactics to swiftly bring the ligation to a conclusion must be pursued. On occasion, even initiating litigation, if it is advantageous.

But, we must always remember that we're the good guys (and gals). The question for every piece of litigation, and every action taken by the me as City Attorney, but always being with the question, "But, is it right?"

Final thoughts

My successes

Two come to mind. A number of years ago I was appointed by the Circuit Court as guardian ad litem, to review a multi-million-dollar settlement for a minor, who suffered burns over 90 percent of his body, from a large commercial plane crash. I spent three solid days reviewing boxes upon boxes of records in West Palm Beach. In the end, I was able to reduce the attorney fees by $250,000.00 for the young man. I insured the young man received just not just from the airline, but from his own attorney.

A few years ago, in connection with the representation of Port Saint Lucie Mayor Joann Faiella, I challenged the validity of the decades old public records retention system of the State of Florida. I forced the Attorney General's office to admit it was invalid, requiring the entire system to be re-evaluated after public hearings across the state, and later adoption of valid retention schedules. The twin philosophies of "question everything" and "think outside the box" brought that tremendous litigation victory.

A failure.

A few years ago, I received a $500,000.00 jury verdict in federal court. I did not push my client hard enough to settle for less than the judgment amount. (The post judgment offer was $347,000.00) Later the court reduced the judgment to $35,000.00. A valuable, but costly lesson in humility.

Employee terminations

I have had to fire a few staff in my time. The best way to summarized my employment approach is hire slow and fire fast. It does no good to keep an employee on any longer than necessary. It is not fair to the employee and poses a danger to the organization.

The Media

I have always had what I consider a good relationship with the press. In the past I have when appropriate, initiated contact with the press.

Leisure.

I freely admit my addiction. That's right, I'm a book addict. I enjoy sucking up information on every field of human endeavor. I particularly enjoy studying strategy, decision science and public policy analysis. Of course, while listening to any kind of jazz. But, since a person does not live by bread alone, I'll put myself up against any chef in the county.

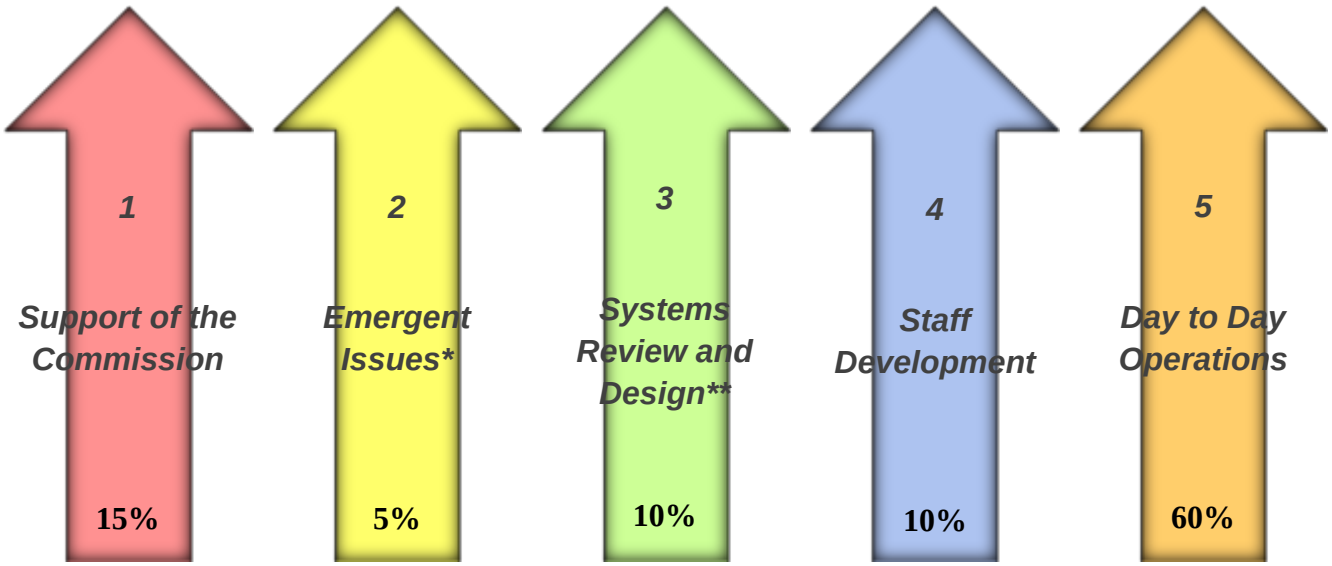
SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

1. Communicative
2. Driven
3. Meticulous
4. Dedicated
5. Creative
6. Team player

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

One-hundred years ago, the richest man in history, measured by today's dollars, John D. Rockefeller said, I spent half a lifetime acquiring a fortune and the other half giving it away. I have spent half a lifetime acquiring legal and public policy knowledge and experience. I wish to spend the second half of my life giving that knowledge and experience away in public service.

City Attorney
Prioritized Leadership Focal Points (LFP)



* *I Includes: Design of contingency and crisis action planning protocols.*
** *Includes: Charter, ordinance and policy review; trust building, innovation, quality management system, strategic planning, communications, and policy, procedure, and legal operations design.*

Note: *Numbers are priorities.*
Percentages are budgeted time allocations.

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CB&A Background Checks

Background Check Summary for
JOHN J. ANASTASIO

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
St. Lucie County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
St. Lucie County, FL	No Records Found
Federal	
Florida	No Records Found
Motor Vehicle	
Florida	No Records Found
Credit	Satisfactory
Bankruptcy	Results Pending
Education	JD – Seton Hall University Enrollment – New York University ***Confirmed*** BA – Seton Hall University ***Verifications Pending***
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #722367

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
JOHN J. ANASTASIO
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: John J. Anastasio

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.

Please explain any yes answers on a separate sheet of paper.

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? (not used)
   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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Section 2

CB&A Reference Notes

Alan Bernstein – Attorney, Law Office of Alan S. Bernstein P.A., FL (954) 347-1000

Mr. Bernstein has known Mr. Anastasio since 1998 where they met at a seminar. Mr. Anastasio is sharp and he has an excellent command of the law. On one occasion he was asked an administrative law question and knew the answer right away. He meticulously covers all the details. He does a great deal of work in the appellate courts; a person has to have a deep knowledge of the law to accomplish this.

Mr. Anastasio has a great ability to look at a situation analytically, figure it out, put the pieces together and get to the bottom of the situation. He is an extremely hard worker; he is dedicated to getting tasks completed. Many times, he completes tasks ahead of time. When he starts something, he finishes it. Mr. Anastasio is responsive and his responses are timely. He solves problems very well and at times can see a problem and solve it before it comes up.

Mr. Anastasio helps his fellow attorneys. He came to watch part of a trial Mr. Bernstein was working on. Afterwards, they went to the office and were discussing the case. Mr. Bernstein had some questions and Mr. Anastasio helped out. He is a really smart individual and by the end of the night, Mr. Anastasio had the details of the case down.

Mr. Anastasio makes solid recommendations to elected bodies. When counseled on a situation, he did the research, saw how things were running, and then came up with a suggestion to help their efficiency. He seeks to always follow the law, but looks for solutions to meet the desires of his client. He is a consensus builder and does it within the parameters of the law.

Mr. Anastasio has a reputation for being thorough and a hard worker. He makes excellent decisions when dealing with the law and negotiates incredibly well on behalf of the party he represents almost to the chagrin of opposing counsel. In one case Mr. Bernstein and Mr. Anastasio were negotiating, the other side became quite aggressive and disrespectful. Mr. Anastasio did not stoop to that level; he kept his cool and got everyone to a consensus.

Mr. Bernstein is aware of Mr. Anastasio's experience in the following areas: constitutional law, contracts, dealing with a homeless population, utilities (represented the Mayor in a case regarding utilities), labor and personnel matters, and development, redevelopment and land use.

Mr. Anastasio stays on top of things and does a good job of managing the office as well as handling the legal affairs of his office. He has an excellent person who works with him as well. They anticipate each other's needs. Mr. Anastasio keeps Mr. Bernstein informed of the cases he is working.

Mr. Anastasio is an experienced, smart speaker. He thinks before he talks and works well with the public. He also works well with elected officials and is considered responsive.

Mr. Bernstein is not aware of Mr. Anastasio being involved with anything controversial. He does not know of anything in Mr. Anastasio's background which would cause a reasonable person

concern. There are always people who have issues with other people, however Mr. Bernstein does not personally know of anyone who shares a different opinion of Mr. Anastasio than the one he has shared.

Mr. Anastasio will make an amazing City or County Attorney. Mr. Bernstein would hire him; he is the smartest person Mr. Bernstein knows! A City Attorney needs to be aware of the multiple administrative legal issues which can come up. Mr. Anastasio has the knowledge to combat those issues. He is good at bringing people together for a consensus. He comes up with solutions. He is a likeable, intelligent person who has the knowledge, intellect and drive to succeed. You could not find a more qualified or quality person than Mr. Anastasio.

Words or phrases used to describe John Anastasio:

- Relentless,
- Intellectual,
- Thoughtful,
- Hard working,
- Politically correct, and
- Knowledgeable in the law.

Strengths: Analytical ability to look at something, knowledgeable, gives thorough answers, good at seeing the issues and does not give up.

Weaknesses: None identified.

JoAnn Faiella – Former Mayor, Port St. Lucie, FL (772) 708-8052

Ms. Faiella has known Mr. Anastasio since 2010. She considers Mr. Anastasio a long time friend. He is a great, passionate attorney who has represented her in the past. He shows his passion by working hard, long hours, working pro bono and helping people out. He has a good command of the law. He answers questions, but also researches to have the best facts available for his clients. He is a compassionate man who fights for what he believes in.

Mr. Anastasio has great communications skills. He has experience dealing with the public and is good at it. He is incredibly verbal and being transparent is important to him. He breaks down complex ideas to make them understandable to his clients and lays out the options which are available.

Mr. Anastasio is responsive and responds in a timely manner. He accomplishes tasks on time. He solves problems and finds solutions; he is very honest and will not get involved in anything illegal. Mr. Anastasio negotiates well on behalf of his client. Ms. Faiella went to Mr. Anastasio in reference to the city she represented. He advised her on which direction to take a situation to be

successful. He makes good recommendations to elected bodies. He also makes solid decisions when dealing with the law. Mr. Anastasio works well with elected officials, City Manager, Department Heads, City Attorneys and staff. They all like him.

Mr. Anastasio does a good job of managing the office as well as handling the legal affairs through delegating to his staff. He has reliable people working with him. Mr. Anastasio keeps Ms. Faiella informed of what he is working on. While working on Sober Homes in Port Saint Lucie, Mr. Anastasio informed Ms Faiella on the way things were structured and ordinances which were in place to ensure reasonable accommodations. With this knowledge, they placed six residents per house.

Mr. Anastasio has experience in constitutional law, contracts, environmental law, utilities, dealing with a homeless population, labor and personnel matters, and development, redevelopment and land use. He is incredibly knowledgeable about city and county ordinances.

Ms. Faiella does not know of anything in Mr. Anastasio's conduct or background which would concern an employer. She does not know of anyone who may have a different opinion of Mr. Anastasio, he is well spoken of.

Ms. Faiella would hire Mr. Anastasio as a City Attorney. He will make an excellent City or County Attorney because of his passion and commitment to people. He will let you know if you are wrong and tell you if you are right and support you. He gives back to the community. He is a very impressive person.

Words or phrases used to describe John Anastasio:

- Loyal,
- Respectful,
- Conscientious,
- Into his work, and
- Wants to do the right thing.

Strengths: Loves his work, does the best for his clients, stubborn, does not relax.

Weaknesses: None identified.

Sylvia Majik - Attorney, Municipality Corporation or Organization, FL (772) 212-5632

Ms. Majik has known Mr. Anastasio since 1989. Mr. Anastasio is an off the chart attorney. He is the one no one likes to see walk into the courtroom if they are not 100% prepared because they know he will be. He works long hours to prepare. Mr. Anastasio is extremely intelligent and has an incredible memory; he remembers statutes. He is a good educator; he relayed knowledge to Ms. Majik in a way which was accessible. They interact on both a professional and personal basis. Mr. Anastasio is a sociable, nice man. He is approachable.

Mr. Anastasio is responsive and his responses are timely. He has an excellent support staff. He does a great job of managing the office as well as the legal affairs. Mr. Anastasio keeps his clients informed of progress along the way. He keeps others apprised of what he is working on through face-to-face meetings. Mr. Anastasio works well with elected officials. Even though he may be in charge, Mr. Anastasio involves others and makes everyone feel involved. At times he may seem hurried, but he works really well with people.

Mr. Anastasio unequivocally solves problems! He comes up with solutions and different avenues to accomplish the goals of the client. He accomplishes tasks in a timely manner. He makes good decisions when dealing with the law by examining all the options, weighing the pros and cons, and deciding the best course of action. He does all this within the confines of the law.

Mr. Anastasio negotiates well on behalf of the party he represents. There was a case from couple of years ago; his client wanted something which Mr. Anastasio viewed detrimental to the client. Mr. Anastasio told the client, the client reviewed Mr. Anastasio's opinion and followed his advice and was not sorry. Mr. Anastasio teaches as he goes. He does not make recommendations without understanding the flip side of things; he is well rounded in this way.

Ms. Majik is aware of Mr. Anastasio's experience in constitutional law, contracts, and development, redevelopment and land use. He has a great deal of experience dealing with the public and is better at it than most attorneys.

Ms. Majik is not aware of anything in Mr. Anastasio's background or conduct which would concern an employer. She does not know of anyone who may have a different opinion of Mr. Anastasio than the one she has shared. He has a reputation for being a hard worker and a diligent advocate.

If Ms. Majik needed an attorney, she would hire Mr. Anastasio. He is a generous, big hearted person. Mr. Anastasio is driven, approachable, and quite knowledgeable; however he is not intimidating about it. He has been in the area for 30 years and knows local lawyers and politicians. He makes contacts well, he can put himself out there; he is not reticent. Mr. Anastasio will make an excellent City or County Attorney. He will work hard for the City. If the City needs items brought up to date, reprogramming or exposure, he will do it. He will be a very strong leader.

Words or phrases used to describe John Anastasio:

- Hard worker,
- Loves his job,
- Persistent,
- Thorough,
- Teaches when appropriate, and
- Always prepared.

Strengths: Intelligent, knows the law, good memory, good educator, diligent, persistent and a hard worker.

Weaknesses: Can come off as aggressive.

Michael Flee – Legal Secretary, Law Office of John J. Anastasio, FL (772) 979-6900

Mr. Flee has known and worked for Mr. Anastasio since 2002. Mr. Anastasio is an extremely competent attorney. He has handled personal legal issues for Mr. Flee's family as well. Mr. Flee holds a great deal of faith in Mr. Anastasio; he always puts the client first. Mr. Anastasio has a strong command of the law, but always double checks his work to make sure he is giving up to date information.

Mr. Anastasio is a problem solver. He tries to find solutions and a way to make it work within the means of the law. He has done what all other attorneys said was impossible. On one occasion he got a client's license reversed from a habitual traffic offender status. He helps with foreclosures. Most of this assistance to his clients has all been done through research.

Mr. Anastasio manages his office well and handles legal affairs. He relies on his staff to look over work he has completed and make sure wording is understandable to everyone. He is a positive, uplifting employer who encourages his employees to follow their passions. He keeps Mr. Flee informed of cases he is working on. They have regular discussions on cases, so Mr. Flee can do some of the ground work.

Mr. Anastasio accomplishes tasks in a timely manner. He responds quickly to clients. He makes good decisions when dealing with the law. One client did not take Mr. Anastasio's advice in a legal matter, he returned years later and said Mr. Anastasio was correct in the advice he had given. Mr. Anastasio negotiates well on behalf of the party he represents. He makes good recommendations to elected bodies, and works well with elected officials and the staff at the City. He likes to socialize and get people's input on what he does.

Mr. Anastasio has experience with contracts, constitutional law, environmental law, dealing with the homeless population, utilities, labor and personnel matters and development, redevelopment and land use. He is also experienced in dealing with the public. Mr. Anastasio has dealt with the news with some older cases. He thinks about what he wants to say and has it written out. He does not answer a question in which he does not know the answer.

Over the many years Mr. Flee has known Mr. Anastasio, he has not been aware of anything controversial in his conduct or background. Mr. Flee does not know of anyone who may have a different opinion of Mr. Anastasio. Clients only have a positive opinion of him. Mr. Flee would hire Mr. Anastasio, given the chance. He will make an exceptional County or City Attorney.

Words or phrases used to describe John Anastasio:

- Smart,
- Hard working,
- Dedicated,
- Trustworthy,
- Responsible, and
- Charismatic.

Strengths: Research, troubleshooting and problem solving,

Weaknesses: Time, sometimes over thinks issues.

Troy McDonald – Former City Commissioner, City of Stuart, FL (772) 260-9458

Mr. McDonald has known Mr. Anastasio since 1998. Mr. McDonald has used Mr. Anastasio's services through Mr. McDonald's personal business. They have interacted with regards to legal situations as well as discussing working in government and governmental law. Mr. Anastasio is a smart and capable attorney. He has a great command of the law.

Mr. Anastasio is responsive. He responds and accomplishes tasks in a timely manner. His success as an attorney demonstrates his excellent decision making skills when dealing with the law. Mr. Anastasio seeks to find solutions to problems or situations. He is experienced dealing with the public and constitutional law. He has done criminal defense and had some high profile cases.

Mr. Anastasio has encountered controversial situations as an attorney. He represented the former mayor of Port Saint Lucie on non-criminal public records violation. He successfully represented her as her private attorney. Mr. McDonald is not aware of anything controversial or concerning in Mr. Anastasio's personal background or conduct. Mr. McDonald does not know of anyone who may have a different opinion of Mr. Anastasio than the one he has stated.

Mr. Anastasio was up for the City Attorney position while Mr. McDonald was the City Commissioner for the City of Stuart. Mr. McDonald voted against hiring Mr. Anastasio. He had to compare Mr. Anastasio to the other candidate, who had a slight edge. If Mr. McDonald were looking for a City Attorney, Mr. Anastasio would make the short list. He will make a great City or County Attorney.

Words or phrases used to describe John Anastasio:

- Intelligent,
- Smart,
- Intuitive,
- Able,
- Capable, and
- Flexible.

Strengths: Incredibly smart and intellectual person with a strong personality.

Weaknesses: None identified.

Barbara Davis - Client, Hobe Sound, FL (772) 214-6941

Ms. Davis has known Mr. Anastasio since 1998. Mr. Anastasio is a fantastic attorney. He is quite helpful and has a good amount of patience in explaining things. He interacts well and does wonders for his clients, is a good person, and a joy to work with. He is very knowledgeable. When asked a question, typically Mr. Anastasio knows the answer right off the top of his head.

Mr. Anastasio is responsive and does so in a timely manner. He always accomplishes tasks on time, and does what he says he is going to do. He solves problems in an exceptionally efficient manner. He makes first-rate decisions when dealing with the law and makes good recommendations to elected bodies. He has worked well, in the past, with the City Manager for the Town of Stuart. Ms. Davis has been part of the mediation process with Mr. Anastasio and he negotiates incredibly well on behalf of his client.

Mr. Anastasio finds solutions to problems. If the law does not allow it, he will not do it. He gives his client reasons and definitions of the law and why something cannot be done. If it is possible, he tells how he is going to do it and why.

Ms. Davis is aware of Mr. Anastasio's experience in environmental law, dealing with a homeless population, and labor and personnel matters. As a client, Mr. Anastasio kept Ms. Davis informed of the developments in her case. He or his office contacted her personally as well as following up with letters; everything was down on paper. Mr. Anastasio does a good job managing the office as well as the legal affairs. He is experienced at dealing with the public and is good at it.

Ms. Davis is not aware of anything controversial in Mr. Anastasio's past or present which would cause concern. She does not know of anyone who may have a differing opinion of Mr. Anastasio. She would hire Mr. Anastasio and thinks he would make an ideal City or County Attorney.

Words or phrases used to describe John Anastasio:

- Reliable,
- Efficient,
- Trustworthy,
- Competent,
- Positive, and
- Good attitude.

Strengths: Punctual, reliable, honest, diligent and expedient in his processes.

Weaknesses: None identified.

Michael Spotts - Attorney, Spotts Law Offices, FL (772) 781-7878

Mr. Spotts has known Mr. Anastasio since 1989. They have interacted professionally that entire time. Mr. Anastasio is an exceptional attorney. He has a command of the law in a great many areas, due to his experience working in many different areas of law. If Mr. Spotts did not have experience in a particular area of law, he refers a client to Mr. Anastasio because of his experience.

Mr. Anastasio communicates clearly. He breaks down complicated issues and puts them into understandable and meaningful terms. He is candid; he tells a client what they need to know under the circumstances. He is responsive and does so in a timely manner.

Every time Mr. Spotts has gone against Mr. Anastasio in a case, he has been a tough opponent. He is good at what he does and is very thorough. He does not play games or try to hide anything, everyone knows when you work with Mr. Anastasio you know what you are getting. He fights hard-nosed and does it within in the bounds of the law. While working on cases, they kept each other up to date on what they were working on.

Mr. Anastasio is a problem solver and solution oriented. He expresses to his clients their best options. He tries to find solutions before going into litigation. He makes quality decision in regards to the law. Mr. Anastasio is an extremely accomplished negotiator. He knows where he can push an issue because of his strength in that position and where he should back off.

Mr. Anastasio has experience in constitutional law, contracts, utilities, labor and personnel matters, as well as development, redevelopment and land use. Mr. Anastasio finds obscure procedural issues fascinating. He has experience dealing with the public while working on high profile cases. Mr. Anastasio managed the press well and stayed clear and to the point.

Mr. Anastasio manages his office as well as his legal affairs. He has always been on the cutting edge of technology, he is computer savvy. Mr. Anastasio constantly looks for ways to increase the efficiency in the office.

Mr. Anastasio was involved in a controversial case where he represented a police officer who had been fired. Mr. Anastasio got the firing overturned and the officer was reinstated. Mr. Spotts has only interacted with Mr. Anastasio professionally; he has no knowledge of anything in his professional life which would concern an employer. Mr. Spotts does not know of anyone who may have a differing opinion than the one he has stated about Mr. Anastasio.

As a former Assistant City Attorney for Fort Pierce, Mr. Spotts has a good understanding of municipalities. The City will get the information they need to know in every area of the situation if they hired Mr. Anastasio. Mr. Anastasio should be the first choice for a new hire. He has lived on the Treasure Coast for close to 30 years. He has connections to the community, knows the law, and knows what municipal lawyers need to do in this area of Florida to accomplish what their client needs. He has seen the growth of the community and has been a resident through all of those changes.

Mr. Anastasio has a nice way about him. He is approachable and does not put off airs. A person would not be intimidated to ask him questions. Mr. Anastasio would bring stability to the City. He is highly capable and will make an excellent City or County Attorney.

Words or phrases used to describe John Anastasio:

- Candid,
- Diligent,
- Vast command of many different areas of the law,
- Responsive, and
- Smart.

Strengths: Ability to communicate, his candor, and he informs his clients of a number of different options available to them.

Weaknesses: Has a strong New Jersey accent, can lead to preconceived notions about him.

Jennifer Wildonger – Administrative Assistant, Law Office of John J. Anastasio, FL
(772) 626-3875

Ms. Wildonger has known and worked for Mr. Anastasio since 2014. Mr. Anastasio is an incredibly capable attorney. He has a huge amount of passion for his work, is meticulous and spends a great deal of time on a case. He makes first-rate decisions in regards to the law and has a good command of it. He gives good advice right off the top of his head. He is an avid researcher who researches every angle.

Mr. Anastasio is a laid back employer who does not lose his temper. He is always professional yet friendly and is great to work for. He is responsive and accomplishes tasks in a timely manner with help from his staff. He always makes deadlines. Mr. Anastasio spends more time than any lawyer Ms. Wildonger knows, making sure the client gets the best possible service. He negotiates well on behalf of his clients

One of Mr. Anastasio's strengths is solving problems. He looks at a situation from all angles to find the best solution. He always finds a solution if there is one to be had. He had a client who was having troubles with a construction company. Some of the evidence was not making sense; Mr. Anastasio dug up old statutes and history and laid it out to win the case.

Mr. Anastasio has chaired multiple committees; he takes the time to give advice which is easy to understand, yet direct. He makes excellent recommendations to these elected bodies.

Reference Notes
John J. Anastasio

Mr. Anastasio ran for congress so he has experience in and a good grasp of constitutional law. He has touched base on some environmental law. He has experience with contracts, utilities, labor and personnel matters, and development, redevelopment and land use. Ms. Wildonger believes he worked with the homeless population in New Jersey.

Ms. Wildonger is kept informed of what Mr. Anastasio is working on through email, notes, and text messages. He keeps her up to date so she is aware of the happenings in the office. Mr. Anastasio manages the office well; he is on top of everything. He has a good handle of the office as well as the legal affairs.

Mr. Anastasio works well with the public; juries warm up to him quickly. He does a great deal of pro bono work. He has done speeches and spoken at conferences. He is quite personable and gets along well with people. He is responsive, including with elected officials. He is very diplomatic and tries to understand everyone's view point. He does a great deal of research and brings the facts. He calmly listens to all sides, lays out the facts and advises on how to proceed.

Ms. Wildonger is not aware of anything in Mr. Anastasio's background which would concern an employer. He has not been involved in anything controversial in the time she has known him. Mr. Anastasio maintains good relationships; Ms. Wildonger has not met anyone who has not liked Mr. Anastasio. She is not aware of anyone who may have a different opinion of Mr. Anastasio.

Ms. Wildonger would hire Mr. Anastasio as a City Attorney. He will make a good City or County Attorney because Mr. Anastasio's first love is Government Municipal Law. It is where he started, and he is passionate about it. He is good at delegating and enjoys challenges; he will thrive in this environment. Mr. Anastasio wants to make a difference and could accomplish that through being City Attorney.

Words or phrases used to describe John Anastasio:

- Thoughtful,
- Meticulous,
- Responsible,
- Approachable,
- Hard working, and
- Dedicated.

Strengths: Meticulous with the details, does what it takes to get a task done, great personality, very personable, easy to get along with and tough but fair.

Weaknesses: Time management, spends a great deal of time on a case.

Susan Morgan - Client, Jensen Beach, FL (772) 260-3474

Ms. Morgan has known Mr. Anastasio since 2008; he has handled legal situations for herself and others. Mr. Anastasio is an extremely efficient and effective attorney. He has a great command of the law and has a better understanding of constitutional, local and federal laws than anyone Ms. Morgan has spoken with. He is as efficient with family and business law as he is with prosecution.

Mr. Anastasio interacts professionally with his clients. He accomplishes tasks in a timely manner and is responsive and does so quickly. He communicates via email or phone calls. He responds between two to six hours later, but no later than the next business day. When presented with a question, Mr. Anastasio thoughtfully considers all sides and then advises immediately. He is persuasive so the client can make an informed decision quickly and effectively. He sticks to the point and brings up arguments which are to the point and suggest an effective way to handle a situation.

Mr. Anastasio manages the office well as well as handles the legal affairs. He has a dedicated employee; the shop is run in an exceptionally effective manner.

One of Mr. Anastasio's greatest talents is solving problems and assisting his clients. Due to his knowledge base, he gives responses or reactions based on law and not conjecture. He seeks to find solutions, if the law does not fit the circumstance, he searches for a law which does fit it and negotiates from that position.

Mr. Anastasio makes high-quality decisions when dealing with the law. With the many projects he has worked on, he has made decisions which have resulted in success. His presentation of a law suit or case is incredible effective. In Ms. Morgan's personal cases and the ones she has referred to him; he has been successful. Mr. Anastasio is humble in his success. He has worked effectively with a few different city governments.

Mr. Anastasio has a great deal of experience with contracts. With his wealth of experience, he is very strong in constitutional law. One of his special interests is environmental law; he is an encyclopedia on the subject. One of Mr. Anastasio's greatest talents is his negotiating skills. He works with both sides to come to a binding agreement.

In every case, Mr. Anastasio has been faced with some level of controversy. He handles it well. As to his personal life, Ms. Morgan is not aware of anything in his background or conduct which would concern an employer. Ms. Morgan has not encountered anyone who has had an unkind or unprofessional word to say about Mr. Anastasio.

Mr. Anastasio has a big heart. He is filled with compassion and is kind and thoughtful. Any elected body will be blessed with his participation and would be amazed at his ability to effectively communicate. He has a complete base understanding of laws and how they are written and pulls laws and statutes out from his wealth of knowledge to answer questions. Ms. Morgan would hire

him. His value would best be realized by working for the public as a City or County Attorney. He is a tremendous asset.

Words or phrases used to describe John Anastasio:

- Knowledgeable,
- Compassionate,
- Effective,
- Good humored,
- Brilliant, and
- Humble.

Strengths: Knowledge base, has helped people on both sides of the legal field (defense and prosecution), efficient in all areas of the law.

Weaknesses: None identified.

Prepared by: Stephanie Bailey
Colin Baenziger & Associates

Section 2

CB&A Internet Research

St. Lucie News Tribune (FL)
September 16, 2015

Ex-PSL Mayor Could Face Trial
Author: Nicole Rodriguez

Former Mayor JoAnn Faiella could be back in court after the appellate court reversed last year's dismissal of charges that she violated Florida's Government-in-the-Sunshine Law. A Martin County judge in May 2014 dismissed two civil charges against Faiella for deleting text messages — which are considered public records — from her city-issued cellphone and speaking with another City Council member about city business outside of a public meeting, both in violation of the Sunshine Law. Judge Kathleen Roberts dismissed both cases, ruling they had expired under the speedy-trial rule of criminal proceedings. Prosecutors appealed. The dismissal was reversed Aug. 25 by a panel of circuit judges that serves as the appeals court, documents show. "The Florida Rules of Criminal Procedure do not apply," the ruling stated. "The case is reversed and remanded for disposal on the merits." Faiella's attorney, **John Anastasio**, said he plans to appeal the decision this week. "It was just kind of odd they threw up their hands and said the rules of criminal procedure don't apply, but they don't tell us what applies," **Anastasio** said Tuesday. If the appellate court upholds the ruling, the case could go to trial in March, **Anastasio** said. Faiella could not be reached for comment Tuesday, but is taking the ruling "all in stride," **Anastasio** said.

Faiella was charged on Dec. 3, 2013, after then-city manager and now Mayor Greg Oravec publicly released 85 pages of emails and text messages in February 2013 that suggested city officials were not conducting government business in public and communicating privately about ousting him from his position. The release prompted an investigation by the State Attorney's Office. Oravec received a severance package from the city when he left his post shortly after the documents were released. Councilman Ron Bowen and Councilwoman Shannon Martin also were charged as a result of the 10-month long investigation. Bowen, who was charged with a second-degree criminal misdemeanor and suspended from the council for four months, pleaded no contest to a civil infraction of using former City Attorney Roger Orr to poll council members on Oravec's employment. He paid a $300 fine and was reinstated to the City Council in April 2014. Bowen sued the city for reimbursement for his legal fees. The case is still pending. Martin was charged with a civil infraction for deleting text messages and paid $250.

The Stuart News (FL)
June 19, 2014

Faiella Lawsuit Placed on Hold
Author: Nicole Rodriguez

A suit filed by Mayor JoAnn Faiella against the state, alleging it didn't follow its own protocol in making Florida records retention schedules, has been put on hold until at least September. Tallahassee Judge Lawrence P. Stevenson issued an order Tuesday, canceling a Monday morning administrative hearing in St. Lucie County and suspending it until Sept. 23, court documents show. "Going forward with the scheduled hearing under these circumstances would be a waste of time and resources of all concerned," Stevenson wrote in the order. The delay gives the Division of Library and Information Services time to hold a series of workshops that gives the public a chance to give input on the rule-making process and incorporate the comments in its general records retention schedule, documents state. The Department of State is also listed as a respondent. The workshops are scheduled for July, September and November. An initial workshop will be held July 30 at 11 a.m. in the R.A. Gray Building, 500 S. Bronough St., in Tallahassee, State Department documents state. Subsequent workshops were not scheduled but will be held at various locations around the state.

John Anastasio, Faiella's Stuart attorney, said the state scheduling the workshops is a win. It should have held the hearings years ago when the retention rules were made, he said. Faiella is challenging the same record retention rules that prompted state prosecutors to cite her last year with a noncriminal infraction for allegedly deleting text messages from her city-issued phone. She faced a second civil infraction for allegedly privately discussing city business on her phone when a public meeting wasn't scheduled. Both infractions were dismissed May 9 in a ruling being appealed by the State Attorney's Office. Martin County Judge Kathleen Roberts threw out the citations on the grounds that Faiella's right to a speedy trial had expired. The state has appealed that decision. **Anastasio** filed a motion Wednesday to dismiss the appeal, citing the dismissal by Roberts and the pending case against the state. The challenge involves several statements of the library services division that **Anastasio** claimed meet the definition of being a "rule" under the state's Administrative Procedure Act, but should be stricken because they were not properly adopted, according to the division's rule-making procedures.

Specifically, **Anastasio** claimed that when the library services put into place retention schedules relied upon by local governments to aid in complying with public record laws, officials violated the law by failing to follow public notification policies, and by not identifying specific retention schedules being adopted. He wants Stevenson to rule that, as "unadopted rules," the retention schedules should be voided until officials initiate a new adoption process that complies with the law. "If they didn't follow the adoption rules, then it's an invalid creation," **Anastasio** said in a previous interview with Scripps Treasure Coast Newspapers. "If it's an invalid creation, then it's an invalid charge."

The Stuart News (FL)
May 25, 2014

Faiella Records Challenge Could Have a Big Impact
Author: Melissa E. Holsman

When Port St. Lucie Mayor JoAnn Faiella faces an administrative law hearing June 23, she'll be asking a Tallahassee-based judge to strike down long-held record retention rules that local governments use to make sure laws for preserving or destroying public records are followed. If Faiella wins her administrative law challenge, her Port St. Lucie attorney, **John Anastasio**, and state prosecutors have said the victory could have significant consequences for city and county governments. It could mean that until new retention rules were formally adopted, state officials would be prohibited from eliminating any public record, whether digital, electronic or paper. That's because by statute, all state entities — from city governments and county commissions to the State Attorney's office — are allowed only to destroy public records in accordance to retention schedules established by the Department of State's division of Library and Information Services to ensure compliance with government-in-the-sunshine laws.

"I can't think off the top of my head of something that would have a greater impact on local, county and state government than the resolution of this issue," **Anastasio** said. "Because any records that were disposed of — based upon invalid retention schedules — were improperly disposed of. Think of that: all those records that are now gone that shouldn't have been gone? At all levels of government?" Faiella is challenging the same record retention rules that prompted state prosecutors to cite her last year with a noncriminal infraction for allegedly deleting text messages from her city-issued phone. She had faced a second infraction for allegedly privately discussing city business on her phone when a public meeting wasn't scheduled. Both were dismissed May 9 in a ruling being appealed by the State Attorney's Office. Martin County Judge Kathleen Roberts threw out the citations on grounds that Faiella's right to a speedy trial had expired. Still, she and **Anastasio** are expected to lay out their challenge before Administrative Law Judge Lawrence P. Stevenson, who will appear via teleconference.

THE PETITION
The challenge involves four statements of the Library Services division that **Anastasio** claimed meet the definition of being a "rule" under the state's Administrative Procedure Act, but should be stricken because they were not properly adopted according to the division's rule-making procedures. Specifically, **Anastasio** claimed that when the Library Services put into place retention schedules relied upon by local governments to aid in complying with public record laws, officials violated the law by failing to follow public notification policies, and by not identifying specific retention schedules being adopted. He wants Stevenson to rule that as "unadopted rules," the retention schedules should be voided until officials initiate a new adoption process that complies with the law. **Anastasio** claimed that by virtue of Faiella's prosecution by a state agency relying upon "unenforceable" record retention schedules, she was subjected to possible sanctions, a fine and damage to her "good name." Brittany Lesser, spokeswoman for the Department of State, said they expect to continue using retention schedules currently in place.

"The retention schedules have been relied upon by state agencies and local governments for decades," Lesser noted, "and the department is committed to continuing to administer the retention process in a transparent manner." Lawyers with the state Attorney General's office assigned to the case declined to comment, but court papers shed some light on potential defenses.

RULE, OR NOT A RULE

In court papers, lawyers with the state's Attorney General's office have urged Stevenson to reject Faiella's challenge against two staff "manuals" cited in her complaint that discuss records management practices. The lawyers contended that as manuals designed to aid employees in retaining and disposing of public records, they aren't "rules" that must comply with agency rule-making procedures. The manuals, "Electronics Records and Records Management Practices," and "The Basics of Records Management, Revised," merely provide an accurate summary of existing law, assistant general counsel Ashley E. Davis noted in court papers. Ryan Butler, a state prosecutor litigating the appeal filed against the court order that dismissed the infractions Faiella had faced, agreed that if her rules challenge prevails, the impact could be onerous and widespread. "A successful effort to invalidate the public records retention schedule for local governments means that no local government would be able to dispose of any public record, even phone messages on post-it notes, until new retention schedules are proposed and enacted," Butler said. "That would certainly tax the resources of any city or county."

St. Lucie News Tribune (FL)
May 15, 2014

Ruling in Faiella Case Appealed
Author: Melissa E. Holsman

The State Attorney's Office is appealing a Martin County judge's May 9 ruling that dismissed civil infractions against Port St. Lucie Mayor JoAnn Faiella for allegedly violating public records laws, court records show. A notice of intent to appeal Martin County Judge Kathleen Roberts' ruling was filed Tuesday. The appeal will seek to overturn Roberts' order that threw out the noncriminal infractions filed against Faiella last year on grounds that her right to a speedy trial had expired. Since December, Faiella had faced a pair of civil infractions for allegedly deleting text messages — considered public records — from her city-issued cellphone and speaking with another council member about city business outside of a public meeting in violation of Florida's Government-in-the-Sunshine Law. Roberts ruled both cases expired under the rules of speedy trial and recapture periods, under criminal proceeding laws.

Assistant State Attorney Ryan Butler said the state is appealing "because the court made an error. "A person shouldn't escape justice," he said, "just because the court makes a mistake." He said the state's appeal will argue Roberts committed an error by dismissing the citations Faiella faced, because there is no right to a speedy trial for noncriminal infractions. "The court erred as a matter of law in holding that there was," he said Tuesday. Roberts further erred, Butler said, "in changing a prior judge's order that the speedy trial rule did not apply." That's a ruling Butler said St. Lucie County Judge Phillip J. Yacucci Jr. made in March before he stepped off the case and it was reassigned to Roberts. Yacucci ruled that speedy trial periods would not hold up because there is no mention of them in regard to noncriminal infractions under criminal proceeding laws. "(Roberts) didn't have any authority to change the prior judge's ruling," insisted Butler, "because that was already the law of the case."

Faiella's lawyer, **John Anastasio**, on Tuesday disagreed with Butler, and said they will fight the appeal. "I am shocked that they would waste more taxpayer money," **Anastasio** said. A key issue now, he insisted, is that the state convinced the first judge on the case, St. Lucie County Judge Kathryn Nelson, to rule that applying the rules of criminal procedure was proper for resolving the civil infractions she faced, rather than rules of civil procedure, which opened the door to Faiella's right to a speedy trial. "Judge Roberts correctly asked the question to the state, do you agree that the rules of criminal procedure apply? The state said yes," **Anastasio** recalled. "And then she asked 'if the rules of criminal procedure apply, why wouldn't the speedy trial in the rules of criminal procedure apply?' "The state essentially said it applies, but not this rule," he noted. "Judge Roberts looked at (prosecutors) and said 'you're either all in or all out, and you said the rules applied but now you're picking what rules apply?' She wouldn't buy that argument and I don't think the appellate panel will buy that argument." The appeal eventually will be heard by a panel of three circuit judges. It could be late summer before the state files its brief and **Anastasio** is expected to file a written response. It could take from six months to a year for the appeal to be ruled upon.

St. Lucie News Tribune (FL)
May 8, 2014

Faiella Set to Fight Sunshine Law Charges
Author: Brittny C. Valdes

Mayor JoAnn Faiella's attorney, **John Anastasio**, is preparing to fight a lengthy battle on Friday to defend the mayor against charges she violated Florida Sunshine Laws in 2013. **Anastasio**, who is based in Port St. Lucie, will present several motions before Judge Kathleen Roberts at 9 a.m. in the Martin County Courthouse. The motions are aimed to discredit a pair of misdemeanor charges filed against Faiella after former City Manager Greg Oravec submitted 85 pages of emails and text messages to the State Attorney's office when he resigned. Faiella also faces an infraction for discussing Oravec's employment with other council members through City Attorney Roger Orr when an open meeting wasn't scheduled.

The basis of **Anastasio's** arguments include:
Text messages Faiella is charged with deleting still exist. The messages were retained by Oravec and then submitted to the State Attorney's Office. **Anastasio** will ask the court to take notice of that as a public record. He will also question the scientific methodology used to determine that the texts were in fact deleted from her phone. The evaluation of the state's public records retention laws and clarification of which part of the retention schedule Faiella violated. "Point out which part of the retention schedule we violated because there are a lot of transitory messages that don't need to be kept," he said. "Something dictated as public record is not dictated by its location, but by its content." The expiration of Faiella's speedy trial request. Speedy trials for misdemeanors are normally 90 days with a 17-day extension period, but **Anastasio** said the mayor's request for a hearing to dismiss the charges has surpassed that time frame.

The expiration of the Florida statute of limitations for a civil case. **Anastasio** said the text messages the State Attorney's Office are alluding to date back more than one year from the time Faiella was charged, which is against the statute. Investigators from the State Attorney's Office never read Faiella her Miranda rights upon her questioning. Faiella and the State Attorney's Office could not be reached for comment Wednesday. "The point is, she's the elected head of the eighth-largest city in the state of Florida, and she should not admit to something she didn't do," said **Anastasio**, adding if the mayor wins, she will request the city pay her legal fees. Council members Ron Bowen and Shannon Martin also were charged in the investigation. After a four-month suspension, Bowen pleaded no contest to a misdemeanor charge of using Orr to poll council members on Oravec's employment, and he paid a $300 fine. Martin paid a $250 fine for deleting text messages. Interim City Attorney Pam Booker said the city did not pay Bowen or Martin's legal fees.

St. Lucie News Tribune (FL)
February 15, 2014

Mayor's Lawyer: Case is too old
Author: Isadora Rangel

Mayor JoAnn Faiella's attorney says the statute of limitations has expired for the civil infraction Faiella is facing for allegedly deleting text messages, and therefore she did not violate Florida's public record retention laws. Faiella is accused of deleting messages she exchanged with former City Manager Greg Oravec from May 30, 2012, through Jan. 28, 2013, records show. Florida statute states prosecution for a noncriminal violation must be commenced within one year after it is committed, Stuart-based lawyer **John Anastasio** wrote in a motion filed last week to dismiss her case. **Anastasio** claims the statute of limitations expired on Jan. 31. However, it is unknown when Faiella allegedly deleted the text messages. The state Attorney's Office filed a civil infraction against Faiella in November. Oravec provided screen shots of the text messages to the State Attorney's Office, which conducted a 10-month investigation into potential violations of the Sunshine Law by the Port St. Lucie City Council. The investigation ended with complaints filed against Faiella, Councilman Ron Bowen and Councilwoman Shannon Martin.
Faiella's conversations with Oravec are mostly transitory, **Anastasio** claims. Most of the text messages were about setting up meetings or talking about city events. Faiella also praised Oravec in many of those messages. "Great job!" Faiella wrote on Dec. 7, 2012. "I am proud of you. ... This is what I wanted in leadership."

Anastasio wrote in his motion that there is no set schedule for how long transitory text messages must be retained — the Florida Department of State establishes different time frames for which a record must be stored according to its importance. He also claims the alleged deleted text messages could be copies of the ones Oravec kept and therefore those records have not been destroyed. **Anastasio** said in an interview on Friday that the city and not Faiella should have been responsible for storing the text messages. "At worst, (the state Attorney's Office) should have sued the city as an agency for not properly maintaining public records," he said. "The agency is the only who should be liable." Faiella faces a civil infraction and a potential $500 fine for allegedly deleting text messages, which are considered public record by Florida's Sunshine Law. Martin faced the same infraction and paid $250 in December. Bowen has been charged with a second-degree criminal misdemeanor for allegedly using City Attorney Roger Orr as an intermediary to discuss with other council members Oravec's continued employment. He has been suspended from office. Faiella faces a civil infraction for allegedly using Orr as an intermediary to discuss Oravec's employment. Oravec entered into a separation agreement with City Council in February 2013, after the alleged Sunshine Law violations. The Sunshine Law prohibits elected officials from discussing issues that could come up for vote outside of an open scheduled meeting. **Anastasio** said Faiella could pay the $500 fine but is fighting the infractions because those could tarnish her reputation. "The problem is they assume everybody is going to behave like Shannon Martin and roll over and pay the fine," **Anastasio** said. "The mayor isn't going to do that because she didn't do anything wrong."

St. Lucie News Tribune (FL)
December 13, 2013

Faiella Details Talk in Inquiry
Author: Isadora Rangel

Mayor JoAnn Faiella said she talked to the city attorney privately about a former city manager but didn't know that information would be shared in what the state says is a violation of Florida's open meetings laws. Faiella's statement is included in a 10-month investigation by the State Attorney's Office, which accuses Faiella and two council members of violating Florida's Government-in-the-Sunshine Law. The investigation, released Wednesday, has more than 46 files and 5,000 pages of phone logs, emails, city memorandums and interviews. The State Attorney's Office says evidence gathered in those documents shows Faiella committed an infraction when she discussed the employment of former City Manager Greg Oravec with another council member through an intermediary, City Attorney Roger Orr. Florida's Sunshine Law prohibits two or more elected officials from discussing public business outside of an open scheduled meeting or using an intermediary to do so.

Faiella's interview shows she allegedly was negligent when she answered a poll by Orr about whether to offer a severance package in exchange for Oravec's resignation in February, Assistant State Attorney Jeff Hendricks said. There is no proof, however, that Faiella knew she was participating in a private meeting to discuss public business, Hendricks said. That is why she is facing a civil infraction — and not a criminal charge, he said. The State Attorney's Office has charged Councilman Ron Bowen with a second-degree criminal misdemeanor for also allegedly using Orr as a conduit. Bowen said he instructed Orr to poll other council members about a severance package for Oravec, according to a report released with the investigation. According to Orr's August interview at the State Attorney's Office, Faiella was the only council member who answered his poll. Faiella and Councilwoman Shannon Martin also faced civil infractions. The State Attorney's Office accused them of destruction of public records by deleting text messages. Martin paid a $250 fine last week.

Here are some key points from a transcript of Faiella's interview at the State Attorney's Office in August: ORAVEC. Faiella said Oravec was a good worker but she had an issue with his personality. "There was so much turmoil," she said. "Mr. Oravec in the last eight months has threatened to quit or resign many times."

THE PHONE CALL
On a Saturday in early February, Faiella said Orr called her and told her a council member asked him to ask City Council about Oravec's resignation. Orr did not disclose who that council member was, but he said he was also calling other council members besides her, Faiella said. "I says, 'Roger (Orr), you know what? I'm done,' " Faiella said. " 'I mean, it's whatever (Oravec) wants to do now. I'm tired of him threatening me he was going to quit or he had enough. The ball's in his court. I'm not asking him to leave. He's a great city manager but, you know, every other month something comes up.' " In phone interview with a reporter Thursday, Faiella's

Stuart lawyer, **John Anastasio**, said she made the statement above in a second phone conversation. The first time Orr called her, their connection was interrupted, **Anastasio** said. When Orr called a second time, he did not say he was polling City Council and simply asked what Faiella's thoughts on Oravec's resignation were. But Hendricks said by answering Orr's question, Faiella was negligent because she indicated how she would vote. City Council on Feb. 7 approved a separation agreement with Oravec and to give him a $102,000 severance package.

WHAT OTHER COUNCIL MEMBERS SAID
Martin changed the subject during her phone conversation with Orr and declined to comment, Hendricks said. Had she given Orr an answer, Hendricks said, she could have faced an infraction. Councilwoman Michelle Lee Berger told Orr to stop the polling, Orr said. Orr couldn't reach Vice Mayor Bartz, he said.

FAIELLA, BOWEN TALK
Faiella said she talked to Bowen by phone after Orr called her. Bowen did not mention he talked to Orr earlier in the day, Faiella said. Before that conversation in February, Bowen had issues at City Hall, Faiella said. He felt city staff didn't like him. He had trouble with the council's secretaries and was upset he didn't have a fob for his key, Faiella said, and because his business cards were not printed out. He also demanded a refrigerator and brought in a new coffee maker because he didn't like the one City Hall provided. During their phone call in February, Bowen and Faiella did not discuss city business, she said. They talked about a toy drive. Faiella said she was trying to get Bowen familiarized with some of the city's committees and churches because he had recently been elected in late 2012.

ATMOSPHERE AT CITY HALL
Faiella said the council offices are next to each other and she can hear conversations by other council members. She said she has talked to Orr about this. "You get a developer, for argument's sake, who's lobbying the council, whoever it is, and he goes into the conference office and pulls us one at a time to talk about what's going to go on the agenda," she said. "He happens to come out of the office and he says, 'Mayor, thank you for your support' ... but council's sitting at the desk ... is that breaking Sunshine?"

TEXT MESSAGES
"Because my phone only holds so many gigabytes I was told that if you have things there lingering ... to delete them," Faiella said, in an interview with investigators. She said she didn't know how many gigabytes her phone has and one of her secretaries told her to delete the messages. Some of the messages were city-related, she said, but Orr told her those would be stored on a city server. Orr said he could have misspoken or maybe Faiella misunderstood him. He could have thought Faiella was referring to emails, which are automatically stored, he said. Port St. Lucie does not have a database to store text messages and it is the city's responsibility to preserve public records, **Anastasio** said, not Faiella's. He said by not being in compliance with public record retention laws, the city should be to blame for the deleted text messages. "Had (the city) been in compliance and backed up everything, this would have never occurred," **Anastasio** said. "She's not the custodian of those records."

The Stuart News (FL)
November 6, 2012

Defamation Suit against Port St. Lucie Mayor Resolved
Author: Christin Erazo

A resolution has been reached in a former police captain's defamation suit against Mayor JoAnn Faiella. Joe D'Agostino claimed Faiella authored an anonymous handwritten letter which accused him of using a friend as a confidential informant and refers to $10,000 in missing money from the Port St. Lucie Police Department narcotics division. Faiella has denied she wrote the letter. Terms of the resolution were not disclosed late Monday afternoon and neither party nor their attorneys provided additional comment, according to a news release from D'Agostino's attorney, Guy Rubin. Calls to Faiella and Rubin for comment were not returned. All of the terms of the resolution are, and will remain, confidential, states the release. There will be no further comment to this private matter. Details of the settlement could be subject to public record, but it's still left to be determined, said City Attorney Roger Orr Monday. As of July, TRICO, the city's self-funded insurance company, had covered more than $44,000 of its $50,000 cap toward Faiella's initial legal fees.

Both parties had a hearing scheduled Monday afternoon before 19th Circuit Court Judge Dwight L. Geiger, but it was abruptly canceled. **John Anastasio**, Faiella's attorney, said before the resolution was reached the hearing was for a summary judgment to dismiss the case. **Anastasio** and Rubin agreed it was time to end the lawsuit, according to the release. It's time to put this behind them, so that the Mayor can continue her work as a public official and Mr. D'Agostino can get on with his law enforcement career, said **Anastasio** in the release. Faiella, whose April 2011 personal emails indicated she was trying to gather what she called ammo against D'Agostino, said in the release she's glad she and D'Agostino were able to resolve the matter. This has been a distraction from serving the people of Port St. Lucie, Faiella said. D'Agostino, who was laid off in April by City Manager Greg Oravec as part of a Police Department restructuring, echoed Faiella's statement and pointed to a pending wrongful termination suit filed by six former Police Department employees who were also let go by Oravec in April. I'm glad that Mayor Faiella was able to clear the air in this case. But the city will still need to account for its wrongful acts in violating my rights and the rights of my colleagues, D'Agostino stated in the release. D'Agostino was Faiella's supervisor when she worked in the crime intelligence analysis division at the Police Department. Faiella later voluntarily transferred to the department's records division before taking a leave of absence for her 2010 mayoral run.

Fort Pierce Tribune (FL)
December 5, 2000

Attorney Ordered to Repay $17,500 in Estate Case
Author: Jeni Brock Steele

Even King Solomon would have been challenged by a complicated case last week that stretched over two afternoons and involved more attorneys than witnesses. In the end, Judge Marc Cianca ruled that Port St. Lucie attorney **John Anastasio** has only 30 days to put $17,500 back into an estate that three other attorneys are still trying to straighten out. Cianca ruled late Thursday that **Anastasio** must replace the money that he took in several different increments for what he claimed were his legal fees. **Anastasio** took the money from the estate of Raimo Suikki, who died in December 1996 at age 62. Suikki left no will. He did leave two heirs: a daughter, Ariane Brown, 40; and a son, Johans Suikki, 36, who has Down syndrome. Suikki lives with his mother, Maile Suikki in Port St. Lucie. Raimo Suikki also left property in Alaska (where he worked for many years) Arizona, and Port St. Lucie.

In early 1997, Brown hired **Anastasio** to handle her father's estate. Nearly four years later, the estate -- originally estimated by **Anastasio** to be worth $110,000 -- has no money. All of the property has been sold, and only about $5,500 can be positively accounted for in payments of medical bills for Johans Suikki. **Anastasio** said the final value of the estate was far less than the original estimate, attributing the discrepancy to an overestimate of the property value. The second draft of the final accounting placed the estate's value at about $40,000. Another complicating facet of the case was the provision of a guardian for Johans since payments from the estate could not be paid to him. **Anastasio** failed to properly handle the guardianship requirement, according to a previous order. As a consequence, Maile Suikki was removed as Johans' guardian despite the fact that he continues to live here, where he has always lived.

In the best interests of the ward, a legal guardian, Elsie Meleski, was appointed by the court because **Anastasio** failed to file the guardianship requirement in a timely manner. The court appointed Port St. Lucie attorney Charles Ray to complete the guardianship requirement of the estate. Another attorney, Kevin Hendrickson, was hired to represent Meleski and protect her interests. When Brown realized there was money missing from the estate, she hired attorney Marydenyse Ommert of the firm John A. Racin & Associates to represent her interests. The three attorneys -- Ray, Hendrickson, and Brown -- grew concerned about the estate and how it was handled, and filed for a hearing with Cianca, which started a week ago Monday.

Jodi Dudeney, a former legal secretary for **Anastasio**, was the first to take the stand. She testified about files she handled in regard to the estate and also said **Anastasio** at one point had told her to "dummy up" the files in order to cover up payments that he made to himself. "And that is what prompted me to leave his employment," she said. **Anastasio** disputed Dudeney's testimony, maintaining that fees were paid to him from the estate for legal work he did for Brown on a variety of misdemeanor charges for her and her family members. He said that legal work was completely separate from the estate and the guardianship. During earlier testimony that Monday,

Ray called the condition of the estate "a nightmare." "And these errors are **Mr. Anastasio's**," he said. "There are multiple problems here, and why was the personal representative paid without the court's approval?"

Brown testified that she was never paid as the estate's personal representative and that she never received "a penny from the estate." During testimony, it was revealed that property was sold from the estate without any appraisals. A 10-acre parcel in Alaska with a three-bedroom, two-bathroom home on it was among the property sold. It was sold for $20,000 and after a state mortgage was paid, the estate received $5,000. "The property didn't even need to be sold," Hendrickson said. "It could have just been deeded to the heirs. [**Anastasio**] knew he had an illiquid estate, which means it could not easily be converted to cash." **Anastasio** said paying back the estate is a temporary setback, remedied simply by transferring funds from one account and then applying to the court for the monies back. "I did a lot of work outside the estate, and now it's just the client trying to rip me off," he said.

Hendrickson said it's not that simple. "He presented no experts," Hendrickson said. "He presented no documents to prove what he did. There are no time records for the work he did. It's a shame what he's done to this case." Hendrickson said when the money is returned to the estate, he will appeal to the court for the three attorneys now involved to be paid by **Anastasio**, instead of from the estate. "Why should the attorneys be burdened by trying to collect our fees?" he asked. "The reason we're involved is the result completely of what **John [Anastasio**] didn't do."

The Palm Beach Post (FL)
November 6, 1999

PSL Attorney Judge Decision Language Fine Ethics
'Jesus Christ' Exclaimer Loses Contempt Appeal
Author: Pat Moore

When a Port St. Lucie attorney spouted the words "Jesus Christ" in disgust in a crowded courtroom last year, his comment was not protected by laws affording freedom of religion. A panel of Treasure Coast judges rejected attorney **John Anastasio**'s appeal of a contempt of court conviction and the $500 fine imposed by St. Lucie County Judge Tom Walsh for "enunciating Jesus Christ in a profane manner" during an August 1997 court hearing. **Anastasio** argued he was simply exclaiming disgust when he looked down at a document and discovered an arrest warrant for one of his clients. In their Tuesday ruling upholding Walsh's order finding **Anastasio** in contempt of court, the three-judge panel sided with Walsh, who found the tone of **Anastasio's** words offensive and profane. "Judge Walsh did not order (**Anastasio**) to study the ethics of St. Thomas Aquinas. . . . **Mr. Anastasio** was not required to study the Torah or to say Kaddish for a departed soul," the judges wrote. They found the words "Jesus Christ" are accorded with reverence and worship to believing Christians. "When used in this context, they express anger, dissatisfaction and even opprobrium," according to the opinion written by Circuit Judges John Fennelly and Ben Bryan and Indian River County Judge David Morgan. Bryan added he believed that Walsh would have been justified in finding **Anastasio** in contempt had he said "Geronimo."

The Palm Beach Post (FL)
July 31, 1999

Attorney Protest Fine Religion Language Court Issue
Lawyer Appeals Fine for Saying 'Jesus Christ!' in Court
Author: Pat Moore

A panel of Treasure Coast judges pondered Friday whether a Port St. Lucie attorney would be fighting a criminal contempt conviction had he disgustingly quipped "Oh Mohammed" or "Oh Buddha" rather than spouting the words "Jesus Christ" during a court hearing last year. St. Lucie County Judge Tom Walsh found attorney **John Anastasio** guilty of the contempt charge and fined him $500 for "enunciating Jesus Christ in a profane manner" during an August court hearing. **Anastasio** said he exclaimed "Jesus Christ" as he looked down at a document that he discovered was an arrest warrant for one of his clients. "I explained to (Walsh) that I was talking to myself out loud in a complete state of shock that something so fundamentally unfair could occur," **Anastasio** told the appeals panel. "It was like: I can't believe this. It's terrible."

Walsh declared **Anastasio** guilty, finding "the tone and manner of **Mr. Anastasio's** utterances were clearly offensive, uttered in a profane way and heard by every person in open court." **Anastasio** appealed the conviction, arguing that the words "Jesus Christ" are not obscene or profane and that his comment was protected by his rights of freedom of speech and freedom of religion. "If he'd said, `Oh Mohammed,' do you really think we'd be in here today?" Circuit Judge Ben Bryan asked a prosecutor trying to persuade the three-judge appeals panel to uphold **Anastasio's** contempt conviction. "It all depends on how he said it when he said it and who he said it to," Assistant State Attorney Dean Merten said. He argued the words "Jesus Christ" are appropriate when said in church - or even by a father on a Sunday afternoon when his team lost the game - but not in court. "He's a lawyer. He was in a courtroom. He should be held to a higher standard," Merton said. The panel did not issue a ruling Friday.

The Stuart News (FL)
September 23, 1998

Court Jesters: Lawyers Show They Can Take It – And Dish it out
Author: Barbara Lowell

Did you hear about the three guys who went fishing off the Jupiter Inlet last week? There was a doctor, a lawyer and an accountant. They were all having a good time, when suddenly a shark jumped out of the water and gobbled up the doctor. A few minutes later, the big fish did the same to the accountant. Then, the shark jumped into the air, looked at the lawyer, smiled a toothy grin, and dove back underwater. Wonder why the shark didn't devour the lawyer? Professional courtesy. Hee hee hee hee hee. "Very funny," says Stuart attorney Philip DeBerard, who says he has heard his share - and then some - of lawyer jokes. Funny thing is, he means it. He likes them. "Lawyers need to lighten up. They're too stuffy," DeBerard said. "When you see a lawyer, you know he or she is one, because we all seem to have adopted the same uniform - dark suit, somber expression, black briefcase, purposeful walk. It's fun to make fun of people who take themselves so seriously."

To prove he's not above poking fun at himself or his profession, DeBerard quickly launches into his favorite lawyer joke: A busload of folks show up at the Pearly Gates, where they are greeted by St. Peter. Suddenly a group of angels rushes out and pulls one man from the bus. They shower him with gifts and affection, throw feathers down onto the ground so his walk is cushioned, and escort him to a huge palace that will be his home. Seeing this, the other passengers feel a little slighted, since they are left to get off the bus alone and make their way to their own nice, but not exactly palatial, homes. One of them tugs on St. Peter's sleeve and asks, "Who's that?" "That's a lawyer," St. Peter replied. "We don't get too many of them up here." "I love that one," DeBerard said. "People need to laugh, because face it, a lawyer's day is filled with hostility, anger, lies. There's nothing fun about their occupation.

"If you've committed a crime, if you're getting a divorce, if your house is being foreclosed upon - these are not fun situations, but you need a lawyer to help you through them." The jokes don't bother Stuart attorney Jeffrey Kirsch. He understands that they go with the territory. "If you can't laugh at a job, then what have you got? You can't take it personally," he said. "Of course people make fun of lawyers. There's a common bond - everybody hates lawyers because the only time you see them is when you're miserable. "You don't hear any gardener jokes, do you?" Bad seeds and ill weeds notwithstanding, lawyer jokes are nothing new. Benjamin Franklin had a saying: A countryman between two lawyers is like a fish between two cats. And William Shakespeare sneaked a zinger into his Henry VI, Part II with the line, "The first thing we do, let's kill all the lawyers."

"People dislike lawyers because lawyers do exactly what they're paid to do," insists Port St. Lucie attorney **John Anastasio**. "The fact is, most people are scumbags. They call lawyers to get them out of trouble. "Lawyers are a mirror of society, and when people look into that mirror, they don't like what they see, so they take it out on the lawyers. Don't look for an end to lawyer

jokes - this kind of thing will keep going on until people are different." Meanwhile, it's fun to crack jokes at the pinstripe suit-wearing, torte-writing lot. Here's a favorite from **Anastasio's** files: A 29-year-old lawyer dies in a car accident and goes to heaven. Puzzled, he asks St. Peter why he's there at such a young age. "But you're over 200 years old," St. Peter tells the man. "No I'm not," the lawyer replies. "According to your billing records you are," says St. Peter. Lauri Goldstein, who has law offices in Stuart and Fort Pierce, said she isn't bothered by lawyer jokes either. "Hey, I'm a Jewish female and I laugh at Jewish jokes," she said. "There's good and bad in every profession, and jokes about jobs are usually all in good fun." In fact, lawyer jokes cross her desk every day. A friend gave her a Lawyer Joke-A-Day calendar as a gift. "Some of them really crack me up," she said.

Still, not everybody is laughing. Carole Post, an attorney with Watterson, Hyland & Klett in Palm Beach Gardens, insists the Bard didn't intend that Henry VI line as a slam against lawyers at all. "The phrase was uttered out of a show of respect for lawyers, not disdain," she wrote in a column for The Jupiter Courier in June. "The phrase is spoken in context of a group of rebels plotting the overthrow of King Henry VI. The rebels singled out the lawyers because of their status in society - the overthrow of lawful society would never be successful if the lawyers were there to preserve law and order." And although lots of local lawyers say they enjoy a good joke, some admit they're a bit irked that they are categorically classified as bloodthirsty ambulance chasers. DeBerard, for example, has initiated numerous programs for children, including an annual bike rally and fingerprinting session. He sponsors baseball, football and hockey programs for kids, too. "Most of the lawyers in this area are very active in the community. They're a real compassionate bunch," he said. He thinks the negative public perception began years ago, when lawyers were allowed to advertise on television. "Before Florida got regulations that lawyers had to talk in a monotone and directly into the camera while saying certain things, there were some really silly commercials," he remembers. "You had guys yelling, "If you've been bumped by a car, see me' and "If the bank is on your back, I can get them off'. "That was garbage, and it really demeaned our profession."

On the other hand, television programs showing good, capable and honest lawyers often do equal justice to boost the profession. "When L.A. Law first came out, law school applications went through the roof," DeBerard said. "People thought that was great - actors sat around every morning drinking coffee and talking about all the big cases they had, then you saw them getting into their $100,000 cars and driving off to fancy lunches. Those of us who were already lawyers were sitting here thinking, "too bad it's not really like that.'" "Now you've got Ally McBeal, who comes across like a real person who makes good, honest choices. She's not a wicked person who'd sell your soul for a buck." Then again, if you were standing before a judge whose hand was poised on a book he meant to throw at you, who would you want defending you? Goldstein, who is originally from Fort Lauderdale, was driving on I-95 near her old neck of the woods recently, where she spotted a billboard with a shark on it. "It said, "If you want a real shark, call this guy' and it gave a lawyer's name and number," she said. "At first I thought it was odd, then, hmmm. I thought to myself, "Wow. What an ad.'"

CASE IN POINT: LOCAL ATTORNEYS SHARE THEIR FAVORITE JOKES

There's no burden of proof that attorneys can't take a joke, but to argue the point, here is a sampling of what makes local lawyers laugh.
* What is a criminal lawyer? Redundant.
* What's black and brown and looks good on a lawyer? A Doberman pinscher.
* What do you have when a lawyer is buried up to his neck in cement? Not enough cement.
* Why should lawyers be buried 100 feet deep? Because deep down, they're really good people.
* How many law professors does it take to change a light bulb? Heck, you need 250 just to lobby for the research grant.
* How can you tell when a lawyer is lying? His lips are moving.
* What do you get when you cross The Godfather with a lawyer? An offer you can't understand.
* How do you save a drowning lawyer? Take your foot off his head.
* God decided to take the devil to court and settle their differences once and for all. When Satan heard this, he laughed and said, "And where do you think you're going to find a lawyer?"
* How many lawyers does it take to roof a house? Depends on how thin you slice them.
* If a lawyer and an IRS agent were both drowning and you could save only one of them, would you go to lunch or read the newspaper?
* What's the difference between God and a lawyer? God doesn't think he's a lawyer.
* Why did the lawyer cross the road? To get to the car accident on the other side.
* Did you hear about the terrorist who hijacked a 747 full of lawyers? He threatened to release one every hour if his demands weren't met.
* What's the difference between a lawyer and a herd of buffalo? The lawyer charges more.
* Why does California have so many lawyers and New Jersey have so many toxic waste dumps? New Jersey got to pick first.
* A man walked into a bar with his alligator and asked the bartender, "Do you serve lawyers here?" "Sure do," replied the bartender. "Good," said the man. "Give me a beer and I'll have a lawyer for my gator."
* It was so cold last winter I saw a lawyer with his hands in his own pockets.
* What's the difference between a good lawyer and a bad lawyer? A bad lawyer can let a case drag on for several years. A good lawyer can make it last even longer.
* What did the lawyer name his daughter? Sue. And his son? Bill.
* How many lawyers does it take to change a light bulb? How many can you afford?
* Signs you might need a different lawyer: He tells you that his last good case was a Budweiser. When the prosecutors see who your lawyer is, they high-five each other. He picks the jury by playing "duck-duck-goose." He tells you that he has never told a lie. A big sign in his office says "Don't ask me." A prison guard is shaving your head.
* Arguing with a lawyer is like mud wrestling with a pig. After a while, you realize that the pig actually enjoys it.
* Why did the post office stop making the new lawyer stamps? People couldn't tell which side to spit on.
* What's wrong with lawyer jokes? Lawyers don't think they're funny, and nobody else thinks they're jokes.

The Stuart News (FL)
August 29, 1998

Lawyer: Deputies Denied Justice
Author: Sarah Eisenhauer

An attorney for two St. Lucie County sheriff's deputies who were disciplined last year for blowing a co-worker's cover at a beachside bar told a panel of judges Friday that the officers deserved a hearing before being placed on six months of probation. Attorney **John Anastasio** said the sheriff's office denied Deputies Dean Sackos and Vincent Gosden their right to a hearing where they could argue their case after probation was imposed in November. Although a set of Florida laws called the Career Service Act does not list probation as punishment that requires a hearing, **Anastasio** asked Circuit Judges Paul Kanarek, John Fennelly and Charles Smith to rule that a hearing was necessary. The sheriff's office suspended the deputies for five days and placed them on probation after they gave away the identity of an undercover deputy Oct. 18 to a patron at a Hutchinson Island bar, reports said. They were told "You're on probation. You're on probation, but you have no right to a hearing,' **Anastasio** said. The sheriff has the right to fire a deputy on probation without cause, he said.

But attorney Dwayne Evans, who represents the sheriff's office, said because the laws do not specifically mention probation as a punishment that requires a hearing, it should be up to the sheriff to decide whether one is necessary. He said the issue is moot for Sackos and Gosden because their probation period is over, but he acknowledged that the issue could come up again. The judges will issue their ruling within the next few weeks, Evans said. The sheriff's office said Gosden and Sackos, who were both off duty, were at an oceanfront club when they saw a fellow deputy, who was working undercover, sitting on the patio. Gosden saw an intoxicated friend at the undercover deputy's table and, worried that his friend might say something incriminating, introduced his friend to the undercover deputy. A few minutes later, Sackos came over and whispered into the undercover deputy's ear, wanting to know whether she was on duty, the investigation report said. The report found the deputies guilty of improper conduct. Undersheriff Dennis Williams said in a Nov. 13 letter that he decided not to fire Sackos because of the overall circumstances, and that Gosden's excellent work record spared him from being fired. Both deputies had clean records before the incident.

The Stuart News (FL)
July 25, 1998

Family Suing Sheriff Over Hanging
Author: Thomas W. Kruase

The mother and sister of a man who hanged himself at the St. Lucie County jail in 1996 have filed a wrongful death suit against Sheriff R.C. "Bobby" Knowles, claiming he was aware of problems that contributed to the man's death, but did nothing to correct them. On July 26, 1996, 33-year-old William Clark of Fort Pierce hung himself with a bed sheet wrapped around a sprinkler head. At the time, he was in the jail's medical wing. Clark was not on suicide watch, but jail rules stipulate all inmates in the medical wing are to be checked every 15 minutes. In the midst of an internal affairs investigation, detention deputy Barbara Bates resigned. The investigation determined that she failed to watch Clark at the specified intervals and attempted to cover up her actions by altering the medical wing logbook.

Two years before Clark's death, Douglas Moran, of Freeport, N.Y., hung himself in a similar fashion at the medical wing. **John Anastasio**, the lawyer for Ana Jean Clark and Norrita Clark, said Knowles was aware of the previous suicide and should have altered the surroundings to prevent the situation from recurring. "This hanging took place in the exact same way, in the exact same spot of the exact same medical unit," **Anastasio** said. Knowles is legally responsible for the actions of his deputies, **Anastasio** said. He is therefore responsible for the lack of supervision for Clark and the coverup. The disciplinary action against the deputy and the admission of the coverup, however, may benefit Knowles in the eyes of a jury, he said. In addition to the wrongful death suit, the family has filed a claim for federal civil rights violations.

The wrongful death suit is limited to $100,000 in compensatory damages, **Anastasio** said. The civil rights suit, however, has no monetary limit. Clark was arrested on charges of grand theft and dealing in stolen property. He was being held in the medical wing for an alcohol detoxification evaluation because he complained of pains in his side.

The Stuart News (FL)
December 19, 1997

Court Disbars 1 Lawyer, Disciplines Another
Author: Michael Peltier

One local attorney was disbarred and another publicly reprimanded Thursday when the Florida Supreme Court announced disciplinary actions in the two unrelated cases for breaking rules of conduct set up by the Florida Bar. Port St. Lucie attorney **John Anastasio**, 41, is slated to receive a public reprimand for a pair of actions in 1995 that included failing to safeguard a $40,000 trust fund that was in dispute. It is the third time in less than three years that **Anastasio** has been disciplined by the Bar. Anthony Eladio Ramos, a Jupiter-based attorney who also had an office in Indiantown, was disbarred for misappropriating funds from a series of personal injury cases during the past several years. The Florida Bar charges that Ramos settled insurance claims, often without his client's consent, but failed to pass on the awards to his client.

Anastasio, who ran against U.S. Rep. Mark Foley in the 1994 congressional campaign, pleaded no contest to Florida Bar charges that he inappropriately advertised his law practice without clearing the ads first with the Bar. On a second count, **Anastasio** was charged with failing to properly safeguard trust funds in a dispute involving a $40,000 personal injury settlement. **Anastasio** was hired by a physician, Bruce Platzek, who was concerned that he would not be paid by a patient who had received the award in an insurance claim. Under a settlement agreement, Platzek was to receive $8,000 for his services. Put in charge of the trust fund, **Anastasio** turned over the settlement check to the patient, Howard Turner, who according to court records forged the required signatures and absconded with all but $1,000 of the award.

Anastasio has had other trouble with the Bar over his professional conduct. In 1995, he was reprimanded and placed on a year's probation for "negligent and inadequate communication" in a criminal defense representation. During the same year, he was reprimanded again for threatening criminal prosecution in a civil matter. **Anastasio** will appear before the Florida Bar Board of Governors at its February meeting, said Florida Bar legal assistant Michelle Courtemanche. As part of his reprimand, **Anastasio** will be brought before the board to be publicly censured. "Severity-wise, it's the most severe reprimand," Courtemanche said. "We're talking about 50 of your peers, plus their staff who usually sit in a big circle." **Anastasio**, who did not return phone messages left at his office Thursday afternoon, could not be reached for comment.

Ramos, who has been a member of the Bar since 1981, resigned his license Nov. 1, days before depositions were taken by a number of former clients who say Ramos bilked them of tens of thousands of dollars while handling their claims. Ramos, who had offices in Lake Worth and Indiantown, was charged with 19 counts misappropriation of funds, forgery, and charging excessive fees for a series of insurance settlements going back to May 1990, Florida Supreme Court records indicate. A call made to a telephone number listed for Ramos in the Florida Bar Journal was answered by a hostess for an Italian restaurant. Another call made to a different telephone number listed in the local directory went unanswered. A fellow tenant for another firm

in Ramos' office building at 900 E. Indiantown Road in Jupiter said the attorney's office was closed. Ramos, who often defended minors or clients who spoke little English, can apply for his license in 20 years. He was also ordered to pay nearly $35,000 in fines.

Fort Pierce Tribune (FL)
February 11, 1997

Jailed Former FP Policeman Files Appeal, Lawless Charges Prosecution Misconduct
Author: Sherry Parmet

Mike Lawless' attorney filed an appeal Monday in the trial that sent the former policeman to jail for stealing $80 from a state undercover agent posing as a drunk migrant worker. Port St. Lucie attorney **John Anastasio** cited errors in County Judge Dan Vaughn's rulings both before and during the trial last month. Vaughn sentenced Lawless to two months in jail on a misdemeanor petty theft charge on Jan. 10. **Anastasio** claims the judge erred by allowing the prosecutor during closing arguments to refer to his having personally visited the crime scene. ``Attorneys aren't allowed to do that," **Anastasio** said. ``They're not witnesses." **Anastasio** also claims the jury was not properly instructed before starting their deliberations. ``Those are just some of the things that were done incorrectly," **Anastasio** said. ``At issue is not whether the jury made factual mistakes, but whether legal errors were made."

Brevard County Assistant State Attorney Russ Bausch, who prosecuted the case in lieu of the local office to avoid the perception of bias, could not be reached for comment Monday. Lawless will complete his 60-day sentence in the St. Lucie County jail in less than a month -- likely before his appeal could be heard. But freedom is not what Lawless is fighting for, **Anastasio** said. Lawless is fighting for his livelihood, trying to keep his law enforcement certification, which he is at risk of losing if the conviction stands. ``There's no down side to Mike getting another trial," **Anastasio** said. ``Whether he wins or loses a second time, he walks out of the courtroom." But even if Lawless' conviction is overturned on appeal, he still could lose his law enforcement certification because he failed to take a required cultural diversity course this year, **Anastasio** said. ``Of course, he can't take it while he's in jail and not working at the department," **Anastasio** said.

An 11-year veteran of the Fort Pierce Police Department, Lawless resigned just hours before being sentenced. **Anastasio** said he's not sure what chances Lawless has of winning a new trial, but is taking on the case for free to help his longtime friend. ``I've known him for about 20 years, and in my opinion he's innocent," **Anastasio** said. ``I don't know whether the undercover agent dropped the money or Mike was framed, but I know Mike didn't do anything wrong." A grand jury indicted Lawless and three other officers on July 8, the culmination of a two-year Florida Department of Law Enforcement investigation into corruption. Allegations included home-invasion robberies, theft of illegal poker game kitties and shake-downs on drunks, drug dealers and migrant workers.

In Lawless' case, FDLE agent Ciro Dominguez posed as a drunk migrant worker and testified the officer stopped him, took his wallet, and returned it with $80 missing. Former officer Ron Chabot last month pleaded no contest to a misdemeanor petty theft charge and was sentenced to six months on probation and the loss of his law enforcement certification. Former officer Stacy Moran in December pleaded no contest to attempted official misconduct and lost his law

enforcement certification. In an unrelated case, he also pleaded no contest to a petty theft charge of shoplifting dental floss, cologne and other merchandise from a Fort Pierce Wal-Mart on Nov. 26, 1996. He was sentenced to 10 days in jail. Former officer Theresa Prussing will go to trial this month for lying in an unofficial proceeding to provide a false alibi to former officer John Brady. Brady was sentenced in 1994 to 15 years in prison on 14 counts of racketeering in a series of home-invasion robberies. His partner in crime, former officer Xavier Evans, was sentenced to 25 years.

Fort Pierce Tribune (FL)
January 9, 1997

Court Hears of Cop's Alleged Shakedown, Mike Lawless
Author: Sherry Parmet

Dressed in old clothes and reeking of booze, Ciro Dominguez looked like an easy mark late at night as he paced a city street. Lawless But appearances can be deceiving. Dominguez, an agent with the Florida Department of Law Enforcement, was working a sting operation to find out if Fort Pierce police Officer Mike Lawless was as corrupt as informants said. FDLE officers had been told Lawless routinely stole money from poor, Hispanic-speaking men. Dominguez testified Wednesday on the first day of Lawless' trial in St. Lucie County Court. Dominguez told jurors about an encounter he had with Lawless on the evening of Jan. 11, 1995. Dominguez, posing as a migrant worker, carried a wallet holding $170 along with a $20 bill in his pocket to create the impression of someone looking to buy drugs. ``I was kind of walking back and forth playing the role of someone looking suspicious," Dominguez said. ``I spoke in broken English."

It was after midnight when Lawless and former Officer Linda Kirk, who was working with FDLE, approached Dominguez on Seventh Street and began to question him. Another FDLE agent was in a nearby car videotaping the exchange. Dominguez testified Lawless removed the wallet from his pocket, walked out of sight for a moment and then returned, placing the wallet back in Dominguez' pocket. ``He said, `Go on home,' " Dominguez said. At that point Dominguez met with FDLE agent Mike Driscoll, and they returned to the FDLE office where they determined $80 had been taken from the wallet. Nobody besides Dominguez and Lawless had touched the wallet, Dominguez testified. Despite their belief that Lawless had taken the money, FDLE refrained from searching him and bringing him in on theft charges at the time because they didn't want to alert other officers to their ongoing probe into corruption in the Fort Pierce Police Department, Driscoll said.

A two-year probe resulted in the July 8 indictments of Lawless and three other current and former officers on mostly theft-related charges. Lawless was indicted for petty theft. He was fired from the department as a result of FDLE's probe. ``Mike Lawless, the man sworn to uphold our trust, violated that trust," Assistant State Attorney Russ Bausch told jurors during opening arguments. But defense attorney **John Anastasio** countered that nobody -- not Kirk, nor Driscoll nor Dominguez actually saw Lawless steal the money. When Lawless walked away with the wallet he disappeared from view. MDUL ``Officer Lawless did pat down the individual, and he looked in his wallet because often in high crime areas you find rock cocaine in the wallet," **Anastasio** said. He then returned the wallet. ``You will not hear a single witness from the state come and say, `I saw Officer Mike Lawless take money from that wallet,' " **Anastasio** said. ``You're not going to see Officer Lawless on the video camera taking money. You're gonna hear guesses, hear assumptions . . . but you're not going to hear any direct evidence that Officer Mike Lawless took some money."

FDLE can't even prove any money was taken because no photocopies were made of the original bills, **Anastasio** argued. ``If nobody saw him do it, how are they going to establish that Officer Mike Lawless took the money?" **Anastasio** asked. ``If they stopped and searched him maybe jurors would have the answers they want," he added. ``Mike doesn't have to prove his innocence even though he is." **Anastasio** said FDLE came down hard on Lawless in order to justify a two-year investigation that generated embarrassingly little. The state rested its case against Lawless Wednesday afternoon. Kirk, who was listed as a possible witness, was not called to testify. **Anastasio** rushed out to issue Kirk a subpoena to appear in court today as a witness for the defense.

In his opening arguments, Bausch said former Fort Pierce Officer John Brady provided FDLE agents with information about Fort Pierce officers shaking down migrant workers. Brady was sentenced to 15 years in prison for a series of home invasion robberies. Kirk, who was among those implicated, agreed to cooperate with the FDLE in their effort to nail Lawless. She confessed to stealing money from Mexican migrants, but was granted immunity from prosecution in exchange for her grand jury testimony against other officers. Last week, former officer Stacy Moran pleaded no contest to a charge of attempted official misconduct and had his law enforcement certification revoked. FDLE said Moran falsified a traffic ticket and arrest affidavit he issued to a migrant worker. Another officer, Ron Chabot, was indicted on theft-related charges last summer but has yet to stand trial. And Officer Theresa Prussing faces a charge of lying in an unofficial proceeding.

The Stuart News (FL)
December 30, 1995

Bar Looking into Other Cases against Attorney
Author: Jennifer Maddox

An ethics complaint filed by the St. Lucie County Sheriff's Office against **John Anastasio** is not the only complaint lodged with the Florida Bar against the Port St. Lucie attorney. Investigators with the Florida Bar also are looking into a case where **Anastasio** is accused of mishandling the disbursement of a legal settlement check. Dr. Bruce Platzek of Port St. Lucie filed the complaint this summer, which alleged **Anastasio** did not deposit a $40,000 settlement check in an escrow account for disbursement to four parties who had claims to the money. Instead, **Anastasio** gave the money to his client, Howard Turner of Port St. Lucie, who cashed the check himself and left town with all the money, said St. Lucie County sheriff's Detective Don Spivey, who investigated the case. Turner was arrested in May and charged with forgery. His case has not yet been tried. The settlement was the result of a suit Turner filed against the Martin County Sheriff's Office in 1990 after a sheriff's deputy hit his car. Turner's doctor, Platzek, and other attorneys in the case had claims to the settlement because of medical and legal bills Turner incurred.

In the most recent complaint lodged by the St. Lucie County Sheriff's Office, a grievance committee should decide within four months whether **Anastasio** unethically handled client Dennis Bernas' case against the department, Bar counsel James Keeter said. Bernas hired **Anastasio** in February 1993 after he was demoted from sergeant to deputy. Sheriff's officials allege **Anastasio** abused the legal system with Bernas' three separate lawsuits against the department. He also filed a slander suit against the person whose complaint about Bernas led to the sergeant's demotion. The sheriff's complaint also alleges **Anastasio** threatened the department by saying he would turn the department in to the Florida Department of Law Enforcement and the governor's office if they didn't settle the case and pay his client $51,000.

When the Bar ponders the various complaints against **Anastasio**, his discipline record also could be considered, Bar officials said Friday. **Anastasio** has been reprimanded and fined twice this year for his handling of cases. He was placed on one year's probation in May and has paid more than $2,000 in fines. "If there's any determination by the grievance system that **Mr. Anastasio** behaved unethically, then prior discipline would be considered by the Supreme Court," Keeter said. **Anastasio** filed complaints with the Bar earlier this month against the four attorneys who helped prepare the sheriff's complaint against him, saying their complaint was "a whole bunch of nonsense." He also said Thursday that he will file a lawsuit against the sheriff's office in response to its complaint, charging malicious prosecution and violation of civil rights. Bernas said he was happy with the work **Anastasio** did for him in his fight against the sheriff's office. On Wednesday, a career service board decided Bernas should get his sergeant's stripes back, along with more than $7,000 in back pay. "I don't have a problem with what he did. That's his job," Bernas said. "(The sheriff's office) couldn't do much with me so now they're going to attack my attorney - that's how I feel."

The Stuart News (FL)
December 29, 1995

Sergeant's Dispute Leads to Conflict with Attorney
Author: Jennifer Maddox

The St. Lucie County Sheriff's Office has settled its dispute with Sgt. Dennis Bernas, but its fight with his attorney is far from over. Undersheriff Dennis Williams has filed a complaint with the Florida Bar against Port St. Lucie attorney **John Anastasio**, who handled Bernas' three lawsuits against the sheriff's office after Bernas was demoted from sergeant to deputy in February 1993. Bernas was reinstated as sergeant after a sheriff's service board hearing Wednesday. The sheriff's office already had agreed to settle the lawsuits for an undisclosed sum of less than $25,000. The complaint, filed Sept. 25 with the Florida Bar, was referred last week to a grievance committee that hears cases against Treasure Coast attorneys. Sheriff's officials say they filed the complaint because **Anastasio** abused the legal system and threatened the sheriff's office.

In February 1993, **Anastasio** filed the first suit after Bernas was denied a hearing before his peers on his demotion. At issue was an incident in December 1992 in which Bernas cited a motorist for traffic violations while off-duty. The motorist later complained, saying Bernas pushed him against his car and restrained him "in an aggressive manner." In March 1993, the sheriff's office offered Bernas the hearing he requested in the suit, but **Anastasio** filed a second lawsuit in April to block the hearing. In the meantime, **Anastasio** had filed a separate slander suit against Daniel Jouver of Port St. Lucie for complaining to the sheriff's office about Bernas. In March 1995, **Anastasio** filed a federal lawsuit against the sheriff's office, accusing the department of violating his client's due process rights. **Anastasio** had threatened such a suit in a September 1994 letter to the sheriff's attorney. **Anastasio's** letter suggested the sheriff's office could not win against Bernas because of a legal settlement **Anastasio** had reached with Jouver in exchange for dropping the slander suit. As part of the settlement, Jouver gave **Anastasio** and Bernas the right to sue the sheriff's office on his behalf and collect any monetary damages rewarded.

Anastasio told sheriff's office attorney Joseph Mancini the matter could be dropped if the sheriff's office paid Bernas $51,000 and reinstated him as sergeant without a hearing. "Dennis simply desires to be compensated and to have this matter quietly go away for the benefit of all. Please review the (settlement proposal) and call me before the end of next week, to avoid the necessity of commencing federal litigation and a review of the circumstances surrounding this matter by the governor's office and the Florida Department of Law Enforcement," **Anastasio** wrote. Williams asked the Bar to review **Anastasio's** actions. "Under normal circumstances, such an issue could be investigated as criminal extortion," Williams said. "However, because this action has been taken under the guise of an attorney representing his client, it now raised the question of whether it's ethical vs. criminal."

In a Dec. 5 letter to the Bar responding to the complaint, **Anastasio** called his letter to Mancini "nothing more than the result of ordinary, everyday, garden variety settlement negotiations."

"This boy (Williams) is so stupid and has wasted $100,000 in taxpayer money (preparing the complaint)," **Anastasio** said Thursday. "They trumped this whole thing up." **Anastasio** filed complaints with the Bar this month against the four attorneys who helped prepare the complaint against him, claiming the complaint was "a whole bunch of nonsense" designed only as a leveraging tool in the Bernas litigation. He also promised Thursday that he would file another lawsuit against the sheriff's office in response to its complaint against him. Last month, the Bar fined and publicly reprimanded **Anastasio** for a threatening letter he wrote on behalf of a landlord who did not want to refund a tenant's $500 security deposit. The attorney also is serving a one-year probation with the Bar for his conduct in two other cases.

The Palm Beach Post (FL)
November 14, 1995

PSL Attorney Fine
Bar Fines Lawyer $1,100 for a Threatening Letter
Author: Jose Patino Girona

A Port St. Lucie attorney was fined $1,100 by the Florida Bar for writing a threatening letter intended to end a dispute over a $500 security deposit. Florida Bar officials found **John Anastasio** guilty of a minor misconduct. **Anastasio** represented Paul Stier in a landlord-tenant dispute. Stier, the landlord, claimed that Guy Rubin had ruined the residence he rented from him. Before the trial, **Anastasio**, 40, wrote a letter to Rubin's attorney, Michael Mortell, explaining that if the case was dropped Stier would not tell the IRS that Rubin had claimed $13,200 of the rent he paid as a business expense. ``It appears that Mr. Rubin has deducted the full rental of $13,200 as a business expense, when in fact, only 10 percent of the property was used for business purposes," **Anastasio** wrote in a letter dated July 1, 1994.

Mortell responded by calling **Anastasio's** letter extortion. ``I am not used to practicing law in this manner," Mortell wrote in a letter a week later. Four days later, **Anastasio**, a Republican candidate for Congress against Mark Foley in 1994, wrote back saying it was a miscommunication. ``Any comment about this reference in your July 8 letter regarding the IRS, was simply based upon my observations, regarding a lease on a residential property, signed in the name of a corporation," **Anastasio** wrote in a letter dated July 12, 1994. **Anastasio** said Stier had no input or knowledge of the first letter because he was on vacation. When he returned, he told **Anastasio** he had no intention of reporting Rubin's claim to the IRS. Yet Frank Pound the Florida Bar referee, said **Anastasio's** first letter was intended to gain an advantage against Rubin - a violation of attorney rules.

Fort Pierce Tribune (FL)
November 10, 1995

Bar to Formally Rebuke Local Attorney, Anastasio
Author: Mark Schlueb

The Florida Bar will formally rebuke a Port St. Lucie attorney who was accused of extortion by an opponent in a civil suit, according to a state Supreme Court order handed down Thursday. Bar attorneys were unsure late Thursday whether the disciplinary action would affect attorney **John Anastasio**'s probationary status. The state bar placed him on one year's probation in May in connection with a separate complaint. According to case files, **Anastasio** was representing a landlord being sued by one of his tenants, Stuart attorney Guy Rubin. **Anastasio** wrote a letter asking Rubin to drop his suit, otherwise the landlord would report to the Internal Revenue Service an illegal tax deduction Rubin allegedly made. Rubin said **Anastasio** was blackmailing him; he said the tax violation was a fabrication. He filed a complaint with the Florida Bar. ``We have a responsibility to report ethics violations, so that people don't think attorneys are all crooks," Rubin said. ``I had an obligation as an officer of the court to notify the bar of wrongdoing by one of its members."

Bar officials reviewed the complaint, and referred it to the state Supreme Court, which routinely decides such matters. ``The grievance committee found the letter violated . . . the bar's rules of professional conduct," bar attorney James Keeter said. The court agreed, and directed the bar's board of governors to ``admonish" **Anastasio**. The attorney also must pay $1,125 in court costs. **Anastasio** called the disagreement ``a minor annoyance" that was blown out of proportion. ``It was easier to take an admonishment than to go through a lot of hearings and depositions," he said. Keeter wasn't sure if the bar would take further action because the admonishment came while **Anastasio** was on probation with the board. He was publicly reprimanded for his handling of a first-degree murder case in 1991 and a civil lawsuit a year later. In the civil case, one of **Anastasio's** clients said the attorney held settlement money for 13 months while he negotiated discounts on medical bills. Meanwhile, the client was besieged by collection agencies and refused medical treatment by his doctor.

In the other complaint, a court clerk notified the bar that **Anastasio** hadn't filed an appellate brief for William Stokes, who was accused of murder. **Anastasio** said the appeal was the responsibility of another of Stokes' attorneys. No stranger to controversy, **Anastasio** came under fire last year while running for the U.S. House of Representatives. The attorney accused his opponent of profiting from an improper land deal, questioned his opponent's sexual orientation and claimed his opponent promoted heroine use.

The Tampa Tribune (FL)
September 7, 1994

Candidate's Orientation Questioned
An Opponent is Circulating a Publication Insinuating that Mark Foley is Gay
Author: Kevin Bouffard

A candidate in Florida's Congressional District 16 race is trying to make an issue of front-running Republican Mark Foley's sexual orientation. Port St. Lucie lawyer **John Anastasio** says that Foley, a state senator from West Palm Beach, is a homosexual and that he supported a gay rights bill in 1993. **Anastasio** made the statements in a story in a four-page newspaper-style broadsheet, "The Inside Story," that circulated in the district last weekend. The article, titled: "Are we electing the first gay congressman in the history of District 16?" states that Foley is a middle-aged man who has no children and has never married. In a reply Tuesday, Foley did not comment on his sexuality. "**John Anastasio** has proven that he will do anything and say anything to trash someone's reputation and try to win an election," Foley said in a prepared statement. "The voters rejected his nasty attacks against [U.S. Rep.] Tom Lewis two years ago, and I am confident that they will do so again this year."

Lewis, a Palm Beach Gardens Republican, defeated **Anastasio** in 1992. Foley campaign manager Kirk Fordham refuted **Anastasio's** claim that the senator sponsored a bill to repeal a state regulation banning homosexuals from adopting children. State Rep. Suzanne Jacobs, D-Delray Beach, who sponsored such legislation in 1993 in the state House of Representatives, confirmed Tuesday Foley did not sponsor her measure in the Senate. **Anastasio's** circular reprints a Nov. 24, 1992, article from The Palm Beach Post indicating Foley and Jacobs intended to sponsor a repeal of the gay adoptions ban in the 1993 Legislative session. When told of the discrepancy, **Anastasio** said he never charged Foley "sponsored" the measure, only that he supported it. **Anastasio** charges Foley has repeatedly sidestepped the issue of his sexuality. **Anastasio's** article points to an April 6 column by Steven Biller, then editor of a Miami alternative newspaper, which refers to Foley as "a semi-openly-gay state representative." "Tactical considerations" delayed release of the circular until the final week of the campaign, **Anastasio** said.

"He could have raised these on countless numbers of occasions previously," Fordham said. **Anastasio** said he raised the issue of Foley's sexuality because of the response he got from an earlier campaign circular that contained an issues survey. More than 70 percent responded "No," to the question, "Are you in favor of allowing gays in the military," he said. "To a good chunk of people in this district, sexual orientation and government service is important to them," **Anastasio** said. Foley, **Anastasio** and Highlands County Commissioner Audrey Vickers are vying for the GOP nomination for the seat in Thursday's primary. District 16 includes most of Highlands County, all of Glades and Hendry counties, and parts of Okeechobee, St. Lucie, Martin and Palm Beach counties.

Fort Pierce Tribune (FL)
September 3, 1994

Ad Attack Proves Bad News for GOP
Author: Mark Schlueb

The St. Lucie County Republican Executive Committee's chairman said congressional candidate **John Anastasio** may have violated the party's Code of Conduct with his smear campaign against opponent Mark Foley. **Anastasio**, 39, printed a four-page advertising publication accusing Foley, who also is seeking the District 16 seat, of profiting from an improper land deal and promoting heroin use, as well as questioning whether Foley is a homosexual. ``When someone stoops to the level of doing anything to get into office, that may not be the candidate Republicans want to elect," Executive Committee Chairman Steve Knapp said Friday. ``I think it definitely bears some investigation by the Executive Committee." Knapp said one of **Anastasio's** representatives recently signed the party's Code of Conduct, and state party officials have taken a hard line against negative campaigning during the 1994 elections.

Nowhere is **Anastasio's** circular labeled a political advertisement. Each article criticizes Foley, and **Anastasio's** name is cited only in a fine-print label on the third page that is required by federal election laws: ``Pd. for by the Committee to Elect **John Anastasio**.'' **Anastasio's** representatives delivered 25,000 copies of the circular to MDUL Tribune offices Thursday, asking that it be included as an advertising insert in the paper's Tuesday editions. The MDUL Tribune declined to accept the advertisement, as did MDUL The Stuart News. **Anastasio** asked the MDUL Tribune not to publish a news article about the circular before it was expected to be distributed, two days before Thursday's Republican primary. ``A political campaign is a lot like a wartime campaign -- timing is everything," he said.

The publication, called MDUL ``The Inside Story," looks like a newspaper, with stories, headlines and photographs. The lead article -- under the headline ``Introducing the best congressman money can buy" -- condemns Foley for accepting dozens of campaign contributions from political action committees and special interest groups. The article, which claims Foley has been ``bought and sold," ran alongside a photograph of a shadowy figure clutching a briefcase overflowing with cash. Foley has collected about $316,000 in campaign funds; **Anastasio** a fraction of that amount. Another article raised questions about whether Foley is gay. **Anastasio** also reprinted a 1992 MDUL Palm Beach Post article that indicated Foley would back a gay rights issue in an upcoming legislative session. In fact, Foley never sponsored or supported such legislation.

Foley also was criticized in the **Anastasio** publication for sponsoring a bill that would provide free hypodermic needles to drug addicts in an effort to reduce the spread of AIDS, a measure that **Anastasio** said would promote heroin addiction. The publication also faults Foley for his 1986 purchase of a parcel of land in Palm Beach County that was sold later the same day to the School Board at a substantial profit. Although **Anastasio** states the matter was investigated by the Palm Beach County State Attorney's Office, he did not report the outcome of the investigation, which

found no criminal wrongdoing. Foley, a state senator from West Palm Beach, is considered the front-runner to succeed the retiring Rep. Tom Lewis, R-North Palm Beach. Foley answered **Anastasio's** allegations in a brief written statement. ``I'm not going to respond to outrageous, last-minute charges from someone who has no credibility," the statement said. ``Once again, he has proven that he will do anything and say anything to trash someone's reputation and try to win an election."

Anastasio said the allegations about his opponent are legitimate questions, and that he has distributed other circulars detailing his own stance on the issues. ``I've been handing out facts about my campaign since May," he said. The negative campaigning isn't a first for **Anastasio**. The Port St. Lucie attorney was criticized for mudslinging during the 1992 campaign as well, when he was defeated by Lewis. Prior to the 1992 Republican primary, **Anastasio** called Lewis ``the lying, check-bouncing, 27-year career politician." Although he accused Lewis of bouncing checks at the House bank, he ignored the fact that the eight checks in question were the result of a change in the timing of automatic payroll deposits. The circular comes less than two weeks after **Anastasio** admitted removing two of Foley's campaign signs from along a Port St. Lucie street. **Anastasio** said he planned to place the signs in his campaign headquarters, but later returned them. Audrey Vickers, the third Republican seeking the District 16 seat, declined to comment on **Anastasio's** actions, but said Foley also is guilty of negative campaigning. She pledged to ``continue campaigning on the issues that are of concern and importance to the voters."

Fort Pierce Tribune (FL)
August 30, 1994

Elections 1994, U.S. House, Anastasio
Author: Steve Quinn

Undaunted by failure two years ago, **John Anastasio** still wants to go to Washington, D.C. **Anastasio**, 39, a Port St. Lucie attorney, lost his first bid for the 16th District congressional seat in 1992, but wants another crack at the position held by retiring congressman Tom Lewis for 10 years. A passionate speaker who enjoys quoting former political leaders, **Anastasio** is proclaiming a fresh approach to government. ``It is going to be grassroots government," he said. ``All politicians look to grassroots campaigns, then the day after being elected they forget about you. The most important part of citizen participation is not just winning the election, but after the election." Despite losing to Lewis two years ago, **Anastasio** believes the timing is still right to hold political office. ``America is at a crossroads," he said. ``I think that now is the time that is going to determine what the future of this country and what the future of this world is."

What is your approach to solving the crime problem? Seven percent of the people commit 70 percent of the crime. They need to be locked up on a long-term basis. That is the only way we are going to get some long-term relief. Then put them on a 24-hour system. You sleep for eight hours, work for eight hours and go to school for eight hours. Over a period of several years, that can reform all but the helpless. How do you think the federal government should be handling immigration, especially the refugees from Haiti and Cuba? I don't blame the immigrants for coming here, but there are no guiding principles right now. We need to stand up and have a cohesive policy. We should not give federal or state benefits to anyone who is not a United States citizen. You must go through citizenship process and that includes learning English. They are starting to swear in people (as citizens) in foreign languages. That's bizarre. What style of universal health care coverage go you support? It should be completely out of the government's hands except for regulations concerning how medical insurance is provided. I'm tired of hearing the government has to do something because the people don't know any better. I believe the people do know better. We've got to find a way to restore the relationship between the physician and patient. Right now, it's half gone because the physician basically negotiates with the insurance company what care you need.

Fort Pierce Tribune (FL)
August 23, 1994

Candidate Caught Removing Opponent's Campaign Signs, Johnny Anastasio
Author: Steve Quinn

A Port St. Lucie attorney running for U.S. Congress admits taking two campaign signs belonging to his opponent, but said he later returned them to their original spot on Sunday night. **John Anastasio**, 39, a candidate for the District 16 congressional seat, said taking signs that belonged to his Republican primary opponent Mark Foley was not meant to be a malicious. ``We were going to put them on the campaign wall in the office," **Anastasio** said. ``It perks up the campaign wall to point out the enemy. I don't think there are any campaign headquarters that would not have the opposition. It's sort of traditional." **Anastasio** said he returned the signs to a wooded area along Bayshore Boulevard and Eyerly Avenue shortly after eating chicken wings at a nearby restaurant. ``I went back and stuck them back in the ground," said **Anastasio**. ``I didn't like the way they looked and I told my campaign manager that I'm not going home until I put those two signs back. The signs were gone the length of time it took to eat 18 chicken wings."

Foley called **Anastasio's** act ``reprehensible." **Anastasio** ``The man is running for congress," said Foley, a state senator from West Palm Beach. ``There is enough embarrassment in Washington. I'm shocked. He has his own campaign and I know he tends to be negative, but I wouldn't think he would resort to this type of thing. Nothing is beyond him." Foley said his office had noticed a number of campaign signs missing in the Port St. Lucie area. Port St. Lucie Police Spokeswoman Theresa Woodson said the case involving **Anastasio** remains under investigation and would be referred to the State Attorney's Office today. Foley said he would not pursue criminal charges because the judicial system is jammed up enough. ``I think he should step down from the ballot," Foley said. ``But he has to make that decision. What he did is demeaning to the process. If he's shooting himself in the foot, he's loaded his leg with a number of bullets."

According to police reports, Port St. Lucie Police Officer Charles Ward spotted **Anastasio** coming out of woods and carrying the signs about 11:12 p.m. **Anastasio** got into his Mercedes and drove off. Ward followed him and pulled him over four blocks south of the area at Bayshore and Grove Street. **Anastasio** told Ward he entered the woods to urinate and ``wanted some souvenirs," reports said. Ward also wrote: ``**Mr. Anastasio** made it verbally clear that he wrote my paycheck, however (he said he) would comply and not touch any additional signs." Ward was off duty Monday, but supervisor Sgt. Don Kryak said there was nothing confrontational about Ward's discussion with **Anastasio**, who also called the meeting ``cordial." St. Lucie County Supervisor of Elections Gertrude Walker said she spoke with Mike Cochoran, a Tallahassee-based attorney for the Florida Division of Elections, and learned **Anastasio** did not violate election laws.

The Palm Beach Post (FL)
August 14, 1994

Election Vote Candidate Article House Campaign Series
Challengers Scramble to Catch Foley
Author: Bill Douthat

As four Congressional candidates jockeyed for position in front of news cameras, the shortest, Republican **John Anastasio**, found himself blocked out by the wide girth of Democrat John Comerford. ``I refuse to stand behind you,'' said **Anastasio**, elbowing his way into the range of the camera lens. But even standing side by side, the candidates can't steal the political scene from the candidate who was not there, front-runner Mark Foley. Foley, blessed with loads of endorsements and cash contributions, is the target of both Republicans and Democrats as the Sept. 8 primary for the District 16 race nears. The four candidates at the Stuart news conference, two Republicans and two Democrats, gathered to make a belated appeal to put a cap on campaign spending. But by the time they held the news conference, Foley had raised $250,000, well beyond the $100,000 others suggested as the limit for the primary. The others struggle for money and attention. On the Republican side, Foley faces **Anastasio** and Audrey Vickers. ``You could never find any three that were more diverse,'' said Vickers, the only candidate from the rural reaches of the district. All of the Democrats are from Palm Beach County, which makes up 45 percent of the population of the seven-county district. They are investment manager John Comerford, attorney Jim Stuber and teacher and former County Commissioner Ron Howard.

`ATTACK CAMPAIGN' FEARED
Anastasio is Foley's immediate concern. Foley wrote to supporters a week ago that **Anastasio** is preparing an ``attack campaign'' in the final days of the campaign. Foley said **Anastasio** did the same when he ran against U.S. Rep. Tom Lewis, the incumbent, two years ago. **Anastasio** says he is preparing a newsletter for Republican voters but declined to disclose its contents. An earlier eight-page campaign tabloid portrayed **Anastasio** as a reformer who advocates a ``second American revolution'' to restore values. His platform, he says, is to ``provide the kind of hell-raising that is necessary to move that monolith known as the federal government.'' Among **Anastasio's** ideas is to turn closed military bases into prisons, to end busing to integrate schools, and to stop any government-run health-care plan. ``I'm for getting the government out of as many things as possible,'' **Anastasio** said. The attorney, who wears cuff links and monogrammed shirts, says his strength is personal advocacy. ``I'm in the courtroom a lot,'' he said. ``That's why there is an edge in my voice. I'm a type-A personality.''

Vickers, a mother of six, commands the other end of the scale in personality and issues. She says her four years' experience as a county commissioner in Highlands County in the northwest edge of the district has shown her which programs work and which don't. The best health care, she said, is from the clinics that offer free preventive care, which reduces the higher costs of emergency room treatment. Vickers says she has contacts in many parts of the district because of her career as a newspaper reporter and magazine editor. She's known to voters in Highlands County, but that county makes up only 9 percent of the district's population. On the issue of what

Congress should do with Haiti, Vickers says she's against an armed invasion to restore democracy and thinks the embargo should be tightened. She says she doesn't believe the suffering caused by the embargo is as bad as many people believe.

FOLEY'S ADVANTAGE UNFAIR?
She says Foley has an unfair advantage in the primary, given his campaign contributions. Foley has raised more than $250,000, more than the other five candidates combined. ``I thought we would all be starting out on a level playing field,'' Vickers said. Foley dominates the field. He represented portions of the district during the past four years in the Legislature and enjoys strong support from the region's agricultural and business groups. Foley's campaign literature lists more than 200 associations, political committees and businesses that are supporting his campaign, including the largest corporate employers in the district. Among them are Florida Power & Light Co. and Pratt & Whitney. Foley has won the endorsement of a number of elected officials, including Lewis. When Foley was endorsed last month by the Palm Beach County Republican Party, Vickers called the scene an ``out-of-control bandwagon.''

Last week in Port St. Lucie, **Anastasio's** hometown, Foley drew about 30 people to a luncheon put together by his supporters. The organizer, Cody Bailey, said **Anastasio** has no political record, and his views are not well known. ``All I care about is my county getting good representation,'' Bailey said. ``Tom Lewis was not from here, but he did a good job.'' At the luncheon, Foley presented himself as the advocate for agriculture in a county that relies on citrus and farming as a major income producer. ``People are ragging on agriculture as a destroyer of the environment, but we have to put it into perspective,'' Foley said. ``What we need are people who are willing to stand up for the industry.'' Foley addressed government misspending, illegal immigration, welfare fraud, rising crime and tolerant policies toward juvenile delinquency. He said President Clinton's protest of the caning of an American teenager in Singapore sent a message that America tolerates vandalism. He said he supports bringing back paddling in public schools. While he supports stronger controls on immigration, he admits he hasn't thought out how the United States should resolve the turmoil in Haiti. He says he probably would oppose an invasion and support a relaxation of the trade embargo because ``we are starving people over there, and it's not working.''

CONTRIBUTIONS DEFENDED
Foley defends his acceptance of money from business interests and political action committees, saying it shows his aggressiveness and does not compromise his positions. ``The PACs want good government,'' he said, adding the committees give contributions in order to have access to elected officials. ``They want their phone calls returned.'' Among the Democrats, Jim Stuber has raised the most contributions but says he doesn't accept money from PACs. ``It does no good to limit spending and not change the source of the funds,'' Stuber said. ``Congress would remain for sale to the special interests, just for a lower price.'' Stuber takes a conservative view toward the federal budget, saying he supports a law requiring a balanced budget, a line-item veto power by the president and a review of entitlement programs, including Social Security. Congress should consider Social Security reforms, including raising the eligibility age and reviewing cost-of-

living adjustments and Medicare benefits to the wealthy. ``All of that needs to be on the table," Stuber said. ``We are shifting a lot of the costs to the younger generation."

CRIME CALLED TOP ISSUE
Comerford - who challenged Lewis in 1992, saying the Republican was out of touch with the district - says the major issue this year is controlling crime. He says he favors capital punishment for offenders convicted three times for trafficking. ``At that point they are killing thousands of people," Comerford said. Comerford opposes an invasion of Haiti, saying it would require several years of U.S. military occupation. He supports universal health-insurance coverage and putting Social Security on a balanced budget. ``Social Security should be actuarially sound," he said. ``It should stand on its own two feet." Comerford also supports diplomatic relations with Cuba, even with Fidel Castro in power. ``We need more behind-the-scenes diplomacy to prepare for the day that Fidel won't be there," he said. The third Democrat in the race is Ron Howard, who has run for local and state offices as a Republican. He says the Republicans have become more dogmatic since he last ran for office, as a candidate for state agriculture commissioner in 1990. Democrats are more open in philosophy, he says. Howard talks of ``reprioritizing" federal spending and would support a budget deficit if necessary to keep the economy strong. He also supports universal health care, including a requirement that employers help pay for insurance premiums. He opposes an invasion of Haiti to restore democracy and says the embargo should accomplish the same goal. ``It's painful, but in the end it will be successful," Howard said.

Fort Pierce Tribune (FL)
March 18, 1994

Attorney's Practice Helps Students
Author: Jeff Ostrowski

Antoinette Lee is interrogating a witness in the mock trial of a police officer who shot an alleged gang member. The high school student says ``Thank you" after one question, a beginner's slip that sets off her coach. ``Never say `OK,' never say `Thank you,' never say `All right,' " says **John Anastasio**, a high-strung Port St. Lucie trial attorney and Republican candidate for Congress. **Anastasio** is coaching Port St. Lucie High law students for a statewide mock trial competition next month in Tallahassee. His high-energy approach sometimes leaves students exasperated. ``You keep busting on me," Lee says. ``I hate when he busts on my questions." But, Lee says later, she's grateful for the help. ``He's a really excellent attorney," says Lee, a junior who hopes to become a lawyer. ``I look at him as a mentor. He respects us and we respect him."

Anastasio spends several hours a week with students in John Leonard's law class. Eight students are scheduled to make the trip to Tallahassee, where they will compete against other high schoolers from around the state. Their case pits the word of a cop against that of the high school student he shot in the knee after a prep football game. During Thursday afternoon's session, **Anastasio** tells kids to make their questions more pointed, and he interrupts them constantly. When Lee asks him to be more polite, **Anastasio** tells her she needs to be able to deal with rudeness. ``I want you used to being interrupted constantly," **Anastasio** says. Senior Patrick Collins says **Anastasio's** coaching has helped to refine his team. ``This guy's pretty smooth," Collins says. ``He's into the dramatics and stuff."

In addition to their preparations for the April contest, students also are trying to raise funds. The team still needs about $1,400 for the trip. Leonard and a few students attended Monday's Port St. Lucie City Council meeting to solicit donations. That trip yielded $200 from Councilman Ray Ankrom and donations from the Police Athletic League, the Fraternal Order of Police and Planning Director Patricia Tobin. The group is still seeking money. To donate, contact Leonard at 340-4777, extension 136.

Fort Pierce Tribune (FL)
January 29, 1994

Lawyer First entrant in Congressional Race

Attorney **John Anastasio** recently became the first formal candidate for the Treasure Coast's congressional seat. **Anastasio**, 38, has opened a campaign account and declared his candidacy to the Florida Secretary of State's Division of Elections. He lost the 1992 Republican primary to incumbent Rep. Tom Lewis, R-North Palm Beach. Lewis recently announced his plans to retire, and **Anastasio** announced his candidacy for the September primary. **Anastasio** said his campaign will focus on crime. He calls for converting closed military bases into prisons, where inmates would work in a factory and attend classes. He also supports treating drug smuggling as ``a national security issue'' and implementing congressional term limits. State Rep. Ken Pruitt, R-Port St. Lucie, and state Sen. Mark Foley, R-West Palm Beach, also have expressed an interest in the seat.

Fort Pierce Tribune (FL)
August 13, 1993

Utility Chief Says He Hasn't Quit
Author: Duane Marsteller

The county's top utility official on Thursday denied published reports that he had resigned and accused his boss of lying to the media. But County Administrator Tom Kindred disputed Utility Services Administrator Richard Howell's charge, saying he never told reporters that Howell had agreed to quit from his $54,600-a-year post as head of St. Lucie County Utilities. In a statement released Thursday, Howell said Kindred lied last week when he told reporters from /The Palm Beach Post/ and /The Stuart//Port St. Lucie News/ that Howell had resigned. ``At the present time I can only say that the county administrator is apparently confused," Howell said in his statement. ``Although I would hope that someone in his position would not intentionally lie about such a serious matter, the fact is that I have not tendered my resignation."

Howell, who returned from vacation Thursday, said he would not comment beyond his statement. Kindred, who returned Thursday from an out-of-town conference, would not directly respond to Howell's letter. But he said the newspaper articles, which were published Saturday, were inaccurate. ``I did not say I had his resignation," he said. ``I did say that I had asked for his resignation." In his statement, Howell said he only requested a meeting on his employment status with Kindred through Port St. Lucie attorney **John Anastasio**. The meeting has not been set, but Kindred said he intends to do that today. **Anastasio** could not be reached for comment Thursday. He also represents a former county official who is suing the county for severance pay. Cliff Crawford, who was forced to resign as Leisure Services administrator in February, contends in his lawsuit he is entitled to severance pay under an agreement he had with former County Administrator James Chisholm.

Crawford filed the lawsuit, which seeks more than $15,000 in severance pay and damages, after commissioners denied his severance request in March. Howell also had a similar agreement with Chisholm, who hired him in May 1990 at a starting salary of $50,000. Howell has been on the firing line since May 1992, when the utility, which serves 16,800 residences and businesses in and around Port St. Lucie, cut off water to 5,000 customers. Utility officials later blamed three opened fire hydrants and hot, dry weather for the shutdown. Several county commissioners and Port St. Lucie Council members called then for Howell to be disciplined or fired because they contend he did not act quickly enough, but he was not. Instead, Chisholm was forced to resign. Howell's working relationship with Kindred has been strained, observers said. According to Howell's personnel file, Kindred reprimanded him in April for his handling of an employee's promotion. County officials later discovered that the employee, Charles Brigham, did not graduate from college as he indicated on his application form, so they blocked the promotion. Brigham, now 55, since has filed an age discrimination complaint against the county. Port St. Lucie officials also have publicly criticized Howell for what they said is the slow pace of utility expansion. They also questioned his leadership abilities and the utility's ability to provide enough water for future expansion.

Fort Pierce Tribune (FL)
April 3, 1993

Men Want Judge Removed from Case, John Anastasio

Four St. Lucie County men sued a county judge Friday to have him removed from their cases, claiming he is biased against their attorney. David Adolfson, David Poling, Russell Williams and Michael Polito – all represented by **John Anastasio** -- filed the suit against County Judge Tom Walsh. The four men, who have pending misdemeanor cases, filed motions last month asking Walsh to disqualify himself because of the alleged conflict with **Anastasio**. Although Walsh disqualified himself on at least five other cases handled by **Anastasio**, the suit indicated, he refused for these cases. Walsh said Friday he could not comment on the suit.

The Palm Beach Post (FL)
November 6, 1992

Reinstated Officer, City Clash on Job Assignment
Author: Sarah K. Duran

City police officer Rod Dobler, who was fired and then reinstated after a 21/2-year legal battle, has now clashed with city officials over his latest assignment: guarding the city's annex building that was temporarily closed due to odors. On Thursday, Dobler's attorney, **John Anastasio**, called a press conference to point out that Dobler was assigned to sit in front of the building. Workers moved out Monday after complaining of unpleasant odors caused by the hair salon next door and sewer lines under the air conditioning system. **Anastasio** said Dobler's assignment is retaliation for the lawsuits he has filed. Dobler was fired in 1990. He fought it, and in March, the appeals court ruled that the city was bound to an April 1991 settlement that it had reached with Dobler but tried to back out of. Dobler returned to work June 8. Since then Dobler has filed two civil suits charging that the city has violated the terms of the agreement.

"They're using a $30,000-a-year police officer to sit in this building while it's being ventilated," **Anastasio** said. But city officials said someone had to be there to watch the equipment and files inside the building while it was being ventilated. "Mr. Dobler doesn't like a one-day assignment so he notifies his attorney and his attorney calls a press conference," said Personnel Director Victor Granello. The two sides differ on how long Dobler has this assignment-- Dobler said a couple days; the city said one day. They also conflict on whether he was told to sit inside or outside. The assignment ended Thursday because the building will re-open this morning. Air tests showed that there were no toxins or noxious gases in the building although the building was fixed to prevent the odor problems.

The Palm Beach Post (FL)
October 21, 1992

Judge Won't Remove Election-Delay Issue from Ballot
Author: Pat Moore

A judge rejected a Martin County voter's request Tuesday to remove a proposed amendment from the Nov. 3 ballot that would allow Florida's governor to suspend or delay general elections in an emergency. Once Circuit Judge Robert Makemson refused to remove the proposed amendment from the ballot, Stuart resident Robert Yamin and his attorney, **John Anastasio**, asked the 4th District Court of Appeal to forward the issue to the Florida Supreme Court. **Anastasio** hopes to argue the case before the Supreme Court next week. The appeals court is expected to rule quickly on their request. "It is a frightful power that is being delegated to the government by the people, if this passes, and it's not being explained," **Anastasio** told the judge. Makemson ruled Amendment One is clear enough for people to understand. **Anastasio** and Assistant Attorney General George Waas, who wants the case settled, said they will jointly ask the Supreme Court to hear the question before the election. "I will do everything I can to get this before the Florida Supreme Court quickly," Waas said. "Election cases are among the fastest moving cases to get through the system, especially when the election is just around the corner." Yamin, who also served as the Martin County coordinator for the statewide "Eight is Enough" term limitation amendment, is the only one in Florida to challenge the proposal to delay or suspend elections in an emergency, Waas said.

The Florida House voted 113-1 and the Senate voted 38-0 to put the proposed amendment on the ballot. **Anastasio**, who was unsuccessful in his bid to defeat U.S. Congressman Tom Lewis in the Sept. 1 Republican primary, argued the proposed amendment is ambiguous and the average voter won't understand the power they would be delegating to the governor. The proposed amendment would allow the Legislature, or anyone it delegates, to define the type of emergency that could require suspending or delaying elections, he said. "Without sounding paranoid, but to take it to its logical conclusion, if one party controlled both houses and the governor's office and decided the emergency was that their party was losing in the polls, they could define that as an emergency," he said. Assistant Attorney General Saralyn Nemser argued the proposal was not misleading. But Yamin isn't so sure. "Everyone assumes it's going to take care of hurricanes and that isn't the issue at all," Yamin said after court. "The danger here is very real," he said. "If you're a student of history, you'll know that in any country around the world if one man gets the power to suspend elections, he controls."

The Tampa Tribune (FL)
August 28, 1992

GOP Challenger for Lewis' Seat Relies on Anti-Incumbent Fervor
Author: Kevin Bouffard

Five-term incumbent U.S. Rep. Tom Lewis is facing a bruising primary challenge from Fort Pierce lawyer and political novice **John Anastasio**. Both men are vying for the Republican nomination for the 16th Congressional District, which covers most of Highlands County and runs across Okeechobee, Hendry, Glades, Palm Beach, St. Lucie and Martin counties. The primary election is Tuesday. **Anastasio**, 37, making his first run at national political office, is hoping to capitalize on the state and national anti-incumbent backlash to carry him over the popular incumbent. His campaign strategy is to link Lewis, 67, to the popular frustrations about current elected officials, namely that they are ineffective in solving problems and out of touch with voters. ""That man is so far out of touch," **Anastasio** said. ""The man is a ghost. He doesn't stand up for anything. He doesn't fight. I'm a fighter." **Anastasio** said Lewis is rarely seen in the sprawling District 16 because he spends his time in Washington and on ""junkets" to foreign countries.

The challenger pledged to hold at least 26 town meetings in all parts of the district to solicit voters' opinions and educate them about Washington dealings. ""I return to the district almost every weekend," countered Lewis. ""I'm in Washington about five weekends a year." Lewis sent The Tampa Tribune a copy of his office expense account to support his contention. The account shows Lewis has made 31 round-trip flights between Washington and his West Palm Beach home during the past year. Lewis holds regular office hours at his two district offices in West Palm Beach and Port St. Lucie so voters can talk to him directly, he said, and an aide regularly visits other parts of the district, including Highlands, to keep in touch with those voters. **Anastasio** said he supports the proposed eight-year limit on the time a person may serve in Congress. Lewis opposes any limits.

On other issues, **Anastasio** said the federal budget deficit is the nation's top problem and eliminating it would be his first priority. To tame the deficit, **Anastasio** proposed a 15 percent cut in every federal department. He also wants to eliminate several federal departments. **Anastasio** also proposed defense cuts that President George Bush has opposed, including elimination of the Strategic Defense Initiative. The Republican challenger has also promised to eliminate any ""pork barrel," or federal projects designed to help one or a handful of congressional districts. That includes Florida's District 16, he added. As the budget deficit goes, Lewis said, he has been part of the solution, not the problem.

He supported the recent attempt to pass a balanced-budget amendment to the U.S. Constitution, the incumbent said. Lewis added he supports an across-the-board freeze in federal spending - both in defense and ""entitlement" programs such as Social Security and Medicaid - until the budget is balanced. The incumbent dismissed **Anastasio's** proposals as unworkable because he could not get them passed in Congress. ""We [Republican congressman] can't get a 2 percent

across-the-board cut," Lewis said. ""I don't know how he can get 15 percent. All his proposals are worthy, but when you get here, you find these things are very difficult to do." Lewis was first elected to Congress in 1982 and has faced no serious challenge since then. **Anastasio's** only other attempt at elective office came at age 18, when he lost a race for a New Jersey township commission seat. He is a native of New Jersey who moved to Florida in 1989 to establish his own law practice. The Republican nominee in congressional District 16 will face Democratic challenger John Comerford, who is unopposed for his party's nomination.

The Palm Beach Post (FL)
August 15, 1992

U.S. House Candidate Says Firm is Strong-Arming Him
Author: Teresa Lane

A lawyer seeking to oust U.S. Rep. Tom Lewis in the Sept. 1 Republican primary complained to sheriff's authorities Thursday that a computer salesman threatened to sink his campaign if he didn't pay for a $2,500 computer program. **John Anastasio** of Port St. Lucie said he bought the software several months ago from a Colorado firm called Ace Computer Solutions and tried to return it after learning it wouldn't work on his computer. The salesman refused to accept the program and demanded that he pay the $2,000 balance, **Anastasio** said. The salesman called Thursday and threatened to "disgrace" **Anastasio** if he did not pay the balance by 5 p.m. Friday. St. Lucie County Sheriff's deputy Tom Puglis, who listened to a phone conversation between **Anastasio** and the store owner on a speaker phone Thursday, wrote in his report that when **Anastasio** asked what would be said to the news media, the man replied, "Use your imagination." **Anastasio**, who declined to discuss the complaint because it is under investigation by sheriff's officials, said the software would have enabled him to print out schedules for the Federal Elections Commission and keep track of campaign contributions.

The Palm Beach Post (FL)
August 9, 1992

'Lightning-Strike' Foe Seeks to Beat Lewis
Author: Brian E. Crowley

Feisty political newcomer **John Anastasio** keeps bugging U.S. Rep. Tom Lewis, but Lewis, who hasn't lost a race in nearly three decades, confidently treats his opponent like little more than an annoying gnat. While **Anastasio** believes Lewis is in for the surprise of his political life, there is little indication that voters in this South Florida district are ready to abandon the five-term congressman. Lewis' Republican primary challenger promises an intense campaign that will feature "attack pieces" sharply criticizing Lewis, who **Anastasio** says "lacks vision and direction." Lewis' campaign tactic is a simple one-- ignore the opponent. It worked well in 1990 when he was challenged in the Republican primary by lawyer Kevan Boyles. Lewis refused to debate Boyles, avoided joint appearances-- and won 75 percent of the vote.

Lewis had no Democratic opponent that year. This year, the Republican primary winner will face Democrat John Comerford of Palm Beach, who has no primary opposition in the District 16 race. Lewis is 67; **Anastasio** is 36. Lewis has lived in Palm Beach County for 35 years. **Anastasio** moved to the Treasure Coast from New Jersey in 1989. Where **Anastasio** is a bundle of nervous energy, Lewis is quieter and statesmanlike. **Anastasio** is among this year's "lightning-strike" candidates-- sincere, well-meaning candidates who take on tough races in the belief that a storm of angry voters will strike down incumbents. "When I'm out meeting people, they come up to me and ask if I'm an incumbent," **Anastasio** said. "When I tell them no, they say, `In that case I'll vote for you.' It's really been amazing." Lewis admits many voters are unhappy with incumbents. "This has been the most traumatic political year in recent memory. But I believe Congress can work, and I want to help make it work."

A former aircraft testing specialist at Pratt & Whitney, Lewis has been in the forefront of passing legislation to improve aircraft safety. He also is a strong advocate of the space plane and agricultural interests. **Anastasio** is running hard on the notion that Congress is a mess and that Lewis is part of that mess. **Anastasio** said he would end congressional pay raises, get rid of congressional perks and cut committee staffs in half. He zeros in on the check-writing scandal, accusing Lewis of bouncing checks. That's not entirely accurate. It was found that Lewis' salary deposits were not properly recorded by the now-closed House bank, resulting in problems with eight checks worth a total of $3,684. The most notable issue that separates the two men is abortion. **Anastasio** supports abortion rights. Lewis does not. Beyond that, **Anastasio** said, "I don't have a great disagreement with his voting record, but I have a problem with the fact that he doesn't fight."

Anastasio would like to make that case in a series of debates with Lewis. Lewis refuses. "As I have stated on many past occasions," Lewis said in a letter to **Anastasio**, "my first priority is to serve the constituents of my district -- campaigning is secondary. Given my pending congressional responsibilities and the current legislative agenda in Washington, I am unable to

commit to a debate." That is the standard reply of incumbents. **Anastasio** has read the challengers handbook, which calls for hammering an incumbent who refuses to debate. "Lewis has avoided debate in the past, and it appears he will continue to do so," **Anastasio** said. "His lack of a record and lies about his check bouncing leave him no choice." In a year when voters seem determined to change the system by replacing many incumbents, the question in District 16 is whether voters believe Lewis is one of those who must go.

HOUSE DISTRICT 16
JOHN ANASTASIO
* PARTY: Republican
* AGE: 36
* HOMETOWN: Port St. Lucie
* OCCUPATION: lawyer
* EDUCATION: B.A., J.D. Seton Hall University
* POLITICAL EXPERIENCE: None
* QUOTE: `My first priority is to stop spending more than we take in.'

TOM LEWIS
* PARTY: Republican
* AGE: 67
* HOMETOWN: North Palm Beach
* OCCUPATION: real estate broker, aircraft testing specialist.
* EDUCATION: attended Palm Beach Junior College and University of Florida
* POLITICAL EXPERIENCE: North Palm Beach Village Council/mayor, 1964-71, state House, 1972-80, state Senate, 1980-1982, U.S. House, 1982-present
* QUOTE: `I consider myself part of the solution, not part of the problem.'

The Tampa Tribune (FL)
July 11, 1992

House Challengers Say Incumbent Out of Touch
Author: Kevin Bouffard

Both the Republican and Democratic challengers to U.S. Rep. Tom Lewis, R-North Palm Beach, charged on Friday the five-term incumbent is out of touch with the voters at home. ""Mr. Lewis has been asleep at the switch for the last decade," said Port St. Lucie attorney **John Anastasio**, 37, who is challenging for the nomination in the Sept. 1 Republican primary. The Republican winner will face John P. Comerford, 43, of Palm Beach, an investment manager. Comerford was equally critical of Lewis' access to voters. ""He's just been there - he's been a slug," Comerford said. ""He's pretty much voted the Reagan/Bush line. He has no creative programs." Lewis was unavailable for comment, but his press secretary, Karen Hogan, said Lewis returns to Florida almost every weekend, even when Congress is in session. ""Obviously **Mr. Anastasio** ought to check with the people," Hogan said. ""He just doesn't have his facts straight." All three men are seeking the seat in Florida's Congressional District 16, which covers Highlands, Okeechobee, Glades, Hendry, St. Lucie, Palm Beach and Martin counties. **Anastasio** said he'll run on a campaign that stresses cutting federal government spending to balance the national budget. That means cutting back on wasteful ""pork barrel" spending that incumbent congressmen use as a means for holding onto their seats. There will be no pork barrel for District 16 if he is elected, even if that hurts him politically, **Anastasio** said. In the long run, a balanced federal budget will stimulate economic growth and help his district more than pork barrel projects, he added. ""If the voters are looking for somebody to get big money for the district, don't vote for me," **Anastasio** said.

Comerford said he will campaign on a platform of tax reform and universal health coverage. The reform would concentrate on eliminating special interest tax breaks and would not affect middle-class families, he added. ""I believe firmly we can squeeze $50 billion to $100 billion [in additional tax revenue] out of special interests," Comerford said. Comerford said he would look particularly closely at reforming tax preferences for charitable trusts and contributions. He also proposed a universal health care system that would have private insurance companies providing basic coverage for all Americans with the federal government picking up the tab for catastrophic care. A native of New Jersey, **Anastasio** moved to Florida in 1989 to start his law practice. He and his family had come to the state regularly for 20 years beforehand, **Anastasio** said. He received a bachelor's degree in government and his law degree from Seton Hall University in New Jersey. This is **Anastasio's** first try at political office.

Comerford is a native of Boston who moved to Florida in 1984. He and his family also visited the state frequently since the 1960s, Comerford said. He holds a bachelor's degree in political science from the University of Massachusetts and a master's degree in international relations from Harvard University. Comerford served in four banking and financial positions in the Carter administration and was town commissioner in South Palm Beach for a two-year term ending in 1991. Friday was the last day to file a petition for congressional seats.

The Palm Beach Post (FL)
March 20, 1992

Port St. Lucie Man Challenges GOP Rep. Lewis

Chastising Rep. Tom Lewis for falling "asleep at the switch," lawyer **John Anastasio** announced his congressional campaign Thursday, a day after Lewis admitted bouncing checks drawn on the House bank. **Anastasio**, 36, said the check-bouncing incident is only a symptom of Congress' woes. Career politicians are relying too heavily on perks and privileges, he said. Voters should limit terms to eight years, **Anastasio** said. Lewis is one of several politicians to come forward in the past week and admit bouncing checks on the House checking account. He bounced eight checks in 1988 and 1989 for $3,684. **Anastasio**, who has lived in Port St. Lucie for three years after moving from New Jersey, has never held public office. He will face Lewis in the Republican primary in the fall. **Anastasio**, who filed his campaign papers in January, had been delaying his formal announcement because the Legislature is still drawing up new districts. Though there is a chance that the new political map might place **Anastasio** outside of Lewis' district, **Anastasio** said he will run anyway.

Research Compiled by: Amanda Beyer
Colin Baenziger & Associates

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Lysia H. Bowling

Attachments

Bowling

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:10 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 3

Lysia H. Bowling

Fort Pierce City Attorney Candidate Report

Section 3

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Cover Letter and Resume

LYSIA HUNTINGTON BOWLING, ESQ.

P.O. Box 13262, Pensacola, FL 32591 – (325) 262-5608 – lysia.bowling411@gmail.com

October 15, 2018

Re: City Attorney of Fort Pierce, Florida - Lysia H. Bowling, Esq.

Dear Mr. Baenziger:

In 2015, I was fortunate to be recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida where I currently serve. Now, as the change in executive leadership nears, it is an ideal time to for me to pursue this job opportunity as City Attorney of Ft. Pierce, Florida.

As a career public servant, I have a reputation for excellent client relationships, professional responsibility and leadership, bringing to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through governmental work in diverse communities with different public service priorities within Texas and Florida. I am bi-lingual in Spanish and fluent in Portuguese.

I previously served as the City Attorney for the City of San Angelo, Texas, and the City Attorney for the City of Harlingen, Texas, Police Legal Advisor and City Prosecutor for the City of Temple, Texas and the Chief Prosecutor for the Municipal Court of the City of Austin, Texas. I have also served as an Assistant Attorney General with the Office of the Texas Attorney General, and served with the Texas Department of Insurance, the Texas General Land Office and the Texas Comptroller of Public Accounts. I was recruited to serve as an Assistant State Attorney for the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit. I later served as Assistant City Attorney and Miami Police Department Legal Advisor for the City of Miami, Florida.

I have benefited from exposure to diverse public service organizational structures with different philosophies and styles of management, leadership and culture of governance. As an experienced advocate, counselor and advisor, I have had the privilege of being on the front lines successfully collaborating with a broad range of public servants with diverse functions within these organizations to target appropriate and legally sound resolutions. As a chief legal advisor for the cities I have served, the core aspect of my position has been to render clear and concise legal advice and opinions construed to be the official legal position of the city to enable the governing body, elected officials, appointed boards and the municipal administration to discharge their responsibilities confidently and expeditiously.

I have highly developed competence in all general areas of municipal law and effectively manage outsourcing of attorneys when specialized legal expertise may be required and not available in-house. As reflected in my resume, I have rendered a full range of legal services and representation to the City, including drafting ordinances, negotiating and drafting inter-local agreements, professional services

agreements, construction contracts and a wide range of transactional documents, charter interpretation, court appearances, training for City officials and Board members, attending all City Council meetings and rendering numerous opinions to the Mayor and the City Council on a wide variety of subjects. I interact with the City Department heads and staff on a daily basis and have consistently served as a member the City's management team. I manage, prepare and present the City Attorney's budget for review with the Finance Director and approval by City Council each fiscal year. I have direct and solid legal experience in a range of specific areas of law relevant to Florida municipalities, including for example, land use, planning and zoning, real estate, open government, ethics, utilities, economic development and public-private partnerships, contract and procurement, public safety, labor and employment, contract and procurement, bid protests.

City Attorney Practice

- I have been licensed in good standing to practice law in Florida for over 14 years and in Texas for over 30 years

- I have a total of 24 years of practice as a full-time in-house City Attorney and Assistant City Attorney in supervisory and leadership roles, serving as:

    - A full-time in-house City Attorney in Texas municipalities for 8 years

    - An Assistant City Attorney in leadership and supervisory roles Texas municipalities for 11 years

    - An Assistant City Attorney in a leadership and supervisory role for the City of Miami, Florida for 2 years

    - A full-time in-house City Attorney for the City of Pensacola, Florida for the past 3 years

Legal Management Experience

As lead supervising attorney over a staff of attorneys, paralegals and support staff, I have worked to ensure that the work product of the office was rendered in a timely, clear and concise manner and that the personnel under my supervision received ample training, cross-training, and had available all of the tools that they needed to discharge their professional responsibilities.

Effective In-House Management

As a City Attorney in several diverse municipalities, I have placed primary emphasis on maintaining an "open door policy" of availability and accessibility to all city officials, management personnel and other city staff. In addition to rendering formal opinions, I often convey legal advice in less formal ways, including through consultation and email, recognizing that legal issues of high priority or time sensitivity may require immediate resolution and handling in a manner without submission of a formal request for a written legal opinion. In order to provide the municipal client with an organized method of receiving my legal input, I have found that the most productive approach is to implement a legal services request procedure (LSR), through which department directors are requested to identify the legal issue involved and to provide the necessary factual background in order for me or another attorney to respond in a focused and efficient manner. The LSR provides,

as well, an effective method to track work flow, measure work product and matters handled, and maintain closed files. I have also implemented up to date technology for document filing and retention, case management, and subject matter communications. I would expect to do the same in Fort Pierce if such as system is not already in place.

As a City Attorney, I have also found it to be quite helpful to develop and distribute appropriate contract templates for the procurement of a wide range of good and services, including the acquisition of professional services, architectural and engineering services, construction contracts, competitive procurement procedures, economic development incentive agreements, tax abatement agreements, development agreements and real property transactions. The contract templates and the process I devised and implemented remain in place. Serving as the public records officer for the City of Pensacola and for other agencies previously, I have secured and managed computer open records systems and developed templates to streamline agency responsiveness in accordance with law.

Effective Management of Outsourcing of Legal Services

For those areas of highly specialized legal practice requiring the engagement of outside counsel, I have implemented procedures for the standardization of engagement letters, identification of scope of services, rates and expenses, and I have established a routine monitoring procedure to ensure that the highest quality of services are being provided, efficiently and at the lowest reasonable cost. These procedures are shared with City management and chief financial officers in order to provide complete and transparent management of this process. This includes constant communication and supervision of the work of outside counsel.

Communications and Presentation Abilities

I have been an accomplished public speaker for the thirty years of my professional legal career. I believe that my communication skills have been highly regarded by my clients, as providing clear and useful information and advice that assists them in making the judgments and decisions that are required of them.

The ease which I have interacting with the public in any sector of any community is one of my profound abilities. I am an effective public speaker and have the ability to relate to diverse audiences. Throughout my career in public service, I have been passionately committed to civic and community service. I have taken my effective presentation skills from the courtroom to city hall to the classroom, delivering key note speeches with large audiences and motivational speeches to audiences in venues large and small. I have been a presenter at state and national bar association conferences as well as statewide prosecutor and law enforcement associations.

I have conducted professional training in Spanish as well as made presentations to Spanish and Portuguese speaking members of the public, in connection with my municipal prosecutorial program delivery and for international sister city meetings and other international visits to city hall.

Professional Networking

I have actively networked for the thirty years of my professional career with public service and legal professionals in state and local government arenas across the country, as well as internationally. Each year that I am in public service, I engage in continuous networking to share strategies and problem solving relating to current municipal governance legal issues.

I am enclosing my resume, a summary of my analysis of key professional achievements and critical municipal practice issues for your consideration. I look forward to hearing from you about the position. Please kindly advise me should you require further information about my background and qualification and I will be most pleased to provide it.

I am excited about the possibility of relocating to Fort Pierce, Florida. I have family in the area.

Thank you,

Lysia H. Bowling, Esq.

Attachments

RESUME

LYSIA HUNTINGTON BOWLING, ESQ.



EDUCATION

Yale University, New Haven, Connecticut
Bachelor of Arts Degree - May 1976
Double Majors Political Science and Latin American Studies

University of Virginia School of Law, Charlottesville, Virginia
Juris Doctorate – May 1979

LAW LICENSURE

State Bar of Texas
State Bar of Florida

LANGUAGES

Bi-lingual in Spanish, fluent in Portuguese

EXPERIENCE

CITY ATTORNEY March 2015 - Present
OFFICE OF THE CITY ATTORNEY
CITY OF PENSACOLA, FLORIDA

Recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida.

Leads and manages in-house legal department of the City of Pensacola, Florida with a budget of approximately $600,000 in the current fiscal year for operating and personnel expenses.

Responsible for all legal matters related to the City's municipal government and corporate affairs and municipal enterprises, including the Port of Pensacola and the Pensacola International Airport.

Hires, directs and manages work of outside counsel in specialized areas of expertise, including, for example, maritime law, opioid and first amendment litigation and the BP oil spill settlement.

Interprets the City Charter, rendering legal advice and opinions construed to be the official legal position of the City, to the City, its Mayor, City Council and City departments to facilitate ethical, efficient and transparent governance by the City.

Serves as the Public Records Official of the City and am responsible for the City's compliance with its statutory duties under the Florida Public Records and Open Meetings Acts.

Provides expertise, direction, support and training to City Council, Boards and Commissions and City departments to ensure legally compliant implementation of open meetings and public records and ethics requirements, City policies, state law and departmental goals in a manner that protects the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings of City Council and Boards and Commissions and representing the legal position of the City at all meetings of City Council and Boards and Commissions.

Acts as legal advisor for and represents the City of Pensacola Community Redevelopment Agency. Provides representation for City before administrative bodies and collective bargaining units.

Practice areas include: local government, strong mayor charter interpretation, home rule authority, telecommunications and fifth generations wireless infrastructure distribution facilities and technology regulation, airport operations, natural gas distribution, commercial port operations, housing, finance, budget, risk management, tort claims, employment and labor law, real estate property transactions and public/private development partnerships, right of way acquisition, local option gas tax, intergovernmental cooperation, extensive contract negotiation and drafting and ordinances and code amendments, lobbying law, open government and special ethical issues relating to public officials, historical district architectural review, planning, zoning and land use, annexation, economic, business and industrial development, downtown improvement, code enforcement, environmental remediation, collections, contracts, procurement and bid drafting, bid protests and public safety and law enforcement agency issues.

Provide annual ethics training for appointed and elected officials.

Instituted administrative policies and procedures and uniform contract template program and procedures for all City contracts, leases, development agreements and all other legal transactions. Defend the City in lawsuits filed in circuit court, including appeals of final decisions from City quasi-judicial proceedings and defending suits for injunctive relief.

CITY ATTORNEY November 2009 - March 2015
OFFICE OF THE CITY ATTORNEY
CITY OF SAN ANGELO, TEXAS

As in-house City Attorney, lead and managed the in-house legal department of the City of San Angelo with an annual budget of over $600,000 for operating and personnel expenses and staff including two attorneys and three paralegals. Instituted and supervised a revenue generating function within the legal department which manages all city real estate holdings producing revenues of over $100,000 per fiscal year.

Responsible for all legal matters related to the City's municipal government and corporate affairs, rendered legal advice and opinions to City Council and departments to facilitate ethical, efficient and transparent governance by the City.

Provided expertise, direction, support and training to City Council, Boards and Commissions and departments, including City Clerk, to ensure legally compliant implementation of City Council policies and department goals in a manner that protected the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings held by City Council and Boards and Commissions, including the City of San Angelo Economic Development Corporation, the Planning Commission and the Zoning Board.

Represented and advised Police Chief on all legal issues in day to day operations, internal affairs and discipline, and meet and confer negotiations.

Served as open records officer and handled all public records requests for the City and acted as public relations advisor for the City.

Provided legal advice to municipal court and municipal court judge, and supervised municipal court prosecution and programs.

Practice areas included civil service discipline, local government, community and economic development, finance, budget, hotel motel tax collection, risk management, tort claims, governmental immunity, insurance, personnel, employment and labor, real estate, right of way acquisition, condemnation, intergovernmental cooperation, election law, ordinance drafting, charter interpretation, open government and ethics, planning, zoning and land use, annexation, economic, business and industrial development, job incentive agreements, economic development program agreements, redevelopment and tax abatement agreements and policy, code enforcement, environmental, and water law and conservation, long term solid waste collection and disposal and recycling services, nuisance and asbestos abatement, contracts and procurement, all civil service, public safety and criminal prosecution matters in Municipal Court.

Instituted templates for uniformity for all City contracts, professional services agreements, construction documents, leases, interlocal agreements, development agreements, and for civil service disciplinary suspensions and fitness for duty procedures. Instituted City Council agenda and contract approval procedures.

Defended the City in lawsuits filed in district court, including appeals of final decisions from City quasi-judicial proceedings, defended suits for injunctive relief, police and fire civil service appeals, and arbitration matters.

Engaged in affirmative litigation for contract breach, damages to City property, hotel motel tax collection, and financial obligations owed to the City, eminent domain, and quiet title litigation, injunctive and declaratory relief. Hired, directed and managed work of outside counsel in specialized areas of litigation, including for example, wrongful death and civil rights, employment discrimination litigation.

Supervised all services provided by outside retained counsel.

OFFICE OF THE MIAMI CITY ATTORNEY 2007– 2009
CITY OF MIAMI POLICE DEPARTMENT
POLICE LEGAL ADVISOR/ ASSISTANT CITY ATTORNEY
MIAMI, FLORIDA

Legal Advisor to City of Miami Police Chief John F. Timoney. Advised City of Miami Police Department in City of population size of over 2 million, on legal issues in the area of civil rights, international drug task force programs, criminal laws and procedures, labor and employment, public information compliance, contracts and law enforcement education, program development and training.

Prosecuted narcotics trafficking contraband forfeiture cases in circuit court, prosecuted narcotics nuisance abatement cases, negotiated and drafted contracts, interlocal agreements and legislation, reviewed public information requests, advised department on policy and procedures, represented department in collective bargaining grievance hearings and before Public Employees Relations Commission.

As training advisor for Miami Police Academy, developed international task force and local training programs and curriculum and delivered in-service and recruit training, including police civil liability training.

Served on Florida Department of Law Enforcement Statewide Committee for Advanced Law Enforcement Training and Miami-Dade State Attorney Prosecutor – Police Coordinating Committee.

Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as Voice Stress Truth/Deception Analysis Examiner.

OFFICE OF THE MIAMI-DADE STATE ATTORNEY 2005 - 2007
11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY
ASSISTANT STATE ATTORNEY, FELONY PROSECUTOR
MIAMI, FLORIDA

Filed felony indictments and prosecuted before the Miami-Dade County jury a wide range of felony prosecutions, serving 35 law enforcement agencies in Miami-Dade County, including Violent Career Criminals (VCC), Habitual Felony Offenders (HO), Habitual Violent Felony Offenders (HVO), Prison Releasee Reoffenders (PPRP), Sexual Predators and other violent career criminal offenders involving crimes against persons and children, including gang related offenses, sexual offenses, drug and human trafficking, property and economic crime cases, insurance fraud, contractor fraud, organized theft, embezzlement, employee theft, credit card fraud.

SCHOOL OF JUSTICE 2002 - 2005
LAW ENFORCEMENT TRAINING CENTER
LAW ENFORCEMENT AGENCY ACCREDITATION MANAGER, ADJUNCT PROFESSOR, FULL TIME PROFESSOR AND LAW ENFORCEMENT INSTRUCTOR
MIAMI, FLORIDA

Manager of Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation Program for the School of Justice.

Coordinated agency compliance with a wide variety of complex and technical issues concerning law enforcement standards.

Taught Florida Department of Law Enforcement mandated legal objectives for basic training and developed curriculum for advanced legal update for in-service academy and taught in-service academies and academic classes.

Developed and presented college-wide and outsource training workshops on diversity, workplace violence prevention and conflict management. Adjunct professor and full time professor at all MDC campuses. Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as a Voice Stress Truth/Deception Analysis Examiner. Part-time law enforcement instructor through 2009.

POLICE LEGAL ADVISOR/CITY PROSECUTOR 1995-2002
OFFICE OF THE CITY ATTORNEY
CITY OF TEMPLE, TEXAS

Legal Advisor to Police Chief, Police Department and Temple Municipal Court.

Advised and represented City department heads in day to day legal matters, including drafted all city contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way.

Acted as Public Information Officer for the City.

Advised and represented police and fire chiefs and officials on complex disciplinary proceedings under Chapter 143 civil service and state law, and in litigation in state court.

Served as facilitator for national accreditation for the City of Temple Police Department, devised and implemented community policing initiatives, drafted and implemented police policy and procedures, drafted contracts for police department, including jail privatization, service contracts and interlocal cooperation agreements.

Represented Building and Standards and Zoning Commissions in commission proceedings and in state court.

Legal advisor for City Human Resources Department on all personnel matters including equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, discipline, overtime, promotions, wage and hour, pension and retirement plans, fitness for duty, leave and discipline matters. Developed human resources policy and procedures manuals and governmental ethical codes to comport with all constitutional and legal requirements. Prosecuted 2500 misdemeanor criminal trials on behalf of the State of Texas, handled County Court appeals cases, developed and implemented programs to improve law enforcement and victim services, including victim intake program, police trainer and legal advisor to judge and court clerk.

CITY ATTORNEY 1993-1995
CITY OF HARLINGEN
OFFICE OF THE CITY ATTORNEY
HARLINGEN, TEXAS

Represented City in civil litigation including property damage and personal injury and negligence cases, land use, real estate and contractual litigation, employment discrimination and unlawful termination, appeals from zoning commission, civil service commission appeals, and cable franchise litigation.

Advised and represented City appointed and elected officials and City department heads on all areas of municipal law and government on day to day legal matters, including annexation, election law, finance, zoning, eminent domain, land use and procurement, economic and business development, commercial, financial, budget, insurance, risk management, contracts, city charter and legislation, bidding, interlocal cooperation, civil service, employment and labor law, public official and accountability, open government.

Drafted and approved all City contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way, energy assessment, hold harmless and indemnity agreements, interlocal agreements, cost sharing agreements, procurement, licenses, professional services, purchase agreements, housing, elections, incorporations and annexations, drafted ordinances, codes, charter amendments and civil service rules.

Legal advisor for City department heads on all personnel matters including civil service and equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, pensions and retirement plans, worker's compensation, discipline, overtime, promotions, wage and hour, fitness for duty, leave, discipline matters.

Represented police and fire chiefs before civil service commission and represented commission. Represented City members and financial director of pension boards.

Supervised all services provided by outside retained counsel.

OFFICE OF THE ATTORNEY GENERAL OF TEXAS 1992-1993
ASSISTANT ATTORNEY GENERAL
CRIMINAL PROSECUTION DIVISION
AUSTIN, TEXAS

Investigated, filed and prosecuted enforcement cases before the state office of administrative hearings and in state court, legal advisor for Texas Alcoholic Beverage Commission and prosecuted discipline cases against law enforcement agents.

TEXAS DEPARTMENT OF INSURANCE 1992-1993
STAFF ATTORNEY
AUSTIN, TEXAS

Prosecuted automobile and life insurance agents for fraud, misrepresentation and other fiduciary duty violations before the state office of administrative hearings, advised field auditors and investigators on violation and investigations.

CITY ATTORNEY'S OFFICE, CITY OF AUSTIN 1988-1992
CHIEF PROSECUTOR
AUSTIN MUNICIPAL COURT
AUSTIN, TEXAS

Supervised criminal prosecutions in sixty dockets per week and managed prosecution staff of twenty, including seven (7) prosecutors, paralegals, and support staff, developed and implemented programs to improve law enforcement and streamline delivery of court and victim services and access to court.

Devised and implemented community prosecution initiatives.

Represented City in injunction proceedings. Represented City in municipal court employee discipline cases and unemployment appeals.

TEXAS GENERAL LAND OFFICE 1985-1988
STAFF ATTORNEY
AUSTIN, TEXAS

Advised agency on Oil and Gas Royalty Audits, Relinquishment Act Lease violations, State Land Lease Bidding, drafted and implemented Oil and Gas bidding procedures and publications and prosecutions for corporate veil, alter ego transactions in oil and gas revenue royalty diversion cases. Researched land and lease titles on Relinquishment Act
lands.

TEXAS STATE COMPTROLLER OF PUBLIC ACCOUNTS 1981-1985
CORPORATE TAX POLICY ANALYST
AUSTIN, TEXAS

Analyzed over 1000 corporate tax deficiency cases and represented agency before state office of administrative hearings, advised field auditors and field agents on tax seizures, freezes, state, county and federal taxation, administrative codes, bankruptcy law. Advised auditors and field agents on sales, motor fuels, occupancy and other tax violations and deficiencies.

Certifications and Licenses:

Florida Bar License, Texas Bar License, Florida Department of Law Enforcement, Commission on Criminal Justice Training and Standards, Instructor Certification, Certified as Voice Stress Truth/Deception Analysis Examiner, Florida Chapter 493, DS and RI instructor licenses for recovery agents 40 hour licensing course on secured transactions, installment contracts and loan agreements, default and remedies, replevin, fair debt collections practices act, new bankruptcy law, forfeiture statutes, property law, ethics, leases, bailments, risk of loss.

Recent Presentations:

- March 2015 -Dallas, Texas - Texas Municipal Court Education and Training Center - Prosecutor School- Presentation/Speaker- "Administrative Search Warrants"
- May 2016 - Pensacola Women's Civic Forum - Keynote Speaker - "Diversity and Public Service"
- August 2016- The Institute for Women in Politics of Northwest Florida -Welcome Address
- September 2016- Pensacola Citizen Diplomacy & the Gulf Coast Citizen Diplomacy Council - Guest Speaker "Women of Courage"
- October 2016 – Pensacola Regional Summit to Achieve Prosperity - Speaker- "Redevelopment of Distressed Communities through Work Force Development"
- 2016- 2017 International Visitor Leadership Program- U.S. Department of State Exchange Programs: Roundtable Discussion with City Attorney:
  August 2016 - Ukrainian - Open Government
  November 2016- Russia- Criminal Justice System in the United States
  April 2017- Czechoslovakia- Municipal Government
  September 2017- Angola- Welcome address (Portuguese) on Municipal Government
  November 2017- Ukrainian- Ethics in Government
- June 2017 - Pensacola Police Chief Recognition- Guest Speaker- "African Americans in Pensacola Government - Being a First"
- September 2017 - "Leadership and Public Service" -Life Long Learner Series
- April 2018- Alabama Association of Educational Opportunity Program Personnel (AAEOPP) Welcome to Pensacola - City Government
- 2007 Speaker, Miami, Florida- American Bar Association, Promoting Diversity in Public Sector Legal Profession Speaker
- 2009 Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- 2003 Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- 2003 Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute

- Adjunct Faculty, Howard College, San Angelo, Texas, Business Law
- Speaker, American Bar Association, Promoting Diversity in Public Sector Legal Profession
- Speaker, San Angelo Public Library, Youth Education Group, Constitutionality of Books Bans
- Speaker, San Angelo Public Library, Youth Education Group, Cyber-Bullying and Stalking Prevention
- NAACP – San Angelo Chapter, Keynote Speaker, Women's History Month, Women Education and Empowerment
- Concho Valley Society for Human Resource Management, Keynote Speaker, the Constitution and Workplace Privacy Issues
- Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute
- Program Participant, Youth Education, San Angelo Public Library
- Judge, Metro-Dade County, Teen Court, Miami, Florida
- Mentor, Take Stock in Children, Miami, Florida
- Selection Committee Member, Do the Right Thing, Miami, Florida

Past Publications and Presentations:

- Published and Presented: "State Cases of Interest to Local Government," Texas City Attorneys Association, Texas Municipal League
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Published and Presented: "Local Governmental Nuisance Abatement" Annual Conference, TMCTC
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Instructor: "Ethics and the Law", University of MHB, School of Business
- Presenter, Ethics and Diversity, Ethics Panel, University of MHB, School of Business
- Guest speaker, Summer Enrichment Program, DCF Foster Teens, Miami Capstone Mentor, WHT Technical HS, Miami
- TISD Education Summit
- Keynote Commencement Speaker, TISD
- TISD Desegregation Action Team, Member
- Juvenile Accountability Task Force, Member
- Presenter and instructor, Criminal Law and Procedure, THS
- Presenter, Your Child and the Law, Tough Love
- Developer and Presenter, Conflict Resolution and the Law, Citizens Police Academy
- Speaker, Scott and White Hospital, Senior Citizens Group
- Role Model Speaker, numerous Miami High and Middle schools and alternative and charter schools
- Role Model, Ebony Cultural Forum

Special Skills /Recognitions:

- Bi-Lingual in Spanish, Fluent in Portuguese
- Member Texas Police Officer Association
- Member, Florida Prosecuting Attorneys Association

- Member International Association of Chiefs of Police
- Miami Police Training Institute, Commendation for Excellence
- Metro-Dade Action Plan, Recognition for Service as Teen Court Judge
- Superlative Award, Carol City Senior Banquet
- Leadership Temple, Graduate
- Temple Sisters City Delegate
- Ebony Cultural Society, Chair
- Featured in Black Women in Criminal Justice, Jet Magazine
- Featured in Minority Women in the Law, Texas Bar Journal
- Who's Who Among African Americans
- Mayor's Recognition for Excellence Austin, Texas
- Recognitions for Outstanding Motivation, Innovation and Instruction in the Law, Miami Dade College
- Recognitions for Dedication and Diligence in Preparation and Instruction, Judges, Clerks and Prosecutor School
- President International Optimist Club
- Optimist of the Year Award
- President Temple, Texas March of Dimes
- Texas Police Officer Association Recognition
- Wilkie D. Ferguson, Jr. Bar Association
- NAACP, San Angelo Chapter
- Escambia-Santa Rosa Bar Association
- Florida League of Cities
- Florida Municipal Attorneys Association
- International Municipal Lawyers Association (IMLA)

PROFESSIONAL AND EMPLOYMENT REFERENCES

Current and previous employment references and professional colleague references are available upon request.

Candidate Introduction

LYSIA HUNTINGTON BOWLING, ESQ.

EDUCATION

Yale University, New Haven, Connecticut
Bachelor of Arts Degree - May 1976

University of Virginia School of Law, Charlottesville, Virginia
Juris Doctorate - May 1979

EXPERIENCE

As the change in executive leadership nears, it is an ideal time to for me to pursue the job opportunity as City Attorney of Fort Pierce, Florida. I hope to relocate to a community in Florida that welcomes the diversity that I have to bring to the community and allows me to continue in my profession as a local government law practitioner. I wish to live and work in a community that takes pride in the inclusion of all its citizens and the diverse interests and experiences that make up the community as a whole. I believe that Fort Pierce is one of those communities.

Based upon my research of Fort Pierce, I believe that you will find my background and skills well suited to meet the needs of your City Council. I bring to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through state and local governmental work in diverse communities with different public service priorities within Texas and Florida. I have been licensed and in good standing to practice law in Florida for over 14 years and in Texas for over 30 years. I am bi-lingual in Spanish and fluent in Portuguese.

My local governmental experience in Florida, includes:

- City Attorney for the City of Pensacola for the last four years.
- Chief Legal Advisor for the City of Miami's Police Department and its Chief John Timoney, and served a legal counsel in collective bargaining.

My local governmental experience in Texas, includes:

- City Attorney for the City of San Angelo for six years,
- City Attorney for the City of Harlingen for two years,
- Chief Legal Advisor for the City of Temple's Police Department and City Prosecutor for 7 years,
- Chief Prosecutor for City of Austin for 4 years

I have also worked for the State of Florida and the State of Texas. Those positions included:

- Office of the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit,

Assistant State Attorney
- State of Florida Certified Law Enforcement Training Institute Accreditation Manager
- State of Florida Certified Law Enforcement Instructor and Law Instruction Program Developer
- Office of the Texas Attorney General, Criminal Prosecution and Enforcement Division, Assistant Attorney General
- Texas General Land Office, Staff Attorney
- Texas State Comptroller of Public Accounts, Tax Enforcement Division, Staff Attorney

Pensacola is the westernmost city in the Florida Panhandle and is the county seat of Escambia County, with a population of 52,000. Pensacola is Florida's first settlement and has a sea port on Pensacola Bay, which connects to the Gulf of Mexico. While Pensacola's major economy is tourism based, it is developing technology based industries. Pensacola has a naval station, regional medical center, university. It has an international airport and a natural gas utility which are departments of the City. The downtown area of Pensacola is a walkable historical area and fronts a baseball stadium and waterfront. The City has 694 employees.

As City Attorney, I directly supervise three attorneys, a paralegal and a public records officer in the Office of the City Attorney, handling the day to day legal matters of the City. I manage and supervise the outsourcing of attorneys when specialized legal expertise and resources are not available in-house, including for example, litigation and areas of municipal bonds and pensions. I serve as legal counsel for the City's Community Redevelopment Board. Governance under the charter, development, redevelopment, real property asset management and privatization of waterfront properties are significant legal issues facing the City.

A City Attorney who is trust building, I believe, possesses the essential attributes for a City Attorney to succeed in representing the legal needs of the client in a professional and leadership role. A City Attorney builds trust by having a deep commitment to the client and leads by example as a role mode of the highest degree of integrity and ethics of the profession, maintaining a strong, ethical foundation in every action and decision. A City Attorney builds trust by having the ability to effectively communicate across the organization, to relate in terms that people understand, and to recognize that meaningful communication requires one to meaningfully listen for understanding. Trust results in open and mutual give and take, recognizing that everyone has value, treating everyone with respect, civility and grace regardless of a difference in position. A City Attorney builds trust by vigorously and unfailingly focusing on serving the client's interest, anticipating issues that require advance preparation and unfailingly giving prompt, objective and legally sound answers and have unfailing flexibility to efficiently and effectively facilitate the client's decision-making needs under the exigencies and circumstances presented.

In the event a lawsuit is filed against the client, I would make a realistic assessment of the client's exposure in the matter and if defensible, I would vigorously defend the client's position and to protect the client's interests. I would provide the client a well-reasoned and sound recommendation

on litigation strategy and seek direction from the client on the desired outcome and defense, keeping the client regularly and fully informed throughout the litigation. In the event that I arrive at an assessment that the continued defense of the litigation would not be in the client's best interests, I would advise the client and seek the client's approval and direction to negotiate an appropriate resolution to best serve the client.

In several diverse municipalities where I have served as City Attorney, I have always been regarded as a team player and an integral part of the management of the municipal organization. It is my goal to contribute to the success of the management team. The City Attorney's office stands with all departments as an interlocking component of a single team to serve the City and its citizens. In that regard, I make certain that my office never turns inward or works in isolation. I find collaboration with members of the organization to be instrumental to the process and allows inputs about how the City's legal work best supports and implements the operations, goals and initiatives of the administration. I place a primary emphasis on maintaining an "open door policy" of availability and accessibility to all City officials, management personnel and other City staff to build effective working relationships. As such, I am able to be proactive in handling legal issues, in evaluating staff and resources to maximize efficiency and cost-effective management of the legal affairs of the City.

There is no question that the client must be consistently and regularly be provided all information with complete candor on legal matters and significant legal issues and be provided a realistic assessment of the options available. I find it preferable to communicate in person with elected officials and as a body in public forum. I would expect to develop lines of personal communications with the Mayor and members of City Council so that each would feel comfortable in having informal conversations with me in matters of interest to them. I would ensure that the City Manager, Mayor and City Council are apprised of the same facts, law and legal analysis to allow the City to speak with one voice on legal matters.

I always strive to ensure that my clients receive my best objective legal advice, including the practical implications of following or declining to follow that advice. If the client elects to disregard my advice, it is the prerogative of the client to do so, and I would stand ready to assist the client in handling the path undertaken. I am fully mindful that many legal matters have associated political issues and call for difficult judgments to be made by elected officials. My efforts are directed to assist them in reaching their desired resolution.

I believe that the Mayor, City Council members and City staff members that I have worked with in all the municipalities where I have served would describe my communications as clear, easily understood, direct, and prompt. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. In serving under a strong mayor form of government in Pensacola, my legal assistance provided both formal and informal guidance to the Mayor and the City Council, was well received and respected, and has enabled my client – the City – to function as a unified and harmonious local government while effectively resolving conflicts between the executive and legislative branches of government.

Throughout my career as a public servant, I have been recognized for my ability to quickly assess the legal needs of an organization and to formulate and implement a plan to deliver the highest quality legal services required. I have consistently received positive feedback from my clients for the professional services I have rendered.

As City Attorney, I have fulfilled a proactive role in supporting a municipality's commitment to governmental transparency and public participation. I have engaged in a wide variety of initiatives to promote accountability, openness and transparency across municipal government. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. My communication style as an attorney is polite, measured, and assertive in a low key manner.

Over the years, I have encountered several municipal officials who have expected me to be confrontational or divisive. I have found that that style of communication is not best suited for a lawyer in public service or municipal representation.

Over the course of my career in public service, I have consistently focused on developing innovative approaches and procedures for the public to conveniently access governmental services and for the government to efficiently render those services. I strongly believe that citizens are entitled to procedural justice at every level of government, and that a fair, predictable, and transparent process bolsters public trust and confidence in government.

I have been fortunate to work closely and collaborate with many leaders and professionals from diverse governmental arenas to benefit operations and to improve customer service and navigation of the intersections where citizens and governmental agencies interact. To that end, I have successfully proposed and instituted a variety of mechanisms to streamline enforcement programs and facilitate citizen compliance for the good of the community.

I was fortunate to have as my mentor Janet Reno. Janet always encouraged me and suggested I work in public service internationally because of my diverse background. She thought I should explore service in Haiti and in Africa, because of my interests, background and language abilities and my passion for serving others. Although that door had been opened, I did not take Janet's advice and I always felt that I missed an opportunity. I have since mentored others and spoken on following one's passion. It is by expanding one's horizons and taking challenges that are rooted in the unknown and that we come to know ourselves fully. It is better to come back than never to have gone at all.

If the nature of the shortcoming of an employee of my office can be corrected, I would provide instruction, training and guidance. If the nature of the short coming is a character issue that cannot be corrected, I would remove that person immediately to protect the City. I once terminated an attorney who committed an ethical violation and whose level of competence was detrimental to the reputation, trust, and confidence of the office. I worked to rebuild that trust and confidence

and examined how the problem had occurred so that I could take measures to avoid a problem of this nature, with attention to the needs and morale of staff.

If appointed to this position, during the first six months as City Attorney, I would want to carefully assess and evaluate the strengths and working procedures of the existing staff and to determine whether any realignment of responsibilities might be warranted. I will seek the input of the staff. Because the City Attorney is the chief legal officer of the City, it will be important to make clear that I bear the ultimate responsibility for the work output of the office, so it is necessary that I have final approval on legal opinions, strategy and determinations. I have been impressed with the dedication to public service and practice experience of all of the municipal attorneys and staff who have worked hard alongside me or under my supervision. I look forward to joining the team and working with them in every possible way. As well, I look forward to scheduling and attending meetings on an ongoing basis with all members of the elected body, city administration and staff, and particularly the Finance Department, Economic Development Department, Redevelopment Agency, Police Department and Code Enforcement Department to become familiarized and become thoroughly acquainted with the City's priorities, projects and development and redevelopment goals and the City's achievements, strategic plan, and budget, priorities and the public they serve. I look forward to becoming familiar with the entire community, the Chamber and other private stakeholder organizations that partner with the City.

- I normally do not have direct contact with the media, however whenever I speak with reporters, I am always professional, pleasant, open, and honest, while guarding client confidences.
- In my leisure time, I enjoy ice skating, if available, I am an avid reader, and pursue studies in advanced português jurisprudence and comparative justice systems from online universities in Portugal and Ireland. I enjoy listening to audio recordings of oral arguments heard by the United States Supreme Court.
- I have not ever done anything that would embarrass my clients if were to become public knowledge, nor is there anything in my background that would embarrass the City client if it were to become public knowledge.
- When it becomes known in Fort Pierce that I am a finalist for this position, I am unaware of any community activists in Pensacola or any other jurisdiction that may likely contact the City with any negative comments about me.
- I would describe myself as kind, considerate, humble and respectful of others, highly disciplined, impeccable temperament, responsive, responsible, diligent and hardworking.
- My current salary is $200k which includes benefits.

CB&A Background Checks

Background Check Summary for
LYSIA HUNTINGTON BOWLING

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found
Texas	No Records Found

Civil Records Checks:

County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found
Texas	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Good
Bankruptcy	No Records Found
Education	Confirmed
Employment	City of Pensacola (2015 – Present) City of San Angelo (2009 – 2015) City of Miami (2007 – 2009) ***Confirmed*** 11th Judicial Circuit (2005 – 2007) School of Justice (2002 – 2005) ***Verifications Pending***

Background Check Summary for
LYSIA HUNTINGTON BOWLING

Bar Certification/License Member in Good Standing
Bar # 740721

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
LYSIA HUNTINGTON BOWLING
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Lysia H. Bowling

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.

Please explain any yes answers on a separate sheet of paper.

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.
    N/A

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Property of Colin Baenziger & Associates

Background Check Summary for
LYSIA HUNTINGTON BOWLING
Personal Disclosure Explanation

3. At as I best recall, it was about thirty years ago, after a divorce and as a single mom not receiving child support for several children, I was undergoing a very dire situation when one of my very young children was a victim of a crime. I was bearing the financial costs of his hospitalization and medical care and relocating for his treatment, and uncompensated witness expenses. Eventually the Texas Attorney General Crime Victims Compensation Fund provided me assistance for ongoing treatment and throughout and beyond the case. As a mother under these circumstances, I felt I had no other recourse to manage supporting the family on my own at the time.

Section 3

CB&A Reference Notes

Bradley Odom – Attorney, Odom & Barlow, FL (850) 434-3527

Mr. Odom has known Ms. Bowling since 2015. Mr. Odom is general counsel for another government entity, he has worked with Ms. Bowling on various issues. Whether interpreting statutory language, negotiating contracts, or working through property issues; Ms. Bowling is an extremely capable attorney. She easily communicates with others to work together to solve the problem. Ms. Bowling has a good command of the law. She is a very bright person and a member of several Bar Associations. She has been counsel for multiple municipalities for many years. She knows the law and how it applies to municipalities.

The City of Pensacola has recently switched to a strong mayor form of government. This has been a difficult position to come into. Many disputes have arisen between the Mayor and the City Council on the division of authority, responsibility, and legal representation. Ms. Bowling researches out more obscure issues or if an issue involves city authority. She has been involved in a great deal of politically sensitive issues as well as breaking new legal ground because there was no former charter to refer to. Ms. Bowling has the challenge of having many bosses to report to and trying to please the Council and the Mayor while they were at odds with each other.

Ms. Bowling works really well with people to get the job done and not letting personalities get in the way. She believes a government entity works best when everyone works together. While working on a contract with Mr. Odom, she interacted professionally, respectfully and cooperatively. Her priority is to protect her clients' interest and get the job done. While working with Mr. Odom, she keeps him informed of her progress through phone calls.

Ms. Bowling negotiates well on behalf of the party she represents. Mr. Odem's client has entered into similar agreements, as the contract stated above, with 10 to 15 other political entities in different states. Ms. Bowling got the best deal of all those entities with provisions and concessions which served her client well.

Ms. Bowling is responsive; she responds and accomplishes tasks in a timely manner. She makes high-quality decisions when dealing with the law and makes good recommendations to elected bodies. The President of the City Council was trying to get a different opinion from her on a legal issue. Ms. Bowling explained her reasoning and rendered the right opinion and did it in a timely fashion. The opinion was affirmed by the appellate court. She reaches the right conclusion, not necessarily the popular one.

Ms. Bowling is a problem solver. She seeks to find ways to properly and lawfully accomplish situations. The City Council meetings are public, so she has a great deal of experience working with the public. Ms. Bowling is always respectful and dignified to people and shows good control over her emotions; she does not lose her temper.

Members of the City Council filed suit over declaratory judgments on the interpretation of the City Charter. The Council lost those suits which show her interpretations were correct. Elected officials respect and value her opinion and place great weight on them. Ms. Bowling respectfully

deals with clients when she has to tell them if they cannot do something. Ms. Bowling works well with the City Manager and department heads. They have a good working relationship of mutual respect.

Ms. Bowling has experience with constitutional law, contracts, environmental law, dealing with a homeless population, utilities, labor and personnel matters as well as development, redevelopment and land use. Ms. Bowling manages the office and legal affairs of the City well. The City has several outside counsel. Ms. Bowling has to manage her department within the city as well as work with the other firms.

Mr. Odom does not specifically know of anyone who may have a differing opinion of Ms. Bowling. However, there are members of the City Council who have disagreed with Ms. Bowling's conclusions. Mr. Odom is not aware of anything in Ms. Bowling's past or conduct which would concern anyone. He would hire her. Ms. Bowling is a very capable, bright attorney who can manage the legal affairs of the City. She will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Smart,
- Consensus builder,
- Respectful,
- Professional,
- Works well with people, and
- Respectful to those who disagree.

Strengths: Working with people to get a job done and a consensus builder.

Weaknesses: None identified.

Ashton Hayward - Mayor, City of Pensacola, FL (850) 435-1624

Mr. Hayward has known Ms. Bowling since 2015 when he hired her as the City Attorney. Ms. Bowling is an extremely knowledgeable and capable attorney. She is detail and research oriented. She has great follow up and a good demeanor which is important in government. She has an impressive command of the law. Just as every respectable attorney, she does a fair amount of research to answer questions especially when it impacts members of the community.

Ms. Bowling interacts professionally. If she has a question or concern, she is humble and smart enough to seek outside help or information. Ms. Bowling solves problems, she is an objective lawyer. She always looks for solutions to accomplish the task while following the letter of the law. She accomplishes tasks in a timely manner and is considered responsive. She makes high-quality decisions when dealing with the law.

Mr. Hayward values Ms. Bowling's input. She balances the relationship between the Mayor and the City Council well. She clearly communicates her position. She does an effective job of explaining her research and disseminating the information out to everyone. She has a good working relationship with elected officials as well as the City staff. She makes respectable, strong recommendations to elected bodies. She negotiates well; she represents both the executive and legislative body of government. Ms. Bowling explains her responses well and does so diplomatically. Ms. Bowling keeps Mr. Hayward informed of her progress on items she is working on. She sets up meetings and communicates frequently with Mr. Hayward.

Ms. Bowling has experience with constitutional law, contracts, utilities, labor and personnel matters, and development, redevelopment, and land use. She has some knowledge in environmental law.

Ms. Bowling is experienced dealing with the public. She is very diplomatic and has a calm demeanor when expressing herself and the opinions of the City. Ms. Bowling manages the office and the legal affairs of the City well.

Mr. Hayward is not aware of Ms. Bowling being involved in anything controversial in the time he has known her. There is nothing in her background which would concern an employer. Mr. Hayward does not know of anyone who may have a contrary opinion of Ms. Bowling.

Ms. Bowling, has a great deal of knowledge when it comes to the law. She has been in government a long time and has seen many personalities in her career. She knows how to listen and be objective. She does research to provide factual information to make a decision. She really excels at this. She has the demeanor to communicate and discuss import issues. Mr. Hayward would hire Ms. Bowling again. She will make an incredible City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Well read,
- Intelligent,
- Fantastic personality,
- Disciplined,
- Hard worker, and
- Loyal.

Strengths: She is incredibly qualified and has an amazing command of the law, she understands it.

Weaknesses: Ms. Bowling takes time to answer questions because she wants to make sure the information she is sharing is correct; her turnaround could be quicker.

Keith Wilkins – City Administrator, City of Pensacola, FL (850) 554-3069

Mr. Wilkins has known Ms. Bowling since she began working for the City of Pensacola in 2015. She is super intelligent and a highly qualified attorney. She has an impressive education and background. Ms. Bowling has faced a great deal of difficult challenges at the City between the Council and Mayor. She has been put under the gun in interpretations of the charter and who has power to do certain things. She is quite deliberate in and researches her opinions. Ms. Bowling researches a great deal because of the challenges with the charter. Ms. Bowling knows the answer but is careful to not opine without the research to back her up.

Ms. Bowling does a respectable job handling the legal affairs of the City. She may not be strong in managing the office. They are a three-person team, she does not spend a large amount of time managing them. She does a good job working with outside attorneys, both contracted and opponents.

Ms. Bowling has experience dealing with the public at Council meetings and other public meetings. She has done a fantastic job in those situations. She has made multiple presentations to the local Bar Chapter, Women in Politics, and African American Attorney groups.

Issues have come up with a few Council members, but in general Ms. Bowling has worked well with them. She works incredibly well with the Mayor, they have healthy disagreements. She is considered to be responsive. She makes quality recommendations to the elected bodies. The Council has always taken her advice because it was always good. On one occasion the Mayor acted against the counsel Ms. Bowling gave him to not appeal to outside counsel on a lease agreement and he lost. Ms. Bowling interacts extremely well with Mr. Wilkins and various department heads. She keeps Mr. Wilkins apprised of what she is working on through verbal communications.

Ms. Bowling has been inconsistent with her responses and the timeliness of those responses with Mr. Wilkins. Not all tasks are accomplished in a timely manner. Ms. Bowling solves problems. She has the ability at some of the executive staff meetings to cut through everything and state what a solution needs to be. She is very timely in those responses. She is bold enough to say what needs to be said, even if the advice is not always taken. She gives sound advice and makes strong decisions concerning the law. She finds solutions and seeks out what is best for everyone.

Ms. Bowling negotiates well when representing the City. She is a single-attorney-office so she works with contracted attorneys and support council. She is willing to seek help. She has experience in constitutional law, contracts, labor and personnel matters, development, redevelopment and land use, and a great deal of experience in dealing with a homeless population. She has some experience in environmental law, but not much.

Ms. Bowling has confronted the legal situation and opinions on charter authority, which has been a controversial issue for the City. Mr. Wilkins is not aware of anything concerning Ms. Bowling's past or conduct which would concern an employer. There may be one or two department heads,

who have disagreed with Ms. Bowling, who may have a different opinion of her than the one Mr. Wilkins has stated. Mr. Wilkins would hire Ms. Bowling and believes she will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Energetic,
- Intelligent,
- Caring,
- Committed,
- Well mannered,
- Diligent, and
- Professional.

Strengths: Intellectual, general sensibilities, works well with outside attorneys, kind and caring person who knows her work.

Weaknesses: Gets lost in her thoughts and logic and can miss the point others are trying to get across.

Sherri Myers – Vice President City Council, City of Pensacola, FL (850) 982-9286

Ms. Myers has known Ms. Bowling since 2015 since Ms. Bowling started at the City of Pensacola. She is a really good attorney who excels at research. Being a City Attorney under a strong mayor/council form of government is a difficult situation. The Council and the Mayor want different legal outcomes than each other. The Mayor exerts more control over the City Attorney than the Council does, however, generally her opinions have been objective.

Ms. Bowling is an excellent contract lawyer, she reviews the contracts the Council is asked to approve. Due to her legal research, the Council respects her opinion on the contracts. Ms. Bowling makes high-quality recommendations to elected officials based on analysis of fact and the law. She composes respectable decisions in regards to the law. It may not be the decision a person wants to hear, but it is a defensible one. The City Council may prefer a different opinion, but Ms. Bowling stands her ground when she makes a decision. If she is challenged on it, she reviews it.

Ms. Bowling interacts well with Ms. Myers. They speak often and Ms. Myers frequently calls and runs legal questions by Ms. Bowling. She does not report directly to the City Council on the day-to-day operations of the City Attorney's Office; she works independently. Ms. Bowling runs her office well as well as handles the legal affairs of the City.

Ms. Bowling responds in a timely manner. She knows her legal obligations are to the client, which are the Mayor and public officials. She understands this role well. She completes tasks on time.

While Ms. Myers does not have direct knowledge, Ms. Bowling is believed to negotiate well, no evidence has been seen to indicate otherwise. She does not deal with the public directly as she represents the City and public officials.

Ms. Bowling works well with all of the elected officials and the City Administrator. Ms. Bowling mostly interacts with the Mayor, Council, City Administrator and Human Resources Department at the City.

Ms. Bowling finds solutions. Different issues have come before the Council, Ms. Bowling and other private attorneys have counseled on these very difficult legal situations. They were able to work through it and the issue has not come back. Ms. Bowling tackles and is fearless in taking on difficult situations. Some issues are not as simple as saying this is what the law says. Ms. Bowling sorts through different laws and interests to solve the issue.

Ms. Myers is aware of Ms. Bowling's experience in constitutional law, contracts, and labor and personnel matters. Outside counsel is hired for complex situations in labor relation matters, utilities, and real estate. If it is not a complex situation in those areas, Ms. Bowling handles it. She has done a great deal working with the homeless population. Some Council Members and the Mayor want to have strict, unconstitutional laws restricting certain populations of homeless. Ms. Bowling had to draft ordinances which were quite close to being unconstitutional. Some ordinances passed and then were repealed shortly after. She told the Council, the ordinance which did pass would not hold up in federal court. The ACLU sued them. Ms. Bowling explains well to the Mayor and Council what the law can do.

Ms. Myers is not aware of anything in Ms. Bowling's conduct or background which would be controversial or concerning to an employer. The City Attorney's position is viewed politically. There are people who do not like the City Attorney, regardless of who that person is. These people would be the ones who may have a different opinion of Ms. Bowling than the one Ms. Myers has stated.

Ms. Bowling is an easy person with whom to have a positive relationship. She is nice, polite and a friendly person. Ms. Myers would hire her as a City Attorney; she will make an excellent City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Incredibly decent person,
- Conscientious,
- Hard worker,
- Insightful,
- Trustworthy, and
- Honest.

Strengths: Contract law and research.

Weaknesses: Does not speak up as often as Ms. Myers would like.

[CB&A Note: Mr. Johnson did not have time to answer all of the questions.]

Larry Johnson – Council Member, City of Pensacola, FL (850) 449-1098

Mr. Johnson has known Ms. Bowling since she started working for the City of Pensacola in 2015. She is a very capable attorney. She has a strong command of the law, but like any attorney, will revert to doing research to answer questions. If she needs to research to answer a question, she communicates this. Ms. Bowling is responsive and does so in a timely fashion. She solves problems; she worked with Mr. Johnson on crafting ordinances for food trucks.

Mr. Johnson does not have one complaint about Ms. Bowling's performance. They have interacted positively, and have always had a good relationship.

Words or phrases used to describe Lysia Bowling:

- Capable, and
- Good command of the law.

Strengths: Ability to answer questions off the top of her head to the Council in a public setting.

Weaknesses: None identified.

Tracy Wooden - Attorney, Wooden Law Firm P.C., TN (423) 605-5855

Mr. Wooden has known Ms. Bowling since 2015 through business he had with the City of Pensacola. They have interacted professionally since then. Ms. Bowling is not difficult to communicate with, she is incredibly responsive and keeps Mr. Wooden up to date. Ms. Bowling always called back, even if it was in the evening. She completes tasks in a timely manner.

Ms. Bowling is an exceptional attorney. She has an excellent command of the law. Just as any attorney, Ms. Bowling needs to research out specific legal issues. She is an exceptional problem solver. At a board meeting, many different issues were brought up. They called Ms. Bowling to the podium to tie together all the issues. She sought a resolution to the issues which were in compliance with the law. She did so calmly and professionally. She tries to find solutions. She works well with elected officials as well as the City Administrator and other staff at the City.

Ms. Bowling makes solid recommendations to elected bodies. She brings issues to their attention and answers questions clearly and calmly. She constructs good decisions when dealing with the law. She negotiates well on behalf of the party she represents. She manages her office well while handling the legal affairs of the City. Ms. Bowling has a vast amount of experience in dealing with the public and excels at it.

Mr. Wooden is aware of Ms. Bowling's experience with contracts, constitutional law, environmental law, utilities, labor and personnel matters, as well as development, redevelopment and land use.

Ms. Bowling deals well with controversial issues which come up in the City. However, Mr. Wooden is not aware of any personal issues which would be controversial or concerning. He does not personally know of anyone who may have a different opinion of Ms. Bowling than the one he has stated.

Mr. Wooden would absolutely hire Ms. Bowling as a City Attorney. She will make an exceptional City or County Attorney and has been for a number of years.

Words or phrases used to describe Lysia Bowling:

- Extremely responsive,
- Calm,
- Intelligent,
- Communicates clearly,
- Professional, and
- Hard working.

Strengths: Highly intelligent, good communicator, highly professional, extremely hard worker, and quite responsive.

Weaknesses: None identified.

Richard Barker- Chief Financial Officer, City of Pensacola, FL (850) 435-1823

Mr. Barker has known Ms. Bowling since 2015 when he sat on the Skype interview to hire Ms. Bowling. Ms. Bowling is an articulate attorney. She understands the importance of a quality working relationship between the Chief Financial Officer and the City Attorney. Her opinions are precise and charter based.

Ms. Bowling responds thoroughly. When an immediate need arises, she drops everything to get the job done. She has solved any issues which have come up for Mr. Barker. If Mr. Barker calls with an inquiry about the progress of an action, she informs him. Ms. Bowling meets every

deadline placed upon her. She makes strong decisions when dealing with the law. Once she gives you an opinion, it is a very solid one. Ms. Bowling and Mr. Barker thoroughly discuss the issue, but Ms. Bowling has the final say.

Ms. Bowling crafts excellent recommendations to elected bodies. When they ask for an opinion, she gives a well thought out opinion and the Council accepts it. Ms. Bowling has represented the City well, in one case they were in the right on the state appeal. She always researches outcomes before making a final legal opinion. If a person wants something a certain way and it cannot be done, she lets the person know why it cannot be done.

Mr. Barker is aware of Ms. Bowling's experience with contracts. She works with the Community Redevelopment Agency as well. Issues have come up with the homeless in the City of Pensacola; she is aware of those issues and has worked with the City Council regarding them. It did not turn out the way the Council wanted due to federal laws. Ms. Bowling knows federal laws on the homeless. She may have experience with labor and personnel matters.

Ms. Bowling manages the office well along with dealing with the legal affairs of the City. She has experience dealing with the public. She has given a couple of speeches at local organizations. She is observed to have a good working relationship with elected officials, she gives them replies and follows up. She works well with the City Administrator, department heads, and staff.

Ms. Bowling has seen bits of controversy, she has been in the blogs about a couple of items. She has dealt with this controversy well, and only addressed something if it was factually wrong. Mr. Barker is not aware of anything in Ms. Bowling's conduct which would concern a responsible person. He does not know of anyone at a Director level who may have a different opinion of Ms. Bowling. He has not always agreed with her, but it has always ended positively. Mr. Barker would hire Ms. Bowling as a City or County Attorney. She has been a good City Attorney for the City of Pensacola.

Words or phrases used to describe Lysia Bowling:

- Acute to what is going on regarding City business,
- Detail oriented with regards to the Charter,
- Pleasant personality,
- Research oriented,
- Wants to get along, and
- Cooperative.

Strengths: Ability to grasp an issue, does research before she gives a thorough and well thought out opinion.

Weaknesses: Due to research, it takes longer than desired to get an opinion.

William Wells – Contract and Lease Counsel, City of Pensacola, FL (850) 512-4657

Mr. Wells has known Ms. Bowling since 2015. They work and interact well together at the City of Pensacola. She is supportive of the tasks he performs, and he substitutes for her when needed. They keep each other informed of areas they are working on through daily meetings.

Ms. Bowling is an incredibly knowledgeable attorney. She has a broad range of experience. She has fantastic research capability and a clear style of communication. She does not over complicate her advice. She makes it easily understood to benefit the client. Most questions presented to her are fairly routine, she knows the answers to those questions. If complex issues come up or there are recent changes to the law, she tells you what she thinks is the answer and then follows up with research. Most of her dialogue is in the middle of Council meetings, she does a good job of answering questions.

The City Council budget and economic conditions have not allowed Ms. Bowling to expand the City Attorney staff. Ideally, she would have two or three assistants under her. The City has to farm out certain litigations. Ms. Bowling is a one-woman shop which has not let her reach her full potential in what she can do. She has a long-time office manager who manages the file retention, correspondence, and filing of public records. This manager helps her manage the office and the legal affairs of the City.

One of Ms. Bowling's primary responsibilities is to render formal written legal opinions to the Council, many of them are interpreting the charter. She renders formal opinions in a timely fashion; they are clear and to the point. She keeps a calendar of formal requests, where they lay in the cue and when they have been completed. Her organizational skills help her to accomplish tasks on time. Ms. Bowling is continually asked to address civic groups or schools. She is very active in dealing with the public and does so well.

Ms. Bowling sees solving problems as one of her main jobs. She performs this task well. If her client is seeking to accomplish something which the law does not permit, Ms. Bowling gives them an alternate way of doing the task which is within the law. This is more helpful than just saying the law will not allow it.

Ms. Bowling's recommendations to elected bodies are well respected and well received. She has a well-rounded City Attorney background which aids her in making good decisions when dealing with the law. She works well with elected officials; they constantly turn to her for input during Council meetings. Ms. Bowling has a great deal of contact with the City Administrator and department heads on a daily basis. Ms. Bowling has not had many opportunities to negotiate on behalf of the City. The City has insurance policies which provide outside defense council in litigations. Ms. Bowling attends the mediation and settlements of those cases.

Mr. Wells is not aware of a situation where the elected body has not followed Ms. Bowling's advice in the time she has worked for the City of Pensacola. She has some experience in environmental law, but the City has outside counsel who are more skilled in that area. She does a

great deal of work with contracts, labor and personnel matters. Much of the City's workforce is organized into unions. She has provided endless advice and insight on dealing with the homeless population in Pensacola. She is also experienced in constitutional law and utilities.

Bloggers love to communicate about anything public officials have said or written. The blogosphere has been a controversial situation in Pensacola. Ms. Bowling has been torn down in these blogs for items she has said in an official capacity. If there were printed comments adverse to Ms. Bowling, this is where they would be found. As for people who know her, her co-workers think really highly of her. Mr. Wells does not know of anything in Ms. Bowling's conduct which would concern an employer. He would hire her; she will make a great City or County Attorney.

Words or phrases used to describe Lysia Bowling:

- Well prepared,
- Articulate,
- Thoughtful,
- Funny,
- Easy going communicator, and
- Great personality.

Strengths: Research, communicates clearly, and has broad knowledge of local government law and use of land property.

Weaknesses: None identified.

Janet Matteson – Legal Department Manager, City of Pensacola, FL (850) 435-1618

Ms. Matteson has known Ms. Bowling since 2015 when Ms. Bowling began working for the City of Pensacola. Ms. Matteson works as Ms. Bowling's legal assistant. Ms. Bowling is a greatly capable attorney. She balances working with the executive and legislative branch of City government. She is amazing and got the Legal Department in ship shape, no other attorney has done that. She used her organizational skills to create a template form called a "legal service request." These forms help keep track of the needs of the different departments as well as record which departments are utilizing legal services. It has been a great organizational tool for Ms. Matteson. Ms. Bowling keeps the work load going; she is a joy to work with.

Words or phrases used to describe Lysia Bowling:

- Team player,
- Trustworthy,
- Loyal,
- Willing to help,
- Dependable, and
- Patient.

Strengths: Extremely staff oriented, has an open-door policy, people skills, and organizational skills.

Weaknesses: None identified.

Dan Saluri – Deputy City Attorney, City of San Angelo, TX (325) 657-4407

Mr. Saluri has known Ms. Bowling since 2010. He was the Deputy City Attorney under Ms. Bowling at the City of San Angelo. They continue to interact by consulting about different programs and items they are working on. Ms. Bowling is well educated and competent in the law. She is very diligent at what she does. She has a background in federal work.

She is very personable with her employees. She recognizes birthdays and events that are important to the people she works with. Her education combined with experience makes her an asset to a city.

Words or phrases used to describe Lysia Bowling:

- Responsible,
- Diligent,
- Knowledgeable,
- Inclusive,
- Practical, and
- Personable.

Strengths: Knowledge of constitutional law, federal and state laws, extensive experience as a City Attorney in many different locations.

Weaknesses: Hesitant to shoot from the hip even though she may know the answer, and will take whatever time it takes to be thorough.

Prepared by: Stephanie Bailey
Colin Baenziger & Associates

Section 3

CB&A Internet Research

Inweekly
November 7, 2018

Mayor Cleared, Attorneys Paid
Author: Rick Outzen

Through a public request of Beggs & Lane law firm's billings to the City of Pensacola, Inweekly learned that the three-year federal bribery investigation of Mayor Ashton Hayward has concluded and no criminal charges would be filed. The invoices showed that while he had been notified by Beggs & Lane attorney Greg Miller in late June on the conclusion of the federal probe, the mayor made no mention of it to the Pensacola City Council or the public.

On Sept. 21, Nix Daniel, the managing partner of Beggs & Lane, wrote City Attorney **Lysia Bowling** to inform her of a conversation his partner, Greg Miller, had with U.S. District Attorney Christopher Canova. "That investigation proved to be without merit," wrote Daniel. "All of the matters which were the subject of the investigation were within the scope of Mr. Hayward's responsibilities as mayor. There was no finding of any wrongdoing on his part." The Beggs & Lane's billings for the representing the mayor totaled $43,684.23. Daniel asked that the mayor be reimbursed $13,500 for the installments he had paid from Dec. 31, 2014 to Oct. 6, 2016. He requested the city pay the balance due, $30,184.23.

On Sept. 28, **Bowling** sent City CFO Dick Barker a memo:

> "The Florida Supreme Court and the state courts of appeal have long established a common law right of public officials to receive legal representation at public expense to defend themselves against charges arising from the performance of their official duties while serving a public purpose."

She told Barker that the city was legally obligated to pay the fees. The Pensacola City Council and citizens were not notified that the taxpayers paid the mayor's legal fees.

Inweekly emailed the public information officer for United States Attorney's Office for Northern District of Florida, Amy Alexander, and asked for confirmation of Daniel's statements. Alexander replied, "We have no public information to provide regarding this inquiry."
The newspaper asked Daniel for the documentation that supported his letter. He said the Sept. 21 letter was based on a conversation between Miller, a former U.S. Attorney, and current U.S. Attorney CanovaDaniel said, "Mr. Canova advised Mr. Miller that the investigation was concluded with no finding of wrongdoing and that no criminal charges would be filed."

Probe Launched

On Aug. 26, 2014, Interim City Administrator Dick Barker notified the City Council that the U.S. District Attorney was investigating the city and staff members were being questioned. Inweekly obtained the subpoena, which requested city documents be presented to a federal grand jury scheduled to convene on Sept. 3, 2014, in Tallahassee. The subpoenaed records concerned

the Main Street Rehabilitation Project, the city's investments, agreements with Jerry Pate Design, city's insurance broker and the expenses of former Chief of Staff John Asmar and Hayward. In a written statement issued when the subpoena surfaced publicly, Mayor Hayward said, "I am aware of the subpoenas which have been issued this week to several City employees, and I have instructed staff to immediately make available to the City Council and public any and all documents which we can legally release."

He added, "Furthermore, I have asked employees to fully comply with this process as it moves forward, and my administration will make any new information available to the public as quickly as possible. Everything we do on behalf of citizens is rightfully open to review and scrutiny, and I look forward to a swift and satisfactory resolution to this inquiry."

Mayor Hayward turned down three interview requests from Inweekly but did speak with News Journal reporter Rob Johnson. He said the probe concerned possible bribery. He acknowledged that "he had awarded city contracts to a friend, Jerry Pate, without competitive bids, but he asserted that no wrongdoing has occurred as a federal bribery investigation looms."

Inweekly requested to be allowed to review the documents gathered to comply with the federal subpoena. The city initially refused to release the information saying the Florida Attorney General had advised the records were "exempt from the disclosure requirements of Ch. 119 F.S. as long as they are part of an 'active' criminal investigation or intelligence gathering operation being conducted by the Grand Jury."

Inweekly went to the State Attorney's Office for help. Chief Assistant State Attorney Greg Marcille later called to say that the City of Pensacola would fulfill our public record requests. They were delivered to the media and published. After that, the newspaper heard very little from the mayor about the federal grand jury.

Glimpse Behind the Scenes
Two Beggs & Lane invoices, which were obtained last week, provide the first glimpse into how the mayor dealt with the federal probe. Both invoices—Invoice 70984, dated Sept. 26, 2014, and Invoice 85188, dated Sept. 21, 2017—were made out to Ashton J. Hayward, III.

The older invoice begins with attorneys David McGee and Nix Daniel meeting with City Engineer Derek Owens on Aug. 21, 2014, and covers work done through Sept. 25, 2014. The total of $42,115.50 was discounted $6,045.50 "to reduce to City of Pensacola Rates." This is the invoice Mayor Hayward made installments through October 2016.

The invoice shows the attorneys holding meetings and discussions with Hayward and his staff, Jerry Pate and his office staff, attorney Bob Kerrigan, Skip Hunter, who donated funds for the amphitheater at the Community Maritime Park, and Tim Baker of Data Targeting, the Gainesville, Fla.-based consulting that worked on his re-election campaign.

On Sept. 1, 2014, David Magee met with the mayor and "friend Carl Lietz" for an hour. Lietz is with the Atlanta, Ga. based firm, Kish & Lietz. According to its website, the firm "aggressively represents the accused against charges in criminal defense and federal crime defense cases." The Sept. 21, 2017, invoice covered from Oct. 9, 2014-June 26, 2017. McGee reviewed a notice of warrant, discussed the mayor's Yahoo emails and took a phone call from Lietz on Oct. 23, 2014.

In January 2015, Beggs & Lane reviewed bank and insurance records of the mayor. They called the Florida Ethics Commission. From June-August 2015, they met with the mayor and had several discussions with the U.S. District Attorney's office. U.S. Attorney Pamela Marsh resigned in September 2015, and current interim U.S. Attorney Canova took over the office.

There were no entries for 2016. On May 24, 2017, Hayward called Beggs & Lane attorney Greg Miller. The next day, Miller met with Canova. On June 23, Miller called Canova. The last entry on the invoice is a brief phone conversation with the mayor, which appears to be when he was told the case had concluded.

After Inweekly last week published the mayor was cleared and taxpayers paid his legal fees, Hayward sent a written statement to the News Journal. "Three years ago, my administration was investigated," he wrote. "That case has now been closed. There was no finding of wrongdoing – there was no wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved." Inweekly has requested to review the case files to understand better what the U.S. Attorney investigated. We will report on our findings.

Pensacola News Journal
December 1, 2017

Hayward wants city to pay grand jury investigation legal fees
Author: Jim Little

Mayor Ashton Hayward is asking the city to reimburse his legal fees involving a federal investigation that he says has been closed. Nix Daniel, an attorney representing Hayward with the Beggs and Lane law firm, sent a letter Sept. 21 notifying city attorney **Lysia Bowling** that the investigation was over and there was no finding of wrongdoing. The News Journal obtained the letter through an open records request.

Daniel asked that since the subject of the investigation involved his responsibilities as mayor, the city should reimburse the nearly $44,000 in legal fees accrued since the investigation began in 2014. Hayward has paid $13,500 on his legal bill for the case, with the last payment being made in October 2016. Beggs and Lane has handled high-profile cases for the city of Pensacola, including The Fish House restaurant lawsuit and the lawsuit over the Bayview Park cross.

In 2016, Beggs and Lane was paid $540,613 in legal fees from the city — more than any of the 26 other firms hired by the city that year and at least three times more than the next highest paid firm, according to city documents. News of a federal investigation into Hayward's relationship with Pensacola golf icon Jerry Pate and Pate's contracts with the city first surfaced in August 2014.

During the course of the investigation, at least five city officials were served subpoenas to testify before the 22-member federal grand jury in Tallahassee. Six days after the Beggs and Lane letter was sent, **Bowling** sent a letter to Dick Barker, chief financial officer for Pensacola, that said the U.S. attorney's office has closed the investigation and under Florida case law the city was obligated to reimburse the mayor for his legal expenses.

Inweekly's Rick's Blog first revealed the existences of the letters on Wednesday.
Amy Alexander with the U.S. Attorney's Office for the Northern District of Florida said the office had no public information to provide on the investigation. Daniel's letter also included invoices from Beggs and Lane for its work on the case, and the invoices showed the last work done on the case was in June.

At a Thursday public appearance to accept an award from the American Planning Association's 2017 Great Places in Florida People's Choice Winner, Hayward told the News Journal he would only provide a comment on the topic through a written statement. When asked why not announce the case had been closed as early as June, Hayward said the case was not closed in June but he would only comment in a written statement. The News Journal received the written statement Thursday afternoon. "Three years ago, my administration was investigated," Hayward said in the statement. "That case has now been closed. There was no finding of wrongdoing — there was no

wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved."

The invoices also provide a timeline of events in the investigation with much of the work in the case occurring between August 2014 through October 2015. U.S. Attorney Pamela Marsh resigned in September 2015 and current interim U.S. Attorney Christopher Canova took over the office.

After a meeting in October to discuss the status of the investigation, attorneys with Beggs and Lane did not work on the case again until May 2017 to call Hayward about the case. Beggs and Lane attorneys had a series of meetings with the U.S. attorney's office and after a phone call with Canova in June, the last entry on the firm's invoice was on June 26 for a phone call with Hayward.

Pensacola News Journal
November 6, 2017

Pensacola City Council pulls fish hatchery from agenda, will hold emergency CRA meeting
Author: Jim Little

The proposed fish hatchery on Bruce Beach will not be discussed — in public at least — at Thursday's Pensacola City Council meeting. A lawsuit filed Friday challenging the legality of the city's lease with the Florida Fish and Wildlife Commission for the proposed Gulf Coast Marine Fisheries Hatchery and Enhancement Center at Bruce Beach in downtown Pensacola spurred Pensacola's city attorney to recommend no public discussion of the topic be conducted until the lawsuit concludes.

Council President Brian Spencer and Councilwoman Sherri Myers had sponsored identical agenda items to declare the fish hatchery lease void, but both council members agreed to pull their items off of the agenda at Monday's City Council agenda review meeting at the recommendation of city attorney **Lysia Bowling.** The News Journal reported in October that Pensacola residents Dan Lindemann and Jerry Holzworth discovered language in the state's lease with the city spelling out a three-year deadline to commence construction.

Lindemann and Holzworth filed a lawsuit against the city Friday alleging not only the lease was void because of the missed deadline, but the City Council vote to approve the lease was illegal because the property was in the city's Community Redevelopment Agency and the lease should have gone through the Pensacola Community Redevelopment Agency first. Pensacola's CRA board has the same membership as the City Council but sits as a separate legal entity.

Florida law requires properties in a CRA to be advertised for competitive bids and a fair market valuation be conducted before a lease can be approved. City and state officials contend the deadline was met in February and the lease is valid, although no notice of commencement had been filed with the county. The state opened an invitation for construction companies to bid on the project on Oct. 27 — more than five months after the deadline under the lease.

Bowling told council members that, following the lawsuit filed by Lindemann and Holzworth, who own property within the CRA area, a "common sense approach" to lawsuits and the city's insurance policy stipulated that the city or council should not do anything to prejudice the insurer's position in defending the lawsuit. Myers said she would pull her items "out of an abundance of caution," but wanted to meet with **Bowling** to go over the city's insurance policy.

Spencer also agreed to pull his identical items, but his item to explore a buyout of the port administration building from the Florida Department of Transportation remained on the lease. Spencer told the News Journal last week the building would make a good alternate location for the hatchery. "I think we've got an asset that is underutilized," Spencer said. "I think it's valuable information to have independent of this."

The council also met as the CRA on Monday evening and voted unanimously to convene an emergency meeting before Thursday's regular City Council meeting for the CRA to hire an attorney to represent it in Lindemann and Holzworth's lawsuit.

Council members will submit recommendations for an attorney to represent the CRA in the case to **Bowling** and she will present a list of qualified attorneys for the CRA to consider Thursday. "I think this is a very serious matter facing the CRA," Myers said. "As a member of the bar, I believe that no way can the CRA and the city of Pensacola have the same attorney. That is a conflict of interest. The legal issues are in conflict that have been raised between the CRA and the city of Pensacola."

Pensacola News Journal
September 20, 2017

City Council wants Florida AG opinion on North Hill sewage tank
Author: Jim Little

The Pensacola City Council voted 5-1 Wednesday to seek an opinion from the Florida Attorney General's Office on whether Emerald Coast Utilities Authority must get approval from the council to move forward on an emergency sewage storage tank in the North Hill neighborhood. The vote came after City Attorney **Lysia Bowling** issued an opinion that said ECUA did not need to seek the council's consent to build the storage tank. **Bowling** said the 1981 law creating ECUA divested all city authority over the sewer system to the utility.

The council also voted 6-1 to have a special meeting on the issue if the judge rules on the issue in a hearing set for Monday in a lawsuit filed by residents of the North Hill and Long Hollow neighborhoods. The residents filed a lawsuit against ECUA alleging the utility did not follow public meeting laws in its decision to purchase the property at Palafox and Guillemard streets along East Avery Street.

When construction began on the tank, residents filed an emergency motion with the court to stop construction and asked the City Council on Sept. 14 to halt construction. Erick Mead, an attorney representing the residents, said ECUA was required to seek City Council approval before beginning construction.

At the Sept. 14 meeting, Councilwoman Sherri Myers asked **Bowling** for a legal opinion, which the city attorney delivered to the council Wednesday. Before the two votes were taken Wednesday night, Council President Brian Spencer made a motion to direct city administration to order ECUA to stop construction until the plan for the tank was presented and approved by the council.

Spencer made the motion after several residents spoke to the council and said the tank would hurt progress the area has made toward revitalization and was contrary to the city's comprehensive plan. "Tonight is a night that we need to stand up for the citizens that we've heard," Spencer said.

The motion failed with a 5-2 vote. Myers was the lone supporter of Spencer's motion. She said despite the city attorney's opinion, she thought Spencer's motion was legal. "This council has supported things I didn't think were legal, and they have turned out the way I said (they would)," Myers said.

Councilman Larry Johnson said if the council took Spencer's proposed action, it would be setting itself up for a lawsuit and pointed out that Myers has been a critic of the city's spending on legal fees. Mead, the attorney representing the residents, told the council he disagreed with **Bowling's** opinion and said the council should take action anyway.

Mead said **Bowling** answers to Mayor Ashton Hayward and not the City Council. He urged the council to hire its own attorney, and in the meantime, to take action and make the city attorney defend that action if it's brought to court. "You need your own counsel," Mead said. "…You need someone who is accountable to you."

Bradley Odom, ECUA's attorney, told the council Wednesday that the law Mead was referencing concerned bond issues and was not applicable to this situation. "ECUA has had many public meetings to consider this," Odom said. "Ironically, when ECUA decided it was going to build the tanks, no one showed up to the meeting to speak to the issue." Mead said a hearing was set for Monday for a judge in Panama City to hear whether ECUA could continue construction, pending the lawsuit. Judges in the Escambia County Circuit Court were recused from the case.

After voting to have a special meeting if the judge ruled in the case, Johnson got up to leave the room when a member of the audience shouted, "See you at the Z tonight!" referring to Azalea Cocktail Lounge, a bar owned by Johnson. "This is what we have to endure with North Hill — every time," Johnson said, sitting back down in his chair. Spencer called for order and asked members not to heckle council members because they didn't vote the way they wanted. A few minutes later, as the meeting continued, Johnson got up to leave again through the council members' exit, slamming the door as he left. The hearing in the ECUA lawsuit is set for 11 a.m. Monday.

Pensacola News Journal
September 16, 2017

North Hill residents say ECUA violated Florida law with sewage tank construction
Author: Jim Little

Residents in Pensacola's North Hill and Long Hollow neighborhoods think something stinks about the Emerald Coast Utilities Authority's emergency sewage overflow tank project. Erick Mead, an attorney with Moore, Hill & Westmoreland representing residents in a lawsuit against ECUA, told the Pensacola City Council at its meeting Thursday that he believes ECUA violated Florida law by moving forward on the project without first obtaining council approval. "The only exception to this (law) is if they (ECUA) owned the property before the municipality was formed, and since this city predates the state, I don't think that's a problem," Mead said.

Construction for the nearly $4.7 million tank between Palafox and Guillemard streets along East Avery Street is underway. Baskerville-Donovan is handling the engineer work for ECUA. The tank will rise approximately 50 feet above the existing land, according to the building permit filed with the city. Mead said he has asked for an emergency injunction with the courts to stop the project but also asked the City Council to exercise its authority to halt the project.

Nathalie Bowers, spokeswoman for ECUA, said she could not comment on the issues surrounding the lawsuit. But, she said, the enclosed tank would only be used if the downtown lift station right next to the tank failed. Bowers said the lift station handles 5 million gallons of sewage from downtown Pensacola every day, and if the station failed, the sewage would back up in downtown. "It's going to be empty, that's the bottom line, unless there's an issue," Bowers said.

Council President Brian Spencer was absent from Thursday's meeting but sent a letter to council members on the topic asking them to vote to suspend ECUA's construction permit on the project. "The City Council has a statutory right to approve such construction, and Section 153.03 of Florida Statutes requires this approval process," Spencer wrote in the letter. "ECUA is bound to that statute in its founding law. Nevertheless, a permit has been issued, and construction is underway."

Council members voted to ask **Lysia Bowling**, city attorney, to give a legal opinion to the council before its next scheduled meeting Wednesday. The issue could develop into a test of the City Council's power under the city's 2010 charter. **Bowling** told council members that even if Mead was right about ECUA, she didn't think the council had the power to revoke the permit. "I don't think the council or the city for that matter has jurisdiction to enforce any allegations of non-compliance of the state law," **Bowling** said to the council.

Mead told the News Journal on Friday he believes the council does have that power and should have acted. "The City Council, rather than undertaking to act and instruct the attorney to defend their action, essentially was looking to the city attorney for permission," Mead said. "And I don't understand that."

Spencer said in his letter that he didn't believe revoking the permit would contradict the mayor's powers in the charter. "Simply stated, we have a responsibility to act as a Council to ensure our powers are effective and respected," Spencer wrote. Mead originally filed a lawsuit in March 2016 alleging ECUA had violated public meeting laws to purchase the land.

ECUA said it had followed all public meeting laws related to the project. The entire bench of the First Judicial Circuit Court was recused from the case, and the Supreme Court of Florida reassigned the case to a judge in the 14th Judicial Circuit Court in Bay County. The judge in the case denied Mead's motion for summary judgement on July 3, and the case appeared headed to trial when Mead said he found out the city issued a construction permit on the same day as the application was submitted.

The application and permit were approved Aug. 28, but the plans contain a stamp and signature from Bill Weeks, city inspections services administrator, dated Aug. 25. "I cannot fathom how that can occur. Ordinary process is you submit an application for a building permit with a set of plans, which are then reviewed," Mead said. "It requires multiple, significant reviews of a lot of different details, and generally speaking a review of a permit can take weeks or months."

Mead, who has worked in construction issues of the law for nearly 20 years, said that for a project of this size to be approved on the same day the application was submitted means the decision was made at a political level.

Mayor Ashton Hayward's office declined to comment for this story. "I think that Mr. Weeks acted appropriately and this is no reflection on Mr. Weeks at all, and I understand the predicament he must feel in," said Councilwoman Sherri Myers at the meeting. "The remedy is that if there is a finding that (ECUA) did not follow the statute, then it's just like any other building code. If a private contractor doesn't follow a building code requirement, then a building inspector would pull the permit."

Pensacola News Journal
April 29, 2017

Downtown panhandling ban could face legal challenges
Author: Jim Little

If the Pensacola City Council gives its final approval to an ordinance banning panhandling in most of the downtown district, it could be standing on shaky legal ground in the wake of a unanimous 2015 U.S. Supreme Court ruling. The ordinance would impose a civil fine on anyone soliciting donations — including panhandlers and street performers — in the downtown district south of Wright Street between Tarragona and Spring streets out to Plaza de Luna at Palafox Pier. "Since the Reed v. Gilbert case came down from the Supreme Court two years ago, 100 percent of the challenges to panhandling laws have been successful," said Eric Tars, senior attorney with the National Law Center on Homelessness and Poverty based in Washington, D.C.

The city's ordinance is structured after a similar ordinance in Fort Lauderdale that withstood a legal challenge in 1999, said **Lysia Bowling,** Pensacola city attorney, during the April 13 City Council meeting, when councilors voted 5-2 to pass the ordinance's first reading. Councilors must vote to read the ordinance a second time before it goes into effect. "The ordinance as proposed reflects the current state of the law, however, this is an area of law that is evolving," **Bowling** wrote in an email to Mayor Ashton Hayward and the City Council, which was posted on the city's website. **Bowling** declined to comment to the News Journal on how the ordinance would withstand a constitutional challenge in the wake of the Reed v. Gilbert case. Hayward also declined to comment.

"We're all here to support, obviously whether they're poor, the homeless, anything that we can do to help," Hayward said at the April 13 council meeting. "But we've got to create a win-win, and it can be done in this city. I've heard many of you talk about solutions tonight. I urge you to bring those solutions so we can work together. Something has to be done."

Reed v. Gilbert was 'turning point'

Clyde Reed, a pastor of a church in Gilbert, Arizona, sued the town after it prohibited his church from placing temporary signs in the town announcing times and locations of the church's services. The U.S. Supreme Court ruled in 2015 that Gilbert violated the church's free speech and equal protection rights because the town's ordinance was based on the content of the signs. "If you have to read the content of the sign to determine whether it's permissible, that is a content-based restriction on speech, and it is unconstitutional," said Sara Latshaw, director of the Northwest Region of the American Civil Liberties Union of Florida.

Since the 2015 ruling, lower federal courts have started to strike down content-based bans. In August, Tampa lost a court challenge to its panhandling ordinance, which prohibited people from asking for donations in its downtown district and Ybor City neighborhood. U.S. District Judge Steven Merryday stated in his ruling that if not for the Reed v. Gilbert case, he would have upheld Tampa's ordinance. He called the ordinance a "demonstrably benign attempt to manage

fairly and humanely a tangible and persistent problem in a manner narrowly and artfully tailored." "Reed is a turning point," Latshaw said. Latshaw said it's understandable that someone without in-depth knowledge of the federal case law since the Reed v. Gilbert case could think a panhandling ordinance would stand up to a First Amendment challenge in court.

Fort Lauderdale passed an ordinance in 1993 banning panhandling in or around Fort Lauderdale Beach. The 11th Circuit Court of Appeals upheld Fort Lauderdale's ordinance as constitutional in 1999 after the ACLU sued the city. But, Latshaw said, that wouldn't happen in now, after the Reed case. "(The Fort Lauderdale ordinance) may have stood up in 1999, but it wouldn't stand up today," she said. The Florida ACLU sent a public letter asking the city of Pensacola not to pass the ordinance because of the legal questions it raises. "The City Council can read that opinion and know without a shadow of a doubt that their ordinance will not stand up," Latshaw said.

Penalizing the poor?

If the ordinance is passed, police will be able to issue civil citations for anyone violating the ordinance. Fines start at $50 and go up after each violation to $400 after the fourth violation. A maximum fine of $500 could be imposed if the citation is contested in court. "No matter how you crack it, this ends up burdening poor people or penalizing poor people for being poor," Latshaw said.

On Wednesday, James McCorvey stood at the intersection of Palafox and Garden streets holding a sign that says "Anything helps. A vet. God bless you." McCorvey doesn't say much about his past, but said his personal decisions, including a battle with alcohol, have put him on the street. "I chose the wrong path," he said. A couple of drivers waiting to turn left onto Palafox Street offered McCorvey spare change. One driver in a white pickup truck hurled insults at McCorvey, who responded with a middle finger. Another driver handed McCorvey a boxed lunch. "We got to make a living just like everybody else," McCorvey said. "You can't work with felonies, and plus you're disabled and stuff like that. I don't do no drugs. A lot of people think because you're out here you're on drugs."

Tars, the National Law Center attorney, said the City Council shouldn't waste taxpayer dollars on a law that's guaranteed to fail. "Study after study across the country has shown that it is far more effective and far more cost effective to address the underlying causes of why people are panhandling in the first place by providing adequate housing and services, rather than simply trying to criminalize the act of panhandling when people have literally no other option in terms of trying to survive on the streets," Tars said.

McCorvey said he feels the ordinance is wrong, but understands why the city would want to do something. "I think that's wrong, but a lot of (panhandlers) bring it on themselves because you've got a lot of them that just go and ask folks, and beg folks, and do a lot of cussing out of folks and all that right there," McCorvey said. "That makes it bad for us too."

SANDSpaper
April 15, 2017

No beggars allowed, Pensacola's downtown panhandling ordinances advances
Author: Jeremy Morrison

In a move applauded by the downtown business community, but framed by critics as cold-hearted and constitutionally-vulnerable, the Pensacola City Council approved on first reading April 13 a new ordinance barring panhandling from the newly minted Downtown Visitors' District.

The new ordinance, which still requires a second public reading, would restrict the solicitation of funds along and around South Palafox. The business community pointed to safety concerns and the need to safeguard economic interests downtown, while those arguing against the proposed ordinance pointed to free-speech rights and said the law would effectively "criminalize the homeless."

Ultimately, the city council voted to approve 5-2, with Councilwoman Sherri Myers and Councilman P.C. Wu dissenting. Although the issue of homelessness — deemed unrelated to panhandling — was not allowed to be breached, Mayor Ashton Hayward noted just prior to council's vote that once the ordinance had been dealt with the city could turn to assisting those "that desperately need the help."

"We're all here to support, obviously whether they're poor, the homeless, anything that we can do to help, but we've got to create a win-win," Hayward said.

This ordinance, the city's latest to address panhandling, was triggered last fall by a letter from Downtown Improvement Board Chairman John Peacock, in which he expressed concerns about the impact of panhandling on downtown's economic success. During the April 13 council meeting, the chairman described downtown business owners as "some of the most philanthropic, caring, compassionate people I know," and said sheltering downtown via the ordinance would help ensure they remained in the position to contribute to the community, including towards organizations dealing with homelessness.

"The DIB cannot fix this problem. This is a community problem, whether its panhandling, or the other things we're not allowed to talk about on this agenda," Peacock said. "The business owners in downtown can't wait for that magic bullet. This is a first step to protect the core area that we built and we want to continue to grow so the entire community grows and then we can ultimately fix the problems that we have."

DIB Executive Director Curt Morse stressed safety concerns. He said the downtown area was becoming more residential and needed additional protections. He contrasted the downtown core with slices of Pensacola's suburbia, and said people "deserve to walk down the sidewalk and not have someone ask them for money."

"That doesn't happen in Lavallet, that doesn't happen in Cordova Park. That doesn't happen in Scenic Heights, or the West Point Heritage neighborhoods, but we allow it to happen downtown," Morse said. "It just isn't safe."

Conversely, opponents of the measure argued that city officials were responding to the issue in an illegal and inappropriate way. "I personally don't like being approached either, but that is the messiness of freedom, and we need that," said Larry Downs, Jr.

Britt McGowan, a local mother, described to council how she uses panhandling encounters as an opportunity to discuss the issue of poverty with her child. "Would I rather not have those conversations? Do they make me uncomfortable? Sure," she said. "But I'd rather not have them because we've done something about them, not swept them under the rug, swept people under the rug."

Critics also took issue with the ordinance's prescribed penalties. While city council did downgrade the penalties from criminal to civil, the infraction of panhandling still carries the possibility of financial penalties; a first offense costs $50, doubling with each following offense up to $400.

Another point of contention centered on the ordinance's constitutionality. While city officials assured that the law had been crafted with First Amendment legal challenges in mind, North Florida ACLU Director Sara Latshaw warned otherwise, telling council the legal landscape had changed over the past couple of years and that the ordinance wouldn't stand up in court. "It really isn't up for debate," Latshaw said. "Every single one since 2015 that has been challenged, every single ordinance has been struck down."

But Council President Brian Spencer said that he felt confident that City Attorney **Lysia Bowling** had crafted an ordinance specifically designed to withstand a lawsuit. He leaned on the attorney for assurance, though her assessment seemed a little shaky, with plenty of wiggle room. "The state of the law is in flux, and it's not certain, and it is difficult for us to predict if this ordinance will be challenged, or of the outcome if challenged," **Bowling** told the council, explaining that the city's ordinance was modeled on laws in other areas that had successfully withstood challenges, or had yet to be challenged.

After council voted to approve the ordinance, Latshaw stood outside chambers in the hallway shaking her head. She paused for a moment to search for an appropriate adjective — "disappointed" — and declined to elaborate on the specter of an ACLU lawsuit against the city. "We're certainly watching what the city council decides to do," Latshaw said, adding that any decisions regarding a legal challenge would likely be made after the council held a second public reading for the ordinance.

The Pulse
April 10, 2017

Pensacola council overrides mayor's questionable veto
Author: Derek Cosson

Pensacola city council members on Monday voted to override Mayor Ashton Hayward's veto of the council's vote last month to move forward with hiring its own budget analyst. All seven council members voted to approve the veto override at a special meeting held before Monday's agenda conference. "I completely respect Council's decision to override my veto of hiring a budget analyst," Hayward said in a statement following the vote. "The purpose of the veto was to underscore my objection to what I thought was an unnecessary cost to the taxpayers. Our team has always worked well with city council on all legislative issues, and I expect that to continue."

The veto and subsequent override center on a conflict that dates back to at least 2014, when city council members placed a city charter amendment on the ballot that would give the council the power to hire its own staff independently of the mayor's authority. Mayor Hayward strongly opposed that amendment, saying it added an unnecessary layer of bureaucracy to city government, but city voters narrowly approved the language.

Since then, council members have hired an executive and two assistants, and in March took steps to hire a budget analyst, a position explicitly authorized in the 2014 charter amendment. Hayward vetoed that action, saying that there were "more pressing needs" in the city and that the position would be duplicate work already done within the city's finance department, which works for Hayward. Several council members have questioned whether or not Hayward even has the authority to veto council's action, given that the council is explicitly authorized by the city charter to hire staff. City Attorney **Lysia Bowling** opined last week that the mayor did in fact have the authority.

Bowling argued that because the city charter specifically spells out which actions the mayor can't veto — emergency ordinances, ordinances adopted as the result of a quasi-judicial proceeding, and ordinances proposing charter amendments — and the budget analyst decision didn't fall within those categories, the mayor's veto was valid.

Pensacola attorney Ed Fleming — writing on behalf of his client Barbara Mayall, a regular fixture at city council meetings — disagreed. "Any other interpretation of these facts would make the Charter's express provisions for the right of City Council to have an independent budget analyst a nullity," Fleming wrote in a letter to Mayall which was shared with council members Monday. "I do not believe any Court would reach that absurd result."

The Pulse
June 9, 2016

The latest on the John Sunday House
Author: Drew Buchanan

Pensacola's historic John Sunday House is likely safe for another month, but its fate could soon be decided by an Escambia County judge. Developer Charles Liberis wants to tear down the 115-year-old home, located near Pensacola's downtown core, in order to build 27 townhomes. Frustrated by routine delays imposed by the city's architectural review board in order to explore preservation, Liberis filed suit last week, asking the court to order the city to issue a demolition permit immediately.

John Sunday, one of Pensacola's most significant African-American historical figures, built the house in 1901 and lived there until his death in 1925. The son of a slave woman and her white owner, Sunday fought for the Union in the Civil War before returning to Pensacola, where he built a successful construction business and served as a city alderman and state legislator during Reconstruction. After Jim Crow laws pushed black businesses off Palafox Street in the early 20th century, Sunday helped establish the Belmont-Devilliers area as a black commercial district. The lawsuit is the latest move by developers to bypass the city's established processes for obtaining a demolition permit.

Because the home is located within a historic district, the city's Architectural Review Board must sign off on demolition. Citing the house's structural soundness and historic significance, the board twice voted to table a decision in order to explore options for preservation — a tool the board has used routinely with success. Earlier this year, after the board tabled a decision on a demolition permit for a home in Pensacola's Old East Hill neighborhood, the home was successfully moved and preserved.

But Liberis has pointed to a provision in the city's code which requires the board to act on requests within 31 days. Despite the longstanding precedent, Liberis argued that a decision to table doesn't constitute action, and City Attorney **Lysia Bowling** agreed. As a result, Liberis was able to bypass the board's approval and obtain a demolition permit on May 17, but the permit was stayed after Pulse editor Derek Cosson filed an appeal of the decision. Cosson's appeal was scheduled to be heard by the city's Zoning Board of Adjustments next week.

On Thursday, Escambia County Judge Gary Bergosh issued a temporary injunction preserving the status quo pending a final decision in the case, which he expects to issue in approximately one month. As a result of the injunction, the city has cancelled next week's planned appeal hearing.

More than 800 people have signed a petition asking city officials to save the house. Supporters also filled the room at a May 19 meeting of the Architectural Review Board, thanking the board for their efforts and arguing for preservation.

Real estate broker John David Ellis is president of the John Sunday Society, a citizen group trying to preserve the house. He says that the house itself only occupies a tenth of an acre — about 7% of the parcel's total area — but Liberis has refused to consider subdividing the parcel or building around the house. "When I spoke with Liberis about the idea, he said, 'No one wants to live next to an ugly house,'" said Ellis. Liberis' contract to purchase the property — which is contingent on the house's demolition — is set to expire July 15.

The Pulse
May 16, 2016

City to issue demolition permit for Sunday House
Author: Derek Cosson

Pensacola city officials are expected to issue a demolition permit for the historic John Sunday House, a city spokesperson said Monday. The house, located at 302 West Romana Street, was built in 1901 by John Sunday, one of Pensacola's most prominent and successful African-American figures in the late 19th and early 20th century. Sunday served as a city alderman and state legislator during Reconstruction, built a substantial construction business, and helped establish the Belmont-Devilliers area as a center for black commerce.

City spokesperson Vernon Stewart said that while a permit has not been requested by a demolition contractor, the city plans to issue such a permit once it is requested. Stewart couldn't identify who made the decision to issue the permit, but said that the decision came after a new legal opinion was issued by City Attorney **Lysia Bowling.** That legal opinion was not immediately available. Pensacola Mayor Ashton Hayward said Monday that he had not requested the opinion.

City planner Brandi Deese sent the following email to architectural review board members on Monday afternoon:

> Please be advised that the City Attorney has reviewed the application for the demolition of the structure at 302 W. Romana Street, and has determined that ARB did not act within the 31 day timeframe required in Section 12-13-3 (G) of the Land Development Code. According to Section 12-13-3 (I), such plans shall be deemed to have been approved. Per this determination, the Building Official will issue a demolition permit when an application is received.

Developers led by attorney Charles Liberis want to demolish the home and redevelop the 1.5 acre parcel with 27 townhomes. The city's architectural review board has twice postponed a vote on demolition in order to give preservationists time to develop a plan to save the home. Pensacola Mayor Ashton Hayward voiced his support for the demolition in April, arguing that redevelopment of the site would provide much-needed downtown housing and help grow the city's tax base.

Deese's comments reference a city code provision which states that the architectural review board "shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted, to the board for review." Liberis has argued that the board's decision to postpone a vote on demolition beyond the 31-day mark violates the code. However, the board has routinely postponed similar requests in the past, and the mayor's office said in April that the board's move to table a vote was effectively a decision.

John Ellis, a real estate broker and the president of the John Sunday Society, called the reversal "mind-blowing," noting that he had met earlier in the day with the UWF Historic Trust's board of directors, which expressed support for the Society's efforts to preserve the house. Ellis pointed to a recent situation where the ARB postponed a demolition request for a house in Old East Hill; the house was eventually relocated.

Ellis said Monday afternoon that he was consulting with legal counsel and examining the available options to stop the demolition. The issue was expected to come back before the architectural review board on the afternoon of June 16, as well as the city council later that same day. The administrative decision to issue a demolition permit would appear to preclude further discussion by either board on the subject.

Pensacola News Journal
April 16, 2015

City attorney: Council can't force mayor to act
Author: Will Isern

Access to the sixth floor of city hall will remain restricted for Pensacola City Council members following a legal opinion from City Attorney **Lysia Bowling**. The opinion could have other implications as well.

In the opinion issued Monday, **Bowling** wrote that the city charter clearly delineates power between the city's two branches and, pointing to state law, opined that the city council can't force the city's executive branch to take action. "... Based on the Municipal Home Rule Powers Act, it is my opinion that the governing body of the City cannot legislatively act in a manner that would change the allocation of powers the Charter currently provides, or would result in the exercise of powers reserved to the executive branch," **Bowling** wrote.

Bare will retain council gavel

The Municipal Home Rule Powers Act is the law by which local governments obtain their power from the state. The question of whether or not the council can direct Mayor Ashton Hayward's administration to act stems from a discovery made last year by City Council president Charles Bare that his City Hall access card would no longer allow him to travel to the sixth floor at City Hall.

Bare questioned city administrator Eric Olson about the change and Olson confirmed that, for security reasons, council members would need an escort if they wanted to go to the sixth floor. The sixth floor is where the city's finance staff work.

City Hall access prompts bigger question

In February, the council voted 5-2 to direct the mayor to undo the security change. Hayward did not veto the vote, but the change was never made, leading some on the council to wonder if the mayor is bound by anything they vote on. "It's the fact that we don't know now what resolutions he has to abide by," Bare said in March. "There's a number of things done by resolution, what's to say he won't ignore other things as well? The budget is done by resolution, is that binding or can he just move money around whenever he wants?"

In March, the council directed **Bowling** to draft an opinion as to whether their resolutions were binding on the executive branch. Though she did not explicitly say so, **Bowling**'s opinion implies that they are not. Bare said at Thursday night's City Council meeting that he wasn't convinced **Bowling**'s opinion answered the question that the council had asked, but **Bowling** did not want to elaborate on her opinion there, instead offering to make a presentation at a later workshop.

Pensacola News Journal
March 24, 2015

New city attorney's contract challenged
Author: Staff report

An employment contract signed by new Pensacola City Attorney **Lysia Bowling** more than a week ago still doesn't comply with with the municipality's charter. The contract states that only the mayor, Ashton Hayward, can terminate **Bowling**. In fact, according to the charter's section 5.03, a majority of the City Council would have to vote in favor of firing her.

"If the mayor wanted to dismiss the city attorney for some reason, he would have to bring it back to the council," Tamara Fountain, Hayward's chief of operations, said Tuesday. "It was an honest oversight. I already emailed Councilman Charles Bare about it and said that we would fix it. It was an honest mistake."

Fountain said Bare pointed the issue out. She said the city is preparing an addendum to the contract that conforms with the charter. That addendum should be done within a day or so, she added. Bare could not be reached for comment.

Council Member Sherri Myers said the contract's language underscores a tendency by Hayward's staff to overreach his legal authority: "The city attorney is supposed to work for the city, not just the mayor." "It seems like the person should wait (to start work) until everything is worked out," District 1 City Council Member P.C. Wu said. "We should follow the charter."

Bowling, Hayward, City Clerk Ericka Burnett and Edward Sisson, the city's chief human resources officer, signed the contract, which is dated March 16. **Bowling**, whose previous job was as the San Angelo, Texas, city attorney since 2009 started working remotely for Pensacola last week with an annual salary of $155,000. Staff and office to cost over $350K

The contract was signed after the City Council approved **Bowling's** hiring at its March 12 meeting, which is when the panel was scheduled to vote on hiring its own staff, including an attorney at a salary of up to $115,000 a year. The council voted instead to hire a consultant, for the time being, to help them put together a staff. Several council members, who are part-time, have said they need their own attorney to help draft ordinances, among other things.

San Angelo Standard-Times: Web Edition Articles (TX)
March 13, 2015

Bowling named city attorney for Pensacola
Author: Staff Report

San Angelo's former city attorney, **Lysia Bowling**, has been named city attorney for Pensacola, Florida. **Bowling**'s resignation was effective Friday, after more than five years with the city of San Angelo. **Bowling**, a graduate of Yale University, was nominated by Pensacola's mayor, according to news reports. Dan Saluri is serving as San Angelo's interim city attorney.

San Angelo Standard-Times (TX)
February 10, 2015

City's lawyer to step down
Author: Staff report

City Hall has some changes in the works. San Angelo's city attorney is resigning, and its city clerk is no longer "interim." **Lysia Bowling**, city attorney, has tendered her resignation effective March 13. "Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated," City Manager Daniel Valenzuela said in a city news release. "We wish her the best." Dan Saluri, senior assistant city attorney, will take over the post on an interim basis until a successor is named, according to the release.

Bowling joined the city staff in November 2009 after serving as an assistant city attorney in Miami. She came with more than 25 years of legal and supervisory experience to replace Mindy Ward, who retired as city attorney after 28 years. The city attorney represents the city in legal matters, providing counsel to the City Council, the city manager and city departments and boards.

The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the city for damages, eminent domain proceedings, collections, the prosecution of cases in municipal court, and adherence to open meetings and open records state statutes. Before coming to San Angelo she was an assistant attorney in Miami, serving as a police legal adviser for the city and a law enforcement instructor at the Miami Police Training Center.

Previously she worked in the Harlingen and Austin city attorney's offices and at the Texas State Comptroller of Public Accounts. She was featured in the January 1990 issue of Jet Magazine in an article on "Black Women in Criminal Justice" and in a Texas Bar Journal article on "Minority Women in the Law." She's happy in her San Angelo position. "I love it here," she said, adding that she had been seeking the challenge of returning to a leadership position in a city attorney's o'ce in Texas when she accepted the job. "I am a career public servant," she told me.

In the Jet article, headlined "Female Judge, Attorneys are Laying Down Law And Order in Austin, Texas," **Bowling** stressed the importance of being compassionate with members of the community. "I think I have a sense of how to help people conform to the law without crippling their lives," she said.

She became passionate when speaking of the importance of mentoring young people. Whether as a public speaker, a panelist of presenter in community, school and juvenile justice settings, she always desires to lend support to service professionals in their mission to educate young people and prepare them to function effectively in an adult society.

As city attorney, her role is to advise the City Council members, city staŸ and city department and boards. She renders explanations to clarify rulings so misunderstandings and unnecessary litigation can be avoided.

One evening when watching Channel 17, I was impressed with **Bowling's** explanation of the reason that the canvassing of the votes in last year's Tom Green County Precinct 1 justice of the peace race would not be challenged. While I disagreed with her conclusion, she had done all of the checking and talked to the Secretary of State's O'ce, and the advice was to accept that the uncounted 1,500 votes would not have changed the outcome.

Bowling has had plenty of inspiration in her life. "I looked up to 'firsts' who overcame negative stereotyping about women and minorities in the legal profession who were able to thrive," she said. "I hope in my career I have set the same footprints for other aspiring legal professionals who are trying to navigate the same struggles. We should always seek to uplift, encourage and inspire the children of our community to have a vision and an opportunity to become educated, which is the pathway to advancement. "My goal is to represent the city of San Angelo the very best that I can while enriching the community. I take my duty and responsibility very, very seriously and I am honored to be welcomed here."

We do welcome **Bowling**, and not only do we expect her to do well in her job, we look forward to her inspiring young people to set high goals for themselves and to understand that education is the key to achieving them.

San Angelo Live
February 9, 2015

City Attorney Resigns
Author: Joe Hyde

City Attorney **Lysia H. Bowling** has tendered her resignation, effective March 13. **Bowling** joined the City of San Angelo in November 2009. Her tenure has seen many controversial issues pass across her desk, including the trash contract and the sand depot controversies. The latest was the blowup over Lee Pfluger's sand depot. Privately, some city officials said that her approach to the controversy, and advice, has been too limited and timid. Appellant H.R. "Winkie" Wardlaw III, a former city councilman said that the city legal staff was offering bad advice to council.

She was mysteriously missing from all of this year's most contentious meetings on the sand depot, and many were speculating that she was fired. City Manager Daniel Valenzuela denied her termination two weeks ago in an email.

According to the City of San Angelo, the city attorney represents the City in legal matters, providing counsel to the City Council, the city manager, and City departments and boards. The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the City for damages, eminent domain proceedings, collections, the prosecution of cases in Municipal Court, and adherence to open meetings and open records state statutes.

“Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated,” Valenzuela said. “We wish her the best.” Senior Assistant City Attorney Dan Saluri will serve in the post on an interim basis until a successor is name.

San Angelo Standard-Times (TX)
September 30, 2009

City Council hires new city attorney from Miami
Author: Staff report

The City Council has hired **Lysia Bowling** as the San Angelo city attorney. **Bowling** is an assistant city attorney in Miami, Fla. She has more than 25 years of legal and supervisory experience, a City Hall news release states. **Bowling** will start Nov. 1. She replaces Mindy Ward, who is retiring after serving as city attorney for the past 28 years. **Bowling** will be paid $141,500 annually. "We feel that **Lysia** is the best person for the job, based on the needs of the community, her experience and the intangibles that she can bring," said City Manager Harold Dominguez.

The city manager also noted that **Bowling** has a "strong commitment to civic and community services." **Bowling** has worked for Miami since October 2007, according to the news release. She has also worked for a number of Texas agencies, including the Harlingen Office of City Attorney, the Austin City Attorney's Office and the Texas State Comptroller of Public Accounts.

Bowling received her bachelor's degree in political science and Latin American studies from Yale University in May 1976 and her law degree from the University of Virginia in May 1979. The city attorney's duties include coordinating and directing all operations of the City Attorney's Office; representing and defending the city in various legal matters; serving as legal adviser to the City Council, city manager and other city personnel; and reviewing and preparing legal responses, briefs, memos, ordinances, resolutions, policies and other documents.

https://newspaperarchive.com/valley-morning-star-jan-05-1996-p-1/Valley Morning Star January 8, 1996

Official's husband cleared
Author: Allen Essex

Official's husband cleared

Judge dismisses charge of attempted indecency with child against Prim

By ALLEN ESSEX
Valley Morning Star

BROWNSVILLE – A state district judge has dismissed a charge of attempted indecency with a child against the husband of Harlingen's city manager.

The charge against Bryan Burroughs Prim III was dismissed Wednesday in Judge Menton Murray Jr.'s court.

Prim, 55, husband of Harlingen City Manager Natalie Prim, was accused of attempting to fondle the 10-year-old son of former City Attorney Lysia Bowling.

Bowling resigned in December 1994 and received a $45,000 settlement as part of an agreement that prevents her from discussing her departure from City Hall.

In a written statement issued Thursday, Bryan Prim said: "Since my original statement of April 1995, I have been fully prepared to face a court of law with the truth. We were sustained by Christ and each other, in addition to thousands of prayers offered in support. We have grown in character and compassion from the experience."

A June 1994 report to police by Child Protective Service caseworker Miriam Luna had alleged that Prim "has been rubbing against the complainant and moving up and down on top of the complainant to gratify his sexual desires."

District Attorney Luis Saenz said the dismissal of the charge against Prim was done in the interest of the child and had nothing to do with Bowling's settlement agreement with the city.

A document in the court file signed by Bowling, as the witness and the child's mother, requests the matter be dropped.

"We dismissed the case on a basis totally independent of (Bowling's agreement)," Saenz said. "Lysia Bowling signed for us an affidavit of non-prosecution on behalf of her son."

Bowling had previously agreed to testify.

The affidavit "doesn't mean she won't testify," Saenz said. "It

Please see 'CLEARED,' Page A8

CLEARED / Judge dismisses case

Continued from A1

means she doesn't want to proceed with the case. It doesn't have anything to do with the settlement."

There are no plans to prosecute Prim again on the same case in the future, the district attorney said.

"The basis for the decision was the best interest of the child," he said.

Forcing the child to go through the ordeal of testifying is a factor to consider, he said.

"Every case is different," Saenz said. "In every case, we allow the victim — in this case the victim's family because he's a minor — great input into the final decision we make."

In a motion filed in October, Bryan Prim's attorney, Joe Connors of McAllen, asked that Murray issue a ruling requiring city employees to testify in the case.

This was prohibited by the agreement between the city and Bowling.

If the judge could not do that, the motion asked that Murray dismiss the case.

Bowling, who is now employed by the city attorney's office in Temple, did not return a telephone call Thursday from the *Valley Morning Star*.

Valley Morning Star - https://newspaperarchive.com/valley-morning-star-oct-24-1995-p-2/
October 24, 1995

Prim gets a new trial date
Author: Allen Essex

Prim gets new trial date

Attorney orders city employees mum on molestation charges

By ALLEN ESSEX
Valley Morning Star

BROWNSVILLE — The trial of a Harlingen man who faces a child molestation charge has been postponed until Jan. 8.

Bryan Burroughs Prim III, husband of City Manager Natalie Prim, is accused of attempting to fondle the son of former City Attorney Lysia Bowling on July 18, 1994. His trial in Judge Menton Murray's court was to have begun today.

Prosecutors and defense attorney Joe Connors of McAllen agreed to resetting the trial, a court official said.

Connors has filed a motion in court asking Judge Menton Murray Jr. to rule that city of Harlingen employees who may be required to testify in the case can talk to him about the case.

If the judge will not order Harlingen employees to talk, Connors has asked that the case against Bryan Prim be dismissed.

Connors says he cannot effectively defend Prim without questioning potential witnesses.

City Attorney Brendan Hall has ordered city employees not to talk to anyone about the case because of a confidentiality agreement signed by both sides, Connors stated in a court document.

Hall declined to comment on his instructions to city officials and employees.

The agreement, which prohibits city employees from revealing that Bowling was pressured to resign, also includes a $45,000 settlement and provision of health insurance until Bowling gets a new job that provides insurance.

In June, Bowling filed a breach of contract lawsuit claiming that comments made by Mayor Bill Card, quoted in newspapers, violated the confidentiality agreement.

Bowling has created a situation in which criminal charges have been brought against Prim, and also entered into an agreement which forbids city officials and employees from testifying, making it impossible for Prim or his lawyers to defend him, Connors states in the motion.

"Thus (Prim) must move for dismissal of the above case or request a motion for judicial authority for potential witness employees and officials of the city of Harlingen, Texas, to talk to the defense lawyer(s), investigators and representatives of the above defendant," Prim's lawyer states.

The Brownsville Herald - https://newspaperarchive.com/brownsville-herald-apr-15-1995-p-16/
April 15, 1995

Husband, 55, is accused of indecency
Author: Josh Lemieux

Husband, 55, is accused of indecency

By JOSH LEMIEUX
Associated Press Writer

HARLINGEN — The husband of the Harlingen city manager was arrested Thursday on charges of attempted indecency with the child of the former city attorney.

Bryan Prim, 55, was booked into the Cameron County Jail and released on $10,000 bond.

"I am prepared, without a doubt, to prove my innocence in a court of law," Prim read from a statement. "Our hearts go out to the many that have been hurt by a false accusation."

Prim said his attorney is Joe Connors of McAllen, who declined to discuss the case.

A county grand jury issued an indictment on March 22 charging him with a felony count of attempted indecency with a child. The indictment was held under seal until Prim's arrest Thursday.

Prim is married to City Manager Natalie Prim.

The indictment alleges that Prim reached under the victim's shorts and touched his leg in July 1994.

At the time, the victim's mother, Lysia Bowling, was employed as city attorney — a position subordinate to Mrs. Prim.

Bowling complained to Harlingen police in July 1994 that her son said he was touched inappropriately by Bryan Prim on three occasions. The boy's complaint emerged in sessions with San Benito psychiatrist Susan Ander, who referred the case to the state's Child Protective Services unit, according to the police report.

In December, city commissioners approved a confidential settlement under which Bowling agreed to step down.

Bowling, who now lives in Austin, said by telephone Thursday that the terms of the settlement prevent her from publicly discussing her reasons for leaving.

The city paid a lump sum of $45,000 to Bowling, the Valley Morning Star has reported.

Austin American-Statesman
April 16, 1990

Law firm puts city traffic cases in a jam
Call for jury trials produces pileup
Author: Jim Phillips

The war of attrition between a lone upstart out-of-town lawyer and the amassed authority of the City of Austin continues unabated in the trenches of Municipal Court. The weapons include delaying tactics, legal technicalities, good memories, poor memories, implicit threats, explicit threats, vindictiveness, extenuations, exonerations, discriminations, writs, motions, the sheer weight of numbers, tens of thousands of dollars and time. It is a lot of hoopla for a few speeding tickets.

The law firm of Miller and Herring, an Amarillo concern that does a lot of speeding-ticket business in the Panhandle, decided to test the market in Austin two years ago. At the time, Austin's municipal courts held jury trials only one afternoon every week. There are now three afternoons given over to jury trials, and the courts are seeking money to add a fourth, and maybe a fifth, day of trials, thanks to Miller and Herring.

The law firm's business in Austin includes about 1,600 pending cases, and it has already disposed of 1,000 or so speeding tickets. Jury trials for the firm's clients are now being scheduled for January 1991, and the backlog continues to grow. To handle that load, the firm has one - count 'em - one lawyer.

That fact alone annoys court officials. But also contributing to the animosity are the overwhelming number of pending cases, the crush of crowded dockets, the tedious and wasteful process of issuing subpoenas for a dozen police officers when only one case will go to trial and the cases lost when police officers fail to show up. "This law firm turns this whole thing into a circus," said **Lysia Bowling**, chief prosecutor in Municipal Court. "It is really a burden because the issues are so very narrow. It's like a perpetual, endless cycle."

When **Bowling** gets a jury conviction for one of Miller and Herring's clients, she goes for the jugular. "I always ask for a (maximum) $200 fine, and I usually get it. My fines are normally over $100." She goes for the throat not of the client, but of the firm, whose Austin lawyer is Pam Oglesby. The firm pays all fines assessed its clients.

Bowling said she asks for the maximum "to penalize her (Oglesby), in a way, indirectly, because the firm pays the fines - also because we've gone to all this trouble." "Yes, we are vindictive. That's the only way we feel like we gain a little."

Municipal courts need to feel like they gain something from the cases because generally they are losing - cases and money. City officials estimate that it costs $12,000 a year for each afternoon of jury trials. That means if jury trials are scheduled for three days a week, it costs the city

$36,000 a year for jurors, a court reporter and a bailiff. That does not cover the costs of part-time judges who often are called in, the costs of staff time or the costs of police officers' time.

Only one jury trial can be held each afternoon on one of Oglesby's clients, so even if the City Council agrees to fund five afternoons of jury trials a week, the city would be spending more than $60,000 a year to dispose of 250 cases a year. At that rate it would take more than six years just to take care of the current backlog. Miller and Herring ensure that their backlog continues to grow by sending advertisement cards to everyone who receives a traffic ticket from Austin police.

Considering that Oglesby loses about 80 percent of her trials, the firm could not live on jury verdicts alone. Clients are charged a flat fee of $125, which would be a losing proposition if every case went to trial. Where the firm comes out ahead is when cases are dismissed, which is what happens every time a police officer fails to appear in court to be ready for a trial that he or she knows is probably not going to happen. Some of the officers have left the force, some are busy with other duties, and some get tired of wasting their time.

Bowling estimates dismissals occur three or more times a week. Oglesby says it is much more frequent, and says that over time the number of dismissals accumulates to the point that 90 percent of the firm's cases never get to trial. City officials believe the figure is well under 90 percent.

Whether the process of trying to outlast the police amounts to using or abusing the system depends on whom you talk to. "If (a defendant) wants a jury trial, I respect that," **Bowling** said. "But it's just that she's taking advantage of it. It's like Russian roulette."

Oglesby said, "We're getting more and more backlogged." Speaking on Thursday, she said, "Yesterday we had 11 cases (on the docket), and they were all from '88. They just get older and older. "There's no question it's costing the taxpayers an inordinate amount of money," Oglesby conceded. "I'm sorry about that, because it's a waste of money. "We're required by law to do the best we can for our clients, and . . . the best job I can do for my client is set it for jury trial, make them bring in a jury, go to that expense and that extreme."

There is one simple solution to the problem: plea bargaining. "The fact that they will not plea bargain (means) nine out of 10 are walking away. If that's their choice, they're entitled to make that choice, but they have to accept" that it costs the city considerable money in expenses and in lost revenue.

Virtually every county and district court in the nation engages in plea bargaining, and in many Texas cities the municipal courts also allow the practice. In traffic cases, defendants would plead guilty to a non-moving violations, thus saving themselves higher insurance costs, and in return pay a fine equal to or higher than the traffic ticket. Or, the defendant would receive deferred adjudication, in which the ticket is dismissed if he or she pays the fine and does not receive another ticket for a period of time, often six months.

Harriet Murphy, presiding judge of Austin's municipal courts, said plea bargaining of that sort is not allowed, although a person with more than one ticket often can get one dismissed in return for paying the fine on the other. "There are many reasons not to," Murphy said. "I think it favors the more wealthy people who can come up with those large special expenses, and poor people would not have that opportunity." Many speeders can have their tickets dismissed without hiring a lawyer by taking driver education courses, but those courses can be used no more than once every two years.

Murphy said a computer program is being created to automatically assign cases involving one officer to a day when he has other cases assigned. The process will reduce the number of officers required to show up for jury trials on any given day. Meanwhile, the war goes on, and victims continue to fall. **Bowling** continues to set, reset and reset again the thousands of pending cases. "There's nothing refreshing about it," she said. "It's just us accommodating the way they're making money."

Austin American-Statesman
January 20, 1990

'Jet' honors role models in Austin
3 black women in law praised for examples
Author: Austin American-Statesman

Three Austin women with law-related careers are featured in the most recent issue of Jet magazine, a weekly newsmagazine targeting black readers, for an article on minority role models. "I feel very proud," said Municipal Court Judge Harriet Murphy, who appeared in the magazine along with acting City Attorney Iris Jones and **Lysia Bowling**, the city's chief prosecuting attorney.

"Blacks in Austin, Texas, particularly women and children searching for positive role models, need not look further than 700 East 7th Street in their city," the article states. "At that address stands the Municipal Court of Austin where three legal authorities bring justice to their communities."

Murphy, a presiding judge since 1988, told the magazine she believes having more minorities involved in the legal system would "set a more positive stage in the courtroom for minorities." "The magazine thought it was unusual that three black women held these particular positions, not just in a southern town, but in any town," Murphy said.

Jones said it is important for women and minorities to hear about role models in law-related professions, because it is a field that traditionally has been dominated by white men. "When I was growing up I had role models and people who inspired me to succeed," she said. "I think young people today still need that, to let them know they can succeed whether they are black or female or Hispanic."

Research Compiled by: Cindy Congdon
Colin Baenziger & Associates

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Cynthia A. Everett

Attachments

Everett

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:10 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 4

Cynthia A. Everett

Fort Pierce City Attorney Candidate Report

Section 4

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Cover Letter and Resume

CYNTHIA A. EVERETT
cae@caeverett.com
(305) 598-4454

October 17, 2018

Via E-Mail Only
Recruit37@cb-assoc.com

Mr. Colin Baenziger
Colin Baenziger & Associates
2055 S. Atlantic Avenue, Ste. 504
Daytona Beach, FL 32118

Re: City Attorney, City of Fort Pierce

Dear Mr. Baenziger:

Enclosed is my résumé for consideration for the position of City Attorney for the City of Fort Pierce.

As a seasoned attorney with significant experience, my qualifications for the position of city attorney include previous experience as the chief legal officer for the Florida municipalities of Opa-locka, Pinecrest and Fort Lauderdale as their municipal attorney. I have also served as an Assistant State Attorney for Miami-Dade County and an Assistant United States Attorney for the Southern District of Florida.

These positions have provided me with experience in litigation, managing and directing professional and support staff employees, preparing budgets, drafting documents, interacting with elected and appointed officials, the public and the media, and as a municipal attorney, regularly providing advice and opinions on substantive, local government law issues in the areas of land use and zoning, public works, public safety, public finance, human resources, civil forfeitures, ethics, conflicts, public meetings and public records.

I welcome the opportunity to further discuss my qualifications for this position and to answer any questions. I may be contacted by telephone at (305) 598-4454 or by email at cae@caeverett.com.

Very truly yours,

Cynthia A. Everett

Cynthia A. Everett

CYNTHIA A. EVERETT

(305) 598-4454 | cae@caeverett.com

PROFESSIONAL EXPERIENCE

City Attorney, City of Fort Lauderdale, Fort Lauderdale, Florida
2013 – 2018
Served as chief legal officer for city of 165,000 and as general counsel for the City of Fort Lauderdale Community Redevelopment Agency. Managed a staff of eleven attorneys and multiple support personnel; supervised outside counsel; developed annual budgets; prepared and reviewed ordinances, resolutions, contracts and related legal documents in the areas of land use and zoning, labor and employment, real estate, public works, public safety, public finance, grants, and economic development; provided legal advice and opinions to the City Commission, executive officers and department directors, provided guidance and opinions in the areas of ethics, conflicts of interest, elections, public records and government in the sunshine issues; attended all City Commission and Board meetings, conducted, and assisted in, investigations of complaints of local, state and federal laws as requested, and represented the City in legal matters before state and federal courts, and administrative agencies.

Cynthia A. Everett, P.A., Miami, Florida
Managing Attorney
Village Attorney, Village of Pinecrest, Pinecrest, Florida
1999-2013
General Counsel, Our Kids of Miami-Dade/Monroe, Inc., Miami, Florida
2005-2011
Practiced in the areas of labor and employment, local government and insurance defense law. Served as Village Attorney and chief legal officer for the Village of Pinecrest, Florida (1999-2013). Provided legal advice to the Village Council, Village officials and Village staff; attended all regular and special meetings of the Village Council; attended code enforcement and planning board meetings and handled litigation matters involving land use and zoning, contractual matters, civil forfeitures and appeals. Conducted and assisted in investigations of complaints of violations of local, state and federal laws. Served as Special Counsel for the City of Miami Civil Service Board and the City of North Miami, as an investigator for the City of Hallandale Beach, and served as special magistrate for code enforcement for the Town of Miami Lakes.

Adjunct Law Professor, Florida International University College of Law, Miami, Florida
2004 – 2008
Taught upper division courses in Employment Discrimination and Local Government Law.

EXPERIENCE (continued)

City Attorney, City of Opa-locka, Opa-locka, Florida
1997 - 1999
Served as chief legal officer for city of 17,000. Provided legal advice to city officials and department heads. Handled litigation matters involving labor and employment law, tort and contractual matters, as well as zoning and other municipal issues.

Law Offices Williams & Associates, P.A., Miami, Florida
Senior Associate, 1995 - 1997
Practiced in federal and state courts in the following areas: personal injury, medical malpractice, commercial litigation, employment law, including discrimination and wrongful termination. Represented parties in administrative hearings before the Florida Public Employees Relations Commission and the U.S. Equal Employment Opportunity Commission. Served as a Hearing Examiner for bid protest matters for Miami-Dade County.

United States Attorney's Office for the Southern District of Florida, Miami, Florida
Assistant United States Attorney (Civil Division), 1989 - 1995
Defended the United States in civil lawsuits involving personal injury, medical malpractice, employment discrimination and other general civil cases. Prosecuted civil fraud, contract, labor and civil forfeiture cases.

Miami-Dade County State Attorney's Office, Miami, Florida
Assistant State Attorney, 1982 - 1989
Prosecuted criminal cases in county, juvenile and circuit courts. Served as Felony Division Chief (1987-1989). Supervised three attorneys; prosecuted homicide and other specially assigned criminal cases.

BAR ADMISSIONS AND CERTIFICATIONS

- Admitted to The Florida Bar
- Admitted to the District of Columbia Bar
- Admitted to the District Court for the Southern and Middle Districts of Florida
- Admitted to the United States Court of Appeals for the Eleventh Circuit
- Admitted to the United States Supreme Court
- Supreme Court of Florida Certified Civil and Appellate Mediator
- Florida Bar Board Certified in Labor and Employment Law

EDUCATION

The George Washington University, Washington, D.C.
Juris Doctor, 1982

The Florida State University, Tallahassee, Florida
Bachelor of Arts, December 1978
Major: Government

PROFESSIONAL AFFILIATIONS

- Florida Municipal Attorneys Association, President-elect, 2017-2018
- The Florida Bar:
  - Leadership Academy Committee, 2013-2016
  - Annual Convention Committee, 2011-2013
  - Executive Council City, County and Local Government Law Section, 2004-2011
  - Labor and Employment Law Certification Committee, 2000 to 2002
  - Elections Committee, 1999-2000
  - Long Range Planning Committee, 1999-present
  - Executive Council Trial Lawyers Section, 1997 to 2003
  - Board of Governors Special Committee on Election Reform, 1998
  - Trial Lawyers Section and Labor and Employment Law Section, 1996 to present
  - City, County and Local Government Law Section, 1997 to present
  - Grievance Committee, 1991-1994, Chair, 1993-1994
  - Student Education and Admissions to the Bar Committee, 1992-1995
  - The Florida Bar Board of Governors, 1994 to 1998
  - Rules Committee Chair, 1997-1998
  - Pro Bono Legal Services Committee Chair, 1997-1998
  - Disciplinary Review Committee, Chair, 1996 to 1997
  - Board Review Committee on Professional Ethics, Vice-Chair, 1995-1996
  - Special Committee to Study Board Composition, 1997
  - President's Special Task Force on Advertising, 1995-1997
- National Bar Association:
  - Region XI Director, 2006 to 2007
  - Special Assistant to the President, 2005-2006
  - Chief of Staff to the President, 1994-1995
  - Chair, Resolutions Committee, 1994-1995
- National Black Prosecutor's Association

PROFESSIONAL AFFILIATIONS (continued)

- Virgil Hawkins Florida Chapter National Bar Association General Counsel, 2004-2005 Treasurer, 1993 to 1997
- Dade County Bar Association
- National Bar Association-Women Lawyers Division, Dade County Chapter k/n/a Gwen S. Cherry Black Women Lawyers Association, President, 1989 to 1991
- State of Florida:
  - Eleventh Judicial Circuit Nominating Commission, 2004-2008
  - State of Florida Third District Court of Appeal Judicial Nominating Commission, 1991 to 1995
- United States District Court, Southern District of Florida:
  - Magistrate Judge Merit Selection Panel, 2009
  - Ad Hoc Committee on Court Annexed Mediation, 2007-2017
  - Ad Hoc Committee on Rules and Procedures, 2005-present
  - Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney
  - Grievance, 1997-1999
- Florida Association for Women Lawyers
- Black Lawyers Association, k/n/a Wilkie D. Ferguson, Jr. Bar Association:
  - President, 1999-2000
  - Co-Chair Election Committee, 2000-2001
  - Chair-Issues Committee, 2004-2005.
- Dade County Bar Put Something Back Program
- Volunteer Lawyers Project-Southern District of Florida

CIVIC AND COMMUNITY AFFILIATIONS

- Chair, Board of Directors, Cherry Bar Foundation
- Miami-Dade County League of Cities City Attorney's Advisory Committee
- Miami-Dade County Ethics Task Force Member
- United States Selective Service Board Member
- Gwen Cherry Park Foundation: Board Member and Treasurer
- Big Brothers Big Sisters of Greater Miami
- United Way of Dade County: Board of Trustees/1993 Campaign Cabinet
- NAACP, Life Member
- Kings Creek Village Townhouse Association, Inc., Board of Directors
- Miami Partners for Progress
- Mentor, University of Miami School of Law, Professional Opportunities Program
- Literacy for Every Adult in Dade/JUMP Advisory Council
- Cities in Schools of Miami, Inc.

PROFESSIONAL AND CIVIC ACTIVITIES

- Moderator, "Election Trends and What you Should know When Considering a Run for Public Office", 5th Annual Women of Color Empowerment Conference, September 2015
- Moderator, "Sober News about Sober Houses", Miami-Dade County League of Cities Third Annual Best Practices Conference
- Guest Speaker, "Conflict Resolution", Alpha Kappa Alpha Pi Delta Omega Chapter Annual Weekend Retreat, 2013
- Panelist, American Bar Association, Emerging Issues In Healthcare Law Conference
- "Breast Cancer Legal Advocacy Workshop", February 2013
- Speaker, Florida International University College of Law, Professionalism Workshop, January 2011
- Panelist, Miami-Dade FAWL Luncheon - "Taking Control of Your Career", Jan. 2011
- Member, Miami-Dade County League of Cities, City Attorney's Advisory Committee 2011-2013
- Fund-raising Committee, Miami-Dade County Law Library, 2008
- Co-Chair, 2007 Anti-Defamation League Jurisprudence Luncheon
- Co-Chair, National Bar Association Mid-Year Conference, 2007
- Law Day keynote speaker, Lawson E. Thomas Courthouse Center, Judge Rippingille, May 2005
- Panelist, Florida Bar Minority Bar Summit, January 2005
- Panelist, Eleventh Judicial Circuit, New Judges Orientation, Fall 2004
- Panelist, Rachlin Cohen & Holtz LLP The 7th Annual Governmental Symposium, October 2001
- Speaker, Stetson University College of Law and The Florida Bar Labor & Employment Section Fifteenth National Conference on Labor and Employment Law, September 2001
- Participant, Florida Board of Bar Examiners Symposium for Bar Admission Strategies, March 2001
- The Florida Bar Trial Advocacy Seminar, February 2000
- Seminar Workshop Leader, 1999 International Association of Black Professional Firefighters, Inc. Fall Conference
- Speaker, The Florida Bar Government Lawyer Section and American Bar Association Government and Public Sector Lawyers' "Professionalism Under the Palms" Seminar, May 1999
- Speaker, Nova University College of Law Symposium on Professionalism, 1998

PROFESSIONAL AND CIVIC ACTIVITIES (continued)

- Panelist, 1997, the Florida Bar All Bar Conference, "Increasing Membership & Inclusivity In Your Bar Organization"
- Presenter, "An Overview of Non-Compete Agreements", National Bar Association Corporate Counsel Conference, New York, New York, 1997
- Speaker, "Women In The Law" Luncheon, Southern Regional Black Law Students Association Convention, 1995
- Member, Florida Bar Meritorious Public Service Award, 1994
- Steering Committee, The Women's Hemispheric Conference, 1994
- Chief of Staff to President, National Bar Association, 1993-1994
- Instructor, U.S. Department of Justice Civil Trial Advocacy Course, Washington, D.C., 1993

HONORS AND AWARDS

- T.J. Reddick Bar Association Achievement in the Profession Award, 2018
- Gwen S. Cherry Black Women Lawyers Association Community Pillar Honoree, 2018
- The Florida Bar City, County, Local Government H. Hamilton "Chip Rice", Jr. Award, 2013
- U. S. District Court for the Southern District of Florida Black History Month Committee Legal Trailblazer Award, 2011
- Wilkie D. Ferguson, Jr. Bar Association Foundation Distinguished Honoree Award 2010
- Miami-Dade Florida Association of Women Lawyers 2009 Mattie Belle Davis Award
- Alpha Kappa Alpha, Pi Delta Omega Chapter 2009 Spirit Award
- Equal Opportunities in the Profession Award, The Florida Bar Equal Opportunities Law Section, 2006
- Put Something Back Pro Bono Service Award, July 1999
- Delta Sigma Theta, Sorority, Inc., Miami Alumnae Chapter, Outstanding Achievement in Law Award, March 1999
- Champions of Change Award, St. Thomas University Black Law Students Association, 1998
- Black Lawyers Association, Inc. Honoree, 1996
- University of Miami Black Law Students Association Nelson Mandela Award, 1995
- Member, Florida Bar Meritorious Public Service Award, 1994
- National Bar Association Presidential Award, 1994
- Florida Trend Florida's Legal Elite
- Florida Super Lawyers®
- South Florida Legal Guide Top Attorney
- AV Rated-Martindale Hubbell

Candidate Introduction

Cynthia A. Everett

EDUCATION

The George Washington University, Washington, D.C., Juris Doctor Degree
The Florida State University, Tallahassee, Florida, Bachelor of Arts in Government

EXPERIENCE

City Attorney, City of Fort Lauderdale, Fort Lauderdale, Florida 2013 – 2018
Managing Attorney, Cynthia A. Everett, P.A., Miami, Florida
Village Attorney, Village of Pinecrest, Pinecrest, Florida, 1999-2013
Corporate Counsel, Our Kids of Miami-Dade/Monroe, Inc., Miami, Florida, 2005-2011
Adjunct Law Professor, Florida International University College of Law, Miami, Florida 2004 – 2008
City Attorney, City of Opa-locka, Opa-locka, Florida, 1997 - 1999
Law Offices Williams & Associates, P.A., Miami, Florida, Senior Associate, 1995 - 1997
Hearing Examiner for bid protest matters for Miami-Dade County, 1995-1997 (approximately)
Assistant United States Attorney (Civil Division), United States Attorney's Office for the Southern District of Florida, Miami, Florida, 1989 - 1995
Assistant State Attorney, Miami-Dade County State Attorney's Office, Miami, Florida, 1982 - 1989

BACKGROUND

Fort Lauderdale, Florida is the eighth largest city in the State of Florida and describes itself as the Venice of American due to its many waterways. Its population is approximately 177,000. It is the largest city in Broward County, Florida and serves as the government, business and transportation hub for the County. It may be best known for its marine and yachting industry, its beaches, the International Swimming Hall of Fame, the Executive Airport and the movie, "Where the Boys Are".

The City of Fort Lauderdale has approximately 2,800 employees. As city attorney, I supervised 24 employees, of whom 13 were support staff and 11 were attorneys. Prior to my tenure as city attorney, the majority of significant litigation work was contracted to outside counsel. During my tenure, a litigation division was established and I estimate that at the time of my departure, approximately 25 percent of litigation matters were handled by the City Attorney's Office. Outside counsel were retained to handle public finance, employment administrative matters (EEOC complaints, grievances and arbitrations), and labor (union negotiation) matters.

The most significant legal issues handled by my office related to:

-Elections/Charter: The election of a commissioner was challenged and at a later date there were issues regarding scheduling the date of an election;

Environmental issues: There is an ongoing lawsuit that was instituted prior to my tenure regarding an alleged toxic waste site;

Land development: There is ongoing conflict between residential communities and developers as to the location, height and density of development particularly on Fort Lauderdale Beach;

Transportation: The City recently resolved an issue relating to building a downtown street car system. A change in the City Commission eliminated support for the system, but the City had existing agreements with partners with binding financial obligations. Ultimately, the project was abandoned due to the high cost.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I am at least a third generation Floridian on my father's side and have spent most of my adult life in Florida. My father, who was born and raised in Cocoa, Florida, served in the United States Army as an air defense officer and retired as a lieutenant colonel. My mother is a retired educator and moved with her parents from Georgia to south Miami-Dade County when she was in elementary school. Both of my parents graduated from Florida A & M University and maintained Florida as their residence during my father's military career. I was born in Connecticut and graduated from high school in Brooklyn, New York before attending college at Florida State University. After graduating from law school, I came to South Florida where I have continually practiced law.

Fort Pierce and St. Lucie County are not unknown to me as I have relatives and friends who live in both St. Lucie and Indian River Counties. Many of the issues and concerns of Fort Pierce are the same or similar to the issues and concerns that I dealt with in Fort Lauderdale such as redevelopment, homeless and related public safety issues, increasing cultural arts venues and environmental and infrastructure concerns. My experience includes working for smaller municipalities as well as a mid-sized city such as Fort Lauderdale, and a transition to a city such as Fort Pierce does not pose a problem or concern for me.

I believe that the most important attributes of a successful city attorney are the ability to communicate clearly and effectively with the City Commission and other charter officers; the ability to understand and to appreciate the political concerns of the City Commission and recognizing the role of the city attorney which is to provide relevant, cogent legal advice which will assist the city in accomplishing its goals.

When my governmental entity is sued, I first want to know the date that the matter was filed, when we were served and when a response to the lawsuit is due. I then assess the nature of the lawsuit and determine whether the matter should be handled by in-house counsel or outside counsel. Depending on the nature of the lawsuit and the desire of the entity, notice of the lawsuit is provided

to appropriate parties. Each lawsuit is then assessed to determine what should be an appropriate resolution and once that is determined, steps taken to achieve the desired outcome. Some cities have a risk management division or department which takes an active role in helping to manage and resolve litigation and in those cases, I or the assigned attorney will work with the risk division to achieve the desired result.

I have a collegial, flexible style of management. In my experience, no one style is appropriate for all situations. Everyone does not communicate in the same manner. Employees have different backgrounds and different experiences and those factors must be taken into account when managing people. I try to be open and transparent in my communications and I expect the same in return. I encourage employees to come to me with any issues and emphasize that I have to know about issues in order to address them. I encourage feedback and proposed solutions, and I believe strongly in training and career development.

When it comes to elected officials, my philosophy is not to allow them to be surprised by anything. I want my elected officials to be fully informed at all times so that they can be prepared and can make informed decisions. I communicate with elected officials in the manner that they indicate is best for them and that is consistent with maintaining confidentiality, privilege, and public records.

Though I cannot tell you what either the members of the Fort Lauderdale City Commission for whom I worked or the City Manager would say, I can tell you that at my last evaluation in June 2017, all five commissioners voted to give to me the maximum merit increase. I think that they and the City Manager should say that I am intelligent, fair, ethical, hard-working, inquisitive, forthright, resourceful and supportive, especially of my employees. Similarly, in addition to those qualities, I see my strengths as being someone who is energetic, accountable, personable, collegial, service-oriented, and who has a sense of humor. As for weaknesses, I find that I hold myself to exceptionally high standards and I am sometimes too willing to accommodate the needs of others.

Throughout my legal career I have achieved several "firsts" and had some notable accomplishments. I was the first black, woman division chief in the Miami-Dade State's Attorney's Office, I was the first black woman to serve as the municipal attorney for the Village of Pinecrest and served there for 13 years. I was the first black lawyer and first woman lawyer to serve as the city attorney for the City of Fort Lauderdale. I have had the honor of successfully arguing before the Florida Supreme Court and being elected to The Florida Bar Board of Governors. However, I feel that my greatest achievement to date is being a role model and inspiration to others. Throughout my legal career, students, lawyers, non-lawyers and staff have told me how they admire my leadership, professionalism and my career guidance to them over the years.

I think that my greatest mistake to date was as a new lawyer, I relied on the representation of an opposing counsel in a litigation matter. I learned of the misrepresentation before any action was taken and my client did not suffer as a result, however, the experience taught me to confirm and verify information in all situations before taking an action.

When I find that an employee's work is not satisfactory, my approach is to let the employee know my thoughts as soon as I can. An employee should not be surprised at an annual evaluation, or when discipline is imposed, to find that there have been one or more episodes of unsatisfactory performance. In addition to timeliness, documentation of the problem or problem areas should be presented at the time of notice.

In a recent situation, I did provide an employee with notice that I would have to terminate the employee if the employee's performance did not improve. The employee worked for an attorney in my office and the attorney informed me that the employee's job performance was unsatisfactory. I asked for documentation which was provided. A meeting was held with the employee, the employee's immediate supervisor, the attorney and me. I decided to delay the employee's annual evaluation for three months (an informal improvement plan) to see if the performance improved. The performance did not improve and the employee received a low performance evaluation. The employee was advised at that time that if the employee's performance problems continued, the employee would no longer be employed in the office. The employee's performance continued the downward trend and the employee was given a date by which the employee was to resign or be terminated. The employee was fortunate enough to find another position within the organization by the deadline.

During the first six months I would meet with the City Commissioners, charter officers and department directors (if deemed appropriate by the city manager) to assess their needs and desires. My initial goal would be to determine whether the City Attorney's Office has been effectively meeting the needs of the City and if not, what changes, if any, needed to be made. At the end of this initial period, I would hope to have achieved a collegial working relationship with all City stakeholders, be well-versed in understanding how the City Attorney's Office will aid in the long-term plans of the City and be well on my way to becoming integrated into the City of Fort Pierce.

As a city attorney, I generally do not comment on specific legal matters unless instructed to do so by my client. When appropriate, I do provide factual information or an explanation of a legal or government proceeding or decision to aid the media in producing a report. In my last position, the city had a public information division which handled most media requests. I or a member of my office would provide the public information personnel with whatever information was needed to provide a response.

In my leisure time, I visit with family and friends, travel and attend cultural events. I have not done anything that would embarrass the City of Fort Pierce, nor is there anything in my background that would embarrass the City of Fort Pierce. I do not know of any community activists that are likely to contact anyone with negative information on me.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB

I did not plan to leave my position as City Attorney for the City of Fort Lauderdale. At the first meeting, following the election of a new Mayor and City Commission, the new Commission voted

to terminate my contract on a vote of 3-2. The same Commission voted to terminate the City Manager's contract six months' later.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

I would describe myself as fair, reasonable, candid, intelligent, energetic and loyal.

CURRENT / MOST RECENT SALARY

My final compensation at the City of Fort Lauderdale was $237,000.00.

CB&A Background Checks

Background Check Summary for
CYNTHIA ANN EVERETT

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #350400

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
CYNTHIA ANN EVERETT
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Cynthia A. Everett

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.

Please explain any yes answers on a separate sheet of paper.

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.
    See attached supplement.

Attested to: Cynthia A. Everett
Signature of Applicant

Please email this form via PDF DOCUMENT to **or via fax to**
(888) 539-6531 *no later than 5:00 PM PST, 11/01/13.*
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

Personal Disclosure Questionnaire Supplement

11. Lawsuits.

Earl K. Mallory v. John Harkness, et al.
Case No.: 95-8319-Civ
As a member of The Florida Bar Board of Governors, I and all of the members of the board, were sued individually by Mr. Mallory who objected to a Florida statute which governed the composition of judicial nominating commissions. The court granted Mr. Mallory the relief he sought.

David Solomon v. Supreme Court of Florida, et al.
Case No.: 00-007024 CA 01
As a member of The Florida Bar Board of Governors, I and all of the members of the board, were sued individually by Mr. Solomon. I do not recall why Mr. Solomon sued and the online docket does not provide access to documents. The lawsuit was dismissed by the court.

Zenaida Gomez, v. Cynthia A. Everett, individually and Cynthia A. Everett, P.A.,
Case No.: 13-13246 CA 24
This was an action for malicious prosecution and abuse of process. The lawsuit stemmed from a forfeiture action in which I, through my firm, represented the Village of Pinecrest as its village attorney. This lawsuit was dismissed by the court.

CB&A Reference Notes

Robert Vaughan - Esquire, Kim Vaughan Lerner LLC, FL 954-527-1115

Mr. Vaughan has known Ms. Everett on a professional level since about 2002. He was hired as outside counsel for Ms. Everett during 2018 to work on constructive bid practices while she was City Attorney for Fort Lauderdale. As a litigator for businesses, Mr. Vaughan found her to be very knowledgeable and experienced. Ms. Everett is adept in balancing the needs of her elected officials with those of her community. She is practical, having the city's best interest always in mind. Her extensive experience and skills are highly regarded in the legal community of Florida.

Ms. Everett understands and is experienced in many areas of city law such as contractual. She understands commercial litigation and easily handles settlement discussions. As a thorough individual who pays close attention to details, Ms. Everett leads by example and is always well prepared. Mr. Vaughan found her staff to be equally equipped. Whenever Mr. Vaughan was asked to present in front of the commission, he appreciated her timely responses and assistance, allowing an easy flow of information. Her willingness to aid in finding and supplying the correct documents required was greatly appreciated.

Balancing the desires of both the individual commissioner, with those of city leadership as a whole, is another of Ms. Everett's strengths. For example, some of the commissioners would require a detailed analysist of a particular dispute, while others required a more political view and its potential affects. She ensured her lawyers were prepared and well versed, mindful of the requirements of all commission members, able to answer all potential questions. Ms. Everett displays the appropriate amount of perseverance with respect when advising her city leadership. She is strong yet diplomatic.

Mr. Vaughan has the highest respect for Ms. Everett's abilities as a City Attorney. Although at times her passion may be taken as disrespect, she is knowledgeable and experienced making her opinions of great value. Her decisions are always well thought out and detailed. She readily researches to gather appropriate and thorough information before offering advice. With these talents, Ms. Everett is an excellent negotiator able to know when it is best to litigate to resolve a dispute or negotiate a resolution.

Ms. Everett is a talented Attorney with a passion for her work yet a caring attitude towards those she serves. With a newly elected city leadership for Fort Lauderdale who desired changes in the current structure of government, Ms. Everett resigned. She remains highly respected by those she interacted with and the legal community. She is professional in all aspects of her life, encouraging the same in those around her. Mr. Vaughan is confident she will be an asset to any city or county attorney position, bringing with her extensive knowledge and experience.

Reference Notes
Cynthia Everett

Words or phrases used to describe Cynthia Everett:

- Thorough,
- Detailed,
- Strong willed,
- Strong work ethic,
- Knowledgeable, and
- Experienced.

Strengths: Well rounded professional with extensive experience in all areas of city law.

Weaknesses: At times her passion and strong will may be difficult for individuals to handle. Mr. Vaughan has always found her respectful and professional.

Harold Pryer - President, TJ Reddick Bar Association, FL 954-947-0335

Mr. Pryer first met Ms. Everett in 2014 while working together on municipal ordinance violations for the city. She is a highly competent lawyer who knows all aspects of the law, aware of the simplest to the most complex violations. She is a skilled negotiator, maintaining a fair yet tough approach. Fort Lauderdale is a large and demanding city, requiring the talents and experience of an attorney such as Ms. Everett. Her passion and dedication as a lawyer have been of great benefit to the city.

Ms. Everett's knowledge of all areas of municipal law is extensive. Mr. Pryer has admired her ability to connect local laws, their implications and use, with constitutional law. When dealing with the many contracts a city is involved in, her knowledge of all judicial aspects, along with her willingness to research, allowed for well orchestrated documents to be drafted. She smoothly balances the requirements of elected officials with those of the law, efficiently presenting all information before decisions are made.

As a coastal city, Fort Lauderdale deals with major flooding issues. Ms. Everett's experience with environmental law has benefited those residents and beaches constantly affected. She has helped to establish ordinances to help maintain and sustain these areas. Her understanding and willingness to listen to the community while ensuring observance to laws protecting the environment, has been greatly appreciated.

Another challenge for the city is the increase in development. Once again, her experience and knowledge of the legalities involved in land use and redevelopment is extensive. For example, Mr. Pryer and Ms. Everett have worked closely in revitalization of downtown Fort Lauderdale. Historically many minorities reside in this area often resulting in a contentious environment for those seeking to revive a once flourishing city center. Ms. Everett has been instrumental in fostering amicable relationships with current residents and potential developers. She cares about

her community and has helped to ensure all party's needs are met while helping to promote needed revitalization.

Mr. Pryer's legal focus is with the telecommunication for the city. He values Ms. Everett's expertise and understanding of the separate roles all parties play when negotiating contracts. She adeptly balances local government with those on the business side with ease. Mr. Pryer values her attention to detail and her focus on responsiveness, ensuring she meets all deadlines in a timely manner. When offering legal advice, she will adhere to the letter of the law but will seek amicable solutions while doing so.

Ms. Everett has been of value to the City of Fort Lauderdale. Mr. Pryer is confident had there not been a change in elected leadership, she would have been retained as City Attorney. She is a leader and highly regarded amongst the law community. As one of the first African American females to work as a City Attorney, she is a role model and mentor to others. Mr. Pryer is confident she will be an asset to any city or county.

Words or phrases used to describe Cynthia Everett:

- Persistent,
- Loyal,
- Smart,
- Resourceful,
- Dedicated, and
- Professional.

Strengths: Bright, very intelligent individual with extensive knowledge of all aspects pertaining to municipal law.

Weaknesses: Strong willed and passionate, at times she would benefit from stepping back from a situation to relax.

Lee Feldman – City Manager, City of Fort Lauderdale, FL 954-828-5959

Mr. Feldman worked closely with Ms. Everett from 2014 until 2018. She is an intelligent very knowledgeable attorney with extensive experience. Dedicated and passionate about municipal law, Mr. Feldman appreciated her input and advice in making the best possible decisions for the city. He valued her willingness to tirelessly give of her time and efforts in fulfilling her responsibilities.

In a large growing city, development and redevelopment is a high priority. Ms. Everett has extensive experience in these areas. She is good in contract negotiations due to her previous experience in a growing community. In addition, Mr. Feldman appreciated her knowledge of labor

employment law as often in a large city there are continuous issues in this area. He found her thorough and detailed when litigating all labor matters. Her willingness to research, seeking additional legal advice when deemed necessary, resulted in accurate information with all specifics covered.

When addressing any audience, Ms. Everett is clear and concise. She is professional able to present information in an easily understood manner. Most all city meetings are televised and Ms. Everett stays composed even when discussions become stressed. Although she is a good manager, with the challenges of covering the judicial needs of a large city, she struggles to delegate responsibility to her subordinates, often resulting in increased stress for herself and those who work for her.

The City of Fort Lauderdale has had a difficult leadership creating a challenging atmosphere. Ms. Everett navigated this environment well, remaining balanced while ensuring her responsibilities were covered. However, with a change in leadership, Ms. Everett resigned as City Attorney in May of 2018. Mr. Feldman is confident the additional skills gained while serving in Fort Lauderdale will just add to her value as an attorney for any future city or county she is employed with. She will bring a vast knowledge of all aspects pertaining to municipal law and a passion for the work which will benefit whoever she serves.

Words or phrases used to describe Cynthia Everett:

- Passionate,
- Thoughtful,
- Professional,
- Detailed, and
- Dedicated.

Strengths: Extensive knowledge and experience.

Weaknesses: Work balance, she struggles to trust others can be as thorough and detailed as she is.

Evelyn Greer - Mayor, Village of Pinecrest, FL 305-794-6922

Ms. Greer served as the Mayor, working closely with Ms. Everett from 1996 until 2004. Ms. Everett is a careful, deliberate lawyer who brings a solid understanding of government law. She was of great value to the village as it underwent massive growth and changes in becoming a city. Willing to give extra effort when researching all aspects of such a transition to ensure all details are covered is one of Ms. Everett's strengths. She pays close attention to detail and is thorough in all she does. Ms. Greer has the highest respect for Ms. Everett's abilities as an attorney.

As the first Mayor of a newly establishing city, Ms. Greer heavily relied on Ms. Everett's expertise. Land development was one of the first focuses. Ms. Everett assisted in the adoption of a regulatory process, and the creation of ordinance zoning codes. The Village of Pinecrest acquired a five part governmental deal which included a park. As a result, the creation of ordinances and code enforcement for the park was necessary. In addition, the acquisition of a city hall also entailed negotiations with architects and contractors. In all these areas Ms. Everett proved to be a valuable negotiator balancing elected officials, outside council and everyday contract labor.

When presenting information, whether to city leadership or citizen groups, Ms. Everett is calm and tactful paying close attention to all. In open forum meetings where questions are asked, she has a talent for assessing the framework of the question, then responding with an immediate well thought out response. Ms. Greer appreciated Ms. Everett's attention to detail when preparing for meetings, often having a memo covering every topic to be addressed. As mayor, Ms. Greer usually deferred to Ms. Everett's expertise. Only for political reasons or issues would Ms. Greer and her council not follow Ms. Everett's advice. In these cases, she and Ms. Everett's good working relationship leant to creative solutions all could come to agreement on.

Ms. Everett's dedication, passion and knowledge of municipal law was of great benefit for the Village of Pinecrest. Ms. Greer has the highest respect for Ms. Everett as a talented individual able to navigate diverse groups of people. She is direct in her interactions, always thorough and detailed in all she does. Although not a political person she shows respect for those in leadership and professional in all areas of her life. She will be an asset to any city or county attorney position she dedicates herself to, bringing a passion and determination to any project she is tasked with. Ms. Everett's talents have been greatly missed by Ms. Greer and her community.

Words or phrases used to describe Cynthia Everett:

- Professional,
- Deliberate,
- Conscientious,
- Knowledgeable, and
- Loyal.

Strengths: Strong in all areas of municipal law.

Weaknesses: Although Ms. Everett has learned to navigate the political environment her position as City Attorney requires, she prefers honest straight forward individuals who share her passion in focusing on what is in the best interest of the community.

Cindy Lerner - Mayor, Village of Pinecrest, FL 305-992-3433

Ms. Lerner began working with Ms. Everett in 2008. As a talented, experienced attorney, Ms. Everett was easy to interact with. Her dedication to those she works with and those she serves was

greatly appreciated. Ms. Lerner trusts and respects Ms. Everett, confident in her ability to thoroughly accomplish any task she is given. She was an asset to the Village of Pinecrest and its leadership.

One of the strengths Ms. Lerner admired in Ms. Everett was her willingness to bring in outside council to ensure all aspects of a project were covered. Well respected in the legal community, she always knew when or where to seek assistance. For example, when negotiating with utility services such as Florida Power and Light, Ms. Everett mediated with other legal experts to assist in creating a municipal bond.

In addition, Ms. Everett's negotiating skills were helpful in many other areas. When dealing with a developer, she adeptly navigated the issues, often alleviating the need to litigate deeper. She is good with diverse groups of people from citizens to elected officials able to interact in a caring yet straight forward manner. Ms. Lerner sought Ms. Everett's legal advice often, valuing her expertise, usually never veering from it. Although Ms. Lerner can not attest to Ms. Everett's ability to be successful as a City Attorney, she is confident she will bring a valuable set of skills to any city or county she serves. Ms. Everett is well respected by her fellow attorneys and the law community. Her talents and efforts were of great value for the Village of Pinecrest and its citizens.

Words or phrases used to describe Cynthia Everett:

- Knowledgeable,
- Comfortable,
- Detailed,
- Good with diverse groups of people,
- Professional, and
- Thorough.

Strengths: Dedicated and thorough in all she does.

Weaknesses: None identified.

Peter Sampo - Attorney, Allen, Norton and Blue, FL 305-798-2633

Mr. Sampo had been working as outside counsel on labor negotiations when Ms. Everett was hired as City Attorney in 2013. Although their interactions were limited to labor, union contracts and issues in those areas, he found her to be knowledgeable in all aspects of labor law. Her dedication and passion for her position allowed for efficiency in completing all projects thoroughly with an attention to detail.

Ms. Everett is a skilled negotiator. During collected bargaining meetings, where agreements would be ratified, Mr. Sampo admired the professional manner with which she conducted herself.

When speaking Ms. Everett was clear and concise. She smoothly navigated the diverse groups of people involved showing equal respect for each individual's position. Often in negotiations, disagreements arise. Ms. Everett remains calm, offering her expert counsel when asked. On one particular occasion, when her opinion did not align with that of the City Manager, she handled it well remaining poised and cool.

Also adept in analyzing state and municipal laws, Ms. Everett has proven valuable on many occasions. For example, Mr. Sampo needed Ms. Everett's advice on what the legal ramifications were in administering a merit pay increase, whether it should be given in a lump sum or in increments. Even though her opinion leant toward a decision opposite of Mr. Sampo's, upon study and a comparison of the different laws, she realigned her decision. She is humble and willing to consider alternatives to ensure the best decision is made.

Mr. Sampo respects and admires Ms. Everett's many talents as a skilled attorney. Their interactions, though limited, were successful and efficient due in part to her straight forward approach. She conducts herself as a professional in all situations even when confronted with a change in city leadership who wanted to hire their own staff, resulting in her dismissal. Mr. Sampo is confident however, Ms. Everett will be a valuable addition to any smaller city as their attorney. She brings extensive experience and knowledge along with a passion for her field. As an individual with an attention to detail and a drive to be thorough in all she does, she will be of great benefit to an area experiencing increased development.

Words or phrases used to describe Cynthia Everett:

- Smart,
- Tough,
- Business like demeanor,
- Competent,
- Thorough, and
- Dedicated.

Strengths: Extensive knowledge of municipal law.

Weaknesses: Although Mr. Sampo appreciated Ms. Everett's straightforward approach, some may find her harsh and impersonal.

Pamala Ryan - Attorney, Torcivia Donlon Goddeau Ansay, FL 561-686-8700

Ms. Ryan first met Ms. Everett while serving on the city, county, local government State bar committee in 2004 and have kept a close relationship to the present. Ms. Everett is experienced and knowledgeable in all aspects of the law. She is often the person others seek for advice about

legal issues. Ms. Ryan has valued their relationship relying on Ms. Everett on numerous occasions for guidance.

Ms. Everett is a clear concise communicator. Ms. Ryan has attended numerous city commission meetings for Fort Lauderdale and has always found Ms. Everett to be intelligent, prepared and confident, able to articulate in a manner diverse groups of individuals can easily understand. Another of her talents is knowing how to balance respect for those in leadership with firmness when giving legal counsel. Even in a difficult environment, Ms. Everett remains calm but direct. When researching information, she is thorough giving the additional effort to ensure all details are covered before presenting her findings. She listens to alternative and creative ideas as long as they adhere to the law.

Possessing extensive knowledge in all areas of the law, has allowed Ms. Everett to be a successful City Attorney. When handling a continuing problem with the homeless population in downtown Fort Lauderdale, Ms. Everett balances the need for redevelopment with the rights of each individual citizen. She knows constitutional law and laws pertaining to development. As with all cities, there are continuous challenges with contracts whether with developers, labor, or utilities. Ms. Everett is adept in negotiating and writing various agreements ensuring all legal details are included. Even Ms. Ryan, at one time, sought Ms. Everett's advice when handling vacation rental contracts. She is approachable and willing to share her expertise with anyone who asks.

Another of Ms. Everett's strengths is her managerial talents. She leads by example and is professional in all aspects of her life. Truly caring for those who work for her, Ms. Everett believes in supporting her staff even in their family life. She is supportive and encourages a balance between family and work. Ms. Ryan has always found Ms. Everett's staff to be happy and efficient. She is an excellent leader who cares for her community and its citizens.

Even though Ms. Everett has strong interpersonal skills, she is often direct which is at times difficult for some personalities to accept. Having served as a City Attorney, Ms. Ryan appreciates Ms. Everett's honest straight forward demeanor, feeling it is a valuable talent when in city leadership positions. As a trait Ms. Everett is aware of, she is continuously working on recognizing when a subtler approach should be used. In 2018, Fort Lauderdale experienced a change in city leadership, Ms. Everett was asked to resign as City Attorney.

Ms. Ryan has the greatest respect for Ms. Everett as an accomplished leader and attorney. As a lawyer with vast experience in many areas, her expertise is sought by others within the law community. She is active in several professional organizations holding numerous leadership positions. Her strong confident demeanor along with her extensive knowledge, make her an ideal candidate for any city or county attorney position. After her tenure with a large city such as Fort Lauderdale, Ms. Ryan is confident Ms. Everett would do well in a challenging smaller city where her valuable skills will be well utilized.

Reference Notes
Cynthia Everett

Words or phrases used to describe Cynthia Everett:

- Very professional,
- Knowledgeable,
- Has wisdom,
- Sympathetic,
- Supportive in balancing work and family, and
- Talkative.

Strengths: Very experienced and knowledgeable attorney with valuable set of skills.

Weaknesses: Ms. Everett is direct in her responses which at times can be taken as offensive. Ms. Ryan is confident it is dependent on the personality of whom Ms. Everett is addressing. Many individuals like her straight forward approach and find it an important attribute for a city government position.

Eugene Pettis - Attorney, Haliczer, Pettis, Schwamm, FL 954-523-9922

Mr. Pettis has known Ms. Everett for over twenty years as a professional and was part of the search committee who recruited her as the City Attorney for Fort Lauderdale in 2013. With a broad spectrum of experience in law, Ms. Everett brought a valuable set of skills to her position. She is an excellent communicator able to speak to diverse groups of individuals in a manner easily understood by all. When interacting with elected officials she is straight forward and confident. She has been an asset to the city's leadership.

Ms. Everett brings extensive knowledge to her position as city attorney and the various areas requiring her services. For example, one of her strengths is her experience with all things pertaining to the constitution and the laws which uphold it. With an ever growing homeless population, the legalities of maintaining their rights while relocating them out of the downtown area of Fort Lauderdale has continued to be a focus of city leadership. Ms. Everett's legal prowess has been of great benefit. Her attention to detail while advising the council before decisions are made, ensures all results are judicially sound.

As an experienced litigator, along with her varied experiences as a lawyer, Ms. Everett smoothly navigates the process involved in lawsuits. On numerous occasions Mr. Pettis has seen Ms. Everett handle cases where her extensive knowledge of state and federal laws is of utmost importance. One such case Ms. Everett adeptly handled was a 1983 issue involving the law enforcement department. She is knowledgeable, calm and articulate in the court setting, confidently navigating the environment.

In addition, Mr. Pettis has witnessed Ms. Everett's talents in contract negotiations with city utilities, land use, development and redevelopment. Like most cities, Fort Lauderdale is in a

constant state of flux, often which requires the legal assistance of Ms. Everett. Her extensive experience has been of great benefit in negotiating, drafting, and reviewing the numerous contracts involved. Mr. Pettis is confident she is thorough, covering all details necessary.

Ms. Everett is highly respected within the law community. She has held numerous positions of leadership in professional associations such as the Florida State Bar Association. As an experienced, talented attorney, her advice is often sought by others in her profession. Mr. Pettis confidently endorses and would hire Ms. Everett again for any city or county attorney position. She will bring valuable skills and diverse experiences which will be of benefit.

Words or phrases used to describe Cynthia Everett:

- Strong,
- Leader,
- Smart,
- Experienced,
- Professional, and
- Knowledgeable.

Strengths: Unique and diverse experience in all areas of the law.

Weaknesses: None identified.

Prepared by: **Beth Nestman**
Colin Baenziger & Associates

Section 4

CB&A Internet Research

Tribune Content Agency News Service (USA)
March 21, 2018

New Fort Lauderdale commission delays vote on The Wave
Author: Brittany Wallman

The newly seated Fort Lauderdale commission took swift aim at The Wave streetcar project Tuesday, saying the city will cancel its agreements and kill the multimillion-dollar proposal. But three of the five City Commission members, who had pledged to kill The Wave at their first meeting, didn't go that far, delaying a vote until May 1. "I'm disappointed, for sure," said Stan Eichelbaum, a downtown civic leader who got candidates to sign pledges that they "commit to voting to cancel The Wave at the first meeting of the newly elected Commission." He added, "But we are moving forward, and we have three votes." New Mayor Dean Trantalis and new commissioners Ben Sorensen and Steve Glassman, all elected March 13, said they do not support The Wave, a mass transit steetcar that would run on embedded rails, powered by overhead electrical lines, amid traffic on downtown roads.

In a meeting buzzing with controversies, the three also voted to fire City Attorney **Cynthia Everett**, and made plans to vote in two weeks to consider canceling a lease for gun shows at the city-owned War Memorial Auditorium. Heather Moraitis, who was unopposed, and Robert McKinzie, who was re-elected in the January primary, also were sworn in as commissioners on Tuesday. Both support The Wave and voted against firing **Everett**. Commissioners rode into office on a wave of voter discontent with the status quo, including the rapid pace of development, plans for The Wave, failing water-sewer infrastructure, important city votes taking place in the wee hours of the morning, and a highly visible homeless population. Former Mayor Jack Seiler told the incoming group that "this will be the greatest job you've ever had." "We're at the dawn of a new day in Fort Lauderdale," Trantalis told the crowd at Parker Playhouse, after he was sworn in, and Seiler and departing Commissioner Romney Rogers said their goodbyes. "There was a mandate, clearly there was a mandate, to tell us one thing: We need to get things done." Departing Commissioner Bruce Roberts, who lost the mayoral race to Trantalis, didn't make it to the swearing-in. Seiler said Roberts is in the hospital.

The new commission dove right into the biggest controversies, including debating whether to terminate City Manager Lee Feldman. Trantalis said he was ready to do it Tuesday night. "I think we should take a fresh approach," he said. Glassman and Sorensen said it's important for the mayor and manager to work well together. "I am not inclined to sit here for three years and watch the mayor and city manager butt heads," Glassman said. But Sorensen said Feldman has been "responsive" to him so far, and he suggested Trantalis lay out his expectations and allow Feldman a chance to meet them. Sorensen made a motion to fire **Everett**, citing high turnover in her office, a poor working relationship with the public, and sluggish turning around of contracts. Trantalis said he thought she wasn't up to the demands of the job, but is a "wonderful" person. "I'm more than competent to handle this job," **Everett** said before the vote. She said she was proud of the legal team she built, and her office's accomplishments. She was placed on paid administrative leave and replaced for now with assistant city attorney Alain Boileau. She picked up her purse and walked off the dais shortly after the vote to terminate her.

Though Sorensen, Trantalis and Glassman were also prepared to take a symbolic vote opposing The Wave, they agreed with Moraitis and McKinzie to wait for new competitive bids to come in. They said if the bids remain too high, the project will die, anyway. "I like to vote on things when I have all the facts first," Moraitis said. The city tentatively scheduled an April 30 workshop to discuss The Wave and possible alternatives, a few days after new bids are expected. The first round of bids for the $195.3 million project exceeded the budget. The city has agreed to pay a portion of the project cost, as well as a portion of cost overruns. The Wave is based on a partnership with local, state and federal funds. All five commission members said they want new mass transit, but Trantalis said technologies have improved over the 16 years The Wave has been in the works. "I'm going to continue to work to see if we can repurpose this money use toward a different type of mass transit system," Trantalis said. "If we're a city of the 21st century, we have to start thinking that way."

Sorensen asked City Auditor John Herbst to review public funds spent on The Wave to date, so it can be discussed at the April 30 workshop. A vote to cancel the city's financial obligations could take place at the May 1 City Commission meeting. Meanwhile, a citizens group led by activist Mary Fertig and others is collecting signatures to end a special assessment property owners near The Wave route are paying each year.

In other action, Fort Lauderdale city commissioners:
* PARKING: Allowed Broward County to renege -- at least temporarily -- on its promise to allow public parking in a new parking garage on South Andrews Avenue. The county says it will happen one day, but wanted the written requirement that it "must be available for public use" removed. The former City Commission met for five minutes before the swearing-in and approved the change. They said Broward County Administrator Bertha Henry wrote a letter promising the garage eventually will be open after-hours for public use.
* DEVELOPMENT: Appointed city activist Fertig to the planning and zoning board. Fertig, a leader of the civic group Lauderdale Tomorrow, was a key slow-growth supporter of Trantalis and Glassman.

https://sun-sentinel.newspapers.com/image/392459317/?terms=%22Cynthia%2BEverett%22
February 14, 2018

Wave's future still in limbo after county, city votes

By Brittany Wallman
Staff writer



MIKE STOCKER/STAFF PHOTOGRAPHER

Before the City Commission meeting and vote, a group in support of the Wave streetcar gather inside of the Fort Lauderdale City Hall to show their support for the project.

The Wave streetcar project survived two critical votes, but its future remains in doubt.

Early morning on Feb. 7, Fort Lauderdale commissioners voted 3-2 to reaffirm support for The Wave, approving a new agreement with the county and Downtown Development Authority that makes clear the city's financial obligations.

After the vote, five of the six candidates in the city's March 13 election said they haven't changed their minds about overturning it, even if the week's vote potentially increases the city's financial risk.

"Let's change it," candidate Tim Smith said of The Wave, noting that even its supporters admit there are things they don't like about it, including its overhead powerlines and embedded rails.

Dean Trantalis, a city commissioner and candidate for mayor, said he'll explore how the next City Commission could resurrect the vote.

New members will be sworn in March 20, including three new district commissioners, and a new mayor. All six candidates running for three of the seats — a majority — have said they don't support the rail project as currently designed, and five signed pledges saying that "if elected, I commit to voting to cancel THE WAVE at the first meeting of the newly elected Commission."

Trantalis said he's not sure there will be a dramatic March 20 vote, but he remains committed to upholding his pledge, if elected mayor. He said he hopes a new version of the transit project could be created, one that more city and county commissioners, and the public, would support.

Two members of the new City Commission, Heather Moraitis and Robert McKinzie, support The Wave.

Broward County commissioners were split on support of The Wave on Feb. 6, voting 5-4.

Commissioners Trantalis and Bruce Roberts voted no in the wee hours decision.

Roberts was the only candidate of six who declined to sign a pledge sought by the Downtown Civic Association to defund The Wave, but has said he's campaigned against it and would stand by his word. He couldn't be reached Feb. 7 for comment on whether the late-night vote changed his views about unwinding the deal.

Frank Schnidman, an attorney and former head of the DDA who advised the downtown civic group on the issue, said the state shouldn't move forward yet, given what's happening with Fort Lauderdale's leadership. He said the new City Commission could ask to re-open the agreement that was approved Feb. 6.

"How can there be good faith and substantial reliance to move forward, when everyone's been put on notice there's going to be a reversal?" he asked.

City Manager Lee Feldman said the city has spent $21 million it wouldn't get back. No one is sure how much the city might have to pay if it reneges on its commitments.

Robert Bostian, project manager for the state Department of Transportation, declined to say Feb. 7 whether the project's timeline would be paused. The next step for the state was a Feb. 12 pre-proposal meeting, a part of the competitive bidding process leading to the selection by FDOT of a contractor in May.

Two companies applied: Prince-Delta Railroad JV, and Stacy and Witbeck/Herzog. The state last fall rejected four bids for the project, when they came in much higher than the $134 million construction budget.

If the new bids exceed $142.5 million, the state, county or city can reject them.

At the five-and-a-half hour city hearing on Feb. 6, City Attorney Cynthia Everett threw the [illegible] into a tangle after 11 p.m. when she advised against approving the deal, saying she had "concerns" and didn't think the city had a strong role negotiating the deal.

She said the city already had a binding agreement to help pay for The Wave even before that night's vote, and the vote created a "narrative" that the city had the authority to kill the project — potentially putting the city on the hook for damages if Fort Lauderdale defaults.

"It is not the best deal for you," Everett said. "This was presented as a done deal, in effect. ... Stick with what you have."

John Milledge, attorney for the pro-Wave DDA, where the project was conceived at least 16 years ago, said the city attorney could have commented on or objected to the agreement before the Feb. 6 meeting.

"Frankly, we all have a lot of liability for unplugging it at this point," Milledge said, noting that the state has deadlines for spending $60 million in federal grants.

Everett also questioned a provision of the Feb. 6 agreement that says that after budget year 2019-20, the city and DDA are solely responsible for cost overruns, removing the county from the equation. Previous agreements didn't say that, Everett said. The city's portion remains at a quarter of the cost, but Everett said she still thought it increased the city's financial risk.

The current $195 million project includes $82.7 million from the federal government, $52.7 million from the state and $59.9 million divided between the city, the Downtown Development Authority, downtown property owners and the county.

The system would take riders from Sistrunk Boulevard to the north, to 17th Street to the south, mostly along Andrews Avenue.

Tribune Content Agency News Service (USA)
February 10, 2017

Fort Lauderdale sewage spill costs top $1 million
Author: Larry Barszewski

The cost of a December sewage spill continues to climb, with the city paying more than $1 million for repair work and claims from affected property owners. Officials still don't know what the final cost will be after a sewer line break in the 500 block of Southwest Seventh Street sent 2.5 million gallons of raw sewage through the Tarpon River neighborhood. Officials halted reimbursement payments to property owners in January because the city was nearing a $300,000 state cap on what it was allowed to pay without legislative approval. But after researching the issue, City Attorney **Cynthia Everett** told commissioners Tuesday the cap did not apply to the type of claim payments the residents were seeking.

The city has spent $479,000 so far for repairs and cleanup. It has paid another $537,000 to property owners for their cleanup costs and damaged items. The figures do not include all the recent payments to property owners. City spokesman Chaz Adams said that information was not available yet. Additional claims can still be made. The spill was the city's fourth to exceed 2 million gallons last year. The state is seeking a consent order with the city that would include a plan for fixing the city's aging pipelines. It could also include a penalty for the previous spills and create additional fines if the number of spills is not reduced. The city has been developing master plans for all its infrastructure needs, including water and sewer lines, sea walls, roads, sidewalks and storm drainage. Commissioners are creating an advisory committee to help develop a comprehensive overall plan and to provide suggestions for how to pay for the needed work.

Tribune Content Agency News Service (USA)
February 8, 2017

Fort Lauderdale gun shows get renewed scrutiny following airport shootings
Author: Larry Barszewski

A month after a shooter killed five people at Fort Lauderdale-Hollywood International Airport, the gun shows at the city's War Memorial Auditorium have come under renewed attack. Commissioner Dean Trantalis asked Tuesday for the city to ban the leasing of the auditorium in Holiday Park to gun shows, which have been a staple there for more than 30 years. "I think the incident at our airport brings closer to home how important it is to try to minimize the implements of violence that seem to permeate our society," Trantalis said. "One of the things we can do is to recognize how we as a city can limit the availability of weaponry." Trantalis said he wasn't challenging gun ownership, but said a park where children play is "an inappropriate location for the city to be hosting gun shows." Commissioners were sympathetic to the desire to curb gun violence, but said eliminating gun shows at the auditorium wasn't the solution.

Mayor Jack Seiler said operators of the Fort Lauderdale Florida Gun Show, formerly the Suncoast Gun Show, already take extra precautions because of past city concerns. That includes requiring all sellers to be licensed and having increased security patrols, he said. "They voluntarily impose stricter requirements," Seiler said. "They've cooperated with law enforcement with every single request over the years." Critics said the city shouldn't meddle. "To ban gun shows, in my opinion, would be censorship," resident Dennis Ulmer said. The operators, Florida Gun Shows of Florida, hold eight gun shows a year at the auditorium. Last year, Trantalis unsuccessfully sought to ban the sale of assault-style rifles such as the AR-15 and AK-47 at the shows. His move came right after the shootings at Orlando's Pulse nightclub where 49 people were killed. There also was an effort in 2013 to stop leasing space to the gun show after the 2012 shootings at Sandy Hook Elementary School in Connecticut where 20 first-graders and seven others were killed.

But a state law limits the regulation of the sale and purchase of guns to state government, not cities. The law says commissioners can be held personally liable for damages and the governor can remove them from office if they violate it. Trantalis doesn't see his proposal as regulating gun sales, but as simply creating a city lease stipulation for property it rents out to others. City Attorney **Cynthia Everett** last year warned commissioners that stopping the gun show from having assault-style weapons probably would violate the state prohibition. While commissioners said they are reluctant to impose a leasing ban, they asked **Everett** to research if the city can legally impose any lease restrictions that are related to the sale of guns. Resident Bonnie Gross wants the gun shows gone. "I'm disturbed by the fact that my city generates revenue by hosting gun shows eight times a year," Gross said. "You're choosing what kind of message you want to send about the city of Fort Lauderdale."

Tribune Content Agency News Service (USA)
June 22, 2016

Fort Lauderdale city manager receives rocky evaluation
Author: Larry Barszewski

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

Commissioners will discuss pay raises for Feldman and City Attorney **Cynthia Everett**, who was also evaluated Tuesday, at a July 12 meeting. **Everett** received mixed reviews as well, although not as critical.

Tribune Content Agency News Service (USA)
June 8, 2016

Update: Fort Lauderdale commission delays Bahia Mar decision
Author: Larry Barszewski

Fort Lauderdale commissioners delayed a final vote on the proposed Bahia Mar redevelopment to see if they can require a super-majority vote for the yet-to-be-negotiated lease of the city-owned property that is also needed for the project to go forward. Commissioner Romney Rogers said he was uncomfortable supporting the site plan for the project, which requires the approval of four commissioners, when it would only take three commissioners to approve the new lease. Rogers didn't want to approve the rezoning without knowing he could support the lease terms. City Attorney **Cynthia Everett** was asked to determine if the commission could require the commission's super-majority approval of the lease as a condition of its site plan approval. Normally, a lease would only require a simple majority, or three votes of the five-member commission.

Attorney Robert Lochrie, representing TRR Rahn Bahia Mar LLC, said the developer was willing to require the support of four commissioners on the lease as a condition of the site plan's approval, but **Everett** said she didn't know if such a condition would be enforceable if it was challenged in court. The site plan decision was delayed until June 21.

Original report:
City commissioners Tuesday will consider final approval of a private developer's plans for the city-owned Bahia Mar resort and marina. A positive decision would allow the project to advance, but doesn't mean construction is guaranteed. A couple of city residents have already filed suit on Monday, challenging the zoning rules being used to approve construction of two 29-story condominium towers, a grocery store and massive parking garages on the property. Critics of the project, which received preliminary approval on a 4-1 vote in May, are expected to present hours more testimony Tuesday in hopes of convincing at least one more commissioner to oppose the plans. The zoning rules require the support of at least four commissioners for the project. Even if the plan is approved, the city will still have to negotiate with the developer a new lease with new rents and terms. The site's previous leaseholder also had a site plan approved by the commission, but was never able to finalize new lease terms.

In order to get a new lease from the city, commissioners say the project developers will also have to get Fort Lauderdale International Boat Show officials to sign at least a 30-year agreement for continuing to base the show at Bahia Mar. Commissioners said the boat show is critical to the city's economic health. The Bahia Mar site plan will be taken up during the commission's 6 p.m. meeting at City Hall, 100 N. Andrews Ave. Critics of the plan said the city is giving away public property to private development. Under past proposals, the city would sign a 50-year-lease and give the developer a 50-year-extension option which would tie up the property for 100 years. Opponents also say the project is too intense for the site, one of the narrowest portions of the city's barrier island. Jimmy Tate, who heads the development group TRR Bahia Mar LLC, has said the condominiums and other revenue-producing elements of the plans are needed in order to

pay for improvements needed for the boat show and to create a public promenade and other public spaces along the Intracoastal Waterway. The current zoning of the property sets a maximum 12-story height for buildings there, while the beach overall has a 24-story height limit.

The suit filed Monday by Geary Cotton of Idlewyld and Larry Burnette of the Venetian condominiums says the proposed development would be "inconsistent with the scale, density and intensity" of the surrounding community. The suit said the zoning rules being used should be voided because they are "arbitrary and capricious," in effect creating "spot zoning" that will negate the city's approved land-use plans. It also raises a technical issue, saying that the city, not Tate's group, should have made the rezoning application because it is city-owned property. The project has sparked larger concerns about development in the city, with two petition drives underway. . One seeks a year-long moratorium on large development projects from Federal Highway east to give the city time to address worsening traffic congestion. The second wants to make sure city-owned property on the barrier island is only used for public purposes.

Tribune Content Agency News Service (USA)
May 18, 2016

Bahia Cabana fails in bid to get fire station site
Author: Larry Barszewski

City commissioners have rejected Bahia Cabana's offer to build the city a new fire station at a different location so it can use the prime site to redevelop its aging beach resort. Still, a different deal with the city is possible. Bahia Cabana's owners say they need Fire Station 49's Seabreeze Boulevard site to transform their tired-looking resort into an iconic, luxurious destination at the southern entrance to the city's beachfront. They offered to replace the station, which opened in 2010, with a better one to be built only 250 feet away on Harbor Drive. But Fire Chief Robert Hoecherl said the change might make response times worse, a risk commissioners were unwilling to take. Instead, Vice Mayor Dean Trantalis suggested Tuesday night there might be a better location for a new beach station, possibly closer to Las Olas Boulevard, that would improve response times without negatively impacting residential neighborhoods. The city is preparing to build a new fire station near Andrews Avenue and Southwest 17th Street, which will handle many of Station 49's calls. Trantalis said moving the beach station north would help response times west of the Las Olas Boulevard bridge. "We've got a number of locations on the beach that are going to be appropriate," Trantalis said. "We don't necessarily need a fire station where it is at this point."

Adam Sharif, who heads Randolph Equity Partners that owns Bahia Cabana, said the commission's decision kept his plans alive. "We are not opposed to looking at other locations," Sharif said. However, the city must determine if it would be legal to tear down the existing station, which is being paid for through bonds approved by voters in 2004. The city has been working for more than a year on the proposed swap, but City Attorney **Cynthia Everett** had no definitive answer when asked if the deal could be done, given that taxpayers are still repaying those bonds. Even if the city eventually approves a land swap and new fire station paid for by Bahia Cabana, the commission is not required to approve any rezoning or development request the resort's owners make.

Sharif has said the plan is "to develop something that's low impact, ultra-luxury, highly amenitzed" that "will change the way people perceive the city of Fort Lauderdale." He said the average condo price would be about $7 million. Acquiring the city's fire station site would also allow Bahia Cabana to build a public promenade along the Intracoastal Waterway that would be able to link up with one planned for Bahia Mar directly north of the site. Sharif has also pledged to provide 150 public parking spaces in his future development as a condition of any land swap. Commissioner Romney Rogers said he was uncomfortable not knowing what that development will look like. "I don't like going into something without knowing the end game," Rogers said.

Tribune Content Agency News Service (USA)
January 25, 2016

Fort Lauderdale not ready yet for police body cameras
Author: Larry Barszewski

A move to equip city police officers with body cameras is being delayed due to privacy concerns. City commissioners say they support a pilot program but fear Florida privacy laws could put officers wearing cameras in civil or criminal jeopardy. A number of Florida agencies have already begun using body cameras, including the Broward Sheriff's Office and Hallandale Beach police. But Fort Lauderdale Mayor Jack Seiler worries the courts may step in and throw a monkey wrench into those programs -- similar to how the courts invalidated parts of the red-light camera laws enacted by numerous cities throughout Florida. City Attorney **Cynthia Everett** said she's comfortable Fort Lauderdale can put a program in place. Commissioner Dean Trantalis said the city should move forward with a pilot. "I don't believe there's any legal impediment to implementing this program, if that's what you want to do," **Everett** told commissioners. "We're going to have policies and procedures and training."

One major concern involves inadvertent taping that would take place during the course of an officer's day. The body camera is constantly recording video and constantly overwriting that video until an officer turns it on for a specific event. The camera captures and preserves what is recorded from the time an officer turns it on until it is turned off. It also preserves prerecorded material occuring immediately before the officer turns on the switch. The prior video could be a half-minute to a half-hour in length, depending on the agency's policy. People not involved in an arrest could be inadverently recorded, such as in a hospital emergency room, which might violate health privacy laws, Assistant City Attorney Brad Weissman said. Police union president Jack Lokeinsky said officers would have to be protected in their collective bargaining agreement from potential lawsuits resulting from wearing body cameras. "I can't let them wear a camera until it's in there," Lokeinsky said. Commissioners are also concerned about the cost of storage and handling of what could be voluminous materials. Police Chief Frank Adderley said the city could likely avoid those costs in a pilot program because many of the camera providers are offering free cameras and storage for up to a half-year.

However, Adderley said he would want to hire a project manager if the city moves forward with a pilot program, which he said would cost about $25,000 for a half year. Before going further, Commissioner Bruce Roberts said he wants **Everett**'s opinion in writing regarding the policies and procedures. He'd also like the issue to be presented to the Citizens Police Review Board for its input, to have the union involved and to assure officers they are going to be legally protected. Seiler asked staff to identify the gaps and concerns in the proposed pilot program, along with crafting a policy for unintentional recordings.

Tribune Content Agency News Service (USA)
October 21, 2015

Water park goes to federal court to stop competitor
Author: Larry Barszewski

The operators of Rapids Water Park sued the city in federal court Wednesday, saying officials cannot allow Schlitterbahn to build a competing park on city property without seeking bids on the project first. Premier Parks LLC says its Riviera Beach park "will suffer substantial damages" if the Schlitterbahn lease continues. The suit said the city is violating its own charter by not requiring competitive bids. Company officials made the same argument to city commissioners earlier this month, but the commission moved forward with the Schlitterbahn deal after City Attorney **Cynthia Everett** told commissioners they had acted properly.

Schlitterbahn plans to build a water park and treehouse-like hotel accommodations at Fort Lauderdale Stadium, the former spring training home of the New York Yankees and Baltimore Orioles, a half-mile west of Interstate 95 south of Cypress Creek Road. The city has been in negotiations with Schlitterbahn since 2010, but could never get the required approval of the Federal Aviation Administration, which had a say in the matter because the property was owned by Fort Lauderdale Executive Airport. That changed this summer when the FAA allowed the city to buy the property from the airport for $12.1 million. The suit says the Schlitterbahn deal has similar problems as the city's contract with Recreational Design & Construction to build a replacement swimming complex on the beach. The Broward Inspector General's Office in 2013 said the city had violated state law by going with a one-bid contract. Schlitterbahn has also hired RDC to build its water park.

SunSentinel
August 21, 2015

Lauderdale ups hiring salary for city attorney – two years later
Author: Larry Barszewski

Fort Lauderdale commissioners decided this week that they didn't give City Attorney **Cynthia Everett** a big enough salary when they hired her two years ago. So after awarding her a 3 percent raise in July, they've gone back and boosted her original salary. They'll recalculate her raises based on the new figure and pay her the difference retroactively.

Commissioners on Tuesday also agreed to give City Auditor John Herbst a 3 percent raise and to pay Acting City Clerk Jeff Modarelli an extra $1,500 a month while he holds that position. Modarelli started filling in after City Clerk Jonda Joseph resigned in July to avoid being fired by commissioners. The attorney, clerk, auditor and manager are the only four city employees hired and fired by the commission.

Commissioners hired **Everett** in 2013 and set her salary at $193,000. Mayor Jack Seiler said there were some misunderstandings on both sides during the negotiations, so he's been meeting with **Everett** and commissioners approved his proposal to reset that initial salary at $199,000. The change still keeps **Everett's** figure under the $200,000 City Manager Lee Feldman was earning at the time. Given subsequent raises, **Everett**'s new salary is $218,582, while Feldman's stands at about $226,280.

Commissioners have also given **Everett** a retroactive $592 monthly car allowance — a $202 increase — to bring it on par with what Feldman receives. The city will also start contributing $8,000 annually to an insurance policy of **Everett's** choice, to match a similar life insurance contribution for Feldman. **Everett's** total retroactive salary and car allowance earnings amount to $18,386. City Auditor Herbst's raise brings his salary to $208,091, a $6,061 increase.

As for Modarelli, who was senior assistant clerk under Joseph, he'll continue earning his $86,700 annual salary along with the extra monthly stipend. Joseph's annual salary was $113,485. Commissioners plan to review Modarelli's work in three months and decide whether to offer him the permanent position or to look for someone else. If Modarelli is selected, commissioners would negotiate a new salary for him at that time.

Tribune Content Agency News Service (USA)
May 26, 2015

Lauderdale seeks to tighten control of vacation rentals
Author: Larry Barszewski

Homeowners offering their properties as vacation rentals could soon have to obey additional regulations if they want to continue operating in the city. While the state won't let cities ban the rentals, city officials say they can do more to manage the practice that is a frequent source of complaints by residents upset with late-night parties, loud noise and parking nightmares. Some listed homes offer accommodations for up to 24 people. The city attorney's office is working on proposed regulations that would require people offering their homes to vacationers to register with the city, provide local contact information for when problems arise and make sure they pay the appropriate business, sales and tourist taxes. Commissioners would also like to see a formal process that would allow the city to revoke the licenses of homes that become a nuisance because of repeat violations of city laws. The city has been stymied in its efforts to restrict vacation rentals because of a 2011 state law that allows short-term rentals of any duration, unless a city had restrictions on its books prior to the state law. Fort Lauderdale argued it did have restrictions, but lost that issue in court in 2012.

Now officials are trying to do what they can to make the situation more manageable. Mayor Jack Seiler wants any changes to be in place before the heavy tourist season returns. "I'd like to have something on our books by September," Seiler said. "Once the season hits, we have to be really well prepared for this." While city officials field complaints from residents upset by nearby rentals, there are others who want the ability to rent out their property. Brian Donaldson, who lives in the Birch Park Finger Streets community on the beach, estimated about 30 of the 140 homes there are used as vacation rentals. The answer to dealing with problems is self-policing, he said. "There are a lot of owners that are just opposed to banning it completely," Donaldson said. "We have just as many problems with owners as we've had with tenants." Donaldson supports registration, but doesn't want the properties to have to post signs in their yards with local contact information as has been proposed by the city.

Marilyn Mammano, president of the Council of Fort Lauderdale Civic Associations, said licensing the rental properties would be a significant improvement. "A license should be issued by the city that an owner is authorized to do short-term rentals on the property," Mammano said. That license should be revocable if rules are violated, she said. City Attorney **Cynthia Everett** said the city should be able to do more to enforce the laws it already has on the books. Commissioners said many of the violations -- such as putting garbage out too early or having cars parked on lawns -- often disappear before further action can be taken, but are a continuing headache for neighbors.

Tribune Content Agency News Service (USA)
February 26, 2015

Price for Lauderdale's new swim center jumps $3.6 million
Author: Larry Barszewski

The "guaranteed maximum price" on the city's new aquatic center lost its guarantee Wednesday when contractors told city commissioners the construction would cost an extra $3.6 million. Commissioners approved a contract with Recreational Design and Construction in 2012 to build the complex for no more than $32.4 million. Commissioners have since planned additions that would bring the total to $33.7 million. But RDC representatives said the cost of concrete, steel and other materials rose significantly while the project languished with unexpected delays for more than two years -- delays not caused by RDC -- leading to the new $37.3 million price. "I think it's outrageous and it's the dumbest thing I've heard in my life to start a project with a cost overrun," said one resident, Count L.F. Chodkiewicz Chudzikiewicz. City Attorney **Cynthia Everett** told commissioners she saw nothing in the contract that would require the city to pay anything more than the previously agreed to price, and several commissioners agreed. "At the end of the day, we've got a deal and I want to stick to the deal," Commissioner Romney Rogers said.

Jim Blosser, RDC's lobbyist, said the city could get the project back on budget by eliminating one level from the project's three-level parking garage and dropping the overall structure from five stories to four. Mayor Jack Seiler said he didn't think "in good conscience" he could hold the developer to prices that were agreed to more than two years ago, especially since the city's own consultant estimated the true cost of the planned center at more than $41 million. Seiler said the proposed changes to reduce the price were worth considering because they didn't affect the center's swimming and diving features and because beach residents would be happier with a lower structure. He didn't want to see the project tied up in litigation over the issue, which might result in no new center being built. Commissioner Dean Trantalis said he supported rebidding the project, which City Manager Lee Feldman said could add about three years to the time it takes to get the complex done. Feldman also said that losing a floor of the parking lot would cost the city about $800,000 in annual parking revenues that were going to be used to help pay for the construction.

Commissioners delayed a decision until their March 17 meeting so staff will have time to review RDC's new figures and contractual obligations, and to provide possible alternatives. The current project keeps an existing, Olympic-sized 50-meter pool on the aquatic complex peninsula on Seabreeze Boulevard a few blocks south of Las Olas Boulevard, but the pool will be out front of the new center so it can viewed by passers-by and draw people to the complex. The new construction includes the parking garage with another 50-meter-pool and a separate diving pool on top. The front portion of the building will include an indoor, dive-training facility, a covered viewing area and a glass-enclosed banquet space with views out to the ocean and the Intracoastal Waterway. The commission is also considering spending $700,000 to hire a construction management firm to oversee the project. The aquatic center's construction seemed set in September 2012 when commissioners approved RDC's contract. Instead, questions about the

project's design were raised by diving professionals and critics who blasted it as nothing more than swimming pools on top of a garage. The International Swimming Hall of Fame backed out of the project after disagreements with the city and is moving to Santa Clara, Calif. And Broward's Inspector General said the city failed to follow state law and should rebid the contract.

City officials have dismissed the inspector general's concerns, wished good luck to the hall of fame and received assurances from national swimming and diving organizations that the complex will be just fine to host their competitions. In another matter on Wednesday, the commission discussed the best way to approach expanding the city-owned Las Olas Marina so it can handle more mega yachts. With questions about city and state leases attached to the property that would be needed for the expansion, commissioners asked staff to get more information to bring back to their March 17 meeting. The city has no money set aside to contribute to a marina project and has been contemplating some form of joint venture with a private developer. The city plans to spend about $108 million on other beach projects, including the aquatic center, a parking garage next to the Las Olas bridge, a promenade by the marina, a park at State Road A1A and Las Olas, and street improvements and sidewalk enhancements to Las Olas and A1A in the Central Beach area.

McClatchy-Tribune Regional News (USA)
January 31, 2014

Fort Lauderdale considers new restrictions on homeless
Author: Larry Barszewski

Commissioners have new plans to deal with the homeless who have made the city their home, trying to stop them from bothering residents and motorists and making visitors uncomfortable. Among the items the city wants to ban or restrict: panhandling at intersections; sleeping on sidewalks and public benches; defecating in public; and storing personal belongings on public property. The city is also considering new restrictions on groups that feed the homeless outdoors. The discussion follows the commission's recent decision to participate in a Housing First grant that will provide apartments and support services for 22 chronically homeless individuals at risk of dying if they remain on the streets. The proposed actions would extend beyond the homeless, preventing firefighters and nonprofit groups from soliciting donations at intersections. They would prohibit sign spinners trying to lure drivers to local businesses, as well as students holding car-wash signs for school fundraisers.

City Manager Lee Feldman said the proposals are meant to be public health and safety measures -- not anti-homeless -- and are based on laws adopted in Tampa, Dallas and Brentwood, Tenn. City Attorney **Cynthia Everett** cautioned that past court rulings involving the city will affect what the city can do now. "Despite the fact that some or all of these ordinances may have passed muster in other jurisdictions, does not mean that they automatically apply or will work the same way in this jurisdiction," **Everett** said. Commissioners could begin voting on the measures as early as February. "Our parks, some of the same parks where we send our kids to play, have become de facto homeless shelters. Our intersections have become taken over by panhandlers," Victoria Park resident Andrew Gordon said at Wednesday's commission workshop. "The time to act is now." Robin Martin, executive director of HOPE South Florida, asked commissioners not to damage the work being done to feed the homeless indoors at scattered sites throughout the city. "While we applaud the city for moving forward with providing Housing First solutions, we oppose efforts to eliminate all meal sharing," Martin said.

The commission agreed to refine the proposal on feeding groups. Commissioner Dean Trantalis and others called the proposals "a first step." Trantalis said the city's efforts shouldn't only be about trying to stop unwelcome behaviors. "These measures seem to be more punitive than rehabilitative," Trantalis said. "We should embrace the opportunity to help people that are in bad straits." But Jay Holloway of Victoria Park said the city is an "enabler" with programs assisting the homeless because those programs just attract more homeless. “I would ask members of this workshop to take risks and make Fort Lauderdale less friendly to an epidemic of panhandlers, drunks, petty criminals and drug abusers,” Holloway said.

https://www.highbeam.com/doc/1P3-3325174871.html
May 1, 2014

Kappa League of the Fort Lauderdale Alumni Chapter of Kappa Alpha Psi Fraternity Set to Honor Local Women Achievers

The Kappa League will honor some of Fort Lauderdale and Broward County's finest ladies on Sunday, May 4 at 2:30 p.m. As Mother's Day gets closer, the Kappa League thought it only fitting to celebrate their mothers, along with a few dedicated ladies that make things happen. This year's honorees include: Mayor Barbara Sharief, Dr. Rosalind Osgood, Attorney **Cynthia Everett**, Public Affairs Officer Petula Burks and the Silhouettes, Fort Lauderdale Alumni Chapter of Kappa Alpha Psi Fraternity. Mayor Barbara Sharief was born in South Florida, raised in Broward County and is a longtime resident of District 8. In her personal life, Barbara is an active and energetic mother of three, an involved member of the PTA with a passion to enhance the quality of care for the elderly and children of Broward County.

Dr. Rosalind Osgood is a Broward County native. She is a graduate of Fort Lauderdale High School and single mother of three adult children who are college graduates. Dr. Osgood's life is a prime example of what education, faith in God, and community support to provide opportunities that might otherwise have been unimaginable. Attorney **Cynthia Everett** is an accomplished attorney who brings with her an array of expertise, professionalism and a work ethic that is second to none. Attorney **Everett** is the first African-American and first female City Attorney for Fort Lauderdale.

Public Affairs Officer PetulaBurks, a results-driven public relations and communications executive with over 15 years of experience impacting organizations' presence and performance nationally, serves as the Public Affairs Officer for the City of Fort Lauderdale. Kappa League National History: Under the chairmanship of Mel Davis, the Los Angeles Alumni Chapter's Social Action Program took the form of training activity for young men of the Alain Leroy Locke High School. Called the Kappa Instructional Leadership League, it was designed to help young men grow, receive, and develop their leadership talents in every phase of human endeavor. It provided both challenging and rewarding experiences, which richly enhanced their lives.

Membership was open to male students from the 10th through the 12th grades. The fraternity sought to help these young men to achieve worthy goals for themselves and make constructive contributions to their community when leadership roles become the responsibility. Kappa League is a program for the educational, occupational and social guidance of male students in grades sixth-12th. The nucleus and primary focus of the Kappa League revolves around the "Five Phases" which are: * Self-Identity Discipline, Assurance, Awareness, and Appearance * Training-Academic, Career-Choice, Preparation, and Organization * Competition-Politics, Career Advancement, and Sports * Social-Religion, The Arts, Entertainment, Conversation/Communication, and Etiquette/Manners * Health Education-Physical Fitness, Sex Education, Drug Education, and Health and Safety. The Kappa League will tip their hats to the women in their lives on May 4, at the Fort Lauderdale Women’s Club.

https://www.highbeam.com/doc/1P3-3012943261.html
June 20, 2013

Talks Snag Lauderdale Landing 1st Black Attorney

Contract terms for **Cynthia Everett**, tapped as Fort Lauderdale's first black city attorney, have become mired in a salary dispute. The City Commission chose **Everett** in May and on May 21 offered her an annual salary of $175,000. **Everett** made a counterproposal of $199,000 and additional benefits. "When she applied, she listed her salary at $150,000," Fort Lauderdale Mayor John Seiler said. "We felt that we were very generous." **Everett** declined to comment when contacted by phone. But the city's offer is lower than what Fort Lauderdale pays retiring City Attorney Harry Stewart, who gets $257,961. It is also less than what other senior city officials are paid. City Manager Lee Feldman receives $199,000 and City Auditor John Herbst $183,055. Broward County's attorney Joni Armstrong Coffey is paid $240,345 per year. Hallandale Beach's attorney, V. Lynn Whitfield, receives $180,000 per year. Jeffrey Sheffel, Hollywood's attorney, is paid $166,504.

Seiler attributes any delay in finalizing **Everett**'s contract to her schedule, adding, "She has not gotten back to us." **Everett** has served as attorney for Pinecrest in Miami-Dade County since 1999, earning $160,000 annually. She has also served as attorney for Opa-locka, where she earned $75,000 per year. In her counterproposal to Fort Lauderdale, **Everett** is asking that her vacation and management days, along with her sick leave days, accrue during her tenure. This benefit is given to highest ranking managers in the city. Fort Lauderdale has offered her 15 vacation days per year, 10 management days per year and 12 sick leave days per year.

She also wants to be eligible to receive any future increases in benefits similar to those of other executive officers. **Everett** is also asking for a relocation payment of $10,000, which the city has not offered her. However, in 2011, Feldman was given a $10,000 relocation allowance when he was selected as city manager and moved from Palm Bay in Central Florida to Fort Lauderdale. The offer to **Everett** does not prevent the city from reducing her salary, compensation or benefits and does not establish a defined work week.

McClatchy-Tribune Regional News (USA)
June 19, 2013

BRIEF: Fort Lauderdale hires new city attorney
Author: Larry Barszewski

Commissioners hired **Cynthia Everett** as the new city attorney on Tuesday, approving a contract with a starting salary of $193,000. Commissioner Dean Trantalis opposed the agreement because of **Everett**'s July 1 start date, saying **Everett** will be gone a significant amount of time in July and August to wrap up previous commitments, all while being paid by the city. He suggested a Sept. 1 start date instead.

But **Everett** told commissioners she would take unpaid leave when handling any outside matters. Mayor Jack Seiler said commissioners had asked for her to start earlier so she could spend time with current City Attorney Harry Stewart, whose last day is July 11. **Everett** is currently the village attorney in Pinecrest and has a private practice. Besides salary, she will receive a city contribution into an individual retirement plan equal to 9 percent of her salary. She also gets $10,000 for moving expenses and is required to be a city resident by Jan. 1.

Miami Herald, The (FL)
October 12, 2012

Pinecrest to loosen rules for banners at schools
Like many suburban communities, Pinecrest has strict limits on the size of signs. But the village tentatively agreed to loosen the rules to help schools sell sponsorships.
Author: Ashley Lopez

Pinecrest council members think they've found a way to help schools raise more money by putting advertising banners on their fences — but without creating excessive visual clutter. PTSA leaders and the village's representative on the Miami-Dade County School Board asked village leaders to loosen sign rules so that schools could put up more banners promoting upcoming events or businesses that have given money to the schools. The council previously considered a plan that would have allowed schools to dedicate up to 10 percent of their fences to banners, provided that no sign is more than four feet tall. But some residents and council members were concerned that would allow too many signs, creating visual clutter. And council member Jeff Cutler said that the way the proposed ordinance was written, people who want more signage would just need to add more fences. "We are looking at an ordinance that favors fences," Cutler said.

So the council instead agreed to allow schools to place signs totaling up to 128 square feet for each side of the school. That's about three times the square footage now allowed. Each sign could be no larger than 4 feet by 8 feet Vice Mayor Nancy Harter asked that a time limit also be added back to the ordinance. At her request, the council voted to allow banners for no more than 90 days at a time. The current ordinance allows schools to keep banners up for only 14 days at a time. "Ultimately, I don't want to see a company-sponsored sign in the same place all year round," Harter said. At the suggestion of Village Attorney **Cynthia Everett**, the council agreed to apply the changes to all property zoned for "public services," which includes property owned by Florida Power and Light and a few other businesses as well as churches. **Everett** had expressed concerns about possible legal challenges if churches were not treated equally to schools. The tentative changes will require final approval at the council's Nov. 13 meeting. The changes sparked a debate between school boosters and people concerned about protecting the village's appearance. Resident Terri Buria said she was worried unregulated sponsor advertising would "cheapen" the schools. She said business would have the opportunity to exploit the unlimited advertising space if the looser ordinance had been passed.

"Businesses are going to sponsor things and ask to put up a banner," Buria said. "You are really just creating billboard areas at eye level. At some point in time someone is going to bend and twist this." But resident Brian Shapiro said that banners have really helped schools in the past. "We have raised a lot of funds by this kind of communication," he said. Lawrence Feldman, who represents Pinecrest and neighboring communities on the Miami-Dade school board, joined the side asking for relaxed rules. "Don't shut the door on them," Feldman said. "It's getting harder and harder to fund the schools."

Miami Herald, The (FL)
July 22, 2011

State orders Pinecrest to allow guns in parks
Pinecrest is repealing its ban on guns in public parks because a new state law would subject the village to fines if the prohibition remained in place.
Author: Michelle Hammontree-Garcia

Concealed handguns will soon be allowed in Pinecrest's public parks. Saying the State Legislature had tied their hands, village council members unanimously agreed to repeal their law banning guns in parks. If they hadn't, officials said, the state would have fined the village. The council gave preliminary approval to the repeal because state law trumps local law. And state lawmakers wanted to make that crystal clear by amending state statute 790.33 with House Bill 45, which imposes penalties on those who violate it. But don't expect to see skeet-shooting in the field behind the community center or target practice in Suniland Park. Though under state law guns are now allowed in parks, they must be concealed and properly permitted, said village attorney **Cynthia Everett**. Mayor Cindy Lerner said she is glad that we still have freedom of speech so that she can "bitterly complain." "I am angry, disgusted and horrified that they put us in this position. This is a public-safety issue," Lerner said in an interview. "This is not the wild, wild west."

Effective Oct. 8, 2011, officials or employees of county or municipal governments who violate the preemption can face a $5,000 fine. It is also grounds for termination of employment or removal from office by the governor. A government could also be held liable for damages up to $100,000 and plaintiff's attorney's fees. State Rep. Jose Felix Diaz, whose district includes Pinecrest, voted in favor of the bill when it passed through the House during its last session. Diaz, a Republican, said the intention of the bill is to protect the right to bear arms and to provide uniformity across the state. "When every municipality has its own gun laws, you can be in one town that enforces one law and cross over to another town where the laws are completely different," said Diaz. He added that when the bill was presented in the House, many municipalities from North Florida showed up to speak about the bill but that Pinecrest leaders didn't contact him. Lerner doesn't think guns and parks mix. "What if someone leaves or drops their gun in a park and a child finds it?" **Everett** agreed, adding: "If you can't have it in a school, then why in parks?"

Miami Herald, The (FL)
May 13, 2011

Village raises fines for night-time noise
Mayor Cindy Lerner said the threat of a $50 fine was not enough to deter some loud, late-night partiers. Maybe $250 will work.
Author: Michelle Hammontree-Garcia

Pinecrest's human residents will now have to dig deep into their pockets if they are fined for being too loud. But village officials are still working on a way to deal with four-legged residents who disturb their neighbors' sleep. The Village Council unanimously passed an ordinance Tuesday that increases the initial fine from $50 to $250, and subsequent citations to $500 from $250. The changes took effect immediately. The noise ordinance requires that police first issue a warning. Mayor Cindy Lerner asked for a revision of the ordinance, after residents complained to her about barking dogs and loud parties that sometimes go long into the night. The old fine wasn't serving as a deterrent. "Fifty dollars, in this day and age, in this community is kind of laughable,'' Lerner said. "You are not going to get anybody to stop doing anything with the threat of a $50 fine. This is for those people who are going to say, 'sure,' shut the door, and go back and turn up the music again."

The noise ordinance does not allow noise louder than 65 decibels between 7 a.m. and 11 p.m. or noise louder than 60 decibels between the hours of 11 p.m. and 7 a.m. daily. The noise is measured at the nearest property line. Seventy decibels would be about as loud as a vacuum cleaner. Getting a barking dog to stop has proven not be as easy as issuing a fine, because the homeowner is usually not home when their pooch is creating a ruckus. Also, measuring the loudness of a bark is difficult because it is not a constant sound. Because a warning must be issued first, police end up mailing it, which can take a couple of days. And because a fine can only be issued if the second violation happens within 24 hours, the dog's owner usually isn't fined. Though barking dogs are not a chronic problem in the village, "every couple of years we get two to three complaints that are problems for a period," said Village Attorney **Cynthia Everett**. She is working with police to possibly propose an additional change to the noise ordinance to address barking dogs.

Dogs can get some up their pent up energy out by taking a stroll through the Pinecrest farmer's market, which will be extended through the summer. The council also unanimously approved a resolution to extend the market. Lerner and Pinecrest Gardens' director, Alana Perez, hope the summer market will help attract people to the Gardens, which are usually not as busy during the summer, except for camps and other children's activities, such as, the Splash and Play. With less produce available during the next six months, Perez is taking a wait-and-see approach. She said that it is "an experiment" that she hopes works. "It is our hope that our visitors will continue to support the market, purchase fresh wonderful summer fruits being grown locally and enjoy their picnics inside the Gardens, where we offer tables, umbrellas, benches, breezy scenic views of Swan Lake and shady areas abundant with beautiful flora," said Perez in an interview. Claire Tomlin, the market's organizer said at the meeting, that she and Perez are brainstorming on how

to use the market as a vehicle to attract folks into the Gardens. One idea is for vendors to sell pre-packaged lunches that can be taken into the Gardens to eat.

But Councilman Joe Corradino said at the meeting that extending the market is "over-kill" and thinks that neighboring residents should get a break. "We should give it a rest for the summer and bring it back in the winter like we usually do," said Corradino. Tomlin told the council that she expects the summer market to attract only about half of the attendance as the winter version. The market will open Sundays from 9 a.m. to 2 p.m. Setup starts at 7 a.m. and the vendors must complete their breakdown by 4 p.m. The village will receive $500 a week for 30 vendors and $20 for each additional vendor over 30. That should bring in the village at least $6,000 for the summer. If residents complain, or if the market is not attracting enough vendors, both the village and Tomlin have the option to cancel the summer contract.

Miami Herald, The (FL)
April 5, 2009

THEY'VE GOT THE SPIRIT OF SERVICE
Author: Miami Herald Staff Report

Alpha Kappa Alpha's 2009 Spirit Award winners are, from left, **Cynthia Everett**, the Rev. John A. Ferguson and Priscilla Stephens Kruize. **Everett**, one of South Florida's top attorneys in labor, employment and municipal law, was named one of Florida's 2008 Super Lawyers by her peers for outstanding work and professional achievement. She is the attorney for Pinecrest, the special master for code compliance in Miami Lakes, and the special counsel to the city of Miami Civil Service Board.

Ferguson, founded the Second Baptist Church in 1964 was a member of the Community Relations Board, which helped keep the peace during the Liberty City riots in the 1980s. In 2000, the School Board named a high school after him. Kruize, a retired teacher, served on the frontline of the Civil Rights movement as a member of the Congress of Racial Equality (CORE). While a student at Florida A & M University in 1960, she and her sister Patricia spent 49 days in a Tallahassee jail for protesting lunch-counter segregation.

Miami Herald, The (FL)
September 7, 2008

PINECREST: Pinecrest loses its appeal regarding an abandoned home
An appeals court says that Pinecrest will have to do a better job of contacting the owner of an abandoned home who might have ties to the Venezuelan government if it chooses to move ahead in a foreclosure lawsuit.
Author: PATRICIA MAZZEI

In a setback to Pinecrest's efforts to take ownership of an empty home it has been maintaining for years, an appeals court ruled against the village Wednesday, saying it did not properly contact interested parties in filing its lawsuit. The ruling by the Third District Court of Appeal adds a wrinkle to an already complicated case that might involve an entity of the Venezuelan government. In September 2005, Pinecrest filed suit to foreclose on a home on 8767 SW 62nd Ct. after issuing code enforcement fines that went unpaid and placing a lien on the house. The home is owned by Redfield Investments, a company incorporated in the Netherlands Antilles. When it came time to serve the lawsuit, village officials said they did not know anyone representing Redfield. They sent papers to a mailing address listed for the company, but those were returned. They then tried serving a former attorney for Redfield -- knowing that the lawyer did not represent the company anymore, according to the ruling.

Florida law says if it is not possible to reach parties to be served in a lawsuit, the plaintiff can still serve the case by publication -- but only after conducting a diligent search for the property owner, his or her representative and any other party that might have an interest in the case. Pinecrest did not do that, the court ruled, because it did not reach out to the most likely source of information on how to contact Redfield: the Venezuelan consulate in Miami. The village had been in touch with the consulate about the property before, after finding out that the Venezuelan government might have acquired an ownership interest in the house through Redfield. Still, Pinecrest said it did not know of a particular person or agency to contact to reach Redfield or anyone in Venezuela, so it did not serve them. Instead, the village tried to track down the owner through Miami-Dade County, utility companies and the postal service.

"There's no independent evidence that Venezuela has an interest in the property, and we notified the owner of record," Village Attorney **Cynthia Everett** said. But Michael Diaz Jr., managing partner of the Diaz, Reus & Targ firm that represents Redfield, said Pinecrest knew how to contact his client -- and chose not to. "They're entitled to procedural due process," he said of his client. Diaz added that his client has maintained and tried to sell the home. The company drained and covered the pool behind the house, mowed the lawn and placed for sale signs that were removed by someone, he said. Only recently did he find out the village was paying to clean the home, he added. Pinecrest has spent $9,300 on maintaining the house, in addition to the $240,000 outstanding in fines and the lien, Village Clerk Guido Inguanzo said.

Miami Herald, The (FL)
July 30, 2006

RATE SAME, BUT TAX BILLS LIKELY TO RISE
Author: CHARLENE COLLAZO

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

In other business, village attorney **Cynthia Everett** discussed a request for mediation from Jerry Proctor, lawyer for GREC Pinecrest developers. The council turned down the company's rezoning request last month to build 18 townhomes at 7520 SW 100th St. **Everett** said state law requires the village to agree to mediation, but she needs to research how it would be done and what is required. She will report back to the council on her findings.

Matzner asked **Everett** to find out whether the mediation would include the public, or would be limited to the developer and the council. ``If neighbors are able to participate, then it is something that we can pursue," he said. ``Without them, it would be wrong." Village Manager Peter Lombardi was not present at the meeting because he was having surgery, the mayor said. Lombardi was out sick for three months earlier this year.

Miami Herald, The (FL)
July 22, 2006

A WONDERFUL OPPORTUNITY'
Author: KATHLEEN FORDYCE

Cynthia Everett, who owns her own law firm, took on Pinecrest village as one of her clients in 1999. She made the move from Opa-locka, where she worked first as the assistant city attorney and then the chief counsel. Working for Pinecrest for about seven years, **Everett**, 48, said that although the village has different needs than does Opa-locka, both municipalities work to make their communities better places to live. ``I find that the priorities may be different with different municipalities, but everyone is on the same path with the same goal. It's just a matter of how you are going to get there," **Everett** said. ``It has just been a wonderful opportunity and a wonderful experience."

Born in Connecticut, **Everett** moved with her family to Florida and she attended Florida State University. She already had family ties in South Miami-Dade, including her grandmother, Arlie Armstrong, who recently turned 101 and is well-known in the Goulds area. **Everett** earned her law degree from George Washington University in Washington, D.C. She has worked for the law firm Williams & Associates and was an assistant U.S. attorney in district court and an assistant state attorney in circuit court. She was also selected to serve on the 11th Circuit Judicial Nominating Commission and is active in many legal associations. Her law firm, **Cynthia** A. **Everett** PA, is in Coral Gables. Her time with Pinecrest has been enjoyable, she said. ``Everyone is very nice and pleasant and easy to get along with," she said.

Miami Herald, The (FL)
October 6, 2005

EMINENT DOMAIN MIGHT CLAIM ABANDONED ACRES
Author: YUDY PINEIRO

Correction: A Pinecrest home on property that might be taken by the city under its powers of eminent domain is vacant but not abandoned, as the headline on an Oct. 6 Neighbors story incorrectly stated.

The Pinecrest Council has its eye on a 4.5 acre slice of land it says would be the perfect spot for a skateboard park and maybe a couple of ballfields or tennis courts. As it stands now, the property at Southwest 72nd Avenue between 94th and 96th streets is home to a vacant one-story residence, two horses and some grass. Real estate broker Steve Arbuckle has the property listed for $7.5 million and says there have been ``multiple offers'' on the land, though no contract has been finalized. But city officials believe the sale is imminent and at recent meetings have talked about taking the land through eminent domain - the government's power to take private land for public uses. ``It's more of an alternative or a last resort,'' Village Attorney **Cynthia Everett** said. ``At this stage the village is just exploring all the circumstances, but if there is something in the works, you always have to consider eminent domain as an option.'' **Everett** said the council has not yet instructed her to start negotiating for the land.

Arbuckle declined to comment on whether the village has inquired about the property and would not give further details, citing pending contracts. At least one nearby resident doesn't think it's a good idea. ``I think that it is important that we in Pinecrest make sure that there is ample open space and parks available for our residents to enjoy,'' Al Kramer wrote in an e-mailed statement to the council. ``However, I am against spur of the moment ideas,'' Kramer wrote. Kramer told The Herald the village's six parks are expensive to maintain and some are underused. Another park would be an extra burden on taxpayers, he said. The council has already said it may raise the tax rate in coming years to help pay for the new property and make up for increasing costs in providing park services and programs.

The Miami Herald
March 17, 2002

COUNCIL OKS `NOISY' CONSTRUCTION LIMITS
Author: EUNICE SIGLER

Responding to resident complaints about construction noise, Pinecrest Village Council members gave an initial OK to an enhanced noise ordinance Tuesday night. The new law, copied from Miami-Dade County's version but adding a new section on construction, would limit the times and days during which ``noisy'' construction can take place in the village. Construction can happen, but workers are banned from making noise that would ``disturb the peace and quiet of the neighborhood,'' from 6:30 p.m. to 7 a.m. on weekdays, from 4 p.m. to 8 a.m. on Saturdays and Sundays, and from 4 p.m. to 8 a.m. on holidays. ``This is the result of much citizen input,'' said Mayor Evelyn Greer, who said she had received many e-mails, letters and phone calls from residents. Under the proposed law, police would give first offenders a verbal warning, followed by a citation on second offense. After that, repeat offenders would face increasing fines. Council members will consider final approval of the law at the next meeting April 9.

* Also on Tuesday, Pinecrest officials voted to attempt to settle a lawsuit with the state's Department of Community Affairs over ``transit-oriented zoning'' along the U.S. 1 corridor near the Metrorail system. As required by law, Pinecrest had submitted a comprehensive master plan to the department for approval. But the state rejected it, saying officials had to allow higher building and density requirements along U.S. 1 to encourage people to live near and use the Metrorail system. When it incorporated, Pinecrest changed the existing zoning laws, which had allowed buildings up to eight stories along U.S. 1, limiting heights to only four stories instead. The village argued with the state that it didn't want to put high-rises next to the one-acre estate neighborhoods off U.S. 1. ``Philosophically, we understand what they're doing, but the dilemma is that the community has developed organically in a certain way, and you can't just one day declare that it's going to be something different,'' Greer said. After three years of negotiations, the state had agreed to settle on transit zoning only on three areas along U.S. 1: at the north end of the intersection of North Kendall Drive and U.S. 1, and Southwest 95th and 96th streets and U.S. 1.

The state would accept Pinecrest's four-story limit, but would require the village to ban drive-through establishments such as restaurants and ATMs in an effort to encourage people to walk in the area around the Metrorail stations. It would require increased setbacks at the front of buildings along U.S. 1, to encourage more walking space. Greer said she thought the settlement was fair, but would vote for continued litigation if the residents wanted it. Some residents thought the ``no drive-through'' restriction was impinging on their rights, but Greer said the alternative was risky: going to trial against the state and possibly losing, meaning transit zoning could be imposed all along U.S. 1 rather than in just three areas. Resident John Steinbauer suggested, and council members agreed, to accept the state's settlement offer, but keep the zoning laws under Pinecrest's control by calling them the ``North Pinecrest Business District Overlay.'' Village Attorney **Cynthia Everett** said since the suggestion was only a name change, and didn't involve substantial changes to what the state required and said the state would

probably approve it. Council unanimously approved to settle under those terms. It will take the state three to six months to respond, she said.

The Miami Herald
July 6, 2001

WESTON CELLPHONE CAR LAW PROPOSED
Author: ELENA CABRAL

Spurred by New York state's ban on the use of hand-held cellphones by drivers, a Weston city commissioner is joining some local officials who want to restrict Florida's car-phone culture. Robin Bartleman wants to ban the use of hand-held cellphones while driving in school zones. ``I don't think it's unreasonable to ask this of parents, to put down the phone and pay attention,'' Bartleman said. For now, no ordinance will be drafted until Florida Attorney General Bob Butterworth weighs in on whether municipalities have the authority to restrict cellphone use. Pinecrest, the village in Miami-Dade County where a skating teenager was run down by a driver who was both drunk and reaching for a cellphone, has asked the state for such an opinion. Pinecrest Village Attorney **Cynthia Everett** said the issue came up at a recent council meeting and that she was instructed to look into the matter. Thursday she said she had not heard back from Tallahassee. Laws related to movement of traffic generally fall under the state's purview, **Everett** said. ``It's what you do when you're inside the car that we're concerned about.'' Butterworth's office could not be reached for comment Thursday.

New York recently passed a law that banned talking on hand-held cellphones while driving. The Florida Legislature has not warmed up to the idea. ``You can't do it locally for it to be effective,'' said Carol Hanson, Boca Raton's vice mayor, who has made studying the link between cellphones and car wrecks a personal crusade. ``You can't do a patchwork quilt.''

Hallandale Beach City Commissioner Dorothy Ross agrees. She recently asked commissioners in her city to consider a cellphone ban for drivers, but she says she has come to the conclusion that the idea would not work on the local level. ``You can't do it unless Tallahassee is involved,'' Ross said. So far the only statewide movement to address cellphone use in cars has come in the form of new accident report forms for law enforcement. Accident reports now include a place for police to indicate whether driver distraction is a contributing factor in a crash. Some, like Hanson, say that's not enough. The forms should indicate whether a cellphone was in use, Hanson says. Lt. John Bagnardi of the Florida Highway Patrol said police are supposed to specify what the distraction was, but not all do. ``We're trying to get that rectified,'' Bagnardi said.

In Weston, the possibility of restricting cellphone use has raised doubts among some commissioners. ``Cellphones are not the culprits,'' said Commissioner Barbara Herrera-Hill. ``It's people who do stuff that distracts them.'' Mayor Eric Hersh said he questioned whether the city could enforce the law.

Bartleman said she was inspired to act when she heard about a Weston parent's near-miss with a cellphone user behind the wheel of an SUV outside his son's school. Don Cooper said he was walking across the parking lot of Eagle Point Elementary School, 100 Indian Trace, last May with his 10-year-old-son Scott. He said he saw a woman in an SUV driving straight at them, her

head down, trying to dial a cellphone. ``I had to pull my son back or he would have been hit," Cooper said. When Cooper and others caught up with the woman, she was apologetic, but the incident prompted Cooper to contact Bartleman. Cooper said he would be satisfied if the Broward School Board enacted a measure restricting the use of cellphones by drivers on school property.

Miami Herald, The (FL)
January 28, 2001

WHITT GOES BACK TO COURT
Author: DRAEGER MARTINEZ

A bizarre, even baffling, lawsuit originally filed in 1994 took on new shape Thursday when former City Manager L. Dennis Whitt asked that 11th Circuit Court Judge Margarita Esquiroz find two former city commissioners and three attorneys guilty of criminal contempt of court. The named parties include former Commissioners Steven Barrett and Timothy Holmes, former City Attorney **Cynthia Everett**, current Assistant City Attorney Diane James Bigot and Thomasina Williams, head of the law firm Williams and Associates, P.A. If the five are found in contempt, they could face jail time, pay fines and court costs, and the attorneys could face penalties from the Florida Bar, said Stephen M. Zukoff, Whitt's current attorney. Bar penalties could mean the attorneys could lose their law licenses. The Thursday filing claims Whitt was cheated out of his full legal rights - the city fired him in December 1994 amid allegations of insubordination and mismanagement- because a lawyer represented Whitt in court proceedings without Whitt's knowledge or consent.

Zukoff said it all started with a legal injunction that Whitt and others sought in 1994. The injunction sought to block three city commissioners in place then - Barrett, Holmes and the late George Lipkins - from meeting to vote for Whitt's removal, claiming the commissioners violated city charter requirements when they did not amply advertise the meeting. Whitt and his co-plaintiffs won their injunction, Zukoff said, but Barrett, Lipkins and Holmes met and voted to fire Whitt anyway. In the aftermath , Whitt, then-Mayor Robert Ingram and then-Vice Mayor Helen Miller fought to have the injunction enforced and the vote to fire Whitt overturned, Zukoff said. The fight fell silent for a year and the 11th Circuit Court dismissed the case on April 23, 1997, Zukoff said. Yet, on May 9, 1997, Williams' law firm filed a notice in court that it had become the attorneys representing Whitt, Ingram and Miller. Two weeks later, on May 23, 1997, Williams & Associates filed a motion for relief from order of dismissal. That essentially brought the dead case back to life, another development Whitt knew nothing about, Zukoff said.

Later still, in February 1998, **Everett** and Bigot, then Opa-locka's city attorney and assistant city attorney, filed a notice to represent Whitt, Ingram and Miller. But, as attorneys for the city, they already had an obligation to defend Barrett and Holmes, Zukoff said. ``This is the city attorney representing both sides of a case,'' Zukoff said. ``It's like if you're going through a divorce and I'm your attorney: Am I going to start helping your spouse? This is why we have independent attorneys.'' Barrett and Bigot could not be reached for comment. Holmes referred questions to his attorney, Harriet Lewis, who could not be reached. ``I don't have any idea what this is about, and I haven't seen the [filing],'' Williams said Thursday. ``I don't recall ever representing Mr. Whitt on any personal matter.'' Added **Everett**: ``I can't really comment on [the filing] until I am served with it. But I'll take care of it in court if that's what has to happen.''

https://www.highbeam.com/doc/1G1-60804955.html
March 1, 2000

Court's Fairness Commission hears ideas for improvements.

Lawyers and judges recently offered suggestions to the Supreme Court Commission on Fairness on issues ranging from diversity training for judges to Department of Children and Families' lawyers' pay. Meeting in Miami during the Bar's Midyear Meeting, the commission also reviewed the findings of the Gender Bias and Racial and Ethnic Bias Study commissions. A decade after the bias reports pointed out problems in the system, Justice Barbara Pariente said, the Bar and the courts have made little progress in eliminating the perception of bias in the system. Justice Pariente said last year's Bar membership survey revealed that 40 percent of women lawyers said they have experienced discrimination in the profession. Justice Pariente asked the commission to consider mandatory diversity training for all judges and court personnel, adding she was pleased the commission empaneled a Fairness Education Committee. "This may be part of a broader training that covers other fairness issues, such as dealing with individuals with disabilities and individuals who are under-represented," Pariente said, noting that only 20 percent of family law cases have legal representation on both sides. Pariente asked the commission to explore whether these pro se litigants tend to be economically disadvantaged, minorities or female.

Eleventh Circuit Judge Sandy Karlan, chair of the Bar's Commission on the Legal Needs of Children, told the panel that low pay for lawyers who represent children for the Department of Children and Families results in inadequate and unfair representation. Judge Karlan said many DCF lawyers are hired right out of law school for about $25,000 per year, and their lack of experience and training shows in court. "They are nice people, but they are baby lawyers, and if they have some ability or improve their skills, then they leave," Karlan said. "They are charged with a lot of responsibility, and they don't have the trial experience or the life experiences to handle these kinds of issues." The low pay and lack of experience becomes a fairness issue, Karlan said, because lawyers who work for other state agencies receive better pay. Karlan said in dependency cases, DCF lawyers act as prosecutors, and therefore should receive comparable pay to assistant state attorneys. The Commission on Fairness also forwarded several issues to the children's commission, including modifying the Code of Professional Conduct to require lawyers to protect the best interest of children in family law cases and allowing lawyers to receive pro bono credit for mentoring. (See story on the Governor's Mentoring Initiative, page 1.)

Frank Scruggs, who chaired the Racial and Ethnic Bias Study Commission, asked the commission to send a strong message to the Bar about the need to diversify the state's law firms. Scruggs also asked the commission to study the impact raising the pass/fail line on the Bar exam would have on minorities. He said the entire bar exam and admissions process -- as it relates to racial and ethnic minorities, women and other groups -- "cries out for analysis." Eileen Nexer Brown, of the Girls Advocacy Project in Dade County, next asked the commission to examine how the juvenile detention system impacts girls. Brown said the entire juvenile justice system has been built around the needs of boys, and as more girls have entered the system, the model has been applied to girls. That approach, however, doesn't work because girls and boys have

different issues and needs and respond to different incentives and disciplinary structures Brown said. **Cynthia Everett**, of the Black Lawyers Association of Dade County, said not a lot has changed in the past 10 years. "It is time for more action, not further study," said **Everett**, a former member of the Bar's Board of Governors. Instead of presentations from people who know the problems, **Everett** said, the commission should be talking to those who have the authority to make changes.

Everett said minority lawyers are treated differently when it comes to court-ordered attorneys' fees, case settlements with insurance companies, judicial appointments and other areas of practice. Orlando attorney Robin Abraham, who also serves on the Bar's Commission on the Legal Needs of Children, said she often sees less powerful people denied fair access to the justice system and is concerned about the way some judges handle cases involving divorce, child custody, distribution of marital assets, domestic violence and sexual abuse. Rebecca Cox, an assistant public defender in the 11th Circuit, next told the commission that minority children are the most underrepresented and unfairly treated group in the state. Cox said in 1998, 70 percent of the children in Dade County who were transferred to adult court were black, and Hispanic children tend to end up in detention centers while white children regularly are placed in foster care.

Miami Herald, The (FL)
January 17, 2000

LOOKING AHEAD: CHANGES SOUTH FLORIDA LAWYERS EXPECT
Author: CINDY KRISCHER GOODMAN

[CB&A Note: Only the information relevant to **Cynthia Everett** is listed below.]

BLACK LAWYERS
It's going to be a busy year for the Black Lawyers Association of Dade County, says **Cynthia Everett**, the group's newly elected president. Myriad issues confront the group. She foresees some tough challenges this year - everything from ensuring minority admissions to law schools to minority representation in the judiciary. It likely will prove one of her association's most active years.

Everett, of counsel to Simmons and Klein in Miami, said her group, about 100 lawyers strong, will get involved in major issues that affect minorities' entry into the profession. Some examples: the proposal to raise the bar pass/fail line and the push for a public law school in South Florida. The group also plans to take a stand against any constitutional revisions that discourage the election of judges. ``We want to ensure minorities have equal access to the court," **Everett** said. And to ensure there is a steady stream of black lawyers, **Everett** said the association will continue its scholarship fund-raising program.

Miami Herald, The (FL)
November 25, 1999

CITY SUED FOR $30,000
Author: AJOWA NZINGA IFATEYO

Two former Opa-locka officials are suing the city for $30,000 in attorney fees - incurred when they hired lawyers to defend them against charges that they illegally wrote themselves paychecks. John Riley, a former assistant city manager, and Wellington Rolle, a former personnel director, filed suit against the city Nov. 18 in Circuit Court. In addition to the fees - 101 hours at $300 an hour - the two men are seeking damages and a jury trial. ``We gave the city every opportunity," Riley, also a former mayor, said on Monday. ``I told them I would take them to court . . . and I'm a man of my word. When you feel that the case law has been broken, then let a judge decide." Riley and Rolle's attorney, James H. Greason, said both city and state law requires that the city pay legal fees of employees who prevail in a legal case. ``The city's liability is clear," said Greason. ``They paid for [former Manager Earnie P.] Neal's defense - and he lost. It's not fair for them to pay for one guy's defense and not another. That's favoritism. I waited an entire year after I thought I had a deal worked out with the city to pay this bill. I'm hopeful that we can work out an accord with the city."

City Attorney Diane James-Bigot said Tuesday that the city had not been served with a copy of the lawsuit. Mayor Alvin Miller and two city commissioners could not be reached for comment. Commissioner Mary Allen would not comment. Commissioner Myra Taylor said she thought the commission had agreed to pay the bill. ``I wasn't aware that his [Riley's] attorney was not paid," Taylor said. ``It was my understanding that a settlement had been reached and the management would go from there." The suit stems from the 1994 ousting of then City Manager Dennis Whitt. Commissioners Steve Barrett, Timothy Holmes and George Lipkins voted to replace him with Newall Daughtrey. A judge had issued an injunction prohibiting the meeting because it was not properly advertised. The judge later invalidated Daughtrey's appointment. But after his appointment - and before the judge's order invalidating all action at the meeting - Daughtrey allegedly hired Riley and Rolle. Riley and Rolle paid themselves $4,231 for a month's pay, despite conflict about whether they were actually city employees at the time.

In 1995, the Miami-Dade state attorney's office filed an ethics complaint against the men after the city allegedly filed a complaint. In October 1998, the Florida Commission on Ethics dismissed the charge that Riley and Rolle had misused their positions to get back pay that they did not earn. After the ruling, both Riley and Greason appeared on two occasions before the commission demanding legal fees. The Opa-locka code says that city officials and employees are entitled to attorney fees if they are found innocent of charges incurred while in their official capacities. Officials differed over whether the invoice had been sent to then City Manager Arlington Sands. Then City Attorney **Cynthia Everett** also recommended against paying the fees, because, she said, the city did not get an itemized bill.

Miami Herald, The (FL)
August 26, 1999

EX-CITY MANAGER'S LAWYERS SUE FOR PAYMENT IN CLIENT'S DEFENSE
Author: AJOWA NZINGA IFATEYO

Attorneys for former Opa-locka Manager Earnie P. Neal have filed suit against Opa-locka asking a circuit court judge to force the municipality to pay for work the firm did last year in defending Neal against sexual harassment charges. Attorneys David H. Nevel and Ronald S. Lowy filed the suit Aug. 6 seeking $17,181 from the city for defending Neal against state Commission on Ethics charges of raping a city receptionist and sexually harassing other city employees and applicants. They also are seeking additional attorneys' fees, interest and court costs. The complaint states that City Attorney **Cynthia Everett** and then-manager Arlington Sands Jr. assured Nevel last year that he would be paid. ``The city attorney. . .advised the city commission to pay [the] bill," wrote Nevel in a four-page complaint. ``For political reasons, however, the city has refused to pay." **Everett** did not return two calls on Tuesday to her office for comment.

City commissioners were not impressed by the lawsuit. ``Earnie Neal has cost the city some money," Commissioner Mary Allen said on Tuesday, ``and he keeps on costing us money." Allen said she would vote to pay Nevel only if the court so ordered. Mayor Alvin Miller would say only that ``the attorney is working on it." Neal, Opa-locka's manager from 1995 to 1997, resigned just as the state indicted him on an unrelated public records violation - but not before he paid himself nearly $100,000 severance pay without commission approval. The commission later ratified the payment. The state attorney's office also had filed a sexual harassment complaint against Neal after investigating a 1995 rape allegation by a city receptionist and finding that nearly a dozen employees and applicants complained about alleged sexual advances by Neal. Two years after Neal left office, the state Ethics Commission in January found that Neal ``corruptly" used his office to harass one employee and a city applicant. The ethics commission did not substantiate the rape charge.

Just days before that ruling, the city commission unanimously rescinded a resolution that it had passed three months earlier authorizing the city manager to pay a $3,750 legal bill for Neal in the sexual harassment case and $250 per hour for his future legal bills. The commission voted despite Neal signing a termination agreement that released the city from ``any and all civil liabilities, claims, causes of actions. . .currently existing or arising in the future." That, Commissioner Bobby Bradley said, fueled his decision to vote against using taxpayers' money to pay Neal's legal bills. ``Earnie Neal signed [an agreement] saying that the city didn't owe him anything else," he said. ``It's up to our attorney to represent us." The city code provides for the city to pay attorneys' fees to defend any civil action resulting from a complaint for damages or injury resulting from the act of its officers or employees, unless the employee ``acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property."

Miami Herald, The (FL)
May 6, 1999

EX-CITY MANAGER WANTS SUSPENDED ONE REMOVED
Author: AJOWA NZINGA IFATEYO

Former Opa-locka Manager L. Dennis Whitt has asked a judge to declare the city in contempt of court for failing to give him documents related to his termination more than four years ago. He also asked that suspended City Manager Arlington Sands Jr. be removed from office for his alleged role in not producing the documents. Sands, suspended by the City Commission April 14, faces a public hearing on separate charges that could result in his termination. Whitt's petition was filed April 23 in Circuit Court by Attorney Stephen M. Zukoff, who also asked Circuit Judge Philip Bloom to fine the city ``substantial dollars'' and refer the case to the Miami-Dade State Attorney's office for investigation. A hearing is scheduled for today. The request for court action comes three months after Opa-locka's outside counsel, Michael Burke, told Judge Bloom that the city did not have copies of public records requests filed by Whitt since 1996. ``The city of Opa-locka representing that they did not have the original request . . . is shameful, especially when committed by a governmental authority,'' Zukoff said.

Whitt filed suit in December asking a Circuit Court to reinstate him, saying that he was never properly notified of charges against him or given an opportunity to defend himself. He is also seeking four years of back pay. Whitt was succeeded by Newall Daughtrey, and then Earnie P. Neal. He sent requests to Neal for a copy of the resolution to dismiss him, as well as of minutes and a videotape of the Dec. 9, 1994, meeting during which he was fired. Neal did not comply, and was subsequently indicted by the State Attorney's office for criminal withholding of public records in the case. Neal resigned just before the indictment; he never gave the documents to Whitt.

Whitt said requests for the documents continued when Sands took office, but, again, the records were not produced. In January, Burke told the court that the city did not even have a copy of the request. Zukoff said a copy of a Jan. 16, 1997, memorandum from then Assistant City Clerk Cassandra Knowles to Neal showed that the city did have the requests and did try to respond to them. Burke, who produced the memo, would not comment. City Attorney **Cynthia Everett** denies that the city withheld any records.

Miami Herald, The (FL)
September 10, 1998

OPA-LOCKA FACES CONFLICT OVER FILING DATE
Author: AJOWA NZINGA IFATEYO

Although Opa-locka officials told City Commission candidates they have until Friday to qualify for next month's elections, the City Charter appears to state that the deadline has already passed. One candidate who already qualified, Robert Knapp Jr., says he may sue if the city clerk allows anyone else to file. ``The [charter] book was made for the city to have something to rely on for procedures, and if it's not being following per procedure, then we have a problem," said Knapp, 30, the son of a former city commissioner and police chief. ``Any citizen of Opa-locka should have a problem if things are not done by the guidelines. That's why there are laws." The questions concern the Oct. 20 election for mayor and three city commissioners. The City Charter states that a qualifying fee of $50 must be ``deposited with the clerk of the City of Opa-locka not less than forty-five days prior to such primary election." By Knapp's count, the 45th day was last Saturday, so candidates should have filed by last Friday night.

City Clerk Deborah Sheffield Irby had advertised that the qualifying period would end this Friday, and Irby said Tuesday that she planned to stick to that date. The ads ran in The Miami Times and Herald Neighbors. ``I have to stand by and abide by what I published in the paper," she said. ``A mistake can always be corrected, but you don't shut things down. That would be unfair to [the people who did not yet qualify]. My position is to be fair to everybody." Opa-locka City Attorney **Cynthia Everett** said she believes the qualifying period technically ended Sept. 5, a Saturday, but because it was a long holiday weekend, she would consider the ending date to fall on Tuesday. But given the circumstances, **Everett** said the period should end on the advertised date, this Friday. County Election Supervisor David Leahy said that he was prohibited from commenting about the Opa-locka situation, where Irby acts as supervisor of elections. ``I can't issue opinions or give legal advice," he said. ``It's the kind of issue that can end up in court. She needs legal advice."

Leahy did say the issue was a new one. ``I don't remember something like this happening before," he said. Political analyst Ric Katz said the issue has clear legal implications. ``This belongs in a court," he said. ``I don't know how this mistake could be made. This is wrong. That's why the charter exists. The charter is not something to fool around with." Ten candidates had qualified by last Friday. For mayor, they are Commissioners Alvin Miller and Timothy Holmes and former Commissioner Steve Barrett. For commissioner, they are current Commissioner Myra L. Taylor, former Mayor John Riley, Planning Council Chairman Bobby Bradley, former public works employee Don Saunders, Karen F. Stephen and Derrick Miller. Two more people qualified to run for commissioner on Tuesday -- after the day Knapp considers the deadline: former city community development director Alphonso Tate and attorney William Ferguson. Knapp, who owns a trucking business in Davie and who has lived in Opa-locka all of his life, said he may lodge a formal complaint. Irby said several other people had picked up candidate packages, and she expected several more people to file. One of them could be public works supervisor Livingston Taylor, known as ``Mr. T," who last week said Irby told him he could not

qualify because he is a city employee. On Tuesday, Irby said she researched the issue further and has found that he could qualify but would have to resign if he were elected because no city employee is allowed to hold a commission seat.

Miami Herald, The (FL)
February 1, 1998

HOUSING AUTHORITY SHAKE-UP COMMISSIONERS INELIGIBLE TO SERVE
Author: AJOWA NZINGA IFATEYO

Opa-locka city commissioners soon will no longer make up the city's Housing Authority. Two weeks after Commissioner Timothy Holmes resigned from the authority because he said it was illegal for the commissioners to serve, Mayor Robert B. Ingram said that he will appoint community members to serve instead. ``We won't sit," Ingram said Thursday. ``I will appoint members who are not commissioners." Ingram said the appointments could be made as early as the next city commission meeting, scheduled for Feb. 11. Holmes was pleased at the turnabout. “That's the right way of going about doing it," he said. At the Jan. 14 Housing Authority meeting Holmes resigned because he said state statutes prohibit city commissioners from serving as a housing authority. City Attorney **Cynthia Everett** agreed, stating in a memo to Holmes that the commissioners could hold no other public office.

And last week, Assistant General Counsel Barbara Jo Finer said that under Florida law ``no commissioner of an authority may be an officer or employee of the city for which the [housing] authority is created." Earlier, Finer said state statues did not prohibit commissioners from acting as a housing authority. In a Jan. 27 letter to Holmes, Finer concluded that ``a commissioner for the Opa-locka Housing Authority could not at the same time a city commissioner or city employee." The Opa-locka Housing Authority is made up of the city manager and the five commissioners, with Ingram serving as authority chairman. Florida law gives the mayor the authority to appoint 5 to 7 members to the Housing Authority, one of whom should be a low-income resident. At Wednesday's city commission meeting, the commission passed a resolution 4 to 0 that ratified ``all previous actions taken by the housing authority." Holmes, who had briefly stepped away, did not vote. Ingram said the commission endorsed the authority's previous actions ``in an abundance of caution" on the advice of **Everett**, who was out of town and could not be reached for comment. Previously, housing authority actions were not discussed or voted upon at commission meetings. ``The only thing we're trying to do is help people," Ingram said.

Miami Herald, The (FL)
June 29, 1997

IS A CONTRACT EXTENSION VALID UNDER CHARTER?
Author: AJOWA NZINGA IFATEYO

A former mayor's objection to giving Opa-locka's new city manager a contract for five years -- instead of one year as the city charter requires -- led the current mayor to question whether the police union's contract is valid. The issue arose at Wednesday night's City Commission meeting when former Mayor John C. Riley chastised commissioners for considering a five-year deal for new city manager Arlington Sands Jr. ``That's improper," Riley said. ``A contract extension beyond one year has to be done by ordinance. Here you were ready to do a contract for five years. You don't want to do what's right." City officials pointed out that other contracts, such as the contract with the Police Benevolent Association, were for more than one year. Acting City Attorney **Cynthia Everett** said she believes the one-year requirement covers all city contracts. ``The charter makes no exceptions," **Everett** said. ``So the police agreement is null and void?" Mayor Robert B. Ingram asked. **Everett** said she needed to review the contract. Neither **Everett**, Ingram nor Sands could be reached Friday for further comment.

For its new city manager, the commission approved a one-year stop-gap contract and agreed to a public hearing July 9 on an ordinance that would extend only Sands' contract to five years. Sands' proposed contract, which would expire in 2002, would be renewed automatically unless the commission voted to terminate it. Like former Manager Earnie P. Neal, Sands would collect eight months' salary -- $56,000 in his case -- if the contract were terminated. Having to consider the five-year contract as an ordinance did not sit well with Commissioner Timothy Holmes. ``I'm getting very tired of playing these games with people," said Holmes. He later walked out of the meeting after four other residents criticized the commission over the contract, and raised questions about whether Sands lives outside city limits, another violation of the charter. Riley criticized the commission for refusing to put him on the agenda after he submitted a request to speak. ``I'll see you in court," he said.

Miami Herald, The (FL)
March 9, 1995

JUDGE: U.S. TO PAY FOR BOTCHED STING
Author: DAVID LYONS

Taxpayers' bill for a botched drug sting: $870,000 plus legal fees. After a weeklong trial, a federal judge Wednesday scolded the government for setting up a 1991 operation that ended with six innocent men jailed in a notorious Honduran prison. U.S. District Judge Federico Moreno awarded $155,000 apiece to five men for being beaten with rubber hoses, kicked down stairs and thrown into vermin-infested cells by Honduran guards convinced they were drug dealers. A sixth man who was jailed but not beaten got $95,800. All six men were innocent: The 45 kilograms of cocaine found on their jet had been planted there by the Drug Enforcement Administration in a botched effort to catch Miami drug importers. "There is no question in this court's view that mistakes were made by the government," Moreno said. "We can't have this happen again."

Mistake No. 1: Agents placed the coke aboard the southbound leg of Belize Air Flight 712, instead of the northbound leg. By sending it south, they exposed the load to searches in Honduras and Guatemala. Had it been placed on the return northbound leg from Belize, the plane would have flown unmolested to Miami. Mistake No. 2: Larry Holifield, the DEA agent who ran the operation in Belize, failed to notify his counterparts in Honduras, where the flight routinely stopped to unload. That violated a government policy requiring notification of the U.S. ambassador there, the judge said. Had notification occurred, the Hondurans likely would have been informed about the sting through diplomatic channels. The errors added up to an 11-day jail stay for Belize Air International pilots Claude Woodhull and Jean-Denis Boileau of Miami, Jose Calmet of Peru, and two of their passengers, Salvador and Leonardo Moran of Guatemala. A third passenger, Miami police officer Alcides Diaz, got out after eight days. Efforts to get them to "confess" included routine rounds of Russian roulette, in which guards placed guns to their heads, and forced marches on their knees up and down steep stairways.

Freedom came only after the U.S. government gave the Hondurans a "letter of exoneration." The U.S. conceded that its agents acted improperly and promised to punish those responsible. But both the DEA and U.S. Customs, which also got involved, rejected the men's claims for compensation once they got back home. Government attorney **Cynthia Everett** argued that Uncle Sam was immune because the incident occurred on foreign soil. It is uncertain whether the government will appeal. The decision is up to the Justice Department. Attorneys Arthur Tifford, Joel Fass and Steven Kellough, who represented the six men, said they hope the feds learned their lesson. Added Tifford: "I hope the government of Honduras has the integrity to apologize for the brutal conduct of its national police."

St. Petersburg Times
February 18, 1995

Seats for minorities rejected by Florida Bar
Author: SABRINA MILLER

In two highly controversial decisions, the Florida Bar on Friday rejected a plan to create three minority seats for its board and approved a rule prohibiting lawyers from having sex with clients. The ruling on minorities, which provoked lengthy and emotional debate, would have guaranteed representation of women and minorities on the Bar's overwhelmingly white male board of governors. The decision on sex with clients surprisingly brought little opposition. "I honestly expected more opposition," said board member Edith Osman, who helped draft the rule. ""But I don't think anybody wanted to deal with a second round of emotional, divisive debate." Some opponents of the minority proposal said they had not been given ample time to study the issue. Others said the rule was patronizing to minorities and women and amounted to an ill-advised quota system. "I guess I'm kind of glad we're not debating a rule against slavery because it might not be the right time," **Cynthia Everett** of Miami said sarcastically. She then paused and broke into tears, unable to continue. **Everett** is one of only two black board members.

The Bar has 50 voting board members who set policy and oversee disciplinary, legislative and legal education programs within the organization and for the public. Members in 20 districts statewide elect board members, who serve two-year terms. The minority proposal, implemented in several other states, caused an uproar among the Florida Bar's 50,000 members. Scores of lawyer groups locally and nationally sent letters and resolutions to board members. Most organizations, including lawyers groups in Broward County, Jacksonville and Clearwater, sent letters staunchly opposing the rule. But the National Bar Association, representing more than 125,000 black lawyers, sent a resolution supporting the measure. "The Florida Bar has always been on the cutting edge of important issues," said H. T. Smith, president of the state chapter of the National Bar Association. "Some say (the rule) is not the right way. Well, if this is not the right way, then what is the right way? You need to put in place a system that would allow guaranteed black representation."

Board member Walter Campbell, who is white, said he is sensitive to issues facing women and minorities, but opposed the rule because he is convinced they can get get elected on their own. "A lot of people felt this would be a step backward," he said. ""It can be brought up again, but it has to be presented differently." The issue of minority seats upstaged another controversial agenda issue: Whether to pass a rule prohibiting lawyers from having sex with their clients. After nearly three years of discussion, the rule was adopted with little fanfare. Some of the language, which said that sex with clients was exploitative and that clients were incapable of consenting to sex with their lawyers, was removed. Both decisions must be approved by the Florida Supreme Court, which generally approves such Bar rulings

Miami Herald, The (FL)
May 24, 1992

FLORIDA VOICES: THOUGH FRUSTRATED, VOTERS CARE DEEPLY
Author: TOM FIEDLER

It was happenstance that the seven strangers found themselves gathered about a coffee table in a lounge at Florida International University recently as a tape recorder absorbed their words and I struggled to keep up. For most in the group, the evening spent talking about their hopes and concerns for their government and their country marked the second time they had been randomly touched by The Herald as part of a telephone survey on the 1992 presidential campaign. Two others had been invited because they seemed at once representative of certain groups and had earned reputations for being more than capable of articulating their views. And then there was Ken Pollock, 45, who became so agitated over something he had read in The Herald one morning that he felt compelled to pick up the phone and call someone at the paper -- anyone -- to express his views. Ken's call found its way to me. And before the conversation was through, he had committed to participate in the discussion group despite the fact that the topic bore only distant relation to the source of his agitation. "I really haven't been following the campaign too closely," Ken protested, "I don't think I'd be very helpful." That turned out to be nonsense. It is a conceit of political writers and political junkies -- defined as those people who take pride in discussing the implications of a Perot candidacy on the Electoral College -- that most Americans are a step behind, if not below, them in understanding campaign issues. Many in this political clerisy speak with disdain about how easily most Americans can be manipulated by the clever, empty rhetoric of TV ads, as if they were schools of fish darting first to the right, then to the left with no evident reason. Don't believe it. Unless this was an unusual collection of people that I sat with through the course of a recent evening, I will argue that an abundance of wisdom and goodwill abide among us, yearning to be tapped for the greater good. The seven made up a focus group assembled and guided by political-science Professor John F. Stack, a good-humored ex-Bostonian, and me. The group was one of three hosted by Knight- Ridder correspondents in other parts of the country intending to give voice to the concerns, frustrations, hopes and fears of Americans as they size up their presidential choices in this election year.

Mine was a deliberately diverse group: a teacher, an executive, an investigator, a lawyer, a retired businessman ("age is only a number"), an insurance agent and a tourist counselor. They were grandparents, parents and single; Democrats, Republicans and independents; white, black and Hispanic. After spending those hours with them, I hesitate to describe them as typical voters, although statisticians might. I certainly came away feeling their insights were exceptional, more than the match of what passes for conventional wisdom on those panel shows of media experts. A full report on these discussions accompanies this column. We found that here in South Florida, the issues that worry us, puzzle us, anger us, are little different from those that trouble a similarly selected group of Ohioans or Californians. But there were some points that emerged from the South Florida group that are, to me, worth underscoring. My foremost impression was that we are mistaken to label Americans in general and South Floridians in particular as apathetic, although we know that such indicators as voting percentages are in frightening decline. Even the

more recent word -- disconnected -- may be inaccurate. What the Miami group expressed was frustration, a feeling that even when they engaged the system, grappled fully with it, their efforts would count for little. Getting government or presidential politics to move in a positive direction seemed to them akin to pushing a car with broken axles. "The average person has as much power (to influence government) as the person who owns 100 shares of GM stock has in running the company," said Pollock, who lamented that the political machinery had been clogged by special-interest money. Only the youngest participant, Guy Sanchez Jr., of Hialeah, maintained an abiding faith in President Bush, a faith he retained after participating on the front lines of the Persian Gulf war. The others regarded the president with a mixture of disappointment or disgust, certain that he wasn't up to the challenge of leading America away from the downward slope they felt it is on. Said Pollock, an independent who voted for Bush in 1988: "This country is 1929 all over again with one difference: In 1929 it had to be paid for all at once. Right now we've been given a mortgage. "And when you calculate it, each one of us sitting around here is going to pay $3,000 or $4,000."

The likely Democratic nominee, Bill Clinton, could take solace in that most in the group insisted they weren't interested in the so-called character questions dominating the news media reports. But even those who said they will vote for him, like lawyer **Cynthia Everett**, 32, conceded "I'm not too thrilled with him either." And as for Ross Perot, the Dallas billionaire, there was much ambivalence, like this expressed by John Riley, 39, a cruise-ship line executive: "He would do something. He's a wild man. You can't dismiss him, he has too much money. But he is a mystery man. Nobody knows what his platform is." All seemed to share a gloom about the nation's course. Judy Marty, 52, a teacher and Cuban-American immigrant, yearned for a return to the days when Made in America connoted quality and evoked pride. "If I was president, I would like to get things made in America again. If we don't do something, how are we going to get our jobs back?" George Katzman, 72, a retired Miami businessman, summarized: "We are letting a greed society starting with Reagan in 1980 take over our country. . . . So the rich are getting richer and the poor are having babies."

But the most poignant moments of the evening came when Professor Stack asked the group to relate their views about the Los Angeles riots to the larger question of prejudice in Miami and America. "If some people knew just how hard (blacks) have tried to make it work here," said **Everett**, who is black, her voice trailing off and the others falling silent. "And it just hasn't worked . . . . It's just a burden every day." Marty said she, too, feels prejudice when people comment on her accented English and say in terms that seem patronizing, "Oh, you're a Cuban?" Meda Jensen, 57, recalled growing up in a small Iowa town that was strictly divided in half along Christian denominational lines. "Here they were all white Midwesterners and one group kept the other group from living in the good parts of town, from having the good jobs." And Riley, who is white, said Los Angeles would serve as a needed reminder of the distance yet to be traveled in overcoming racial prejudice: "Before the riots, too many people were ready to buy into the lie of equality." These are hardly upbeat thoughts. But what stirred my heart was the fact that these strangers willingly shared such thoughts with one another, seemingly groping for points of commonality, of community. They seemed to be saying to one another: I feel your pain, let me share it. If that is typical, then America's troubles are not beyond mending.

St. Petersburg Times
March 19, 1990

Hearing to focus on judicial prejudice
Author: RACHEL L. SWARNS

Lawyer **Cynthia Everett** glowed when the judge complimented her legal brief. But his next remark left her shaking with anger. "Did you really write that?" he asked in open court. At a job interview, a recruiter asked the same question. "You try to take it in a positive manner, but when it happens time and time again, you have to wonder," said **Everett**, an assistant U.S. attorney in Miami. "I'm the same as anybody else except for my color. As a black woman, you're not given the benefit of the doubt." **Everett** told her story to a state panel investigating racial bias in the judicial system last month in Miami. On Tuesday, Tampans may speak out in a public hearing sponsored by the Florida Supreme Court's Racial and Ethnic Bias Study Commission. The hearing will begin at 4 p.m. in the Hillsborough County Courthouse. "We're encouraging all people who feel they have been discriminated against or are aware of these factors to testify to the commission," said Deirdre Kyle, the commission's deputy director. "There's still racism and bias in the judicial system. If we don't take the lead and do something about the injustices, we're going to be back where we were in the '60s," she said.

News of the hearing was music to Joanna Tokley's ears. "I think it's an excellent idea," said Tokley, president of the Urban League of Tampa. "There is too great a disparity in the sentencing of black offenders as opposed to white offenders. . . . If a black man kills a white person, it's murder, but if a white kills a black, it's manslaughter. "I think the whole system is screwed up and unfair," Tokley said. "You don't expect it to be perfect, but it just has too many flaws in it. We've got to take some kind of steps to improve it." After Tampa's hearing, the group will listen to testimony in Orlando, Tallahassee and Pensacola. The commission will publish a partial report in December and complete the study in March 1991. It will focus on minorities and criminal-law practices; judges and court employees; law schools; and lawyer hiring and advancement. Then the commission will make recommendations to the Legislature to eliminate inequities uncovered by the study.

"What was interesting to me is that a lot of people seemed surprised that these type of things (inequities) exist," said **Everett**, who also is president of the National Bar Association's women lawyers division in Dade County. "Those who aren't a victim of it don't believe it exists or tune it out. The study is a good idea because the people who aren't aware will perhaps become aware," she said. "I'm amazed that the Florida Supreme Court has taken the time to listen to the citizens most affected by the judicial system," said Raymond E. Fernandez, chairman of Mayor Sandy Freedman's Hispanic Advisory Council. "I don't know if this will help, but I feel good at least someone is listening," he said.

The Palm Beach Post
February 19, 1990

DRUG AGENCY SEIZURE LEAVES DEALER'S WIFE, KIDS HOMELESS
Author: JENNY STALETOVICH

This is the story of a shabby brown house off a dirt road in Lake Worth and what happened when America's drug warriors marched into its front yard. For seven years, Sheila Hogue lived in the two-bedroom cinder block house with her husband, Leroy. They had two kids and tried to make improvements to the house. Then Hogue, 26, left her husband after his drinking got out of control, never suspecting that he was dealing drugs or stashing them in a tool box in their closet. But the U.S. Drug Enforcement Administration not only suspected him, it also arrested him and seized the house at 4958 Navarre Road last month. Government officials say it doesn't matter that Sheila Hogue left her husband eight months before his arrest and never knew about the drugs. Since her 43-year-old husband held the title and the improvements can't be counted as an investment because they were done by the Hogues and friends, Sheila Hogue and her two kids have no claim. That's the law. Any property suspected of being used to sell drugs or transport drugs can be seized. The property owner need not be convicted of a crime.

Nationwide, the Drug Enforcement Administration seized $973 million in cash and property last year. In South Florida, the U.S. Marshal's Office has 400 homes worth $95 million that are for sale or tied up in court. Proponents of seizure laws say the confiscation of property keeps drug dealers from profiting off their crimes and builds up government tills to fight the drug war. Opponents say the blanket policy is creating innocent casualties. "The drug war allows the government to commit all kinds of abuses on people," said Kevin Zeese, general counsel for the Washington-based Drug Policy Foundation. "It's a sad situation, but society has committed itself to fighting the drug war." Hogue's house hasn't been sold, so officials don't know how much they stand to profit. The county property appraiser says it's worth $27,924. But before the government receives any money, the Federal National Mortgage Association must be paid $14,406, plus $102 in interest for every month it's not sold. Legal costs must also be deducted. "If we were to get divorced, I could have got half the house," said Sheila Hogue, who continues to defend her husband despite their separation. "I have no idea what I'm going to do. Sleep in my car, but I don't have a car. My truck's broke in the driveway."

LOST SUPPORT
Sheila Hogue has depended on her husband to support her and their children since she met him when she was 18 and working in her grandmother's Lake Worth bar. Leroy Hogue worked as a plumbing inspector for Palm Beach County until his sentencing. He started at an annual salary of $13,127 in 1977, left earning $31,046 in 1988, and repeatedly received high marks on evaluations. But on April 22, 1986, he tried to sell 21/2 kilos of cocaine to an undercover agent. Dennis Michael Randolph, 38, set up the deal and arranged a meeting place. That morning, Hogue drove Randolph to Belvedere Road. The drugs were stashed in a cordless telephone box in the back of Hogue's pickup truck. When the case came to trial, Randolph turned state's witness, testifying that Leroy Hogue-- who's been arrested once for driving drunk, once for obstructing justice, once for trespassing and once on a traffic offense -- supplied the cocaine.

Randolph also said that between April 1987 and April 1988 he bought cocaine 15 to 20 times from Hogue at his house, where Hogue stored it in a tool box. Hogue pleaded guilty and was sentenced to 19 years in prison. Randolph, who has been arrested six times in 12 years, including twice for possession of cocaine, was sentenced to 71/2 years in prison. His last drug arrest was in October 1989.

Based on Randolph's testimony, Assistant U.S. Attorney **Cynthia Everett** argued that the house was guilty of facilitating a crime. But in a memo on his ruling to seize the house, U.S. District Judge Thomas E. Scott sympathized with Sheila Hogue. "In reaching this conclusion," Scott wrote, "the Court is not unmoved by Sheila's plight and that of her children. The value of the property is relatively small in today's market and the property is less than desirable by most standards. Unfortunately, the Court must follow the law, notwithstanding the sympathy naturally invoked." He suggested the government sell the house to her for a reasonable price. The U.S. Attorney's office, which wrote a final order for forfeiture that excluded the suggestion, refused to comment on the case or its policy on seizing houses. The majority of houses or condominiums seized cost between $150,000 to $300,000, said Stephen Stone, a supervisor with the Miami U.S. Marshal's office, which holds the property until it is sold. He knew of no home seized with a value under $70,000. "There's a formula," said DEA special agent John Fernandez. "If we have a $75,000 house and the person still owes $70,000, then it's most likely . . . that it won't be seized. The value has to reach a certain percentage."

ADEQUATE NOTICE
Fernandez defended the system, saying officials don't abuse it because property owners are given adequate notice. Every Wednesday, USA Today publishes a list of houses about to be seized, he said. If anybody is victimized, he said, it's the children. "That's the system," he said. "It's the best we have." But the American Civil Liberties Union disagrees. "We think there's a more effective approach," said West Palm Beach lawyer Jim Green. "The ACLU totally disagrees with the Draconian approach the government is taking. We take the position that drugs should be legalized and regulated. That's the most effective way to take out the economic incentive." Debates aside, Sheila Hogue would still like her house back. She wants to appeal the court's decision but says she can't save enough of her $4.50-an- hour wages to pay a lawyer. So she moved in with her mother and the house on Navarre Road sits empty, growing shabbier by the day.

Research Compiled by: Amanda Kuhl
Colin Baenziger & Associates

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Susan M. Garrett

Attachments

Garrett

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:11 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 5

Susan M. Garrett

Fort Pierce City Attorney Candidate Report

Section 5

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Cover Letter and Resume

Susan M. Garrett
1159 Clydedale Drive
Clarkston, Georgia 30021
(404) 219-2998
susangarrett@mindspring.com

October 17, 2018

Via email to Recruit37@cb-asso.com
Mr. Colin Baenziger
Colin Baenziger & Associates
2055 South Atlantic Avenue
Suite 504
Daytona Beach Shores, FL 32118

Re: *City Attorney for Fort Pierce, Florida*

Dear Mr. Baenziger:

I am writing to express my interest in being considered for the position of City Attorney for the City of Fort Pierce, Florida. A copy of my resume is enclosed.

You may recall that we spoke briefly during the previous 2016 recruitment for this position. At that time I had not begun the Florida Bar admission process and was therefore not eligible for consideration. I subsequently postponed my plans to relocate to Florida because I was tapped to serve as Interim Chief Procurement Officer for the City of Atlanta until a permanent appointment could be made. In August of this year I returned to the Law Department as Deputy City Attorney for the Finance practice group, where I currently oversee financial and land use matters, including transactional work for major redevelopment projects.

I have recently passed the Florida Bar examination and am awaiting certification to complete the admission process, which I expect to occur shortly. I still own a home in the City of Fort Pierce and would welcome the opportunity to make it my full-time residence.

I believe that the depth and breadth of my municipal law experience, together with my personal commitment to the City of Fort Pierce, make me uniquely suited for this position. I would welcome the opportunity to meet with you and with City officials at your convenience as the recruitment process moves forward.

Very truly yours,

Susan M. Garrett

Attachment (resume)

Susan M. Garrett
1159 Clydedale Drive
Clarkston, Georgia 30021
(404) 219-2998
susangarrett@mindspring.com

Deputy City Attorney, City of Atlanta, Georgia, August 2018 – present.

- Oversee Finance and Land Use practice groups (10+ members).
- Primary legal advisor to Department of Finance, Atlanta Information Management Department, Department of Procurement, Department of City Planning, Department of Parks and Recreation.
- Key legal advisor to Executive Offices (Mayor) and City Council members.
- Responsible for oversight of bond and disclosure counsel, contract solicitations and bid protests, revenue, permitting, franchise and telecommunications matters, annexation, zoning and land use litigation.
- Key team member for major urban redevelopment transactions.

Interim Chief Procurement Officer, City of Atlanta, Georgia, July 2017 – August 2018.

- Interim executive leadership and management of 75+ employee department.
- Responsible for solicitation, contract execution and administration for all city goods, supplies, services and real estate for $2.2 B annual budget.

Senior Assistant City Attorney, City of Atlanta, Georgia, 2012- 2017.

- Key legal advisor to Department of Procurement, Atlanta Information Management Department, Department of Finance, Department of Planning & Community Development, and Executive Offices.
- General business/financial advice, legislative drafting and document review to all departments.
- Procurement advice, negotiation, drafting and review of technology agreements (hardware, software, licensing, maintenance and support, software as a service).
- Assist with procurement, drafting, negotiation and administration of various other types of contracts, including employee benefits, telecommunications franchise agreements, consulting services, intergovernmental agreements.
- Leadership role in procurement and telecommunications work groups.
- Counsel to Board of Zoning Adjustment and License Review Board.
- Staff counsel for Community Development and Human Services Committee and Zoning Committee.

Assistant City Attorney, City of East Point, Georgia, 2009 - 2012.

- General business advice, legislation, procurement and contract review for all City Departments. City Council and Mayor.
- Counsel to Planning and Zoning Commission.
- Managed outside counsel for litigation and human resources matters.
- Acting City Attorney, January – April 2012.

Private Law Practice, Atlanta, Georgia (1988-1996) and Decatur, Georgia (1996-2008).

- Land use, environmental, zoning, historic preservation; employment, civil rights, and education; business advice, 1988-2008.
- Interim City Attorney, City of Clarkston, 2007.
- Frequent presenter and panelist at seminars on civil rights, employment, zoning. land use, and historic preservation.

Education:

Emory University School of Law, Atlanta, Georgia, J.D. 1987.

- Executive Editor, Emory Journal of International Dispute Resolution (now Emory International Law Review). Author, Resolving International Environmental Disputes Between Private Parties and States, 1 Emory J. Int'l Disp. Res. 81 (1987). Summer study in Public International Law at *The Hague Academy of International Law,* The Hague, Netherlands and the *Brussels Institute for European Community Law*. Brussels, Belgium (1985).

New York University, New York, N.Y. and Paris, France.

- Graduate studies in French.

McGill University, Montreal, Quebec, Canada.

- B.A., French; Post-graduate Diploma in Education (French and ESL).

Teaching Experience:

Georgia State University Heritage Preservation Program. Adjunct Professor of graduate course in Preservation Law, 2003 - present.

Georgia State University College of Law. Visiting Professor of Legal Research, Writing and Appellate Advocacy, 2002-03; Fall Semester, 2004; Full-time Instructor, 1987-89.

Emory University School of Law. Adjunct Professor of Legal Research, Writing and Appellate Advocacy, 1994-96.

Charlotte Amalie High School, U.S. Virgin Islands (Secondary English, French).
Antilles School, U.S. Virgin Islands (Secondary English, French).
Montreal Catholic School Commission (Adult Education ESL).

Bar Affiliations and Community Activities:

State Bar of Georgia, 1987 – present;
Diversity Program Committee, 1999;
Individual Rights Section Chair, 1998-2002.
International Municipal Lawyers Association
American Bar Association
City of Decatur Historic Preservation Commission, 1996-1998.
City of Clarkston Planning & Development Commission, 2006-2007.
Memorial Drive Presbyterian Church, Elder, 2004 –present.

Languages:

English (native speaker); French (fluent); Spanish and German (basic).

Section 5

Candidate Introduction

Susan M. Garrett

EDUCATION

List your degree(s)

B.A., McGill University, Montreal, Canada
Dip. Ed., McGIll University (post graduate teaching degree)

J.D., Emory University, Atlanta, Georgia

EXPERIENCE

City of Atlanta Law Department (currently, Deputy City Attorney; previously, 5 years as Senior Assistant City Attorney)

City of East Point, Georgia (Assistant City Attorney, 3 years)

Private Law Practice (Land use, employment, civil rights, municipal law; 15 years)

BACKGROUND

1. Describe the community where you work or have worked recently? Include the population. If you are a private sector, please describe your law firm.

   I currently serve as Deputy City Attorney in the City of Atlanta Law Department. The City of Atlanta has a population of approximately 500,000 persons within city limits, in a metropolitan region of approximately 6,000,000. The Law Department is responsible for all civil legal matters for the City, including the Hartsfield-Jackson International Airport. Atlanta is one of the fasted growing metro regions in the United States and is known for its racial and ethnic diversity and its vibrant business climate.

2. Tell us how many employees in the organization and how many employees do you or did directly supervise? Tell us how many attorneys did you supervise?

   The City of Atlanta Law Department consists of approximately 35 attorneys and 40 support staff. I am one of four Deputy City Attorneys and I supervise ten attorneys in the Finance and Land Use Practice Groups.

3. Tell us how much of the legal work was performed by your staff versus the work which was contracted out to outside counsel.

   My staff and I provide support to the City's Finance, Procurement, IT, Parks & Recreation, and City Planning Departments, along with the Executive (Mayor's)

Offices and City Council. We provide in-house virtually all of the legal advice, legislation, and contract work, staff various boards and council committees, and handle the bulk of the land use litigation. We retain outside bond and disclosure counsel, and engage outside counsel when specialized advice is needed in unusual or exceedingly complex matters.

4. Tell us what the most significant legal issues are that your organization faces.

   Currently, the City of Atlanta is grappling with balancing the overall economic benefits of redevelopment opportunities, made possible by the strong economy, with the ongoing needs of disadvantaged sectors of the community, particularly with respect to providing affordable housing. Addressing this problem is challenging due to legal constraints imposed by the State of Georgia that limit the City's ability to regulate for affordable housing. Another significant legal challenge for the City and the Law Department arises from the desire and need to increase overall transparency and public responsiveness by improving the processes for responding to requests for information under the State's Sunshine Laws and implementing technology to support this effort.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. Tell us about yourself and why are you interested in Fort Pierce?

   I have owned a home in Fort Pierce since 2012 with plans to eventually move there on a full-time basis as my career plans permit. My family lived briefly in South Florida in the 1980's and I spent several years teaching in the Caribbean, so I am drawn to the environment, culture, and climate of the region. I began visiting Fort Pierce when some close friends moved there in the mid-1990's and fell in love with the City for its beauty, history, local culture, and the balance of historic preservation and forward-thinking development that I saw in and around the City.

2. Describe what do you believe the most important attributes are of a successful City or County Attorney?

   To be successful, a City or County Attorney must have a clear sense of how to manage an organizational client and to be appropriately responsive to all the constituencies to whom she reports. She must also be able to provide advice that is firmly grounded in the law and protective of the City's interests, while endeavoring to advance City policy as established by elected and appointed officials. I believe the City Attorney should advise about, but not establish, City policy. Most importantly, I believe that government attorneys have all the same professional and ethical obligations of private sector attorneys, but also have a higher duty to act in the public interest.

3. Tells us your approach to handling law suits filed against your city/town/county?

The best approach to handling lawsuits is attempting to avoid them, or resolve them before they are filed. Any notice of a claim or lawsuit should immediately be investigated, thoroughly and objectively, to determine whether there may, in fact, be any liability on the City's part and if so, how this should be addressed. If a decision is made to defend a lawsuit, the defense should be proactive and vigorous but conducted in a professional and dignified manner. Handling litigation in-house is preferable if the law department has the resources on hand, but consideration should be given to retaining outside counsel where highly specialized expertise is required or insufficient resources are available. Finally, after resolving a claim or a lawsuit, it is important to follow up with lessons learned in order to implement preventive measures for the future.

4. Describe your management style.

   My management style is collaborative and collegial, but not laissez-faire. As a leader I assume full responsibility for setting goals, making decisions, and giving direction in a clear and timely manner. After doing so, I endeavor to step back and allow staff to perform their roles with an appropriate level of autonomy, with advice and oversight from me, but without needless micromanaging. I firmly believe that all members of the department, and in fact all City personnel, are on the same team and must work in concert to accomplish the work of the City. When a problem arises we must confront it immediately and honestly, and focus on fixing it -- not on finger-pointing and recriminations. If internal conflicts or performance issues arise, we will deal with them honestly and firmly, but privately. I believe that most employees can perform well if given the right opportunities and encouragement to succeed, along with clearly articulated and enforced expectations.

5. Tell us what information you feel is important for elected officials to have and how you communicate with them. How do you communicate with elected officials?

   It is important for the City Attorney to establish a relationship of trust with the elected officials whom she serves. The elected officials should feel confident that they will receive the best possible legal advice and counsel regardless of whether the City Attorney personally agrees with the underlying policy. It is critical for the City Attorney and the elected officials to have a clear understanding of reporting relationships within the City. It is also helpful for the City Attorney to explain to elected officials how she will handle situations where she is being given conflicting direction from various members of the client group.

6. Tell us what you think the elected officials would say about you? What would the City Manager say about you?

   I believe that the Atlanta City officials who have worked with me would say that I am responsive, thorough and knowledgeable, and that I understand the relationship and distinction between what is "legal" and what is good policy. The Chief Operating Officer, Deputy COOs and department heads with whom I have worked would say that I am a

pragmatic problem-solver who recognizes practical, economic, and political considerations that must be taken into account while ensuring legal compliance.

7. Tell us what your strengths are?

   One of my greatest personal strengths is an ability to establish and maintain a cordial and respectful working relationship with a wide variety of people, without regard to their background, position, or other characteristics. I tend to believe the best about people until and unless they give me reasons to conclude otherwise.

   My greatest professional strengths include my ability to quickly digest and analyze complex factual and legal situations; to develop and carry out action plans to solve problems; and to manage time effectively and efficiently.

8. Tell us what your weaknesses are?

   I am by nature a somewhat reserved person and, like many people, do not enjoy confrontation. Over the years I have learned that no problem gets better by being ignored or overlooked. It is better to confront issues or conflicts early and get them resolved before the situation deteriorates further.

9. Describe your greatest achievement (success)? Tell us about it.

   My greatest achievement in recent years was the 14-month period during which I served as Interim Chief Procurement Officer ("CPO"), on loan from the Law Department. The 80 -member Procurement Department was in turmoil after the CPO was terminated for being implicated in a federal bribery investigation. I was knowledgeable about the legfal aspects of the procurement process, but it was my first experience leading such a large organization and holding a cabinet level position in the City administration. Based on feedback from both internal staff and external city officials, I understand that I quickly restored staff morale and improved productivity, leaving the department far better than I had found it, and running more smoothly and happily than it had in many years.

10. Describe your greatest failure (or mistake) of your career? What did you learn from it?

    Like most everyone, I have made mistakes from time to time, but have learned over the years that if mistakes are addressed quickly and honestly they can usually be transformed into learning experiences. During my early years in private practice, I had to learn not to disregard my instincts when my gut was telling me something was not right. For example, I once agreed to represent a client in an employment discrimination matter against a local government that had terminated his employment. His claims seemed credible, he had some supporting evidence, and the case had undergone investigation by the EEOC, but something bothered me about the case and the client's demeanor. When the defense counsel took his deposition, it emerged that the client had lied on his employment

application by failing to disclose that he had been terminated from a previous position. We immediately halted the deposition and I was able to reach an agreement with defense counsel that the employer would not seek sanctions or costs if the client would voluntarily dismiss the lawsuit. From this experience I learned to listen to my gut instincts and do additional investigation to allay any concerns before putting myself, my firm, or my client at risk.

11. Describe the approach you use when you find an employee's work is not satisfactory and you feel you may have to terminate the individual's employment. Provide an example of a situation where you had to fire someone.

    During my tenure as Interim CPO (see response to #9 above) I had to terminate the employment of two staff members for repeated violations of workplace rules. Fortunately, their immediate supervisors had provided repeated warnings and progressive discipline, and these measures were fully documented. Prior to the terminations we attempted to salvage the situation by counselling and reassigning the employees, to no avail. It was not a pleasant experience, but my leadership team felt comfortable that we had given the employees every possible chance to succeed.

12. Explain what you would do and hope to achieve during the first six months on the job.

    During my first six months on the job, I would meet individually with elected officials, the City Manager, and Department Heads in order to become acquainted and get a sense of their needs and priorities. Simultaneously, I would meet collectively and individually with my existing staff in order to establish a rapport and familiarize myself with ongoing legal matters, existing roles and office procedures. After taking into account all of the feedback I have received, I would outline what changes are needed and develop a timeline for implementing those changes on an incremental basis. However, during the first six months I would probably make only those changes that I am convinced are pressing and critical. Meanwhile, I would join the local bar association and seek to establish relationships with my counterparts in neighboring jurisdictions and in the legal community as a whole. I would also seek advice from colleagues about other ways to become fully integrated into the community.

13. Describe how you work with the media, assuming you do.

    I have considerable experience in responding to media inquiries either directly or through communications officers. I believe it is important to be responsive and courteous to the media, and to comply with Sunshine Laws. It is also extremely important to be wary about disclosing non-public information or allowing information to be presented inaccurately. Maintaining cordial, respectful, yet cautious relationships with members of the media helps to promote accurate reporting.

14. Tell us what do you do in your leisure time?

During my leisure time I enjoy travelling, cooking and eating out in ethnic restaurants, going to movies and museums, and moderate outdoor hiking. In Fort Pierce, I love to swim and walk on the beach, and I would like to take up kayaking.

15. If you have ever done anything that would embarrass our client if it became public knowledge, please tell us about the incident.

    Like most people, there is personal information about my life that I would not want to have made public simply because it is personal. I have undoubtedly made small mistakes over the years, but I do not believe there is anything scandalous in my background.

16. Is there anything in your background that would embarrass our client if it became public knowledge?

    See response to #15 above.

17. When it becomes known in your community that you are a finalist in Fort Pierce, are there any community activists that are likely to contact our client with "the dirt" on you?

    No.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

Tell us why you want to leave your current or most recent position.

As I enjoy my current position as Deputy City Attorney and have valued my six-year tenure with the City of Atlanta, I was not actively looking for a change before applying for the Fort Pierce position. However, the Fort Piece City Attorney position presents a unique opportunity to both advance my career and fulfill my desire to relocate permanently to Fort Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Tell us what six adjectives or phrases you would use to describe yourself.

Intelligent, even-tempered, fair-minded, no drama, pragmatic, creative.

CURRENT / MOST RECENT SALARY

What is your current/most recent salary?

$165,000

Section 5

CB&A Background Checks

Background Check Summary for
SUSAN MARIE GARRETT

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Fulton County, GA	No Records Found
DeKalb County, GA	No Records Found
State	
Georgia	No Records Found

Civil Records Checks:

County	
Fulton County, GA	No Records Found
DeKalb County, GA	No Records Found
Federal	
Georgia	No Records Found

Motor Vehicle	
Georgia	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	City of Atlanta (2012 – Present) Private Practice (2009 – 2012) Georgia State University (2002 – 2015) ***Confirmed*** City of East Point (2009 -2012) ***Verifications Pending***
Florida Bar Number	Member in Good Standing Bar #603899

Background Check Summary for
SUSAN MARIE GARRETT

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
SUSAN MARIE GARRETT
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Susan M. Garrett

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.

Please explain any yes answers on a separate sheet of paper.

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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

CB&A Reference Notes

Dan Gordon – Former COO, City of Atlanta, GA 404-727-3746

Mr. Gordon has known Ms. Garrett since about 2012 while they were both at the City of Atlanta. During this time, he was the Chief Operations Officer and she reported to him when he was Interim Chief Procurement Officer. Her job performance was exceptional, and she really stepped up for the city.

Ms. Garrett enjoyed both law and procurement and combined her knowledge in this role very well. People at the city really liked working with her because she was so approachable and inclusive as a manager. They thought she was a great partner. Ms. Garrett used good judgement when making decisions and solving problems. When she began as the Interim Chief Procurement Officer, she had to fill this role with very short notice. However, with her humble, calm way, put processes and procedures in place to move the department forward. She instilled a high morale with the team and was not deterred by difficulties.

Ms. Garrett was extremely responsive. She provided excellent guidance to the elected board and dealt well with the public. She routinely dealt with right of way issues, public works, and handled complicated matters. Ms. Garrett conducted herself with the highest level of integrity. But at the same time, she recognized that sometimes reasonable risk was necessary in order to move projects forward. She would present her opinion, which was always fair and in the right interest of the common good. Her took a fair and balanced approach but was not so rigid that she could not find the balance between risk and progress.

Ms. Garrett has heavy experience with contracts and itilities; significant experience with development/redevelopment/land use and dealing with the homeless population; and exposure to environmental and labor/personnel issues.

Mr. Gordon would hire Ms. Garrett without reservation. She would make an excellent City Attorney.

Words or phrases used to describe Susan Garrett:

- Capable,
- Smart,
- Composed,
- Honest,
- Fair, and
- Balanced.

Strengths: She works well with all types of people and is a creative problem solver. She has strong legal expertise and the intellect to go along with it.

Weaknesses: None identified.

Gerrard Grant – Former Law Department Colleague, Atlanta, GA 407-423-4246

Mr. Grant worked with Ms. Garrett for about five years beginning in 2012. They were both in the Law Department for the City of Atlanta. Mr. Grant was in the Business Transactional Department, in the city of Atlanta while Ms. Garrett was in Land Use. Ms. Garrett is the smartest attorney he has ever worked with. Not only was she a good mentor, but her work product was of the highest quality. She was respected by everyone, from Executive level to peers to the public.

Ms. Garrett is truly an exceptional attorney. She consistently gave good counsel to the elected board and was often the last stop. In other words, if they weighed pros and cons, her opinion was the deciding factor. Or, if an argument was one-sided and Ms. Garrett had another opinion, they would dig in and try not to vary too far from her position. Truth be told, she was pretty much right on everything. People looked to her for advice and it was virtually unheard of for them not to follow her council. The council they currently have has been impressed with her diligence and thoroughness.

Ms. Garrett has strong negation skills. Some attorneys kill deals with the minutia, but Ms. Garrett is thorough while still seeing the big picture. This allows her to figure out how to protect her client and negate any issues that might put them in a bad situation. She is responsive and conscientious of client's issues and deadlines. Ms. Garrett looks for solutions, but is cognizant about whether something cannot happen because of the law. She takes the lead on projects and is very methodical in solving problems. She researches arguments and then presents best case, worst case, and conservative case. It is not her job to say, "This is what I would do"; it is her job to provide options.

Ms. Garrett has experience in constitutional, environmental, utility and labor or personnel law. Her experience in contracts, development, redevelopment and land use is exceptionally strong. Mr. Grant would hire Ms. Garrett as a City Attorney if given the opportunity. Absolutely nothing controversial exists in her background.

Words or phrases used to describe Susan Garrett:

- Thorough,
- Direct,
- Prepared,
- Intelligent,
- Knowledgeable, and
- Responsive.

Strengths: She breaks down complex issues to relay them to the lay person.

Weaknesses: None identified.

Jeffrey Haymore – Former City of Atlanta Law Department, GA 404-665-1243

Mr. Haymore knew Ms. Garrett from the City of Atlanta Law Department beginning in 2012. They worked on various cases, litigation and zoning in both trial and appellate courts. They were also colleagues on general municipal matters. Ms. Garrett did a great job. She is extremely intelligent and was instrumental and helpful to colleagues. Her knowledge encompassed broad municipal law including zoning. She was made the Interim Chief Procurement Officer, and when she came to the Procurement department, she was given a broad range of assignments, including telecommunications and procurement. Ms. Garrett was hands down one of the most intelligent lawyers in the city.

Ms. Garrett got along very well with the elected body. As Interim Chief Procurement Officer, code required her to submit reports of contracts executed. She did this very well and presented these reports to the council in written form, but also by oral presentation. She reported to the city council committees about contracts that were procured, processes that were put into place, etc. The council has a high regard for her candor. Mr. Haymore cannot recall a time when the council did not follow her advice, but one contract took longer to procure than the council wanted it to take. In this case, Ms. Garrett explained why it was taking longer than anticipated and did a wonderful job explaining why and what they had done to correct it.

On a personal level, Ms. Garrett was always very helpful as a resource to whom Mr. Haymore could go to and bounce ideas. They worked well together and would occasionally collaborate on writing briefs. She is creative in offering ideas and solutions, to the extent that lawyers can be within the constraints of the law. Mr. Haymore never witnessed her behaving in a way that would give him pause. When she was brought on as the Interim Chief Procurement Officer, part of her duties included staffing the procurement office. Her predecessor was removed and pled guilty to bribery. She did an excellent job shoring up the department. The city knew she was above board, and ethical and honest enough to be put into the midst of a sensitive issue. She could step into a City Attorney role without any problem.

Ms. Garrett's knowledge of constitutional law, contracts, development and land use, utilities and labor/personnel issues is strong. Mr. Haymore is not sure what sort of experience she has had with environmental law or homeless populations. Mr. Haymore would hire her without a second thought.

Words or phrases used to describe Susan Garrett:

- Empowering,
- Responsive,
- Direct,
- Great communicator,
- Smart, and
- Truthful.

Strengths: Her candor is respectable. She is direct and to the point without being abrasive. You never need to guess where she stands.

Weaknesses: None identified.

Keith Brooks – Chief Procurement Officer, Atlanta, GA 770-596-5063

Ms. Garrett is one of the attorneys for the City of Atlanta. Mr. Brooks is the Senior Department Chief of Procurement. When Ms. Garrett came to the city of Atlanta in 2012, she was assigned to work with purchasing and procurement. She assisted in drafting contracts, responding to protests and vetting their processes to make sure they were operating according to the APA model. Last year she was the Interim Chief Procurement Officer and then went back to the law department in a different role. Mr. Brooks, and the city leadership in general, recognized the great job she did, both as Interim Chief Procurement Officer, and as providing her opinion for the Department of Purchasing. She was outstanding. Prior to her filling in as Interim Chief Procurement Officer, the Department of Purchasing had been in the news lately. She came in and not only handled the public very well, but also managed the operations.

In her short time in that role, Ms. Garrett made some policy changes. For example, in the public sector, you must be extremely transparent. It seems like a simple thing, but she created a document that summarizes offers and deficiencies. They put that tool on the website so before vendors submitted a proposal, they knew exactly what the city was looking for. This essentially reduced the number of repeat offers by companies who had been deemed nonresponsive. She also did public outreach to see what the public was looking for in their city and implemented those changes.

Internally, Ms. Garrett boosted morale. Purchasing department was going through negative press. She recognized that, and reached out to the public, but also knew internal morale was important to make sure people were motivated to do their job. User agencies also appreciated her. Ms. Garrett is analytical and deals with facts, which is appreciated because they move at a fast pace and so no time to sit and brew. Ms. Garrett provided good advice to the council, but she recognized that she can provide those opinions but they ultimately are at liberty to do what they want. On one occasion, the Chief of Procurement went against her council regarding a contract. He did not accept the contract and dinged it as non-responsive. This action resulted in an extended timeline to award the contract.

Ms. Garrett has experience in constitutional law and development, redevelopment and land use. Ms. Garrett is technologically proficient. Earlier this year, the city had a cyber-attack in which three departments were knocked out. Ms. Garrett's leadership allowed them to be functioning in 24 to 36 hours, as opposed to 72 hours that such an event would have typically taken. The city is still getting kudos from the public as to how they handled the situation. She also has experience dealing with the homeless population. Public Works and Watershed are the 2nd and 3rd largest departments in the city. Those, along with IT were Ms. Garrett's major clients. No dirt exists in

Ms. Garrett's background and Mr. Brooks would absolutely hire her. She would make an excellent City Attorney.

Words or phrases used to describe Susan Garrett:

- Confident,
- Exceptional,
- Motivational,
- Responsive,
- Experienced,
- Bright,
- Creative, and
- Intelligent.

Strengths: She makes sound decisions in a short amount of time.

Weaknesses: A year ago, Mr. Brooks would have said she needed to be firmer with the staff. However, as time went on, the staff gained confidence in her and recognized that she was supportive of them.

John Gornall – Attorney, Atlanta, GA 404-873-8650

Mr. Gornall has known Ms. Garrett since about 2003. He owned a large land zoning partnership and she came highly recommended, so he hired her to represent their company in several zoning issues. A couple of those times they tried to gain zoning, and two times they tried to prevent zoning with adjacent properties. Ms. Garrett did extremely well. She was well organized and knew what arguments to make or not make. She dealt with the public frequently, because their clients consisted of neighborhood groups. Ms. Garrett dealt with opposing council in a professional manner. She gives good presentations in front of the county commission, and zoning and planning commissions.

At the time they worked together, Ms. Garrett was a sole practitioner. His company was disappointed when she took a job with the city of Atlanta. Although at the time, he had a couple of matters with the city. She was able to get their client to the right place and person, and the matter was quickly resolved. He would hire Ms. Garrett in a heartbeat. He works on many Economic Development projects with cities and councils. She stands out as one of the best. She comes at projects in a business-like way because she has a good nose for business and understands public and private sector.

Ms. Garrett was promoted to Interim Chief Procurement Officer while all sorts of allegations about bid rigging and bribery surfaced. She came through the experience unscathed, with absolutely no dirt attached to her name. If he had been the mayor, he would have been very particular about

who he brought into the Interim Chief Procurement Officer role during the crisis, but she was exemplary when it came to crisis management.

Ms. Garrett was good at providing creative solutions. For example, his company was faced with some folks who wanted to build a 900-foot radio tower on the boundary line of a piece of their property, which they had planned to turn to a large lot subdivision. She thought about several factors. First, if the tower were to fall, 200 feet of the tower would fall on their own property, but the other 700 feet would fall on his property, which was not fair. She also found out this company had a proceeding in front of the FCC, for which they needed approval. She knew if they intervened with the FCC as they opposed the zoning, this would delay the approval their company was waiting on. Rather than risk the delay, the company decided to place their radio tower elsewhere. This was a creative solution that fell well within legal bounds. He would hire Ms. Garrett again in an instant.

Words or phrases used to describe Susan Garrett:

- Calm,
- Diplomatic,
- Well-spoken,
- Insightful,
- Well-rounded and
- Fair.

Strengths: She is very practical and knows the law extremely well.

Weaknesses: None identified.

Lawrence Neville – Attorney, Atlanta, GA 770-730-0041

Mr. Neville met Ms. Garrett in the late 1980's. At the time, his wife owned a court reporting firm and he met Ms. Garrett at an open house put on by one of the partners. Over the years, he got to know her better and thinks very highly of her professionalism, intelligence and legal brain. Eventually, Ms. Garrett had her own practice. In 2001, his wife had sold the court reporting firm to another court reporting firm owner, who sued them for various grievances. Mr. Neville asked Ms. Garrett to represent them and they fully won the first motion for summary judgement. In addition, they filed a counterclaim and were paid almost everything agreed upon. Ms. Garrett negotiated the whole thing. Mr. Neville sat in on depositions and other items litigated in a state court in Decatur Georgia. She could not have done a better job.

After a while, Mr. Neville recommended Ms. Garrett to a friend of his who was having litigation with a county in the Atlanta area over damages and amounts that should be paid for using his property as the city widened a road. She represented him and got a good result for that. Ms.

Garrett was very up to date on Environmental Law. Eventually, she decided to close her practice and became one of the attorneys for the city of Eastpoint GA, and then for the city of Atlanta. He has never seen Ms. Garrett managing an office, but he saw her on tv a few times when Eastpoint was undergoing political disputes. She was not political then or now but handles herself very well. She is an effective manager because she has high standards professionally, but also has a significant amount of tact and human relation skills.

Ms. Garrett would make an excellent City Attorney and has actually bought property in Fort Pierce. Whoever hires her will be extremely lucky.

Words or phrases used to describe Susan Garrett:

- Intentional,
- Effective,
- Organized,
- Competent,
- Trustworthy, and
- Professional.

Strengths: He does a fantastic job building networks and coordinates team efforts. He also builds a deep level of trust with those he works with and for.

Weaknesses: None identified.

Richard Randolph – City Engineer, East Point, GA 404-270-7121

Mr. Randolph first came to Eastpoint in 2009, he was the City Engineer and Ms. Garrett was the City Attorney. He walked into a situation in which he was being sued. Obviously, he was extremely concerned, so went to see Ms. Garrett. She told him, "That's okay, Richard, I've got your back." She was prepared, and had all the information she needed, which resulted in a positive outcome. She is one of the brightest legal minds Mr. Randolph knows. He has considered it a joy to know her.

At this time, Mr. Randolph was also an attorney who headed up the Board of Commissioners. Several times issues would arise in which they did not know which direction to take. Ms. Garrett spoke to those concerns and always led them in a super direction. He has never seen her get stumped by anything. Her understanding of law was outstanding. However, if she felt like she may have been speaking beyond her scope, she would research and either confirm or ratify any information. Ms. Garrett's negotiation skills are impeccable. She tries to find the best resolutions for any difficult issues.

Reference Notes
Susan Garrett

Ms. Garrett's experience with contracts is exceptional. If he had to rate her on a scale of 1 to 10, she was an 11. She also has experience with constitutional and environmental law, as well as land use and development, labor and personnel issues. She has extensive experience with utility law. Ms. Garrett is very responsive and timely. If she said she would get something done, she always followed through. Even though they no longer work together, he still consults with her because her expertise is invaluable. He would hire Ms. Garrett without question.

Words or phrases used to describe Susan Garrett:

- Fun,
- Methodical,
- Philosophical,
- Detail-oriented, and
- Responsive.

Strengths: She is professional and genuinely loves the work she does. She eats, sleeps and breathes law, but also knows how to have fun.

Weaknesses: None identified.

Prepared by: ASHLY CLARK
Colin Baenziger & Associates

Section 5

CB&A Internet Research

Atlanta Journal-Constitution, The (GA)
September 17, 2018

City might get bonuses back by suing
Former Mayor Reed, council gave out $800K at end of last year.
Author: J.Scott Trubey and Dan Klepal

The city of Atlanta might be able to reclaim some of the $800,000 in bonuses and prizes handed out by former Mayor Kasim Reed's administration and council members at the end of last year, but it would have to sue city employees to do it. That's the opinion of Attorney General Chris Carr's office, which told The Atlanta Journal-Constitution this week that "any city funds spent inappropriately might be subject to civil recovery efforts." Two investigations have found that the bonuses were not only inappropriate, but illegal.

The giveaways, awarded in the midst of a federal corruption investigation of City Hall, ranged from five top-level executives in Reed's administration getting $15,000 each, to relatively small prizes of less than $1,000 given away to front-line staffers in raffles and contest prizes during holiday parties. A report last month by City Auditor Amanda Noble and City Ethics Officer Jabu Sengova found the payments violated both city code and state law governing gratuities, which are government giveaways without a return for taxpayers.

The report found equal fault with bonuses awarded by council members to their staffs and described top city officials working together to bypass internal financial controls in a manner that violated those laws. It said Reed "lacked the legal authority" to give away city tax dollars, and former Chief Financial Officer Jim Beard "abused his position" in awarding himself a $15,000 bonus. Reed and Beard dispute those conclusions.

Council President Felicia Moore said it's unlikely the city would sue past or present employees to get bonuses back but said they could ask that the money be returned. "The AG's opinion at least lets the council know the possibility is there," Moore said. "But I'm sure we'd have to hire outside (lawyers) and how much money would it cost?" The internal investigation on the bonuses followed a $150,000 outside investigation by the Thompson Hine law firm, that also determined the awards from Reed's office and council violated state law. That report recommended that the city concentrate on shoring up city code and ensuring improper bonuses aren't awarded in the future, rather than trying to recoup the money.

Mayor Keisha Lance Bottoms said her administration is going to follow recommendations in the reports. William Perry, of Georgia Ethics Watchdogs, said council should absolutely fix the city code, but it shouldn't give up on getting back taxpayer money. He said city employees who now know the awards were wrong should be lining up to return the money. And if not, Perry said elected leaders should try shaming them: "Use the bully pulpit. Ask for the money back."

As of June, five senior city officials had returned the money -- out of 140 employees who received either bonuses or prizes, according to the joint audit and ethics report. Each of the five

who returned the money received $10,000 bonuses. They were former Renew Atlanta General Manager Faye DiMassimo; former interim procurement chief **Susan Garrett**; Planning Commissioner Tim Keane; Police Chief Erika Shields; and Assets Management Officer Jalal Slade.

The size of each bonus was based on a formula tied to salary; $15,000 bonuses went to the highest earning staffers. A spokesman for former Human Resources Commissioner Yvonne Yancy said she returned her $15,000 bonus last month, which a city spokesman confirmed. Yancy also awarded $57,500 in bonuses to 11 members of her staff just days before she left City Hall for the private sector.

The top bonuses paid out by Reed were to his five most senior executives -- $15,000 each to CFO Jim Beard; City Attorney Jeremy Berry; Chief of Staff Candace Byrd, Chief Operating Officer Dan Gordon; and Yancy. Another 19 of Reed's managers received $10,000 bonuses that were not returned.

The AJC attempted to contact several former members of the Reed administration, some of whom are holdovers under Mayor Bottoms, who have not returned their bonuses. They include Beard, former Reed spokeswomen Jenna Garland and Anne Torres, new city CFO Roosevelt Council and Watershed Commissioner Kishia Powell. None immediately returned messages seeking comment.

Tom Sabulis, a former AJC opinion editor who later joined the Reed administration as a speechwriter and who still works in the mayor's office, ended a conversation and walked away from a reporter when asked if he would return his $5,000 bonus.

At a press conference last week, Parks and Recreation Commissioner Amy Phuong wouldn't offer a direct answer when asked if she would repay her $10,000 bonus. "I feel like I can't really answer that right now," Phuong said. "I'm just going to continue to support the mayor's vision, Mayor Bottoms' vision, [of] running a very transparent and connected government."

Some council members say they worry about how the bonuses are viewed by the public. For the past three years, City Hall has been under a federal corruption investigation that spans all eight years of the Reed administration. "There's enormous loss of trust in government when things like this happen," Councilwoman Jennifer Ide, who joined the council in January, said in a recent committee meeting. But Moore said her colleagues on council would have to decide to pass a resolution asking that the money be returned. "I just haven't seen any interest in doing that," she said.

Atlanta Journal-Constitution, The (GA)
August 1, 2018

City of Atlanta's transparency push hits bumps
Author: Stephen Deere

Atlanta Mayor Keisha Lance Bottoms unveiled her open checkbook initiative in April, promising to "set a new standard for government transparency." But nearly four months later, the program that will allow citizens to track city spending to the penny via an online portal is not operational. And Tuesday, the chairman of the city council's finance committee questioned the manner in which the software was purchased.

"The irony here is that the service we are trying to procure is going to provide a whole lot more transparency into city financing," said City Councilman Howard Shook. "I would think if there is ever any proposal that we are going to enter into an agreement with, regarding transparency, certainly the nature of the procurement itself has to be kind of a model procurement."

Bottoms' announcement about the portal came just as a federal corruption investigation at City Hall was gaining momentum. Allowing the public to view all city payments online, she said, would help restore trust.Though the idea had been proposed by council members earlier, it was resisted by former Mayor Kasim Reed's administration.

The new administration planned to purchase software and maintenance services from the company Socrata through a cooperative purchasing agreement, an arrangement that allows local governments to buy goods and services that have already undergone a competitive bidding process. The city council approved the $50,000 cooperative purchase in May.

However, the administration later learned that it was not purchasing the software directly from Socrata, but instead from a reseller of the company's products. That reseller wasn't part of the cooperative agreement, which would usually require open bidding. Rather than go through that, the administration opted to purchase the software through another method: special procurement, which allows the city to bypass the bidding process if the chief procurement officer determines doing so is in the public interest.

On June 29, the interim Chief Procurement Officer **Susan Garrett** signed a document authorizing the special procurement. But Shook said the document doesn't provide enough detail about why competitive bidding would have not been in the public's interest. "My guess is we will be comfortable with it once we get an explanation," he said. "There are cases that call for special procurements."

Sara Henderson, executive director of the government watchdog group Common Cause Georgia, said the process shouldn't have been used in this instance. "Going around the procurement process is exactly got us into the trouble and the mess at the airport and with other contracts around the city," Henderson told Channel 2 Action News. The whole purpose of the open

checkbook initiative is "to be open and transparent, but yet in that (**Garrett**'s) letter ... you certainly don't see that process playing out in awarding the contract of who's going to keep up with this system." In a statement to Channel 2 Action News, a city spokesperson said that the purchase was less than $100,000 and did not require council approval.

Atlanta Journal-Constitution, The (GA)
November 30, 2017

Approval of airport vendors may face delays
Bidding process scrutinized as political pressure mounts.
Author: Kelly Yamanouchi

Several companies have been selected for lucrative contracts running retail shops at the world's busiest airport, though the city has not yet moved the deals forward for approval amid controversy surrounding the contracting process. Atlanta procurement officials earlier this year said they planned to get the contracts, which are worth tens of millions of dollars, finalized before Mayor Kasim Reed's term ends in January.

But that effort has become more tenuous as a federal corruption probe into the city continues, and after questions about a conflict of interest with a concessionaire prompted the city to put an airport executive on leave. It's all happening while a mayoral election between two Atlanta City Council members looms on Dec. 5, putting a harsh spotlight on airport contracting and raising the political stakes of city council members' votes.

On Wednesday, at the last regularly scheduled meeting of the council's transportation committee that oversees the airport, Reed administration officials were noncommittal about whether the concessions contracts at Hartsfield-Jackson would move forward.

When questioned by City Councilwoman Felicia Moore, Reed's deputy chief of staff Katrina Taylor Parks said, "There is nothing scheduled to come before this body as I stand here today." She had earlier this week told The Atlanta Journal-Constitution that "everything is under review." The uncertainty comes after the Atlanta's procurement department this month wrote notification letters for the contracts for retail shops.

The biggest contracts would go to The Marshall Retail Group and to a Hudson Group joint venture called HG ATL Retailers Joint Venture, based on the city's recommendations for contracts. But the city also recommended Hojeij Branded Foods for a contract and Business Traveler Services for a contract with several small vending locations. Another company, Select Food Group, was recommended for two small contracts.

Meanwhile, the airport said it would rebid four other retail shop contracts after finding too many companies were disqualified. The letters to the winning firms signed by interim chief procurement officer **Susan Garrett** start with "Congratulations," and say the city has completed its evaluation of proposals for the projects and that the city procurement department and airport will recommend to the city council and mayor that contracts be awarded to the companies selected.

However, the retail concessions contracting process has come under scrutiny amid the mayoral race, after multiple candidates prior to the general election called for a halt to the process. They cited the current federal investigation into cash-for-contracts scandals at City Hall.

Concessionaires also complained that the process was too rushed as the city sought to get the deals approved before the end of the year. More recently, an Atlanta airport deputy general manager has been put on leave after the city found that his wife owns a company that does business in Washington with Hojeij Branded Foods. People and entities linked to Hojeij have been big contributors to top candidates for mayor, giving at least $66,450, according to an AJC analysis.

A spokeswoman for Reed said last week that the city is "in the process of reviewing all current and pending contracts with the vendor." Hojeij said in a statement, "We believe in the integrity of the procurement process and are confident that any awards to HBF will be made based on the merits of our proposal." Hartsfield-Jackson General Manager Roosevelt Council said an investigation is ongoing.

On Wednesday, the concessions contracts were not on the transportation committee's agenda. "We are looking into everything in a thorough manner," Taylor Parks said. The administration could seek last-minute approval from the city council at their full meeting scheduled for Monday or at a special meeting. But that, too, is up in the air. "I cannot say one way or another whether we will be bringing anything to you for approval," Taylor Parks said.

October 13, 2006

MONTEREY COMMUNITY COUNCIL et al. v. DeKALB COUNTY PLANNING COMMISSION et al.

637 S.E.2d 488 (2006)
Court of Appeals of Georgia.

October 13, 2006

Attorney(s) appearing for the Case
Susan Garrett, **Susan M. Garrett**, P.C., Decatur, for Monterey Community Council.
Melanie Wilson, Eugene Reed, Jr., Assistant County Attorney, Decatur, David Flint, Mark Forsling, Schreeder Wheeler & Flint, Atlanta, Robert Burroughs, Burroughs & Keene, LLC, Lithonia, for DeKalb County Planning Commission.

RUFFIN, Chief Judge.

Legacy Investment Group, LLC ("Legacy") sought approval from the DeKalb County Planning Commission to develop a subdivision of 124 townhomes. The Monterey Community Council, Johnnie Fogle, and Jamie White (collectively, "property owners") opposed the development, asserting that it violated several DeKalb County ordinances.
[637 S.E.2d 489]
Nonetheless, the Planning Commission approved the plan in February 2005.1

The property owners filed an action for declaratory judgment and injunctive relief in DeKalb County, seeking to clarify the validity of the plat approved by the Planning Commission. Specifically, the property owners contend that because the Planning Commission did not comply with relevant DeKalb County Ordinances ("DCOs") regarding the plat-approval process, its approval of the plat was void and ultra vires. In the alternative, the property owners filed a petition for certiorari, challenging the Planning Commission's approval of the plat. The crux of the property owners' complaint was that the Planning Commission's approval did not comport with applicable ordinances. The property owners filed an amended complaint thereafter, raising a constitutional challenge to the DCO that governs appeals from the Commission's decisions.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/20061125637se2d48811091]

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Abigail "Abby" F. Jorandby

Attachments

Jorandby

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:11 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 6

Abigail "Abby" F. Jorandby

Fort Pierce City Attorney Candidate Report

Section 6

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Cover Letter and Resume

ABIGAIL FORRESTER JORANDBY, ESQ.
1385 Caddy Court
Vero Beach, Florida 32966
a.jorandby@hotmail.com

October 12, 2018

City of Fort Pierce
100 N. U.S. Highway 1
Fort Pierce, Florida 34950

Re: City Attorney Position for the City of Fort Pierce

Dear Sir or Madam:

It is with great pleasure that I submit this cover letter and enclosed resume for your consideration for the City Attorney Position for the City of Fort Pierce, Florida.

By way of introduction, I am licensed Florida Bar Attorney since 2001 with comprehensive and significant knowledge of local government and municipal law. That is, since 2009, I have worked for two municipal law firms in Palm Beach County, Florida. Of recent, my clients include the City of Palm Beach Gardens, the Town of Lantana, the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District.

To begin, on behalf of the City of Palm Beach Gardens, my duties include attendance at City Council, Planning and Zoning Commission, and Code Enforcement meetings. At the City Council and Planning and Zoning meetings, I act as legal counsel to both Council/Board members and staff in order to ensure efficient and productive meetings. As the Code Enforcement attorney, I prosecute all code enforcement cases before the Special Magistrate ranging from violations of the maintenance and appearance code to violations of the Florida Building Code and the International Property Maintenance Code. As such, I work with all City departments and with the various members of staff in preparing their individual testimony before the Special Magistrate. As for development in the City, I have worked on two of the largest developments in Palm Beach County known as Avenir and Alton. Once again this requires me to work with staff and developers regarding planning needs.

On behalf of the Town of Lantana, my duties include attendance at Town Council, Planning and Zoning Commission, and Code Enforcement meetings. One notable development project that I have worked on for the Town of Lantana is that of the redevelopment of the property known the A.G. Holley State Hospital. The "A.G. Holley", as it was informally called, was a state hospital opened in 1950 and which was recently closed in 2012. In 2014, a developer purchased 70 ± acres of the property and is currently in the process of redeveloping the same into a mixed-use development. As part of this process, I

have worked with the developer in processing the required comprehensive plan amendment and re-zoning and, more recently, in processing the appropriate site plans for the project.

The West Palm Beach Downtown Development Authority is an independent special taxing district. On their behalf, I attend monthly board meetings, as well as conduct all legal work including the review of contracts, interlocal agreements, and competitive purchasing documents. Two notable projects I have completed include the preparation and filing of trademark applications and the creation of a non-profit organization now known as the West Palm Beach Arts & Entertainment District. For both the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District, I provide legal advice and guidance to both board members and staff in regard to the formulation of agency practices and procedures.

In sum, the position that I have held since 2009 with these various municipalities and agencies has afforded me the opportunity to be well-versed in the areas of municipal planning and development, Florida Public Records law and Sunshine law.

I understand from the City Attorney position advertisement that the City of Fort Pierce is looking for an individual who values team work and problem solving and who is a proven leader and manager. It is my opinion that I exhibit these exact qualities. I lead by example and I am always available to every member of staff. I have high expectations of myself and of my work product and I take pride in implementing the priorities of my client. I believe I have the requested broad spectrum of municipal law coupled with the ability to work with a team in order to achieve the success that the City of Fort Pierce seeks.

Please review my enclosed resume for additional details regarding my background. I am certain that you will find that I exhibit a powerful combination of proven legal expertise and solid communication skills. These skills combined with a strong sense of professional integrity have contributed significantly to my successes and achievements. I thrive on challenges and will spend the time and effort it takes to do well.

Thank you for your time and consideration. I look forward to speaking with you.

Sincerely,

Abigail Forrester Jorandby, Esq.

ABIGAIL FORRESTER JORANDBY, ESQ.

Mobile (561) 281-2300 | 1385 Caddy Court, Vero Beach, FL 32966 | a.jorandby@hotmail.com

WORK EXPERIENCE

The Lohman Law Group, P.A., West Palm Beach, Florida, July 2014 to present

- *Assistant General Counsel,* July 2014 to present
  - Assistant Legal Counsel to the Town of Lantana, the City of Palm Beach Gardens, the West Palm Beach Downtown Development Authority and the West Palm Beach Arts & Entertainment District.
  - Work directly with City Managers, Elected Officials, Board Members and Municipal Staff regarding general municipal issues.
  - Attend Council meetings, Planning and Zoning Board meetings, and Development Review Committee meetings as legal counsel providing advice as board governance and application of appropriate legislation.
  - Conduct land planning review, public contract negotiations, legal representation of Police and Fire Departments, interpretation and application of applicable Federal, State and Municipal rules and regulations, code enforcement prosecution, and drafting of Local Government Ordinances and Resolutions.
  - Prepare and file Trademark/Copyright Applications on behalf of municipal clients.
  - Provide legal representation of municipal clients for litigation matters including appellate matters.

Corbett, White & Davis, P.A., Lantana, Florida, October 2009 to July 2014

- *Assistant General Counsel,* October 2009 to July 2014
  - Assistant Legal Counsel to the firm's eleven municipal clients located in Palm Beach County, Florida.
  - Clients included the Town of Manalapan, Village of Royal Palm Beach, Town of Palm Beach Shores, City of Atlantis, Village of Tequesta, Town of Mangonia Park, City of Palm Beach Gardens, West Palm Beach Downtown Development Authority and Town of Lantana.
  - Advised both elected officials and municipal staff regarding legal issues pertaining to municipal law, planning and zoning and land use matters.
  - Prosecuted and defended over Thirty-Five Hundred Code Enforcement cases from initial stages to hearing.
  - Prepared Appellate Briefs and Foreclosure Defense on behalf of the municipalities.
  - Prepared and filed Civil Forfeiture Proceedings on behalf of Client Police Departments.

The Keane Law Firm, Chartered, Stuart, Florida, January 2008 to October 2009

- *Estates and Trust Associate*, January 2008 to October 2009
  - Legal Counsel concentrating in Estate and Trust Litigation, Guardianships, and Probate and Trust Administration.
  - Conducted client consultations, depositions and all pre-suit discovery.
  - Represented clients before Probate Courts in St. Lucie, Martin and Palm Beach County.

Office of the State Attorney, Ninth Judicial Circuit, Orlando, Florida, August 2001 to January 2008

- *Assistant State Attorney,* August 2001 to January 2008
  - *Appellate Attorney*, Special Prosecution Unit
    - Researched and drafted State appellate briefs, State responses to petitions for belated appeal and motions for post-conviction relief.
  - *Felony Lead Trial Division Attorney*, Felony Bureau
    - Prosecuted all levels of felony crimes including habitual violent offenders with over 30 jury trials to verdict.
    - Conducted numerous interviews and depositions of witnesses and victims in anticipation of trial.
    - Trained, supervised, and mentored junior attorneys to develop their trial and advocacy skills.
  - *Juvenile Lead Trial Division Attorney*
    - Managed and supervised Juvenile Bureau Unit and staff.
    - Duties included responsibility for all charging decisions on cases filed by local law enforcement agencies, review of evidence to determine accurate filing of criminal charges and prosecution of the cases before the Juvenile Court.
  - *Traffic Trial Division Attorney*
    - Prosecuted all misdemeanor traffic offenses from intake to trial phase.

EDUCATION

Stetson University, **LL. M. in Elder Law with Honors, December 2016**

- Received the highest grade in Long Term Care Planning Course, Fall Semester 2015.

University of Florida, Levin College of Law, **Gainesville, Florida, Juris Doctor, May 2001**

- Editor-in-Chief of the *Journal of Law and Public Policy*
- Student Legal Intern in the Virgil Hawkins Civil Clinic
  - Represented indigent clients in divorce proceedings.
- Recipient of the Anson A. Bigelow Memorial Scholarship and Bernard Heeke Foundation Scholarship

Florida Atlantic University, **Boca Raton, Florida, B.A., Spanish,** *Summa Cum Laude*, **August 1998**

- Golden Key National Honor Society
- Phi Kappa Phi, National Honor Society

- Phi Eta Sigma National Freshman Honor Society
- Presidents and Deans List

PUBLICATIONS

- "Armed and Dangerous at 80: The Second Amendment, the Elderly, and a Nation of Aging Firearm Owners", *Journal of Academy of Matrimonial Lawyers,* October 2016

BAR MEMBERSHIPS

- Member in good standing of the Florida Bar Association, *Admitted 2001*
- Member in good standing of the District of Columbia Bar Association, *Admitted 2016*
- Member in good standing of the United States District Court of Appeal, Southern District of Florida, *Admitted 2009*

PROFESSIONAL ASSOCIATIONS AND VOLUNTEER ACTIVITIES

- Member of the Palm Beach County Bar Association
- Member of the Indian River County Bar Association
- Chair of the Palm Beach County Bar Lawyers for Literacy Committee *2013-2015*
- Volunteer ESOL Teacher for *El Sol* Jupiter's Neighborhood Resource Center *2014-2015*
- Florida Professional Guardian Training Completed 2018 *Registration Pending*

LANGUAGES

- Fluent in Spanish
- Conversational in Italian

PERSONAL HOBBIES

- Certified Yoga Instructor
- Hobbies include cooking, reading, gardening and hiking

Candidate Introduction

Abigail Forrester Jorandby

EDUCATION

List your degrees:

Stetson University, LL. M. in Elder Law with Honors, December 2016

University of Florida, Levin College of Law, Gainesville, Florida, Juris Doctor, May 2001

Florida Atlantic University, Boca Raton, Florida, B.A., Spanish, *Summa Cum Laude*, August 1998

EXPERIENCE

Briefly list your experience.

I have been a licensed Florida Attorney since 2001. I began my career as an Attorney in the State Attorney's Office in the Ninth Judicial Circuit for Orange and Osceola Counties. As an Assistant Attorney, I conducted traffic, misdemeanor and felony trials. At the State Attorney's Office, I handled my own vertical prosecution unit, where I reviewed, filed and prosecuted my own cases. I supervised two assistants and worked with victim advocates in that position. I held that position for more than one year and in that time, I handled approximately one thousand juvenile cases. Following my time with the State Attorney's Office I worked as an associate attorney in the field of probate litigation for a boutique Estate and Trust Firm in Martin County.

Since 2009, I have worked exclusively in the field of local government law. Initially, I worked for one of the largest local government law firms in Palm Beach County, Corbett & White, P.A. The firm represented ten municipalities and an independent special district. In that position, I was the assistant general counsel to the following: City of Atlantis, Town of Manalapan, Village of Royal Palm Beach, Village of Tequesta, Town of Mangonia Park, Town of Palm Beach Shores, City of Palm Beach Gardens, West Palm Beach Downtown Development Authority and the Town of Lantana. For these clients, I prosecuted code enforcement cases, attended Planning and Zoning meetings, Architectural Review Committees, Planning Review Committees and Council/Commission Meetings. I worked directly with staff from the Clerk's Office, Planning and Zoning Department, Police Department, Building Department and Fire Department. I also interacted and worked with residents and private developers as it related to their projects and/or concerns. In 2014, the firm underwent a change, and since that time I have worked for the Lohman Law Group where I have continued to represent the Town of Lantana, City of Palm Beach Gardens and the West Palm Beach Downtown Development Authority. Recently, on the behalf of the West Palm Beach Downtown Development Authority, I assisted in the formation of the non-profit West Palm Beach Arts & Entertainment District.

Abigail Forrester Jorandby

BACKGROUND

1. **Describe the community where you work or have worked recently? Include the population. If you are a private sector, please describe your law firm.**

   Currently, I work for three very different communities.

   The first community is that of the Town of Lantana. The Town has approximately 10, 423 residents and is known as a "little fishing village." The Town has a diverse ethnic community including the largest Finnish population in the United States.

   The second client, the West Palm Beach Downtown Development Authority, is located in the City of West Palm Beach. The City has approximately 100,000 residents. The City is truly a growing business and residential district. I work predominately with the business district and more recently with the new created West Palm Beach Arts & Entertainment District.

   The third client is that of the City of Palm Beach Gardens. The City has approximately 50,000 residents and is a growing metropolitan city. The City is known for its vast green spaces mixed with the commercial and residential areas.

2. **Tell us how many employees in the organization and how many employees do you or did directly supervise? Tell us how many attorneys did you supervise?**

   The Town of Lantana has 100 employees. I do not supervise any of the employees but I do work and have close relationships with the various departments including Public Works, Planning and Zoning, Code Enforcement and the Police Department.

   The West Palm Beach Downtown Development Authority has approximately ten employees. I do not supervise any of the employees but I do work and have close relationships with all of the employees.

   The City of Palm Beach Gardens has 500 employees. I do not supervise any of the employees but I do work and have close relationships with the various departments including Planning and Zoning, Code Enforcement, Building, Engineering, Police, Recreation and Fire Rescue. I do have one legal assistant who I have worked with since 2009.

   I have not supervised any attorneys; however, I have trained numerous attorneys, including those who had recently passed the Florida Bar, during my tenure at the State Attorney's Office.

   As a supervisor I would always maintain an "open-door policy" and endeavor to create a professional environment built on teamwork.

3. **Tell us how much of the legal work was performed by your staff versus the work which was contracted out to outside counsel.**

   In my current firm, all work, excluding the majority of litigation, is handled by the attorneys. That is, my current clients have insurance counsel which handles the majority of litigation where damages are claimed. Therefore, I handle all day to day legal work for my clients including attendance at public meetings, contract review, planning and zoning review, code enforcement, drafting of all legal documents and any other legal matters that may arise.

4. **Tell us what the most significant legal issues are that your organization faces.**

   The City of Palm Beach Gardens has been involved in several lawsuits including election issues and annexation issues all of which require specialized knowledge. The Town of Lantana has been in the process of developing one of the largest parcels of property within the Town as mixed-use development.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. **Tell us about yourself and why are you interested in Fort Pierce?**

   I am a Florida native and I have lived in Florida all my life, in particular, southeast Florida. I attended Florida schools and Florida is my home. The City of Fort Pierce is a familiar neighbor. I have litigated cases in the St. Lucie County Courthouse and I have attended the Green Market. I have watched the growth of the City over the years and I am excited to see the new opportunities coming on board. Thus, I am interested in partnering with the City to achieve new success.

2. **Describe what do you believe the most important attributes are of a successful City or County Attorney?**

   The successful City Attorney must be reliable, available and organized. This individual has to be prepared to provide the guidance and direction in order to effectively accomplish the City's goals.

3. **Tells us your approach to handling law suits filed against your city/town/county?**

   My approach to any lawsuit is to first determine what are the allegations and then work with any related department and staff to determine any possible exposure by the City. I believe strongly in working to resolve a matter prior to incurring the costs of litigation; however, sometimes litigation can be the only option.

4. **Describe your management style.**

   I would describe my management style as clear, direct and goal oriented. I like to set forth the parameters of the project and determine the role that each person will take in order to complete the project.

5. **Tell us what information you feel is important for elected officials to have and how you communicate with them. How do you communicate with elected officials?**

   Similar to my management style, I like to be direct and clear when working with elected officials. I provide the information I have and assist in formulating a plan to implement the desired outcome.

6. **Tell us what you think the elected officials would say about you? What would the City Manager say about you?**

   My elected officials would describe me as dependable and readily available. I like to be punctual and I am always prepared for my meetings with elected officials. My City Managers would state similar reviews and include that when I receive a particular project it is completed quickly and efficiently.

7. **Tell us what your strengths are?**

   I am focused and goal oriented. I am a high achiever and I demand high quality work. I complete projects quickly and efficiently. I pride myself in having an open-door policy and that I am available to everyone.

8. **Tell us what your weaknesses are?**

   I am very critical of myself and I take any mistake personally. I have high expectations of myself and my work.

9. **Describe your greatest achievement (success)? Tell us about it.**

   I have had several notable achievements in my career. However, one of my greatest is that of working with a severally disabled witness in a criminal trial. I was a Felony Prosecutor and the young man, an essential witness for my case, was about twenty years of age but had an understanding of an eight-year-old. The charges were numerous counts of Carjacking with a Firearm and Aggravated Assault with a Firearm. I worked closely with him to prepare him for trial but his mother remained concerned that he would get nervous and not be able to testify. The day before the trial, the Judge allowed me to bring him to the courtroom to see the environment and to become familiar with the surroundings. We talked about the different people who would be listening to him and the importance of telling the truth. Nonetheless, I did not know how he would react in front of the jury. In

the end, I was able to qualify him as a witness and his testimony resulted in the defendant pleading guilty before the jury could even deliberate. He was so proud of himself.

10. **Describe your greatest failure (or mistake) of your career? What did you learn from it?**

    My greatest failure involved a code enforcement hearing for one of my clients. The hearing was ultimately successful for the client; however, I was not happy with how some of the testimony was presented. I knew I needed to implement better witness preparation strategies. I took immediate action to review the process with the code supervisor and we have subsequently implemented these strategies with success.

11. **Describe the approach you use when you find an employee's work is not satisfactory and you feel you may have to terminate the individual's employment. Provide an example of a situation where you had to fire someone.**

    If an employee's work is not satisfactory then I address it immediately, in private (if possible) and in person. I approach the matter as a time of education. Perhaps the individual did not understand the assignment? I like to seek clarification as to what actually happened first and then educate as to why we cannot proceed as such. Once I have a clear understanding of the employee's position, I then explain the reason the work has to change and I attempt to educate that person as to why we have to do it differently.

    I have never fired any individual. In my experience, the Human Resource department has actually terminated an individual. However, I have been involved in the termination of various individuals in that I have had to provide background as to the issue that resulted in the termination. I have always approached the matter as truthful as possible. I understand the serious nature of such issues and I strive to ensure that everyone who has to make that decision has as much information as possible prior to making that determination.

12. **Explain what you would do and hope to achieve during the first six months on the job.**

    My first six months on the job would start with a review of the current status of the City departments and any emergent issues for the City. I would like to engage and develop relationships with all City departments and address as many urgent issues as possible. Once the initial review is completed, I envision working with the Mayor, City Commission, City Manager and staff to accelerate any future goals and implement any required changes to accomplish the same.

13. **Describe how you work with the media, assuming you do.**

    I have not worked with the media as of recent. However, I believe that when an event occurs where media coverage is anticipated, one must immediately develop the appropriate

response and be direct and out front with the City's message.

14. **Tell us what do you do in your leisure time?**

    I like to cook and bake, read, do yoga and recently I have gotten the hiking bug. In my down time, I enjoy being with family and friends.

15. **If you have ever done anything that would embarrass our client if it became public knowledge, please tell us about the incident.**

    None.

16. **Is there anything in your background that would embarrass our client if it became public knowledge?**

    No.

17. **When it becomes known in your community that you are a finalist in Fort Pierce, are there any community activists that are likely to contact our client with "the dirt" on you?**

    No.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

I have been working as assistant general counsel for the past nine years and I am ready to step into the role as the City Attorney. Hence, I am seeking to work for the City of Fort Pierce as the City Attorney.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

I would describe myself as efficient, prompt, thorough, detail oriented, resourceful, and hardworking.

CURRENT / MOST RECENT SALARY

$124,000.00

Section 6

CB&A Background Checks

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Palm Beach County, FL	No Records Found
Martin County, FL	No Records Found
Orange County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Palm Beach County, FL	No Records Found
Martin County, FL	No Records Found
Orange County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Lohman Law Group (2014 – Present) Corbett White & David (2009 – 2014) 9th Judicial Court (2001 – 2008) ***Confirmed*** The Keane Law Firm (2008 – 2009) ***Verifications Pending***
Florida Bar Number	Member in Good Standing Bar #512362

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
ABIGAIL "ABBY" FORRESTER JORANDBY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Abigail Forrester Jorandby

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.

Please explain any yes answers on a separate sheet of paper.

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.
    None.

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

CB&A Reference Notes

Max Lohman - Attorney, Loman Law Group, FL 561-373-0278

Mr. Lohman has worked closely with Ms. Jorandby from 2009, but has been her supervisor since 2014. As the attorney who trained Ms. Jorandby, Mr. Lohman has found her to be a very intelligent, analytical individual who remains poised under pressure. She is knowledgeable in all aspects of municipal law. As contracted counsel for multiple cities, Mr. Lohman fully trusts Ms. Jorandby to handle the many issues their office has stewardship over. She is an asset for Mr. Lohman and those they serve.

Ms. Jorandby is Mr. Lohman's associate and legal assistant for the City of Palm Beach and Town of Lantana. As such she has assisted in all facets of litigation, general day to day contract review and all other municipal responsibilities. Often when he is unable to attend various city council meetings, she will attend in his stead. As an experienced prosecutor, Ms. Jorandby is adept when speaking to diverse groups of people. When addressing an elected body, she knows when to listen attentively, offering advice when needed. One of her many talents is to analyze data quickly before offering well thought out counsel. She is confident and poised, without being condescending. Mr. Lohman is unaware of an instance where Ms. Jorandby's expert advice was not aligned with his or unaccepted by those they counseled.

Often dealing with the legalities involved with high growth areas, Ms. Jorandby has extensive experience and knowledge in development, redevelopment and environmental law. As the planning and zoning attorney for the City of Palm Beach Gardens, she has played an active role. One of her many attributes which has made her so successful in this area, is her willingness to seek expert advice when necessary. She gathers information, is detailed in her process allowing the best decisions to be reached. Another of her strengths is her ability to work efficiently with a team of diverse personalities. She has strong interpersonal skills, quickly earning the respect of those on her team. Mr. Lohman has confidently delegated many projects in this area to the strong leadership of Ms. Jorandby.

Ms. Jorandby is well versed in the area of constitutional law. For example, when a lawsuit was filed over the use of various homes in the downtown area by different ethnic groups for their religious worship, it led to an investigation by the Department of Justice. She assisted Mr. Lohman in drafting an ordinance, which met all legal requirements, while ensuring the constitutional rights of all parties. Another example of Ms. Jorandby's experience and expertise occurred when the City of Palm Beach Gardens was sued by Sears Company over an antiquated civil rights claim. Ms. Jorandby's skills in negotiating and her ability to remain calm under pressure were of great benefit when addressing Sear's high caliber legal team. Ms. Jorandby is astute and easily able to navigate a potentially volatile situation. Another example of her skills in municipal law occurred when she and Mr. Lohman were asked how to legally address a pet store who was selling animals bought from animal mills. With Ms. Jorandby's knowledge and expertise she efficiently helped draft an ordinance successfully shutting down the illegal practices of the pet store.

As a City Attorney himself, Mr. Lohman knows the qualities necessary to be successful in this position. Ms. Jorandby has those qualities. She makes good decisions and is thorough in all she

does. He is confident in her abilities to step into the role of a City Attorney and trusts her implicitly. For example, while Mr. Lohman was on vacation the City of Palm Beach had an election suit presented to them. Ms. Jorandby executed all actions required in addressing this suit, while keeping Mr. Lohman apprised of all details. She was flawless and professional throughout the trial, smoothly covering every aspect of the procedure. Ms. Jorandby is a highly skilled and talented lawyer who has extensive experience and knowledge of municipal law. Though reluctant to lose her valuable skills, he is confident she will be as much of an asset to wherever she serves as she has been to Lowman Law Group. She is an excellent candidate for any city attorney position.

Words or phrases used to describe Abigail Jorandby:

- Extraordinary intellect,
- Courteous,
- Unimpeachable character,
- Integrity,
- Warm, and
- Personable.

Strengths: Highly skilled, well versed on municipal law, with a pleasant demeanor.

Weaknesses: None identified.

Maria Marino – Mayor, City of Palm Beach Gardens, FL 561-906-8222

Ms. Marino has worked with Ms. Jorandby since 2017. Ms. Jorandby is a very skilled attorney with excellent communication and interpersonal talents. As a confident yet humble individual she knows how to be forthright while maintaining a respect for others positions. She has been an asset to the city leadership offering valuable, well thought out advice.

Though limited in the amount of time Ms. Marino has interacted with Ms. Jorandby, she has been very impressed with her knowledge base. As an inquisitive individual Ms. Marino has asked many questions pertaining to municipal law which Ms. Jorandby addresses with ease. When confronted by something she is not as confident in, she will put in extra effort to gather detailed information, ensuring the best possible answer. She is respectful and responsive.

Ms. Jorandby is very good at building consensus. During council meetings she is attentive, listening carefully to all parties before offering legal advice. Her presentations of information are clear and concise allowing all to easily understand what is said. Even in a contentious environment, Ms. Jorandby remains calm and composed often helping all parties to come to a mutual agreement. Ms. Marino has appreciated Ms. Jorandby's skill in balancing the need to be firm at times yet diplomatic at others. She has been a valuable participant in city leadership.

Ms. Marino confidently endorses Ms. Jorandby as an excellent candidate for any city or county attorney position. Her patience and professionalism are just some of her extensive qualities making her of great benefit anywhere she serves. She is an asset to the City of Palm Beach Gardens and will be missed.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable in municipal law,
- Pleasant demeanor,
- Patient,
- Thorough researcher,
- Detailed, and
- Responsive.

Strengths: Highly skilled and personable attorney.

Weaknesses: None identified.

Carl Woods – Vice Mayor, City of Palm Beach Gardens, FL 561-301-7023

Around 2016 Mr. Woods began working with Ms. Jorandby. With an extensive knowledge of municipal law and her excellent interpersonal skills, Ms. Jorandby is a valuable part of city leadership. She is professional and polite in every setting. Her willingness to address and answer any issue presented, is highly appreciated and respected by all who are part of city management.

Ms. Jorandby participates in Mr. Woods' weekly agenda review meetings where everything which will be debated during council meetings is discussed. Often there are fifteen to twenty department heads in attendance. When she is asked a question, he has found her responsive and knowledgeable. She is well versed on the city codes and charter. As she presents or responds, Ms. Jorandby is clear and easily understood by all. One of her most admirable qualities which make her such a valuable part of city leadership is her friendly, approachable nature allowing for smooth flow of information.

Like most cities, the City of Palm Beach Gardens has continuous encounters with land use and development. Ms. Jorandby is well versed in the judicial challenges entailed and has been of great value when negotiating and interacting with environmental agencies and developers. Knowing how to balance respect for those you are addressing while maintaining a firm stand, is one of many talents she offers when striving to ensure all legalities are covered.

Although the city's water and electric are contracted with outside sources, all other utilities are handled within. With up to 800 employees there have at times been labor and contract challenges.

Ms. Jorandby has proven adept when assisting in all debates and renegotiations. In addition, she is also astute and knowledgeable when handling any labor and personnel disputes.

As the city performs a deep background check on every individual employed, Mr. Woods is confident Ms. Jorandby reflects the type of professional she portrays. She is as an educated individual with good etiquette. Her extensive knowledge of all aspects of municipal law, along with her excellent interpersonal skills have made her an asset to the City of Palm Beach Gardens. Mr. Woods is confident she will be of equal benefit to any city or county seeking a talented attorney.

Words or phrases used to describe Abigail Jorandby:

- Good demeanor,
- Professional,
- Educated,
- Knowledgeable,
- Remains calm under pressure, and
- Approachable.

Strengths: Highly skilled, knowledgeable, experienced City Attorney.

Weaknesses: None identified.

Ron Ferris – City Manager, City of Palm Beach Gardens, FL 561-799-4112

Since around 2008, Mr. Ferris has worked closely with Ms. Jorandby. She is a very talented attorney well versed in all aspects of municipal law. Mr. Ferris has valued her communication and negotiation skills in many areas of management he has stewardship over. As a consummate professional, she conducts herself as such in all situations while maintaining a friendly and approachable demeanor.

Ms. Jorandby's extensive experience, along with her willingness to thoroughly research any legal issues, makes her an excellent advisor for Mr. Ferris. For example, in the past the code enforcement department was experiencing trouble with how codes were read and then how infractions were processed. Their lack of knowledge and training led to an increase turnover in personnel. Ms. Jorandby put extensive effort in researching, planning and implementing training programs. She then helped all code enforcement personnel learn how to read the code and then accurately process the code in the field. Due to her efforts and expertise, the department has less personnel change over and operates at a high level of performance.

Mr. Ferris has appreciated Ms. Jorandby's additional expertise in the area of city ordinances. When a citizen expressed a desire to place a memorial in a city park, Mr. Ferris turned to Ms. Jorandby

for help, realizing there were no current ordinances to address the issue. With extensive skill in how to efficiently research such a project, she assisted in writing an ordinance to include all details such as the purchase and installation of a monument. Thanks to Ms. Jorandby's tireless efforts the city now has a process and procedure written into law for any future endeavors along these lines.

The City of Palm Beach Gardens has its share of growth and development. Ms. Jorandby has proven adept in handling all legal aspects in this area. Willing to equally listen to each party involved in land use negotiation, she calmly and smoothly handles the diverse personalities. Her knowledge of codes and zoning allows her to be an expert in negotiating and resolving conflicts.

Ms. Jorandby participates in weekly agenda review meetings with all city leadership and department heads. Often as the lead attorney present, she interacts with ease with all those in attendance. Offering well thought out, accurate advice, in addition to how thoroughly she is prepared with supportive documentation for each meeting, are just some of the many talents she brings. She is adept in leading those involved to come to a mild conclusion when disagreements arise. She is respected and appreciated as an integral part of the community and all decisions made by leadership.

Mr. Ferris is confident Ms. Jorandby would be a valuable addition to any city leadership as their city attorney. She brings with her a valuable set of talents and skills from extensive knowledge of all aspects of municipal law, to her friendly approachable nature. She has been an asset to Mr. Ferris and his department and will be of great benefit to whoever employs her.

Words or phrases used to describe Abigail Jorandby:

- Professional,
- Strong moral character,
- Good communicator,
- Intelligent, and
- Knowledgeable.

Strengths: Experienced, hardworking, willing to research areas she is not as strong in when pertaining to municipal law.

Weaknesses: None identified.

Mo Thornton – Town Manager, South Palm Beach, FL 561-797-4132

In 2013 Ms. Jorandby was a contracted attorney for the City of Atlantis where Ms. Thornton was a member of the city leadership. Knowledgeable in all aspects of municipal law, Ms. Jorandby was a valuable addition to the city leadership. With excellent interpersonal skills, she is confident, articulate and approachable. Her talents were highly appreciated by Ms. Thornton and her staff.

Reference Notes
Abigail Jorandby

As an attorney, Ms. Jorandby has a unique personality. Willing to listen attentively is a valued skill earning the respect of all who work with her. Her calm approachable demeanor allows for easy transfer of information and interaction within different departments. During various city meetings she adeptly offers expert legal advice. When asked a question she is unable to answer, Ms. Jorandby willingly puts the extra effort in gathering all necessary data, and responds in a timely manner to ensure the best possible outcome. Whenever contention occurs within city leadership, she will diplomatically hold firm on her legal counsel while respectfully addressing all parties involved.

Ms. Thornton respects Ms. Jorandby's professional advice, deferring to her when deciding whether a case needed litigation. Ms. Jorandby first looks for alternative legally feasible solutions if possible. However, when prosecuting a case, she remains calm and articulate, willing to be firm when the situation requires. Ms. Thornton admires Ms. Jorandby's attention to detail. She is thorough in her preparations ensuring all documents and details are covered.

Knowledgeable in all areas of municipal law, Ms. Jorandby's expertise was utilized in labor negotiations. Once again, her talents in communication and attention to detail allowed for smooth interactions and resolutions. With their own water and sewer departments, Ms. Thornton relied on Ms. Jorandby's expertise in working on the liens and contracts. Another area where her prowess in municipal law was utilized was with code enforcement. Her understanding of city codes and how to legally enforce them was routinely depended on. Once again Ms. Jorandby was of great benefit in bringing resolutions to any code enforcement issue.

Ms. Thornton was saddened when Ms. Jorandby changed legal firms which resulted in her not being able to continue as legal counsel for the City of Atlantis. Ms. Thornton is confident Ms. Jorandby will be a valuable addition to any city or county attorney position she holds. She will bring with her extensive knowledge and experience along with excellent interpersonal skills.

Words or phrases used to describe Abigail Jorandby:

- Hardworking,
- Dedicated,
- Personable,
- Confident, and
- Knowledgeable.

Strengths: Highly skilled in municipal law and good interpersonal skills.

Weaknesses: None identified.

Reference Notes
Abigail Jorandby

Barbra Chabre – Executive Assistant, City of Palm Beach Gardens, FL 561-799-4138

As legal assistant for the city, Ms. Chabre has worked with Ms. Jorandby since 2008. Ms. Jorandby is smart and personable. Possessing an extensive knowledge of municipal law along with other diverse experiences, she brings a valuable set of skills to her position as Assistant City Attorney. Her interpersonal abilities allow her to be approachable. She is respected and liked by city leadership and staff.

Ms. Jorandby's experience goes beyond municipal law adding to her value as an attorney. She offers a unique perspective. Well versed in city government and the judicial issues entailed, Ms. Jorandby confidently can address any legal question posed. When confronted with something she is not as versed in, she consistently puts in the extra effort required to ensure all information and data is accurate and detailed. She is well known for her quick responses which are greatly appreciated by all seeking her advice.

When interacting with elected officials, she is professional and shows respect for diverse personalities and the positions they hold. Her calm cordial demeanor makes her easy to approach yet when the situation requires, she is firm. One of the prime areas of focus for the city deals with land use and development. With a large planning and zoning department, Ms. Jorandby is very active, attending all meetings. Annexation of land is routinely seen on the city agenda. She is well versed in all judicial matters pertaining to this area and offers excellent legal counsel. Another area Ms. Jorandby has been of great value is in code enforcement. Her understanding and expertise are heavily relied on.

Ms. Jorandby is an experienced, dedicated individual with extensive knowledge valuable to any city or county attorney position. She has been an asset to the City of Palm Beach Gardens and will be of great benefit to any place her legal prowess is employed. Though Ms. Chabre is reluctant to lose Ms. Jorandby's talents, she fully endorses her as an excellent candidate

Words or phrases used to describe Abigail Jorandby:

- Good interpersonal skills,
- knowledgeable,
- Creative,
- Solution oriented, and
- Interacts well with people.

Strengths: Strong knowledge of municipal law and excellent interpersonal skills.

Weaknesses: None identified.

Dyvonnda Thurston - Attorney, Office of State Attorney, FL 407-625-1999

In 2004, after graduating from the school of law, Ms. Thurston began working for Ms. Jorandby at the State Attorney's office. Ms. Jorandby at the time was the second in seniority in the office often taking most of the felony case load. She is a patient highly educated individual with many valuable talents in the field of law. As a mentor for Ms. Thurston she was one of the greatest influences in Ms. Thurston's career. Presently working as a prosecuting attorney, Ms. Thurston attributes her success to the training of Ms. Jorandby.

Ms. Jorandby has many talents which make her a capable lawyer. She possesses excellent interpersonal skill, able to communicate and relate to diverse groups of people from small settings to large. Her ability to be differential, whether speaking with an elected official or a defendant, is impressive. In the court room, Ms. Jorandby is intelligent, organized and calm. Some of her other valuable skills are her ability to listen attentively then to respond quickly with intelligent data. Her speech is clear and concise. Though having a quiet demeanor, she is firm when the situation warrants, making her position clear.

Another valuable skill Ms. Thurston gives credit to Ms. Jorandby for, is the knowledge of how to prepare for any type of legal case. Ms. Jorandby willingly puts effort and time into researching, gathering data and organizing it. She seeks input and expert advice ensuring her client's interests are thoroughly taken care of. Often the cases she and Ms. Jorandby worked on were search and seizure which require a great deal of reading through lengthy documents. Ms. Jorandby is adept in spotting the pertinent information required for the case in a timely manner. When possible, she will cleverly look for other solutions to prevent unnecessary litigation.

Ms. Jorandby is very good with contract law. For example, when handling probation cases, she is efficient in covering all necessary aspects of the client's contract including making it enforceable. Attainable goals are established, explained, and due dates set. Ms. Jorandby skillfully then drafts the contract, making it easily understood by the parolee with clearly explained means of enforcement. Another valuable aspect of Ms. Jorandby's personality is her ability to show compassion while setting clear expectations. She is passionate in her belief everyone has a right to improve and should utilize that right to become better.

During her tenure in the State Attorney's office, Ms. Jorandby displayed excellent managerial skill. She led by example. Professional in all aspects of her life, conducting herself with confidence and poise always remaining approachable. She showed sincere care for those she supervised and mentored. Her efforts were well regarded and her talents respected.

Ms. Thurston holds Ms. Jorandby in the highest regard. Her tutelage was beneficial in helping Ms. Thurston to become the skilled attorney she is today. She is confident Ms. Jorandby would be an asset to any city or county attorney position, bringing with her extensive experience and valuable skills.

Reference Notes
Abigail Jorandby

Words or phrases used to describe Abigail Jorandby:

- Prepared,
- Polite,
- Creative,
- Pleasant personality,
- Strong, and
- Assertive when needed.

Strengths: An intelligent, experienced, skilled attorney with wonderful interpersonal skills.

Weaknesses: None identified.

Karen Jorgensen - Attorney, Office of State Attorney, FL 561-909-9895

Upon graduating from law school, Ms. Jorgensen worked with Ms. Jorandby from 2006 until 2008. Ms. Jorandby was her trial partner and senior attorney during their tenure for the State Attorney's office. As a highly skilled, knowledgeable attorney, Ms. Jorandby is an excellent mentor. Leading by example, she works hard, is intelligent and possesses valuable interpersonal skills. Ms. Jorgensen attributes her continued success as an attorney to the example and attention Ms. Jorandby gave her during her early years as a new lawyer.

As a knowledgeable attorney, Ms. Jorandby is adept in various areas of the law. For example, she efficiently handled many fourth amendment violations which dealt with the legal issues of search and seizure cases. Comfortable in the courtroom, Ms. Jorandby remains calm and collected even during the most volatile of situations. Able to speak clearly and articulately is another of her strengths. She conducts herself professionally at all times, whether in front of a client or judge. Able to balance assertiveness while remaining respectful, is a valuable talent.

During pretrial conferences, Ms. Jorgensen admired how adeptly Ms. Jorandby was able to negotiate various claims in front of a judge and jury. Leading by example she knows how to thoroughly prepare, willing to put the extra effort into researching, ensuring all details are addressed and documented. Ms. Jorgensen attributes her ability to prepare adequately for her cases to the standard Ms. Jorandby set.

Another area Ms. Jorandby has experience in is development and land use. Her expertise and ability to thoroughly review contracts, willing to give extra effort to detail, results in the best possible decisions. With strong interpersonal skills she is able to address the diverse groups of people involved. She is ethical and trustworthy, able to quickly gain the confidence of those she is working with.

Even though Ms. Jorgensen has not had the privilege of working with Ms. Jorandby for some time, she is confident in Ms. Jorandby's abilities. She is a confident, experienced lawyer with a talent for relating to diverse personalities making her an excellent mentor. With her extensive and varied experience, she is an ideal candidate for any city or county attorney position.

Words or phrases used to describe Abigail Jorandby:

- Nicest person,
- Thoughtful,
- Knowledgeable,
- Honest,
- Calm, and
- Good demeanor.

Strengths: Experienced attorney with excellent interpersonal skill.

Weaknesses: None identified.

Laura Purcell – Administrative Assistant, State Attorney Office, FL 321-848-3305

In 2003 while working for the Juvenile division, Ms. Jorandby was Ms. Purcell's manager. She is an excellent manager able to mentor those around her. Ms. Jorandby is an attorney with a unique set of valuable talents. Though a young attorney at the time, Ms. Purcell found Ms. Jorandby to be confident and intelligent. She was an asset for the department, balancing compassion and understanding for those she interacted with.

Possessing strong interpersonal skills, Ms. Jorandby easily interacts with diverse personalities making her a valued individual in her department. As a good communicator, she is clear and articulate able to express information in a manner easily understood by whomever she addresses. Working with the type of cases inherent in juvenile law, Ms. Jorandby has the ability to compassionately interact with victims, perpetrators and parents. She balances understanding with adherence to the law. When confronted with an area she is less versed in, she will research for information and documentation ensuring she has the most accurate data before making any decision or offering any advice. Ms. Jorandby gathers expert opinions and is always open to creative and alternative solutions. She cared about her clients always giving her best effort.

Ms. Jorandby is an excellent manager. She sets clear expectations and leads by example. When Ms. Purcell helped to prepare Ms. Jorandby for trial, she found her approachable and patient. She has a unique ability to critique while remaining kind, always fostering a positive environment in a challenging department. Ms. Purcell found Ms. Jorandby sometimes too soft when on occasion an employee was released from their position. Over their time working together however, she

watched her grow, gaining managerial strength and experience. Ms. Jorandby is respected to this day for her efforts and skills.

Ms. Purcell has confidence in Ms. Jorandby's continued endeavors to increase her knowledge in all areas of law while continuing to grow as a leader. She was an asset to the juvenile department. The staff she managed and those individuals she served, respected her as a person and lawyer. She will be a valuable attorney for any city or county bringing strong interpersonal skills along with varied experience.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable,
- Compassionate,
- Open minded,
- Trustworthy,
- Good listener, and
- Communicator.

Strengths: Good management style able to relate and mentor those around her.

Weaknesses: None identified.

Crystal Gibson – Services Director, City of Palm Beach Garden, FL 561-799-4174

While serving as clerk for the Town of Lantana in 2009, Ms. Gibson met Ms. Jorandby who was working as a contracted attorney. Later they worked closely together for The City of Palm Beach Gardens in the area of code enforcement. Ms. Jorandby is a very skilled knowledgeable lawyer with extensive experience. She is approachable and always willing to assist offering sound legal advice. Ms. Gibson has appreciated Ms. Jorandby's many abilities and talents in bringing the area of code enforcement to a high level of performance.

Offering excellent communication and interpersonal skill, Ms. Jorandby is attentive and responsive to the needs of the department. Remaining patient and professional when confronted with angry disrespectful citizens is a talent Ms. Gibson greatly admires in Ms. Jorandby. She navigates diverse groups of people with ease when addressing any issues pertaining to city codes. When speaking with elected officials she is professional, respectful yet firm, adhering to the law. Ms. Gibson has admired Ms. Jorandby's ability to protect city leadership ensuring they are given intelligent detailed advice before decisions are made. She willingly will give extra effort in researching legal alternatives in order to offer creative solutions to protect the city, while providing fair resolutions to citizens.

Reference Notes
Abigail Jorandby

Ms. Jorandby is a skilled prosecutor handling all code cases. She is intelligent, organized and efficient in court. Anytime Ms. Gibson needs legal advice, Ms. Jorandby will come with examples to address her questions, applying her extensive experience and knowledge. When needing to review and clarify some of the existing city codes, Ms. Gibson sought Ms. Jorandby's expertise. Ordinances where written, presented to city council and training was established to help clarify all codes. Through Ms. Jorandby's efforts, Ms. Gibson's department operates confidently and smoothly.

Another area of attention Ms. Jorandby has been of great help with, was in dealing with stipulation agreements. When an individual violates a code, instead of going to court they have the option to sign an agreement called a stipulation agreement. Ms. Jorandby assists in drafting the agreement which includes setting timetables for the client, whether a fine is applied or not while ensuring all legal aspects are covered. She then presents all agreements for review by the magistrate before any parties sign to ensure enforceability. With her extensive knowledge and attention to detail, these stipulation agreements have allowed citizens to avoid the expense of litigation.

Ms. Gibson has enjoyed a good team relationship with Ms. Jorandby and thoroughly endorses her as an excellent candidate for any city or county attorney position. Her integrity and understanding of the political atmosphere in city government, showing respect for those she serves, is a valuable trait. In addition, possessing strong communication and interpersonal skills make her a strong manager who motivates those around her to excel in their positions. She has been an asset to Ms. Gibson and the code enforcement department of the City of Palm Beach Gardens.

Words or phrases used to describe Abigail Jorandby:

- Knowledgeable,
- Team player,
- Patient,
- Integrity,
- Ethical, and
- Professional.

Strengths: Strong, knowledgeable in all areas of municipal law, possessing excellent interpersonal skill.

Weaknesses: None identified.

Prepared by: **Beth Nestman**
Colin Baenziger & Associates

Section 6

CB&A Internet Research

Palm Beach Post, The (FL)
February 20, 2018

Judge quits case involving Gardens ballot questions
Author: Sarah Peters

A judge set to rule on four controversial Palm Beach Gardens ballot questions has stepped aside after a city attorney accused the judge of bias. Voters will decide the four questions -- two of which would relax existing term limits -- in the March 13 election, provided the new judge finds they are all "clear and unambiguous."

Judge Jeffrey Dana Gillen expressed doubt that the questions met that standard. "I'm concerned that the electorate is not getting the message. They need to know what they're voting about," Gillen said at a Feb. 9 scheduling conference.

A week later, Palm Beach Gardens Attorney R. Max Lohman moved to have Gillen disqualified. Gillen stepped aside Saturday and a new judge will hear the case at a date to be announced. The legal battle began when Sid Dinerstein, a former Palm Beach County Republican Party chairman, sued the city, clerk and Palm Beach County Supervisor of Elections Susan Bucher to block the questions from going to voters in March. He argued the questions are misleading. If the new judge throws out any questions, the election will proceed, but voters will be notified that their votes for the tossed questions won't count. The ballots cannot be changed or reprinted.

Gillen's questions speaking to the merits of the case during a scheduling conference were "highly prejudicial" and showed a bias against city clerk Patricia Snider, Lohman wrote in a Feb. 15 filing. Gillen granted Lohman's request to step down Saturday afternoon in an email to the attorneys. The judge is not allowed to deny the allegations, reject them as unfounded or comment on them at all except "obvious misunderstandings, misconceptions or misstatements," Gillen wrote in his order granting Lohman's request for a new judge.

Gillen previously quizzed city attorney **Abigail Jorandby** about the timing of the election, public-notice requirements, the number of words used in the ballot summary and the implications of throwing out one of the questions -- all of which were inappropriate for a scheduling conference, Lohman wrote.

Most of the judge's comments centered on the first of four ballot questions. The city has said the question merely cleans up an outdated city charter that has some conflicts with state law. If approved, it would also remove requirements in the charter that the city manager be a resident and undergo yearly performance reviews by the council, among other things.

Lohman wrote that Gillen's "blatant prejudging" and profuse apologies for exceeding the scope of a scheduling conference proved the city wouldn't get a fair hearing. Dinerstein said he's not happy about the recusal of the judge, but it shouldn't matter. "The ambiguity of the questions speaks for itself to every judge," he said.

https://www.lohmanlawgroup.com/press
2018

In The News

City of Palm Beach Gardens prevails in lawsuit brought by Sears, Roebuck and Co.

In a true "David vs. Goliath" legal battle, R. Max Lohman and **Abigail Jorandby** successfully defended the City's procedures and the constitutionality of its actions in the law suit brought by Sears.

https://therealdeal.com/miami/2018/04/17/sears-to-forbes-and-palm-beach-gardens-pay-our-2-1m-legal-tab-for-mall-sublease-lawsuit/
April 17, 2018

Sears to Forbes and Palm Beach Gardens: pay our $2.1M legal tab for mall sublease lawsuit

City resolution preventing anchor tenants from subleasing their space without approval was ruled unconstitutional
Author: Amanda Rabines

[CB&A Note: **Abigail Forrester Jorandby** is not specifically mentioned in this article but it explains the case that she helped win for the city as shown on previous page.]

The Sears store at Gardens Mall in Palm Beach Gardens

After winning a four-year legal battle over plans to sublease part of its store at the Gardens Mall in Palm Beach Gardens, Sears, Roebuck & Co. wants its landlord and the city to pay $2.1 million in legal fees.

The litigation dates back to 2014, when Sears sued the mall owner, Forbes/Cohen Florida Properties LP, for blocking its plans to sublease the second floor of the department store to Dick's Sporting Goods.

A year later, Sears added the city of Palm Beach Gardens to the lawsuit, citing that a city resolution preventing anchor tenants from subleasing their space without their landlord's approval.
R. Max Lohman, a Jupiter lawyer who represents the city, told the Palm Beach Post that the amount is "ludicrous" and "laughable." He said he billed the city about $79,000 in total costs.

Sears, meanwhile, said it was billed $1.5 million from Denton law firm in Chicago and about $600,900 in attorneys' fees from the Richman Greer law firm in West Palm Beach, according to the newspaper. Another $27,000 was billed for additional costs, including depositions, travel fees and subpoenas.

Over the summer, Sears successfully appealed a Palm Beach Circuit Court judge's ruling that favored Forbes and the city of Palm Beach Gardens. The state appellate court ruled that the city resolution is unconstitutional.

https://www.yogaalliance.org/TeacherPublicProfile?tid=123318
2018

Yoga Alliance

About **Abigail Jorandby**

I am a Registered Yoga Teach (RYT) with Yoga Alliance. I trained with Scott Feinberg and Mary Veal at Kula Yoga Shala in Jupiter, Florida, and obtained my 200 Hour certification in June 2015. I like to create a peaceful environment, an oasis for my students to connect with mind, body and breath.

https://www.law-verobeach.com/
2017

ABIGAIL FORRESTER JORANDBY, ESQ.

Abigail "Abby" Jorandby is a native Floridian and an alumnus of Florida Atlantic University (B.A. Spanish), University of Florida (J.D.) and Stetson University (LL.M in Elder Law).

She is a member of both the Florida Bar (2001) and the District of Columbia Bar (2016).

Abby began her practice as an Assistant State Attorney in Orlando, Florida and later entered into private practice working in the fields of probate, estate and trust litigation and municipal law.

A keen interest in Elder Law and the needs of the Elderly and disabled led her to obtain her LL.M in Elder Law from Stetson University.

She graduated in 2016 with High Honors from the program and her article "Armed and Dangerous at 80: The Second Amendment, the Elderly and a Nation of Aging Firearm Owners" was accepted for publication in the Elder Law Issue of the Journal of the American Academy of Matrimonial Lawyers.

Abby resides in Vero Beach and enjoys spending time with her family, friends and King Charles Cavaliers.

http://aaml.org/information-center/articles/armed-and-dangerous-80-second-amendment-elderly-and-nation-aging-firearm

November 11, 2016

Armed and Dangerous at 80: The Second Amendment, the Elderly, and a Nation of Aging Firearm Owners, 29 J. Am. Acad. Matrim. Law. 85 (2016).

in Elder Law

Author: **Abigail Forrester Jorandby**

Link to Full Article http://aaml.org/sites/default/files/MAT104_9.pdf

http://pubhtml5.com/ocgs/vpht/basic

Legal Aid Society of Palm Beach County Annual Report 2012

Published by Noelle Smith
January 6, 2015

[CB&A Note: Only the information relevant to Abigail Forrester Jorandby is listed below.]

2012 Donors

$350+

Abigail Forrester Jorandby, Esq

Palm Beach Post, The (FL)
August 17, 2014

Municipal law different conflict for Lohman
Author: Tony Doris Palm Beach Post Staff Writer

[CB&A Note: Only the information relevant to **Abigail Forrester Jorandby** is listed below.]

Some would call the city attorney's job combat duty, but R. Max Lohman, known around City Hall as Max, knows the difference.

Lohman, the 46-year-old, crew-cut veteran of six years as Palm Beach Gardens' general counsel and eight as Lantana's, came to municipal law practice after 16 years as a Naval officer and helicopter pilot, ending with the rank of lieutenant commander and a tour of duty as U.S. Naval Academy professor of warfare strategy and tactics.

The Palm Beach Gardens City Council this month voted to retain Lohman indefinitely. The council is scheduled to discuss next month whether to open the post to outside applicants, but judging from their comments, there appears to be little support for anything but keeping Lohman, who recently left the firm of Corbett, White and Davis to form Lohman Law Group with associate **Abigail Jorandby,** on the city's team.

The Florida Bar News
November 15, 2013

THE LAWYERS FOR LITERACY

Committee of the Palm Beach County Bar Association showed its thanks this Thanksgiving season by hosting a Bear and Book Drive to benefit the 15th Judicial Circuit Guardian ad Litem Program. “It makes us happy to know that every child who participates in our local National Adoption Day program will receive a book and a bear,” said **Abby Jorandby**, Lawyers for Literacy chair.

http://cdn.trustedpartner.com/docs/library/TownofPalmBeachShores2010/news/2_28_12_LPA_hearing_minutes.pdf
February 28, 2012

TOWN OF PALM BEACH SHORES
PLANNING AND ZONING BOARD
LOCAL PLANNING AGENCY MEETING

[CB&A Note: Only the information relevant to **Abigail Forrester Jorandby** is listed below.]

Assistant Town Attorney **Abigail Jorandby** explained that the ordinance being considered tonight was discussed by the Planning and Zoning Board previously.

It tightens up the landscaping requirements for corner fences and walls higher than 3 feet. She opined that this captures the possible 4'11" wall that could have escaped without landscaping.

Ms. Jorandby reminded the board that they will be making a recommendation to the town Commission regarding Ordinance O-1-12.

https://martincountybar.com/images/sidebar/2008-March.pdf
January 22, 2008

The Side Bar
NEWSLETTER OF THE MARTIN COUNTY BAR ASSOCIATION

Abigail Jorandby joined the Law Offices of Gregory G. Keane, P.A.

Attorney **Jorandby** has 7 years Litigation experience and will concentrate on Will & Trust Contests and Contested Guardianships

Research Compiled by: Shannon Farr
Colin Baenziger & Associates

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Harlene S. Kennedy

Attachments

Kennedy

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:11 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 7

Harlene S. Kennedy

Fort Pierce City Attorney Candidate Report

Section 7

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Cover Letter and Resume

Harlene Silvern Kennedy
6007 Timber Creek Lane Dallas, Tx. 75248
210-385-5933
harlenekennedy2002@yahoo.com

October 16, 2018

The City of Fort Pierce
C/0 Colin Baenziger & Associates

Dear Sirs:

Please consider this letter, my resume, and the enclosed reference letters an expression of my interest in the City Attorney position for Fort Pierce. My professional experience provides an excellent background for this opportunity. I have a broad and in-depth range of experience, with emphasis on municipal and local government, public works, complex contracts, environmental matters, land use, procurement, utilities, transportation, real estate, capital projects, open records (Sunshine Law), emergency management and other varied experience representing government agencies. I have both private practice and in-house counsel experience, including management responsibilities. I also have litigation and litigation management experience, as well as law office management experience; all of which could be useful for the City of Fort Pierce.

At my current employment for Dallas Area Rapid Transit (DART) I am the lead transactional attorney and fill in for the general counsel if he is not available. I also address the Board when needed. My day to day challenges include a variety of government issues, such as drafting resolutions and interpreting legislation, including state law, railroad, transportation and real estate matters, compliance and regulatory matters, open records and open meetings, procurement, complex contracts, ethics and Board matters. I have over twenty years' experience representing local governments, including over six years in South Florida. In addition to my current position, my professional experience with a variety of municipalities in South Florida and with the City of San Antonio provides me with an excellent background for filling the City's needs. I will gladly provide references to reflect these accomplishments.

Thank you in advance for considering me for this opportunity. I am admitted and in good standing with the Florida Bar and would be pleased to relocate to Fort Pierce. I look forward to hearing from you.

Sincerely,



Harlene Kennedy

Harlene Silvern Kennedy
6007 Timber Creek Lane Dallas, TX. 75248
210-385-5933 harlenekennedy2002@yahoo.com

MAJOR PRACTICE AREAS:

Municipal and Local Government Representation

- Procurement
- Construction
- Utilities, telecommunications, and infrastructure
- Drafting and interpreting legislation, including ordinances, resolutions and state and federal interpretation
- Negotiating and drafting complex contracts
- Structuring transactions, real estate, infrastructure and capital projects
- Risk management concerns
- Open records, open meetings, conflicts and ethical matters
- Economic development matters

Contracts and Complex Transactions

- Professional Services agreements
- Operations and maintenance agreements
- Non-disclosure agreements
- Licensing, hosting, and software agreements
- Public and private partnerships
- Structuring and documenting capital improvement contracts and programs

Construction, Real Estate and Leasing

- Eminent Domain Counsel for municipalities
- Contract drafting and negotiation
- Financing and loan transactions
- Landlord-tenant matters
- Banking regulatory matters
- Loan work outs and conveyances
- Complex real estate transactions, representing developers, and large corporate clients
- Construction Bonds And Take Over Agreements
-

Litigation and Litigation Management

- Management of outside counsel handling complex matters
- State and Federal Court representation of individuals and entities on contract and other issues

EMPLOYMENT HISTORY:

Texas 2013-present
Dallas Area Rapid Transit (DART) Dallas, Texas Senior Assistant General Counsel
Responsibilities include general counsel assistance to the agency, drafting complex contracts, preparing complex Board items; providing legal advice to various departments, including the Board, rail, commuter rail and light rail and bus transit contracts and funding, open records, and drafting and interpreting legislative matters.

Florida 2007- 2013
WEISS SEROTA HELFMAN et al, Coral Gables, Florida, Of Counsel
General Counsel for various South Florida municipalities. Responsibilities include procurement, construction, utilities and telecommunications, drafting and interpreting ordinances and resolutions, negotiating and drafting contracts, structuring transactions, real estate, infrastructure and capital projects, risk management, and open records and Sunshine Law.

Texas 1998 - 2006
THE CITY OF SAN ANTONIO San Antonio, Texas Assistant City Attorney

Eminent Domain Counsel: Responsibilities included supervising condemnation and eminent domain matters.
Counsel for Public Works Department: Responsibilities included advising on capital projects, storm water, drainage, and other utilities, telecommunications, transportation issues, real estate, construction, contracts, bidding and procurement, drafting and interpreting legislation, general advice and open records and meetings.

Texas 1992 - 1995
LANGLEY & BANACK, INC. (FORMERLY JEFFERS, BROOK) San Antonio, Texas Partner
Specializing in real estate and secured transactions, contract drafting and negotiation, financing and loan transactions, landlord-tenant matters, banking regulatory matters, loan work outs and conveyances; state and federal court litigation.

Texas 1988 - 1991
AKIN, GUMP, STRAUSS, HAUER & FELD San Antonio, Texas Associate Attorney
Specializing in complex real estate transactions, representing developers, lenders and borrowers, banking and financial institutions and large corporate clients, including structuring and documenting transactions; landlord-tenant matters.

NEW YORK 1985-1988
CADWALDER, WICKERSHAM & TAFT New York, New York Associate Attorney
Specializing in real estate practice representing developers, borrowers, and financial institutions in conveyances and financing; leasing and landlord-tenant matters; complex real estate practice for local, national and international clients.

BAR ADMISSIONS:
- Texas (active) 1988
- Florida (inactive/good standing) 1991
- New York 1985
- New Jersey 1985
- United States District Court Western District of Texas 1989

EDUCATION:
UNIVERSITY OF OKLAHOMA LAW SCHOOL, NORMAN, OKLAHOMA – Juris Doctor, Cum Laude-1984
Honors: Order of the Coif; Law Review; Dean's List every semester; First Place Appellate Advocacy Competition Recipient of Harden Ballard Memorial Award; Who's Who in American Law Students; Phi Alpha Delta Legal Fraternity; Class rank: Top 9%. (Attended final year at): NEW YORK UNIVERSITY SCHOOL OF LAW- 1983-1984

UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA - Bachelor of Arts, Cum Laude
Major - Accounting and English Minor – Education/ Honors Student; Florida Regents Scholar

ACCOMPLISHMENTS (EXAMPLES):
Completed complex railroad agreements, allowing Amtrak access to DART rail;
Drafted first right of way ordinance in South Texas (San Antonio);
Completed construction and resolution of complex issues with new municipal wastewater installation in Fla. Keys;
Complete grant funded construction for municipal park by take-over agreement in Broward County, Florida;
Closing on Macmillan Building, NY, NY.

COMMUNITY ACTIVITIES:

- Florida Association of Women Lawyers (FAWL)
- Director- Linda Ahmed Breast Cancer Fund (Miami)
- Director- National Council of Jewish Women-Kendall (Miami) Section
- Board Member-Miami Dade Community Relations Board
- Member-Miami-Dade Foster Care Review Panel
- Leadership San Antonio XIX
- Leadership San Antonio XXI Steering Committee
- Commissioner-City of San Antonio Work Family Commission
- Commissioner-City of San Antonio Historic Design and Review Commission
- Dallas Area Rapid Transit-Vice President of Women in Leadership
- Dallas Area Rapid Transit Graduate of MAX Program 2016
- Literacy Instruction for Texas (LIFT-Dallas)- Volunteer instructor of English as Second Language

LANGUAGES: English, Spanish

Section 7

Candidate Introduction

Harlene Silvern Kennedy

EDUCATION

Bachelor of Arts: University of Miami English/Accounting/Minor Education
Juris Doctor: University of Oklahoma (Also attended NYU School of Law toward this degree)

EXPERIENCE

DALLAS AREA RAPID TRANSIT (DART) Dallas, Tx.	Sr Asst. Gen. Counsel		2013 to present
WEISS SEROTA HELFMAN Coral Gables, Fla.	Of Counsel		2007 – 2013
THE CITY OF SAN ANTONIO San Antonio, Texas	Asst. City Atty		1998 – 2006
LANGLEY & BANACK, INC (FORMERLY JEFFERS, BROOK) San Antonio, Tx.	Partner		1992 – 1995
AKIN, GUMP, STRAUSS, HAUER & FELD San Antonio, Texas		Assoc Atty.	1988 – 1991
CADWALDER, WICKERSHAM & TAFT New York, New York		Assoc Atty	1984 – 1988

BACKGROUND

DART is the transportation entity that covers North Texas and owns and operates the bus, commuter, commuter rail, light rail and other multi modal transportation systems in the Dallas metropolitan area, including the longest light rail system (93 miles) in the United States. DART is a subdivision of the State of Texas with about 4000 employees and is one of the largest transportation agencies in the country. DART was created by the voters on August 13, 1983 and funded by a one-cent local sales tax. The service area consists of 13 cities. DART has a 15-member Board of Directors appointed by the service area city councils and which meets generally twice per month. Board members serve two-year terms with no term limits. The Legal Department has eleven lawyers, about half of which are litigators.

DARTs capital and non-operating budget is approximately 290 million; and the operating budget is about 495 million. DART receives about 545 million in sales tax revenue annually, as well as farebox recovery, grants and many other sources of revenue. DART is growing and thriving and has many huge projects on the horizon, including the construction of a new east-west commuter rail line expected to go into revenue service in 2020.

Harlene Silvern Kennedy

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I take a collaborative approach whenever possible and like to give credit whenever it is due. I enjoy working with an open door and unstructured approach whenever possible. I have a fairly informal demeanor, unless circumstances dictate otherwise. I have lived in many communities and find that a lack of formality and plain friendliness puts people and the public at ease.

My career has encompassed public and private practice and I feel this has taught me good use of my time and good listening skills. Billing time has taught me to care for my time and public practice has taught me to understand how to be collaborative. I have also learned management skills by fire, having had my own practice more than once and managed other lawyers, putting me both on the giving and the receiving end of that spectrum. Every place I have worked, and every kind of employment has taught me something new. I believe the best skill and take-away is recognizing what the lessons are and how to put them to work in the future.

I have lived in both Texas and Florida many years and have learned to appreciate the diverse cultures of both. I have worked for huge and smaller firms, small and large cities and have learned to provide work-arounds and solutions for the most unique and demanding problems. My greatest strength is in being the "go to" for problem solving. I am proud of being the creative lawyer that I am. I am often introduced at DART as being the lawyer of the "deals". I bring people together. I am a strong negotiator, but I know how to get what I want without offending people (usually).

I am particularly proud of a transaction I recently completed for DART which will result in interactive Wi-Fi kiosks being placed throughout north Texas, providing public transit passengers multiple features that are currently unavailable and resulting in increased ridership and benefits for the traveling public. A successful project like that provides satisfaction in giving and working for public service.

My hobbies are cooking and entertaining, live theater and reading. I am in a few book clubs and enjoy the discussions that results. I am also an avid traveler.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Creative
- Diligent
- Knowledgeable
- Ethical
- Persistent
- Personable

REASON FOR DEPARTING CURRENT POSITION

I hope to return to municipal law, sunny climes and my family.

CURRENT / MOST RECENT SALARY

My current compensation at DART is 151,000 plus bonus and benefits

CB&A Background Checks

Background Check Summary for
HARLENE SILVERN KENNEDY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Dallas County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Bexar County, TX	Not Available*
State	
Texas	No Records Found
Florida	No Records Found

Civil Records Checks:

County	
Dallas County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Bexar County, TX	Not Available*
Federal	
Texas	No Records Found
Florida	No Records Found

Motor Vehicle	
Texas	No Records Found
Credit	Good
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Current status is, Inactive and Not Eligible to Practice Law in Florida ** Bar #886660

* Records are only available in this state for the past seven years and the candidate worked in the county prior to that period.

Background Check Summary for
HARLENE SILVERN KENNEDY

** Ms. Kennedy told us she can reactivate her license upon payment of fees and /or some continuing education. We are attempting to verify that statement with the Florida Bar but its internal phone system is currently not working and the receptionists we have spoken to are not helpful. We expect to have an answer within a few days.

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
HARLENE SILVERN KENNEDY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: HARLENE SILVERN KENNEDY

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.

Please explain any yes answers on a separate sheet of paper.

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 ☐ Face Book
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.
    Divorce Ltg. from Eddie Herrera. Divorce Only. from Thomas Kennedy

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

CB&A Reference Notes

Dave Beerner – Former Mayor, Village of Islamorada, FL 305-852-5674

Mr. Beerner first met Ms. Kennedy in 2007. She served as the Village's City Attorney and worked with Mr. Beerner until 2012. They have remained friends and continue to have some, occasional contact.

Ms. Kennedy was an attorney who cared about their community. She took care of the elected officials and kept them out of trouble. She was very professional attorney who knew what she needed to do for their community. She handled the issues of the Village wonderfully.

Ms. Kennedy made good recommendations to the elected officials and Mr. Beerner is not aware of any instances where they did not follow her advice. She kept them in check. They trusted and followed her advice even when they did not want to because they knew she would not steer them wrong.

When issues arose Ms. Kennedy helped to find solutions; gave good advice; then pointed the Council in the right direction. At one point the State mandated that they entire island be switched from a septic system to a sewer system, but did not provide any financial assistance to complete the project. She did an excellent job of navigating them through the process and even helped them to find some grants to contribute towards the financial burden.

The Village does not have a huge issue with a homeless population, however, affordable housing is one. Ms. Kennedy helped Mr. Beerner to establish some legalities in terms of that issue. They put into place some impact fees for any new business that opens in the Village and require that they provide affordable housing for at least ⅓ of their workforce.

When it came to working with the public, Ms. Kennedy did well. The City Attorney is right up there with the Council as a public figure. She did well interacting with the residents even in the face of everyone trying to tell them all how to do their jobs.

Mr. Beerner is not aware of any controversies involving Ms. Kennedy. He does not know of anything unflattering from her background that a reasonable person would be concerned about. He wanted to hire her as the full time City Attorney after he was off council, but politically it did not work out. He highly recommends her to any municipality that wants to hire her.

Words or phrases used to describe Harlene Kennedy:

- Competent,
- Reasonable,
- Informative,
- Personable, and
- Knowledgeable.

Strengths: An experienced and knowledge attorney who genuinely cares about the community she represents.

Weaknesses: None identified.

Todd Plesko – Vice President for Service Planning, DART, Dallas, TX 214-749-2750

Mr. Plesko first met Ms. Kennedy in 2013 when she came on board at DART. She provides assistance to him on interlocal agreements with other governmental entities. Their service area includes 13 cities and they also have agreements outside those service areas where she works on projects from transportation services to construction.

Ms. Kennedy is the strongest person they have who deals with other cities, counties, and the federal government. She is a very quick learner and they work together on some projects where she has to learn the business strategies and goals in order to be successful. She is a good listener who provides excellent input and value to each project.

Ms. Kennedy is fast and responsive. She works out issues quickly even when it requires working with other attorneys. She also has a good sense of humor which is helpful when they are in the trenches. She is definitely passionate about what she does. Some feel that she is too enthused about certain things, but Mr. Plesko feels it is an asset to their agency.

When issues arise, Ms. Kennedy is generally helpful in finding a way to solve a problem while protecting the agency and keeping them from severe risk. She identifies problems and comes back with solutions on how to solve them within the requirements of the law.

Ms. Kennedy negotiates well on behalf of the party she is representing. DART is a public agency set up by the state of Texas. At one point they had to negotiate with the bank and a technology company about some kiosks they were planning to build at the stations. In those negotiations she dealt with some elements of real estate and revenue with the bank who was being particularly tough. At one point Mr. Plesko thought they were going to fail, but she advocated strongly for DART and ended up with the agency's revenue potential protected.

DART has a 15 member board that is appointed by public officials to which Ms. Kennedy reports. Part of her job is to provide the board with legal advice. Mr. Plesko is not personally familiar with them doing anything different than what the general counsel has advised them to do.

Ms. Kennedy does have experience with the public and is good at it. They conduct public hearings where she provides assistance when necessary and she is nothing other than friendly and cheerful with those in attendance.

Mr. Plesko is not aware of any controversies involving Mr. Kennedy. He does not know of anything from her background or conduct that would be of concern to a reasonable person. If he

were looking for a City Attorney he would hire her for that position because of her plethora of experience.

Words or phrases used to describe Harlene Kennedy:

- Intelligent,
- Extremely responsive,
- Creative, and
- Honest.

Strengths: A quick learner who is responsive and helpful.

Weaknesses: None identified.

Scott Carlson – Former General Counsel, DART, Dallas, TX 214-497-2307

Mr. Carlson first met Ms. Kennedy when she came on board with the agency in 2013. He worked with her until he left DART in September 2018. They continue to stay in contact.

Ms. Kennedy brought much strength to DART. As the General Counsel Mr. Carlson looked for several attributes in those who reported to him and she met them. She cared about what she was doing and wanted to produce good results. She ended up dealing with some fairly complex transactional matters and he could count on her to get them completed. He rated her as a top performer in the office.

Ms. Kennedy knew her stuff. She has several years of experience and knows municipal law well and knows how to put a transaction together. She also brought an understanding of open records, a sense of parliamentary procedure, and has done quite a bit of litigation. She is a well-rounded, experienced attorney.

Mr. Carlson would characterize Ms. Kennedy as responsive and her responses were timely. Any number of people in the agency enjoyed working with her. She dealt well with those who had difficult personalities and he never had to defend any of her work.

On the occasions when Ms. Kennedy addressed the board, she exercised solid judgement in regards to the transactions on which she worked that were presented to the board for approval. For the most part the legal work was done in the background working with one of the Vice Presidents and then presented to the board by said Vice President. Mr. Carlson is not aware of any circumstance where the board did not heed the advice of Ms. Kennedy.

Ms. Kennedy is a solutions person, however, sometimes the law just will not allow something to be done. She was always looking for a way to get the objective done, but at the same time ensuring to protect the agency.

When it comes to communication, Ms. Kennedy was absolutely good about keeping Mr. Carlson keeping him in the loop. She cc'd him on emails and let him know if a matter of some significance was percolating. They would also use each other as sounding boards and bounce ideas off of each other which helped in the communication realm.

Mr. Carlson is not aware of Ms. Kennedy being involved in anything controversial since he has known her. He has no knowledge of anything in her background or conduct that would be concerning to any future employer or a reasonable person. If he were looking for a City Attorney, he would give her optimum consideration. She will care about the organization and go the extra mile to come to a positive outcome.

Words or phrases used to describe Harlene Kennedy:

- Works well with people,
- Cares about performance and outcomes,
- Can hold her own with difficult personalities,
- Personable,
- Well liked, and
- Top performer.

Strengths: A highly experienced and knowledgeable individual who genuinely cares about what she does.

Weaknesses: None identified.

Janice Thompson – Attorney and Past Client, San Antonio, TX 210-365-4300

Ms. Thompson first met Ms. Kennedy in the late 1980's when they were fellow attorneys at Akin, Gump. They worked together for approximately three years. On occasion they have sent each other work over the years. Ms. Thompson has been a client and has done work for Ms. Kennedy as well.

Ms. Kennedy is very smart and can pick up on legal issues quickly. She is also good at framing issues appropriately and working to resolving them. She is highly capable and makes good decisions when it comes to the law. She has an excellent command of the law and comes with very good credentials. Even though she does have a firm grasp on the law, anyone would be a fool to think they know everything about it. If she has to do research, she does. She is exceptionally knowledgeable in municipal law and is uniquely qualified to work in a government position.

At Ms. Kennedy's current position she seems to be highly valued by the board. The Chairman is very fond of her and although Ms. Thompson has not seen her in action she is not aware of an instance where the board went against her recommendations.

Ms. Kennedy is the type of attorney who will look for ways to do something if it is possible within the constraints of the law. If it is absolutely prohibited by law and it is a black and white issue she will say no.

When it comes to dealing with the public, Ms. Kennedy does well. She has been involved in all manner of legal issues dealing with varying groups of people. She is personable and is excellent at interacting with others.

Ms. Thompson is not aware of anything from Ms. Kennedy's background that would be of concern to a reasonable person. She has not been involved in any controversies. She would hire Ms. Kennedy if she were looking for a City Attorney.

Words or phrases used to describe Harlene Kennedy:

- Competent,
- Driven,
- Energetic,
- Highly intelligent,
- Diversified, and
- Confident.

Strengths: Extremely smart individual who has a myriad of experience in her field.

Weaknesses: None identified.

Loveta Jones – Administrative Law and Trial Board Representative, DART, Dallas, TX
214-749-3390

Ms. Jones has known Ms. Kennedy since 2013. She began reporting to Ms. Kennedy about 18 months after Ms. Kennedy came to the agency. She reported to her for approximately 4 years. As of October 2018, Ms. Jones moved to a different department and no longer reports to her.

Ms. Kennedy is very motivated in terms of her work and she truly enjoys what she does. She is a capable attorney and has been doing it for an extremely long time. Her wealth of knowledge serves her well. She has been practicing law for so long that her duties as an attorney have become second nature.

Ms. Kennedy is responsive almost to a fault with their clients. If she has to rely upon the staff to assist her, she also pushes them to respond in a timely manner as well. Additionally, she is a solid communicator. When she and Ms. Jones worked together on any project or issue she was always kept in the loop.

Ms. Kennedy is a solutions oriented person, but ensures to stay within the law. As an attorney she knows what she can and cannot do. She desires to assist her clients and does not want to be the person who is always saying no, so she will think outside the box for solutions while still working within the law. That is the beauty of the business they are in. Situations are not always black and white and she can use her creativity to find a way to make things happen. Additionally, Ms. Jones is not aware of a time when the board went against her recommendations.

Ms. Jones does not know of any controversies involving Ms. Kennedy. She is not aware of anything from Ms. Kennedy's background or conduct that would be looked upon as unflattering by a reasonable person. She would do a fine job as a City Attorney and it is well within her area of expertise.

Words or phrases used to describe Harlene Kennedy:

- Enthusiastic,
- Driven,
- Optimistic,
- Leader,
- Hardworking, and
- Diligent.

Strengths: Has a wealth of knowledge in her field and is extremely timely.

Weaknesses: Sometimes has issues when being introduced to new technology.

Laura Wendell – Attorney, Weiss, Serota, Helfman, Coral Gables, FL 305-854-0800

Ms. Wendell first met Ms. Kennedy in 2007. They worked together at the same law firm until 2013. They have continued to stay in contact since that time.

Ms. Wendell highly recommends Ms. Kennedy and suggests she is moved to the top of the list of finalists. She is a pleasure with whom to work and brings a level of enthusiasm to anything she does. She is highly skilled at what she does and is an excellent attorney. She brings expertise to the table in contracts, procurement, negotiating, and transactional issues. She also worked on some fairly complicated issues in the Village of Islamorada in regards to their utilities.

Ms. Kennedy is an excellent communicator with all types of different people in varying capacities whether it is with the elected officials, at workshops with colleagues, or with the public. She has a warm personality and a knack for putting people at ease. As a professional colleague she is very reliable and a team player.

Ms. Kennedy is very caring and understands the law as it pertains to the practical needs of the community. She brings a down-to-earth perspective to each situation even though she is an

attorney. She is a solution finder and will make things work while staying inside the lines of the law. She is highly ethical and will not counsel anyone to do anything illegal, but will explain the limitations with a solution in mind. Ms. Wendell is not aware of a situation where the elected officials went against the advice of Ms. Kennedy.

Ms. Wendell is not aware of any controversies surrounding Ms. Kennedy. She has no knowledge of any embarrassing items in Ms. Kennedy's background or conduct that would be of concern to a reasonable person. She would absolutely hire Ms. Kennedy as a City Attorney if she had the opportunity.

Words or phrases used to describe Harlene Kennedy:

- Diligent,
- hardworking,
- Committed,
- Caring,
- Ethical,
- Skilled, and
- Personable.

Strengths: A skilled attorney who works well with people and is extremely experienced.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

http://citysecretary2.dallascityhall.com/pdf/meetings/103018_DART_RRR.pdf
October 30, 2018

Harlene Kennedy listed below as Secretary

Agenda

Public Notice

2018 OCT 26 PM 4:09

CITY SECRETARY
DALLAS, TEXAS

18 09 83

POSTED CITY SECRETARY DALLAS, TX

Regional Rail Right-of-Way Company
Tuesday, October 30, 2018, 11:00 a.m.
DART Conference Room B – 1st Floor
1401 Pacific Ave., Dallas, Texas 75202

1. Approval of Minutes: June 5, 2018
2. *Overview of Regional Rail Right-of-Way Company
3. *Report on Quarterly Freight Operations for Third Quarter of Fiscal Year 2018
4. *Review of FY 2018 Third Quarter Financial Report
5. Identification of Future Agenda Items
6. Adjournment

***This is a Briefing Item Only**

The Regional Rail Right-of-Way Company may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, or under Section 551.072 for Real Estate issues, arising regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2543, 48 hours in advance.

Chair *– Sue S. Bauman,*
Member *– Paul N. Wageman, and Gary Thomas*

Officers *–Tim McKay, President*
Bonnie Murphy, Vice President
Katy Galindo, Treasurer
Joe Costello, Assistant Treasurer
Harlene Kennedy, Secretary

file:///C:/Users/mine/Desktop/_CI867683_otherlinks_files_May_2017_Meeting_Minutes.pdf
May 10, 2017

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

DIVISION 13 MONTHLY
MEETING MINUTES FROM MAY 10, 2017
GOVERNMENT CONSTRUCTION CONTRACTS
Next conference call will be on June 21, 2017 at 12 noon, EDT

3. Reserve Spending Scholarships

▪ Naomi Butterfield - Legal Counsel - Merrimack County, New Hampshire
▪Benjamin Field - Deputy City Solicitor - City of Philadelphia
▪ **Harlene Silvern Kennedy** - Senior Assistant General Counsel - Dallas Area Rapid Transit

http://www.miamidade.gov/advocacy/library/03-13-members-crb.pdf
March 2013

CRB Members

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

GENERAL MEMBERSHIP
Harlene Kennedy

WEISS SEROTA HELFMAN COLE & BIERMAN
AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

2011

Author(s): **Harlene Silvern Kennedy**

Hurricane Season Is Here...Can Your Emergency Contracts Withstand the Storm?
7 years ago

Since hurricane season is here, we remind you to check the status of your emergency/hurricane contracts. Make sure they haven't expired and that you have contracted with vendors who have experience with federal regulatory requirements regarding emergency cleanup measures.

In order to obtain federal reimbursement for debris monitoring and debris cleanup and management your contract should have been competitively bid following federal requirements. Some of these requirements include: having a work authorization procedure with a ceiling for the specific work being authorized; including in your contract federal highway provisions specifically as set forth in the statute and requiring compliance; and requiring the vendor to follow the current FEMA Management Guide in all services performed.

Categories: Government Affairs, Local Government

https://legalcommunity.wordpress.com/2011/05/23/attorney-harlene-kennedy-appointed-to-the-miami-dade-community-relations-board/
May 23, 2011

ATTORNEY HARLENE KENNEDY APPOINTED TO THE MIAMI-DADE COMMUNITY RELATIONS BOARD

Harlene Kennedy, an attorney with the firm of Weiss Serota Helfman Pastoriza Cole & Boniske, was named to the Miami-Dade Community Relations Board. The mission of the Community Relations Board is to intervene and contain community tensions as quickly as possible. Kennedy, who is Of Counsel with the firm, specializes in municipal law, construction, procurement, utilities and social media issues.

"I am looking forward to serving on the Board, and working with the dedicated professionals who seek to foster understanding of the complex issues that impact our community," said **Kennedy.**

The Community Relations Board works proactively to identify and relieve intergroup conflicts before crises arise and to develop bridges of understanding and support programs in the community.

Kennedy has extensive experience in both municipal law and real estate. She began her practice in New York, was a partner in a San Antonio law firm, and served as assistant city attorney in San Antonio, Texas in the areas of public works and eminent domain.

She is a also on the Foster Care Review Citizens Review Panel, member of the Florida Association for Women Lawyers and was admitted to Texas, New York and New Jersey Bars, as well as Florida.

Miami Herald, The (FL)
April 19, 2009

Residents seek sidewalk on busy McDonald Road
Author: Priscilla Greear

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

In other action, volunteer **Harlene Kennedy** reported on the work of the village committee studying the potential impact of the Florida Power & Light proposal to add in 2012 power transmission lines northward along U.S. 1 corridor from Turkey Point Nuclear Power Plant, coming near some Coconut Grove entrances.

The village is studying the project in regards to safety, property value, health and aesthetic issues, she reported.

A key issue being studied is whether to have the lines built underground. **Kennedy** said underground ones are more resistant to hurricanes in addition to being less aesthetically detracting.

The problem: Cost. The village would be responsible for the additional cost at a third over FPL's basic project installation cost for their community. "So far, there is no willingness from anyone to fund that," **Kennedy** said.

Council member Felice Dubin asked, "Why can't we get bids from other power companies even if just to compare the cost of underground versus overhead?"

And council member Niemeyer recommended that Grove residents contact other municipalities that would be affected.

"There is a long stretch of U.S. 1 -- including a lot of Miami-Dade County, not just us and South Miami. It seems all these people would have an interest in trying to act together on this," she said.

Miami Herald, The (FL)
April 5, 2009

Energy committee formed
The Coconut Grove Village Council has set up a committee to look proactively into energy concerns.
Author: Tania Valdemoro

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

The Coconut Grove Village Council has started a new committee that will focus on area issues related to electricity and power lines. "I wanted to form the committee so that people would start getting feedback and form a plan," said Village Council chairman Martin Zilber.

The move comes at a time when several municipalities in South Miami-Dade are concerned about Florida Power & Light's proposal to build transmission lines running along the Metrorail corridor at U.S. 1.

At the same time, Miami-Dade County Commissioner Katy Sorenson, elected officials and residents in these southern cities have raised questions about the safety practices at FPL's Turkey Point nuclear power station east of Homestead.

The FPL committee will be headed by **Harlene Kennedy**, a former city attorney with the city of San Antonio ,Texas, and a recent candidate for an open Village Council seat now occupied by Adam Weirich. Kennedy was chosen because of her years of experience working with various government agencies, Zilber said.
Joining her is Village council member Alyn Pruett, who encouraged other Grove residents to serve on the committee. It is expected to tackle a number of issues -- from burying overhead power lines underground to preventing power outages to finding out if the utility has plans to install new high-voltage transmission lines within Coconut Grove or nearby.

Two potential routes both emanating from Turkey Point -- one headed west and the other headed east along stretches of U.S. 1 -- have been proposed, said Mayco Villafaña, an FPL spokesman. Company officials had made a presentation about the transmission lines last December, he said. When asked if FPL has plans to install the transmission lines within the boundaries of the Grove, Villafaña said, "None of the potential routes identified by FPL and discussed with customers and elected officials has an impact on those areas described by you as the Grove."

He added: "One of the potential routes would use the Metrorail corridor, along U.S. 1, but lies outside of the Grove boundaries."

Stuart News, The (FL)
August 14, 2000

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

PUBLIC RECORDS

Civil actions
$2,500 to $10,000:

Ready Resources vs. **Harlene Kennedy Herrera** aka **Harlene Kennedy.**

San Antonio Express-News
July 19, 1995

Column: Business Briefs
Solo Serve alters stock factors

[CB&A Note: Only the information relevant to **Harlene Silvern Kennedy** is listed below.]

Steering committee chosen

Leadership San Antonio alumni have been named to this year's steering committee to select the 1995-96 class.

Committee members are:

Harlene Kennedy Herrera, Jeffers, Brook, Kreager and Gragg Inc.

Leadership San Antonio is a jointly sponsored program of San Antonio Hispanic Chamber of Commerce and the Greater San Antonio Chamber of Commerce.

San Antonio Express-News
May 27, 1994

Zoo supporters praise ex-director DiSabato Deborah Menger
Author Unknown

Jungle rhythm from The Presidents drum group throbbed in the damp air on Villita Assembly Building's patio and on down to the River Walk on Wednesday night. The San Antonio Zoological Society's Safari Party/ Toasta-monial honoring newly retired zoo director Louis DiSabato and his wife, Phyllis, was in full swing.

Among the craning congratulators decked out in safari and/or casual wear were party chairwoman Clarita and Dr. Bill Johnson, Lou and Jess Womack, Gay and Bob Keahey, Agnes and Roane Harwood, Valerie and Jack Guenther, Linda and Dave White, Iris Sanchez Stewart, Bobbie and David McKelvey, Canda and Richard Arneson, Mary Jo and Jim Boren, Sally and George Muellich, Wayne Ferguson and Priscilla and John Lupe with Joella and Will .
Favorite Louis stories were swapped back and forth as guests sampled the wares from among Rosemary's exotically festooned food and drink booths. DiSabato safari photos centered every little table.

Julie Parker remembered taking her son on a zoo field trip where "I wandered off to look at the foxes and this handsome man came up and started telling me all about them. I thought he was a 'zoo lurker' and wondered why he didn't get a job instead of accosting strangers all day. "I was really embarrassed when I found out he was the director," she said. Former society president Rugeley Ferguson praised DiSabato's almost 26-year tenure. "He had the ideas, knew what he wanted to do and he did it," he said. "He has left us a legacy for our grandchildren," Joci Straus commented before the brief awards ceremony.

Society president Mary Barrett , who "doesn't make speeches," didn't. Instead she presented Louis with a citation, a scrapbook and a bronze eagle sculpture. Phyllis received the zoo's official "Good Egg Award," a painted ostrich ovum. And party proceeds are slated to fund a zoo project in Louis' honor.

Cheers and applause at presentations' end came from Carolyn and Dr. Mark Thornton, Tina and Bob Jones, Suzanne and Jim Goudge, Beverly and Richard Halter, Marie and Joe Soules, Betty and Jack Meyer, Tom Kocurek, Linda and Paul McSween, Diana Plummer, Joel Erben, **Harlene Kennedy** and the DiSabatos' five children plus spouses.

Also on hand were Marilyn and St. Louis Zoo director Charles Hoessle , Tyler zoo director Hayes Caldwell and George Speidel , the Milwaukee Zoo's retired director. The DiSabatos are planning to cross the country and visit zoos in their brand-new motor home. They also are planning more "eco tours" (read safaris), Louis said in his speech. "And Phyllis and I would like to thank you for being here and for tonight special," he added.
Thank you, Louis.

San Antonio Express-News
August 28, 1993

2 chambers pick 41 for leadership training

The first Leadership San Antonio class co-sponsored by the San Antonio Hispanic Chamber of Commerce and the Greater San Antonio Chamber of Commerce has been named. Forty-one people have been selected for the 1993-94 class, which is the first under the two chambers' collaborative effort. "With the increased involvement of the Hispanic Chamber, we expect great things from the 1993-1994 program," said Greater Chamber Chairman Al Martinez-Fonts. Co-chairpersons for this year's program are David Manuel, dean of the St. Mary's University College of Business, and Veronica Salazar, San Antonio Express-News vice president for corporate relations.

The program involves nine months of small group discussions, tours, lectures and problem-solving simulations. Leadership San Antonio has produced 600 graduates in its 19-year history. People selected for the new class are:

Harlene Kennedy, Jeffers, Brook, Kreager & Gragg;

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Iola T. Mosley

Attachments

Mosley

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:12 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 8

Iola T. Mosley

Fort Pierce City Attorney Candidate Report

Section 8

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Cover Letter and Resume

Iola T. Mosley, Esq.

752 Aberfoyle Avenue
Fort Pierce, Florida, 34947
(772) 448-4066
(561) 909-9370 (cell)

To The Mayor and Honorable Commissioners;

Thank you for the opportunity to apply for the position of City Attorney for the City of Fort Pierce. On review of the job description it is clear that you are looking for a candidate who is familiar with the responsibilities of the office and one who can continue to build upon a successful working model for the City Attorney's office.

I have been employed with the Office of the City Attorney for the City Of Fort Pierce, as the Senior Assistant City Attorney for two and one half years. In that time I have learned much about the legal needs of the City, and how best to work with staff to address those needs. I work day to day with Boards, and most City Departments; including Human Resources, Code Enforcement, Planning, and the Police Department. I provide legal support for these departments as requested and if necessary, litigate matters behalf of the City. In addressing the needs of the City it is essential to know exactly what assistance is needed and the best way to achieve a successful outcome. Clear communication in essential to the delivery of accurate legal advice. The current Request for Legal Services is an example of a best practice in ensuring accuracy. This is a practice that I brought forward to enhance delivery of accurate services. As your City Attorney I will continue to build upon established efficiency models for successful communication and service to the client.

The City needs a strong advocate who can address the legal needs of Commission, and who can evaluate and render advice on the most constructive legal means to accomplish the goals of the City. I have the pleasure of collaborating with nearly every department in the City and I provide apt and timely direction, and competent legal advice each time I am called upon to do so. In advocating for my Clients I always strive to give judicious and precise legal advice based on sound principles of law.

I am a team builder. I have worked to successfully build team consensus and trust among my co-workers and peers. It is important that all employees are treated with respect and that all team members are given honest appraisals, and feel that they accorded fair treatment. That creates a team that functions at its highest efficiency. As it concerns the staff of the current City Attorney's Office, due to the recent departure of one of the Assistant City Attorneys, it will be incumbent on the next City Attorney to retain a well-qualified attorney to complete the office. Having been a successful recruiter of attorneys for the Public Defender for the 15th Judicial Circuit, I am well aware of the process of successful recruitment and

Iola T. Mosley, Esq.
752 Aberfoyle Avenue
Fort Pierce, Florida, 34947
(772) 448-4066
(561) 909-9370 (cell)

"best fit" team building. I have a vision for building upon the current structure of the City Attorney's Office to create a team of attorneys who will work together to enhance productivity and responsiveness, and increase efficiency within the office.

Being a leader includes the ability to mentor associates and to both teach and learn from one's colleagues. Knowing the value of persons is an essential quality of successful leadership; training, cross training and collaborative teamwork is an essential component of a successful law office. The highest level service is developed within a collaborative setting in which every attorney is able to advise in his or her area of specialty and whom also has the ability to assist in other legal matters within the office. This may occur when an office is functioning as a team, and not as components in isolation.

I have been consistently praised for my ability to problem solve, build consensus and advocate successfully on behalf of my Clients. I ask that you take the time to review my resume and consider the work that I have provided and will continue to provide on behalf of the City.

Thank you for your consideration, I look forward to hearing from you in the near future.

Sincerely,

Iola Mosley, Esq.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

Education

Howard University School of Law Washington, D.C. Juris Doctor 1986
Howard University, Washington, D.C. Bachelor of Arts/ Philosophy 1983
Nova High School, Davie, Florida 1978

Professional Experience

Office of the City Attorney for the City of Fort Pierce, Florida May 2016 to present

Senior Assistant City Attorney

- ***Human Resources Department and Civil Service*** Responsibilities include legal matters relating to the interpretation and application of all Personnel rules and Regulations, and the City's Civil Service, EEOC filings, Union Arbitrations, Union ULP filings, Grievances, Civil Service Appeals, Union contracts (Negotiations and Drafting), and Employment Related Litigation cases. Duties and responsibilities for this Board include the defense of the City and Management in all Grievance Hearings, Civil Service Appeals, Arbitration Hearings, PERC actions, and Special Magistrate Hearings, and appearing before the Civil Service Appeals Board (CSAB) which considers employees' appeals from Management decisions related to employment, in-depth review of such Appeal filings, performing legal research and preparing Briefs and Memoranda of Law, Motions, and related documents, and preparing Prehearing Statements required by applicable CSAB rules, meeting with witnesses and organizing evidence and preparation for adversarial hearings.

- ***Code Enforcement*** Duties and responsibilities include review of Agenda materials relating to the Board's monthly meetings, preparing for and attending such meetings, preparing *Massy* orders relative to the Board's rulings, preparing Legal Memoranda to the Board and staff, advice and preparation of amendments to Procedural Rules and Resolutions ultimately submitted to the City Commission for adoption, and representing the City in all appeals of this Board's rulings to the Appellate Division of the Circuit Court. Prosecute all civil Animal Control and Abuse custody cases. Advise on the current status or changes in the law as they occur or as requested by the Department Director.

- ***Historic Preservation/Planning*** Duties and responsibilities include in-depth review of meeting Agenda packages and preparatory legal research of potential issues associated therewith, pre-meeting conferences with the Historic Preservation Office and Staff, provide procedural guidance to the Board's clerk, and attendance at monthly meetings. Provide advice concerning the Secretary of Interior standards and other applicable regulatory matters which may come before the Board or as requested by the Department Director.

- **Construction Board of Adjustments and Appeals** Duties include advising the Board on issues relating to variance and exceptions to building and zoning regulations. I also available to advise the Board on changes in Federal, State and Local law which would impact building and zoning regulations In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law.
  I also advise on matters relating to parliamentary procedure.

- **Board of Examiners of Contractors** Duties include advising the Board on matters concerning the regulation and competence of contractors. I also available to advise the Board on changes in Federal, State and Local law which would impact the regulation of contractors working within the City limits of Fort Pierce. In addition I provide timely updates and offer training on Sunshine law, Ethics for Public Officers, and Public record Law.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

- ***Special Magistrate Code Enforcement Proceedings*** Serves as counsel and advocate for the Department of Code Enforcement in code enforcement proceedings before the City's Special Magistrates. Duties and responsibilities include prehearing preparation (reviewing cases with Code Enforcement staff and persons who may serve as witnesses, organization of evidence to be presented at hearings, legal research in preparation for argument on potential legal issues during such hearings, and preparation of Motions and Memoranda relative to such hearings), serving as an advocate for the City And Code Enforcement Department during such hearings, preparation of *Massey* orders and other orders as may be directed by the Special Magistrate, representing the City in any appeals from rulings of the Special Magistrate that are filed in the Appellate Division of the Circuit Court.

- ***Police Department*** Serves as Council to and provides timely and accurate support, research and representation of the Police Department. Duties include Assistance in development of training protocols; Drafting of Contracts; Memorandum of Understanding; Drafting and Litigating Forfeiture and Nuisance Abatement Proceedings in Circuit Court and Administrative proceedings. In addition I provide support and responses to legal inquiries regarding subpoenas and court appearances of officers and employees. In addition I advise and support the Citizens Review Commission as requested by the Chief of Police.

- ***Assistance and support to all City Departments*** Duties include providing timely and accurate training and legal updates to City Boards and Departments on Ethics for Public Officers; Government in the Sunshine; Rules of Order; and Public Records. Also responds to time sensitive request for legal opinions from various City Departments.

Other Duties include Drafting Ordinances and Resolutions, and advising departments on upcoming changes in statutory law as well as locating and advising on current ordinances and regulation. I interface with nearly every department in the City in order to assist with compliance with State and Federal requirements. I have served as the city liaison to the Sober House Task force for St Lucie, Indian River and Martin County.

Office of the General Counsel for the School Board of Palm Beach County, Florida March 2005 to May 2016

Senior Counsel Academic Compliance, Senior Counsel Government and Regulatory Compliance

Represented the School Board of Palm Beach County in a variety of Legal matters including

- Special education IDEA and ADA/504 and Civil Rights Litigation.
- Charter school litigation support for the Charter Department 2006-2012 including; negotiation of contracts, application denials hearings at FDOE (Florida Department of Education), as well as advised on variety of other administrative issues relating to the sponsorship of Charter schools.
- Provide support and advice regarding legal issues upon request or as directed by Board members, the Superintendent, and the General Counsel or Designee.
- Support and advise District administrative staff and personnel matters involving; Special Education, Immigration, Juvenile Dependency, Truancy, Criminal law and Procedure, Juvenile Delinquency, Civil Rights, Child Custody and School Attendance Zones, Student Discipline, Employment, Contracts, Civil/Family Trial Court issues affecting the District administrative staff and school centers. In addition upon request; provide assistance and support to District administrative staff for depositions, hearings, and trial testimony.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

- Represented the Superintendent, and District Administrative staff, in Student Discipline matters, and Expulsion Hearings on behalf of the District.
- 2005-2011 Served on the Chief Counsels litigation Team (to prepare and assist attorneys for trial and preparation for litigation on behalf of the School District).
- Conducted Training for District staff in Expulsions, Family and Custody matters, Special needs of children, Homeless Education (McKinney-Vento); Develop and present training protocol for Expulsion Hearing Officers, and conduct joint trainings with Legal Aid Society for Pro Bono Attorneys who represent District student personnel in expulsion hearings.
- Provided training for School Police on Custody issues 2012.
- Developed training presentation for the Unified Family Court Family Law Advisory Group (F.L.A.G.) entitled "The ABC's of Education Law" 2008.
- Represented the District on the School Justice Partnership 2009-2012.
- Governmental and Regulatory Compliance advised and developed Board Policies 2015.

Assistant State Attorney Office of the State Attorney 15th Judicial Circuit Palm Beach County, Florida September 2002 to February 2005

- *Juvenile Division September 2003- February 2005*- Felony and Misdemeanor prosecutions of Juvenile offenders on behalf of the State of Florida. Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.
- *County Court Division 2002-2003*- Prosecuted Criminal Misdemeanor and traffic offenses including DWI, Domestic Violence, Drug Possession, Theft, Lewd Assignations and a variety of other offenses Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys.

Assistant City Attorney for the City of West Palm Beach July 2000-July 2001

- Duties included Civil Trial Defense, Code Enforcement Litigation, Nuisance Abatement, and Lien Foreclosure. Supervised Staff including secretarial and paralegal

Law Offices Whitfield & Mosley October 1996-June 2000

- Partner General Practice firm, cases included; Criminal Defense trial /appellate, Family marital law matters, Civil Litigation
- Responsible for staff supervision and direction, payroll, and all other office expenses as well as shared litigation within a small firm.

Office of the Public Defender for the 15th Judicial Circuit Palm Beach County January 1987 to October 1996

- *1994-1996 Training Recruitment Coordinator*- Responsible for recruitment, training and development of attorneys. Also responsible to review and recommend attorneys for promotion to various positions within the office. Supervised Staff; including new attorneys Paralegals Investigators and Secretaries.
- *1993-1995 Capital Crimes Division*-Defended Clients charged with Capital Murder. Responsible for coordinating and supervising team litigation in the grand jury, trial and penalty phase of defense case.

Iola Thomas Mosley, Esq.
752 Aberfoyle Ave.
Fort Pierce, Florida 34947
(772) 448-4066

Supervised and coordinated Investigative paralegal and secretarial staff. Also responsible for staff development of attorneys

- *1990 to 1993 Felony Division*- Responsible for defense of clients charged with life felonies, first, second and third degree Felonies. Supervised; Investigative paralegal and secretarial staff. Additional responsibilities included legal staff development and mentoring
- *1988-1990 Supervising Attorney for County Court South Division*- Responsible to oversee the opening and staffing of the South County Office of the Public Defender. Supervised; Attorneys, Secretaries, Paralegal. Also responsible for coordinating representation and social services provided to clients. Worked directly with the judicial staff, State Attorney's Office, County Probation, as well as the Office of the Clerk to ensure the smooth transition of the Office to the South County Courthouse.
- *1987 County Court* Defended Misdemeanor Division-Supervised secretarial and paralegal staff in developing legal defense and coordinating social services on behalf of indigent clients
- *1987 Appellate Division*- filed appeals on behalf of indigent persons accused of crimes.

MEMBERSHIP

2017 American Bar Association
1987 to Present Member of the Florida Bar Association
1989 to Present F. Malcolm Cunningham Bar Association
Member of the Port St Lucie Bar Association
2006 to Present USDC Southern District
2005 to Present Palm Beach County Bar
Member of the Florida Bar Since 1987
Member of the St Lucie County Bar Association

AFFILIATIONS

1987-1999 Fla. Association of Criminal Defense Lawyers
1993 to Present
Delta Sigma Theta Sorority Incorporated A public Service Organization (Parliamentarian 1997-2002 2018; 1997-2002 and 2018 Chair Policies Procedures Committee)
1988 to present The Charmettes Incorporated (a public service organization) Financial Secretary Parliamentarian, Historian, Public Relations
2012-2017 Strategic Planning Committee, New Bethel Missionary Baptist Church
2005 to Present Florida School Board Attorney Association
Florida Association of Police Attorneys 2017 to present
Steering Committee Treasure Coast African American Attorneys Association

References are available upon request

Section 8

Candidate Introduction

IOLA T. MOSLEY, ESQUIRE

EDUCATION

Juris Doctorate, Howard University, Washington, D.C.
Bachelor of Arts (Philosophy) Howard University, Washington D.C.

EXPERIENCE

Sr. Assistant City Attorney City of Fort Pierce Florida	2016-Present
Sr. Associate Attorney School Board/ Palm Beach County	2005-2016
Assistant State Attorney 15th Judicial Circuit	2002-2005
Assistant City Attorney City of West Palm Beach, Florida	2000-2001
Partner Whitfield & Mosley	1996-2000
Assistant Public Defender 15th Juridical Circuit	1987-1996

BACKGROUND

I currently serve the city of Fort Pierce as the Senior Assistant City Attorney. Fort Pierce is affectionately known as the "Sunrise City" and serves as the county seat in St. Lucie County, Florida. The city serves approximately 41,000 residents. The City has a charming and neighborly feel. I feel that once you visit you understand the meaning of the term "hidden jewel."

Fort Pierce is progressive, friendly, and offers a wide variety entertainment and shopping venues. Fort Pierce boasts some of the best restaurants in the Region (if not in the country). The city hosts an abundance of family friendly activates like The Friday Fest Jazz and Market on the first Friday of each month; The Wednesday Green Market and Saturday Farmers Market where beautiful textiles, jewelry, artwork, crafts, and delicious foods abound.

There is great support for youth and families through Job Fairs, and an established sailing/maritime program through the Treasure Coast Youth Sailing Foundation and the Fort Pierce Police Department annual "Unity in the Community" days. The City offers recreational activities such as boating, fishing, hunting, and horseback riding.

There are beautiful natural areas and wonderful sub districts like the Peacock Arts District. The City boosts connections to artists who make the Treasure Coast live through the ages. Artists like the Highwaymen, and writers like Zora Neal Hurston come immediately to mind when thinking about "The Fort".

Fort Pierce has a Mayor/Commissioner form of government. The city is composed of two districts. The Mayor/Commissioner is Linda Hudson who is elected at large by voters in all districts. The Commissioners representing District 1 are Rufus Alexander III, and Reginald B Sessions, Esquire.

IOLA T. MOSLEY, ESQUIRE

District one includes the north and northwestern areas of the City. The Commissioners representing District 2 are Jeremiah Johnson, and Thomas K Perona. District 2 includes Hutchinson Island and the south, southwestern and eastern areas of the city.

Currently Fort Pierce is a City undergoing expansion and growth. The main challenges facing the city are directly related to growth:

- Annexation, business expansion, and growing the economy of the city in a way that allows for sufficient infrastructure to support the growth.
- Recovery form blight as well as recovery of blighted areas and transformation of those areas into viable and profitable business and residential centers.
- Elimination of predatory businesses which are contrary to development is a priority in the development of a healthy City. There are areas of the city that are currently run-down which can form the base of a strong community if developed in a way which preserves the community atmosphere, while modernizing existing neglected or deserted structures.
- An additional and fundamental issue facing our city is attracting and keeping professional officers in the Police Department and shaping the current department so that it is on par with the departments in the surrounding county and cities. The City has in the past four years retained a Police Chief who is innovative and forward thinking in her support and revamping of the current Police Department, as well her concern for the citizens of the entire Ft Pierce community.
- Another area of significance is the development of the Lincoln Park Community while preserving its unique cultural identity. This is a part of a community embodying the African American experience in Ft Pierce. Currently I have been working with the City's Community Grants Program in seeking ways to support the Martin Luther King Commission's efforts to obtain Grant funding for the renovation of the Lincoln Theatre which is a vital anchor and landmark in the growth and development of the Lincoln Park Community.
- The City is seeking to develop the harbor and waterfront areas of the city. This development will require careful planning in order to avoid over development or development which cannot be sustained by the existing community. Additionally the City has to make certain that land purchases and leases are within the permissible bounds of existing law.
- Additionally the issue of tourism and how best to implement tourism and enhancing visits and rentals of short term duration while maintaining the ambiance and local flavor of the coastal communities and the community at large is also an issue that has been that can inhibit development. Working with members of the community including beach areas the city will need to seek ways to accommodate housing while not allowing the rowdy atmosphere of a tourist trap to overtake the serene beauty of the coastal, and other identified areas of the community.

IOLA T. MOSLEY, ESQUIRE

GENERAL MANAGEMENT STYLE AND EXPERIENCE

I am awestruck at the potential of this unique city. Fort Pierce is a flower on the verge of blooming. Here, there is a great deal of potential and at the same time, the community reminds me of the "real" Florida. Although the City's population is diverse the, community of Fort Pierce is unified. There is something special about being one of us and you don't find that everywhere.

A successful City Attorney for the City of Fort Pierce will be dedicated to the vision of the City Commission. The Attorney must be an effective listener and an effective communicator; to that end, frequent informative meetings should occur between the City Attorney and the members of the Commission.

The Attorney should also meet with department heads to get input on issues facing the various departments of the city. The Ideal candidate should also be one who engages with the various City departments to conduct training and staff development.

The City Attorney must be able to recognize various political agendas, like it or not this is a part of public life. But the City Attorney must not become embroiled in individual politics. He/she must advise the Commission in legal matters in a professional, honest and straightforward manner. The Attorney must have the ability to quickly recognize the objectives of people with whom he/she comes into contact and must understand when and how to appropriately respond.

Because no one is perfect, the ideal candidate must understand the humility that is born of making errors and how to recover from errors with reassured accuracy. In other words, he/she should own his/her mistakes and endeavor to correct them quickly and skillfully without dwelling on the matter.

I feel I am the ideal candidate for the position of City Attorney. I have developed diverse experiences in my 31 years as a barred State of Florida lawyer. I have been called upon often by my colleagues and my peers for my advice and counsel. I have learned to identify and avoid pitfalls of politics and have endeavored to advise my clients in a professional manner.

Additionally, I am skilled at recruiting. I can develop and train professional staff. I endeavor to develop good strategies for achieving the optimum outcome desired by the client/Commission. These are qualities that will be necessary for the next City Attorney as that individual will have to begin with an already successful foundation, and recruit and train the best staff to take the office to the next level of providing professional and efficient legal services for the City.

The City is self-insured through the Florida League of Cities. Fort Pierce employs a risk manager who manages the City's State and Federal cases that are assigned to attorneys through by the Florida League of Cities. The League addresses most complex federal or state claims involving

torts, civil rights violations, and certain appeals and workers compensation and other matters as assigned by the Commission.

However, the City Attorney should be aware of the developments in each case and should regularly seek to update his case file concerning the status of pending matters in order to keep the Commission apprised of the case status.

In other matters for which the City Attorney's Office has direct responsibility, it is of the utmost importance that the facts be reviewed and research completed thoroughly and promptly. With regard to internal management practices, the involved department heads and witness must be interviewed to get the most accurate account of the City's positions on the matters at hand. All evidence should be copied and prepared by the department or a file should be provided and copied by the legal secretary and legal files created.

The department files should be returned to the department's custodian of records once all relevant documents and or photos are copied. A correspondence file should be created and initial correspondence of introduction should be forwarded to opposing counsel. A litigation file which includes pleadings, case and statutory law, facts of the case, discovery, witness information, and legal strategy should be developed immediately.

Negotiation of any settlement with opposing counsel must occur only as approved by the Commission or City Manager; such negotiation can be most successful only when the facts are researched and the relative strength of the case is known.

All steps of the litigation including attorney time must be logged. Cases will need to be thoroughly researched and prepared and a dry run of any hearing should be done with staff to make certain that the case is ready at the time it is called for hearing.

Frequent case updates will be provided to keep the Commission, the City Manager and the Department Head advised of the progress of the case. Upon conclusion of the case, a post litigation review will be conducted with the assigned attorney and staff to review best practices.

My management style is the team approach. The legal staff works together to support the legal needs of the City. A law office functions best when all of the staff is informed and involved. Although there must be individual assignments, every attorney should be aware of current matters and cases. Shared discussion of issues by staff is an excellent way to develop this type of expertise and proficiency. This delivers faster and more efficient service.

Even though one attorney may be assigned to answer general questions on a subject, with the shared workload approach every attorney has a basic understanding of issues and there is no gap in service delivery. To that end, weekly staff meetings where matters and issues are reviewed and

thoroughly vetted by the attorney staff will increase the ability of the legal department to deliver professional results.

Every meeting should be a learning opportunity for the legal staff as well as the City Attorney. My philosophy of leadership envisions cooperative learning and Socratic inquiry of issues that the legal department is called upon to address on behalf of the City. I recognize the importance of evaluation and reinforcement in this process. Every staff member's endeavors should be recognized in order to encourage a higher level of staff success.

The results of this type of management yields a more polished and professional staff. In addition, open communication should be encouraged and no staff member should ever feel any hesitation or fear in disclosing or discussing problematic issues.

I am approachable, friendly, and am said to have a good sense of humor. I am open and respectful to all regardless of creed, orientation, nationality, or income status.

I have worked with many of the City's Boards and I believe that the Board members with whom I work with would say that I am professional, knowledgeable, prepared and approachable. Also, I am well versed in legal matters regarding City Boards. I try to be a great communicator and listener.

I have had opportunity to communicate with the City Manager and advised him in several matters. I believe that he would share I am an excellent attorney and a consummate professional. He would likely report that I have good relationships with staff and departments, and I am both approachable and likeable. He would likely say that I am passionate about the law and protecting my client but that I am patient and solution oriented. Moreover, I will find an answer and leave no stone unturned and complete my assignments thoroughly and efficiently. He would say I am loyal.

I think despite the strengths that I possess I do have shortcomings. Sometimes, I will over think a problem. I believe it comes from wanting to make certain that I have covered all my bases. I like to think things through and be through but if I am rushed or distracted I may pay less attention to detail than normal.

Another area of weakness is when I am rushed, I have sometimes underestimated the time I need to complete a task and end up trying to get everything done in haste. To address this, I have learned to use a digital time keeper to manage my tasks more efficiently. Also, I have learned to diary my day and review and update my progress. This helps me to stay on top of large projects and complete tasks in a more timely fashion. I diary my end date or date of completion ahead of the requested date which gives me additional time to review and recheck my work.

I have been blessed to have provided a large part of re-structuring the office of the City Attorney for the City of Fort Pierce. I view this as my greatest accomplishment to date because in structuring

this office I have had the opportunity to provide tools which allowed the current structure of the office to work efficiently and professionally.

One tool I am very pleased with myself for developing is the form for the routing of legal services. I put together the Request for Legal Services for the Office of the City Attorney to provide a timeline for progression of tasks. The current system provides a means of identifying responsibility for and keeping abreast of the workflow within the office.

I have streamlined the process which has allowed the annual accomplishments of the City Attorney's Office to be more efficiently memorialized. I have also created an enhanced training protocol for Boards and Committees in the areas of Open Government Law (Sunshine), Public Records, and Ethics for Public Officers; which I have presented to the City Boards and to individual Board members upon their appointments.

This allows the Boards to run efficiently and operate within the bounds of the law. I have enjoyed the privilege of working with Animal Control and in saving the lives of abused animals, and with the code enforcement in enhancing the hearing protocols for Special Magistrate hearings. I have also help to shape the Police Citizen Review Committee on request of the Chief of Police.

Working as the Sr. Assistant Attorney in the City of Fort Pierce has been the highest point in my legal career as I have been able to fully utilize the skills I have developed as a communicator, organizer, business manager and a skilled attorney over the course of my thirty plus year legal career.

There is no better means to determine one's success than to examine one's failures. The most glaring error in my career was taking for granted impure motives and failing to have the courage to immediately speak out against improper acts. This failure could have compromised my client and my integrity. It was error born of the willingness to go along with what I perceived may be wrong in order to avoid being the "squeaky wheel." This error has taught me that it is important to do what is just and proper even though the result may make you unpopular. One must never shrink from undertaking that which is just in order to gain temporary approval. Even when the cost may be personally devastating one must always strive to adhere to the rule of law and to the highest ethical standards.

I have not had to terminate or recommend termination for an employee as yet. However, I have had to counsel employees to lead them back to productivity in my career.

First, it is important to always try to determine whether the employee's lack of progress or productivity is due to some outside source like a family, personal or medical issue; or whether there is a need for training. The first step is to speak with the employee and to tell him/her there is an issue, to fully explain what the problems are and offer him/her the opportunity to address the problems.

It is important to refrain from being accusatory when addressing this type of problem as it can negate the goal of remediation or training in order to get the employee back on track. There is a need to monitor the activity of the employee and to continue to communicate with the employee to assess progress and to allow the employee to get back on track.

In considering aberrant or rule breaking behavior, there are progressive discipline approaches that can be used to address these behaviors. The first step is to identify the behavior and discuss it with the employee. Secondly advise him/her of steps needed to correct the issue. The employee must be provided with a timeline for compliance or remediation. Disciplinary actions must be memorialized in writing.

If corrective action fails then the employee may potentially face more serious discipline like probation, suspension, or termination of employment. It is important to maintain a written record concerning the acts and results. Further, all statements concerning any employee discipline must be accurately recorded. Communication must occur though Human Resources. Additionally progress should be reported as well as lack thereof. If the employee shows no improvement then a potential recommendation for termination may be made to the City Manager through the Human Resources Director.

It is my goal over the next six months to:

- Continue to address the legal needs of the City. I envision meeting with Commissioners, The City Manager and Department Heads to assess current strengths and to gather recommendations for improvement and increased provision of legal services.
- It will be necessary to hire two attorneys to replace the current position vacancies in the office, and maintain the office within the current budgetary frame. It will be necessary to recruit, from the local area as well as other areas, candidates who will be a good fit for the City as well as possess the required experience to do the job.
- Efforts within the first six months may also include expanding the role of the staff attorneys to include development and implementation of training protocols and schedules for City Boards as requested, and for providing legal updates for all departments and department heads as needed.
- In addition production of a quarterly news page of recent changes in the law (aptly named “Sunrise City Legally Speaking”) is envisioned to be created in order to keep city officials and departments up to date on new legal issues.
- I would envision the development of a direct assistance portal to address the provision of immediate assistance needs of department heads. I would also like to develop a special assistant to the City’s police department whose duties will include litigating civil forfeiture matters and provision of direct assistance for legal issues relating to the police department practice.
- I have identified a need to provide constant updates via weekly training sessions within the office to provide a learning experience or refresher for the attorneys in all aspects of

municipal law. Of particular importance is training in the area of public policy and regulatory compliance including the development of city laws and regulations (i.e. drafting of resolutions and ordinances). This cross training will increase support to all city departments. Training will also include attorney development in areas of agency and administrative law like compliance with Government in the Sunshine, and public records law. In addition, limited cross training will be developed in the areas of transactional law, general litigation as well as in areas concerning employment law.

Media Relations:

I currently do not address the media however my rule of thumb is to always keep the Commission and the City Manager aware of any media queries that may come across my desk.

I am affiliated with several charitable organizations including The Charmettes Incorporated, Delta Sigma Theta Sorority Inc., I have been affiliated with Northside Kiwanis in Palm Beach County. I am also a vocal musician and I sing in many churches and have been featured in the annual Northside Kiwanis Variety Show. I love to fish and bake.

I do not have anything in my past that would embarrass the City if it became known. There is no one who has any "dirt" on me.

REASON FOR WANTING TO LEAVE MY CURRENT JOB

It is my honor to have represented the City of Fort Pierce as the Sr. Assistant City Attorney for the past two and one half years. I was a finalist for the Position in 2016. I would like to have the opportunity to continue the mission started when I was hired, in improving efficiency, and professionalism in the Office of the City Attorney. I still desire to lead this effort. I would not be leaving my office but elevating to a position that will allow me to maximize my organizational and professional skills developed over my 30 years in the practice of law.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Professional
Knowledgeable
Approachable
Innovative
Hardworking
Principled

CURRENT OR MOST RECENT SALARY

My current salary at the City of Fort Pierce is $130,000.

CB&A Background Checks

Background Check Summary for
IOLA THOMAS MOSLEY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Civil Records Checks:

County	
St. Lucie County, FL	No Records Found
Palm Beach County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #710768

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Iola T. Mosley

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.

Please explain any yes answers on a separate sheet of paper.

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 Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

Background Check Summary for
IOLA THOMAS MOSLEY
Personal Disclosure Explanation

There have been 2 law suits to which I have been a party Defendant;

1) Chemical Mortgage v Emmett Mosley and Iola Mosley, et al 97-9955AW Foreclosure Case Dismissed
2) Nationstar Mortgage v Emmett and Iola Mosley, et al 2012-CA-22442 Foreclosure Case closed Property sold at Auction.

CB&A Reference Notes

Since the candidate is an internal candidate, we did not perform reference checks.

CB&A Internet Research

TC Palm
June 19, 2018

Fort Pierce gives property owner more time to make case to save home from condemnation
Author: Keona Gardner

PORT PIERCE — Neighbors on Thumb Point Drive will have to wait nearly another week to learn whether the city condemns a house that has been at a construction standstill for more than 13 years.

The City Commission Monday gave owner Brad Culverhouse five business days to prepare his arguments for saving his house at 1635 Thumb Point Drive. Code-enforcement Magistrate Fran O. Ross in April declared the property a nuisance and recommended city condemn it and demolish the half-built structure. Under city rules, Culverhouse has five business days after the the final hearing to prepare the case.

Ross held her final hearing on the case June 14 and 15, putting the five-day period into late next week. The commission, however, has set a special meeting at 10 a.m. Monday to consider its next move. Asked about that scheduling on Monday, following the commission meeting, City Attorney Jim --------Messer and City Manager Nick Mimms refused to answer a reporter's questions and walked away.

The previous house on the site was destroyed by the 2004 hurricanes. Since then, Culverhouse has applied for and received extensions on his building permits. His current permit expires in July, according to city records.

Commissioner Reggie Sessions questioned why the commission would schedule a meeting on a day it doesn't regularly meet. "Is it vital that we do it this Monday, where we use additional staff time?" Sessions asked. "It's been going on for 14 years, and now it is an urgent matter and we have to have this done (now)?"

The commission should act quickly to resolve the dispute, Commissioner Tom Perona said. "This has been going on for quite some time," Perona said. "The message I want the public to know is this City Commission will not put off tackling the difficult issues."

Neighbor Dan Hooper said he has been awakened at 2 a.m. by the the sound of car doors from fisherman using the dock at the back of the property. "The traffic coming in and out of there ... It must be one of the most popular fishing spots in the county," Hooper told the commission. Added neighbor Chris Hodge: "1635 Thumb Point Drive is being used more as a public park and not a residence," Hodge said. "This is not acceptable."

A metal gate secures the property, and the gray, concrete-block structure — without a roof or doors — sits surrounded by construction materials. Culverhouse said hardships such as his wife's death, bankruptcy and his own failing health kept him from completeing the house.

Homeowners insurance paid Culverhouse more than $400,0000 to rebuild the house that hurricanes Frances and Jeanne destroyed, according to city records. During the April 18 code-enforcement hearing, Ross declared the property a nuisance and recommended the City Commission have it torn down.

Senior Assistant City Attorney **Iola Mosley**, who represented the city at the April 18 hearing, told Ross that Culverhouse met the criteria for building-permit extension yet he never completed the project.

Palm Beach Post, The (FL)
November 6, 2004

PANEL TAPS COURT BENCH CANDIDATES
Author: WILLIAM COOPER JR.

A prosecutor, private attorney, court commissioner and two attorneys employed by the Palm Beach County School Board were nominated Friday to fill a vacancy on the county court bench, according to the Judicial Nominating Commission. The five nominees, which include two blacks and a Hispanic, were selected from among 50 applicants. The nine-member JNC conducted interviews with the applicants this week.

The nominees are:
* Sandra Boss-Pardo, 50, who leads the School Board's litigation department;
* Leonard Hanser, 52, a court commissioner who oversees cases where people are deemed a danger to themselves or the community;
* **Iola Mosely**, 44, a black assistant state attorney;
* Yvette Trelles, 38, a Hispanic sole practitioner, specializing in personal injury cases;
* Gerald Williams, 54, a black labor relations attorney, who currently is the School Board's chief of staff.

Attorney Kathleen Kozinski, the JNC chairwoman, faxed the names on Friday to Gov. Jeb Bush, who will make the appointment in coming weeks. Bush must fill the post vacated by former County Judge Jonathan Gerber, who the governor promoted to the circuit court in August to replace retired Circuit Judge Mary Lupo.

The Palm Beach Post
December 30, 2000

AFTER 28 YEARS, JORANDBY SAYS GOODBYE
Author: John Pacenti

After 28 years as the county's public defender, Richard Jorandby left the office on Friday with a message: "I will survive." That's the Gloria Gaynor disco song he asked **Iola Mosley**, a former assistant public defender, to sing at his goodbye luncheon attended by more than 120. The song underscored the bittersweet event as well as the uncertain future for the man who brought the office national notice for fighting the death penalty.

Some of the area's more prominent lawyers, such as Richard Lubin and Michael Salnick, spent time under Jorandby's stewardship. In attendance Friday was Circuit Judge Edward Fine, a former Jorandby employee, as well as Dorothy Wilken, clerk of circuit court and a good friend of Jorandby's. "Because of you, innocent people have been able to look back and say, 'Thank God, I had a good lawyer,' " said **Mosley**, who went on to private practice and now works for the county attorney's office. Jorandby leaves, though, under a cloud. The Florida Department of Law Enforcement is investigating allegations by two of his top assistants that he tried to extort campaign donations from them. Democrat Carey Haughwout, an attorney Jorandby hired to work for the office 13 years ago, defeated the Republican on Nov. 7, shortly after the scandal broke. Talk at the luncheon remained upbeat, though, focusing on Jorandby's accomplishments - not all of them in the courts. Former employee and now private defense attorney Michelle Suskauer noted that more than half a dozen couples met while working for Jorandby.

"It's a hotbed for romance," joked Suskauer, who met her husband, Scott, while both were assistant public defenders. Jorandby's daughter, Abigail, gave a touching speech about growing up watching her father work. She is now going to the University of Florida's law school. Richard Green, head of the capital appeals division, talked about Jorandby's passionate opposition to the death penalty and how hard it was on him in 1984 to watch two defendants die in Florida's electric chair. Jorandby insisted on being a witness.

His office took five death penalty cases to the U.S. Supreme Court. "He has some deeply held moral and spiritual views, and the death penalty is the ultimate violation of those views," Green said. Losing to Haughwout may cost Jorandby more than his office. If he could have served one more term and reached 30 years of service, his state pension would have increased from $63,000 to $500,000. He said he has no immediate plans but is open to continuing to work in state government. "I cherish these last 28 years," he said. "For a farm boy from North Dakota, I had my dreams, too. They were to become a lawyer and move to Florida, and that happened. Now it's time to go and it's time to say goodbye."

The Palm Beach Post
June 2, 2000

TWO IN TEEN BEATING CASE ENTER GUILTY PLEAS
STATE SAYS THE SIUTA BROTHERS DID NOT PARTICIPATE IN THE BRUTAL ATTACK
Author: John Pacenti

Gary Stern says it's a means to an end. Defense attorneys say it's another example of the state's case falling apart. Facts are that two brothers arrested for the brutal beating of Stern's teenage son, Joshua, will see no prison time under plea settlements Thursday. Elden and Siuta Siuta pleaded guilty to aggravated battery for keeping others from helping Stern during the attack at an unsupervised high school graduation party in Wellington last year. "I was hoping the Sterns were here so I can apologize to them," Siuta Siuta, 22, said. "If I can go back to that one day, I would make sure none of this would have happened."

He will have to remain on house arrest until July 27 and then start three years of probation. His 17-year-old brother faces the same sentence, but Circuit Judge Kenneth Marra won't make it official until July 13 as he awaits a probation officer's report to determine whether the teen should be listed as a felon or have his conviction withheld from his record. Assistant State Attorney Ken Selvig said the pair did not participate in the beating that left Stern, 16, in a coma for nearly three weeks with a fractured vertebrae, broken jaw, collapsed lung and other severe injuries. He still faces multiple surgeries. Charges of kidnapping, robbery and burglary with assault or battery were also dropped.

When the Siutas were arrested, Gary Stern called them "monsters" and "animals". Reached by telephone Thursday, he said the plea will help authorities complete their investigation, but declined to elaborate. "In about a week to 10 days you'll see why this was so important," he said. "This was done from a position of strength, not weakness." The Siuta brothers have said they will cooperate. Thursday's pleas leave only two of the seven original suspects charged with attempted second-degree murder and in jail: James "Jay" McHugh, 17, and Roberto Molina, 27. Selvig made it clear Friday that it was Molina who did most of the beating last June 5 because Stern had reneged on a $650 marijuana deal. McHugh, called Molina and others to the party when he saw Stern there, police said. Trial is set for Aug. 25.

Three suspects originally arrested and jailed for eight months - Philips Siuta, 19, and his uncles, Fetalai Ilimaleota, 26; and Faapiano Ilimaleota, 34 - had charges dropped after it became apparent they were misidentified by teenagers at the party. "One witness told me the cops held him for hours until he made an ID," said **Iola Mosley**, Elden Siuta's attorney. Sheriff's detectives couldn't be reached for comment Thursday. "The state's case, especially as to my client, started crumbling," said Jon Kaplan, Siuta Siuta's attorney.

The Palm Beach Post
February 9, 2000

IN COURT

LAKE PARK - A former lieutenant has sued the town police department, saying it illegally retaliated against him when it asked him to resign because of his testimony in a racial discrimination trial. Julius Barone resigned in September after testifying for Mack Davis, the town's only black police officer, who had sued the department alleging racial discrimination. Three other officers and Chief Jeff Lindskoog's secretary were fired after the town said they lied on the stand. They also have sued. Barone filed his suit Monday in Palm Beach County Circuit Court. A jury last year agreed the department discriminated against Davis, but only awarded him $1. A judge later overturned the discrimination verdict, meaning the town wouldn't have to pay Davis' legal fees. Davis is appealing.

WEST PALM BEACH - The adult guardian of a troubled youngster who was struck by a car two years ago after jumping from a school bus on Okeechobee Boulevard sued the Palm Beach County School District on Monday. Carol Goldberg, a court-appointed guardian, claims the district was negligent because Lamarcus Sims, who at the time was a fifth-grader at Indian Ridge Learning Center, was able to get out of his seat and leave the bus through a rear emergency door. Sims jumped out of the bus and attempted to run across Okeechobee Boulevard during rush hour May 29, 1998, and was seriously injured. In the lawsuit, Goldberg alleges the bus driver and an aide failed to take the proper safety measures to keep Sims on the bus.

The family of a 6-year-old girl run over by a school bus last year sued the Palm Beach County School District on Tuesday in Palm Beach County Circuit Court. On March 2, Ariel Dent of Riviera Beach crouched in front of the bus to pick up some papers and the front and rear tires rolled over her at 147 W. 28th St. She suffered a broken wrist, thigh and pelvis, police said at the time. The bus driver, Wayne A. Ricketts of West Palm Beach, was not named in the suit.

WEST PALM BEACH - Bob Sanders, the last city administrator under former Mayor Nancy Graham, sued another former employer Tuesday for wrongful termination, claiming Stuart businessman David Lester's company owes him more than $1 million in guaranteed wages. While still working for the city in January 1999, Sanders agreed to take the post of chief executive officer with Lester's International Fine Art Expositions. The company conducts sales of fine art, antiques and jewelry in Beverly Hills, Hong Kong and downtown West Palm Beach. The contract offered a guaranteed $250,000 a year over five years and a percentage of profits, Sanders said in the suit, filed in Palm Beach County Circuit Court. He started work in April, after leaving hiscity job, but was terminated in November, the suit said. "He wanted me to handle leasing and that was not the deal," Sanders said Tuesday. Lester said the disagreement is contractual and subject to arbitration.

WEST PALM BEACH - The admitted strangler got 15 years in prison, the woman who heard

the dying man's gurgling sounds got life and the third person present at the 1998 robbery and murder of Charlie Marlow was convicted of manslaughter Tuesday. Jurors deliberated about six hours before convicting William "Terry" Jones on the lesser charge of manslaughter rather than first-degree murder. Jones' attorney, **Iola Mosley**, argued Jones did not know the robbery was going to take place and didn't participate in the beating. But Assistant State Attorney Marc Shiner said Jones and two others robbed and killed Marlow in his suburban West Palm Beach home to score some quick money to buy drugs.

The Palm Beach
March 26, 1998

MAN FOUND GUILTY IN CARJACK-MURDER OF BIBLE TEACHER
Author: Scott Hiaasen

Jurors found Sergio Soto guilty Wednesday of first-degree murder and five other charges stemming from the carjacking and shooting of a Bible teacher in 1995. Prosecutors said Soto, 21, and another man, Jason Diaz, abducted Rafael Costa, 25, from a Lake Worth gas station to steal Costa's Ford Mustang. With the help of a third man, Ernesto Brady, they took Costa to a remote spot on U.S. 441 and shot him four times. Though Diaz denied shooting Costa, Assistant State Attorney Dan Galo said he should be convicted of murder because he helped with the carjacking and accepted money and a beeper from the theft.

Soto said the carjacking was Diaz's idea, and that Soto was threatened at gunpoint into cooperating. ``(Diaz) would have shot Sergio just as surely as he shot and killed Mr. Costa," said Soto's attorney, **Iola Mosley**. Brady pleaded guilty in the murder and was sentenced to 40 years in prison. Diaz is a fugitive. Prosecutors are asking Circuit Judge John Phillips to sentence Soto to death.

Costa's sister, Anna Valdez, said Soto's conviction was more important to her than his sentencing - as long as he's never freed from prison. ``Whatever justice he's getting is for the rest of his life," she said.

July 2, 1997

Joseph ALFANO, Appellant, v. STATE of Florida, Appellee.

District Court of Appeal of Florida, Fourth District.

July 2, 1997.

Attorney(s) appearing for the Case
Richard L. Jorandby, Public Defender, and **Iola Mosley**, Assistant Public Defender, West Palm Beach, for appellant.

Robert A. Butterworth, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. The error, if any, in admitting the pre-Miranda statement of appellant was rendered harmless by his subsequent confession, the DNA evidence, and the many admissions appellant made to his mother and stepfather regarding the crime. State v. DiGuilio, 491 So.2d 1129 (Fla.1986).

We do not find the admission of the post-Miranda statements to have been clearly erroneous, as the appellant's mental condition is merely one of the factors to be considered under the totality of the circumstances to determine the voluntariness of a confession. See Thompson v. State, 548 So.2d 198, 204 (Fla.1989), cert. denied, 515 U.S. 1125, 115 S.Ct. 2283, 132 L.Ed.2d 286 (1995). There is sufficient evidence in the record to support the trial court's denial of appellant's motion to suppress.

As to the admission of portions of the appellant's diary, the trial court has wide discretion concerning the admissibility of evidence, and in the absence of an abuse of discretion, its ruling regarding admissibility will not be disturbed. We find no abuse of discretion.

WARNER, SHAHOOD and GROSS, JJ., concur.

The Palm Beach Post
September 23, 1995

MOTORIST CONVICTED IN TRAFFIC SHOOTING
Author: CHRISTINE STAPLETON

An all-white jury asked to decide whether racism or insanity motivated Clurs Harris III to shoot a white businessman decided Harris was a bigot and found him guilty of first-degree murder on Friday. Harris showed no emotion as the verdicts were read after just two hours of deliberations. Besides the first-degree murder charge, Harris was found guilty of burglary of a car and shooting into an occupied vehicle. The jury will reconvene Wednesday to decide whether Harris should die in the electric chair or spend the rest of his life in prison.

After the verdicts, one of Harris' attorneys blasted prosecutors for focusing on race. ``I really find it hard to understand that in 1995 we're still playing the race card when there's a black defendant and a white victim," Assistant Public Defender **Iola Mosley** said. ``Race had no place in this case. This man is not a racist.' Harris, 23, shot Russell Bean, 46, of Wellington four times in the head and neck at close-range as the two were stopped in traffic at Palm Beach Lakes Boulevard and Okeechobee Boulevard on Aug. 2, 1994. Harris' attorneys and every expert who testified said Harris was insane at the time.

Although Harris has no history of mental illness, friends and family members testified to bizarre behavior for months leading up to the murder. Harris frequently talked to himself and complained that he heard voices, they said. As for the race issue, Harris threatened to kill a black co-worker moments before he shot Bean but the co-worker ran away before Harris could shoot, Assistant Public Defender Alysoun Powell said. ``Clurs was ready to kill a black man - that wipes out the race issue," Powell said during her closing argument. ``Not one person walked through that door and said Clurs Harris hated white people."

But during cross-examination of defense witnesses, prosecutors repeatedly asked Harris' friends and family if they had ever heard Harris refer to white people as ``Crackers" and ``rednecks." All the defense witnesses said they had. And shortly after Harris was arrested he told police that he had ``killed a cracker in West Palm Beach." Harris also liked to listen to Snoop Doggy Dogg and Ice Cube, gangsta rappers whose music has been decried as racist. Circuit Judge Stephen Rapp refused to let the jury hear two of Harris' favorites.

``He's bitter toward white people and he thought they were doing him wrong," Assistant State Attorney Bunnie Lenhardt said. As for introducing race at the trial, prosecutor Robert Gershman said race would have been an issue regardless of the racial composition of the jury.

The Palm Beach Post
September 7, 1995

MURDER SUSPECT'S PLEA DEAL REFUSED
`I'M NOT THE SHOOTER,' JERRI GAITHER TELLS JUDGE, BUT DECLINES TO SAY MORE
Author: VAL ELLICOTT

A judge refused to accept a plea deal for murder suspect Jerri Gaither Wednesday after Gaither declined to reveal her role in the 1993 shooting of Christina Racey. Gaither, intending to plead guilty to second-degree murder with a firearm, admitted she helped kill Racey but was reluctant to provide details during a brief interrogation by Circuit Judge Virginia Gay Broome. ``I'm not the shooter, your honor," Gaither said, without elaborating.

Broome refused to accept the plea, which called for a 17-year prison sentence. Prosecutor Dan Galo said the state agreed to a plea because convicting Gaither of first-degree murder would be difficult largely because of the lack of a clear motive in the case. Galo said prosecutors believe that Gaither, 38, killed Racey, 44, between July 8 and July 13, 1993 in Boca Raton during a dispute over prescription drugs that Racey was providing to Gaither.

In addition, Racey had ``bookkeeping knowledge" of illegal escort services Gaither was operating, Galo said. Gaither blamed Racey's slaying on a boyfriend, Salah ``Avner" Levy, saying Levy killed Racey because Racey was demanding more money for Percodan pills she was selling to Gaither. Prosecutors initially charged Levy with murder but dropped the charge for lack of evidence.

Gaither's trial remains set for Oct. 16. Jerri Gaither (right), accompanied by public defender **Iola Mosely**, stands before Palm Beach County Judge Virginia Gay Broome on Wednesday. The judge refused Gaither's plea deal in a 1993 slaying case.

The Palm Beach Post
August 22, 1995

MAN SENTENCED TO LIFE IN SHOOTING DEATH OF EX-WIFE
Author: VAL ELLICOTT and CHRISTINE STAPLETON

William Brunner will spend at least the next 25 years in prison for the 1993 murder of his ex-wife, a woman who remains the object of his obsessive love, even in death. ``Bill still loves her," assistant public defender **Iola Mosley** said Monday, shortly after a judge sentenced Brunner to life in prison without possibility of parole for 25 years.

``He still speaks of her in the present tense. He would never let (**Mosley** and assistant public defender Peggy Natale) say anything bad about her." Brunner, 34, was convicted June 21 of first-degree murder for shooting Kim Brunner, 24, during an argument outside her apartment west of Boca Raton. On Monday, Brunner said he feels ``really hurt and lost."

``When everything is said and done, I still have the same problems." Brunner, who is appealing his conviction and sentence, said he has been seeing a therapist at the jail weekly. Brunner's history with his ex-wife was marked by violence and a constant cycle of separation and reunion, witnesses testified at his trial. Defense attorneys told jurors that Brunner suffered from a hyperactive thyroid, the lingering trauma of an abusive childhood and a lifetime of drug and alcohol abuse. They said he was temporarily insane when he grabbed a gun from his ex-wife and shot her, then slashed her throat.

The same jurors who convicted Brunner split 6-6 on whether he should die in the electric chair. Under Florida law, a tie vote is considered a recommendation for a life sentence. ``Hopefully, he won't be getting out anytime soon," said Lenny Lombardo, Kim Brunner's brother. ``He's a murderer and he's going to serve his time." Brunner's mother, Doris Christensen, said she was ``very relieved."

``At least, even if he spends the rest of his life in jail, he can still be with us." Brunner also was convicted of burglary with assault or battery while armed, shooting into an occupied vehicle and aggravated stalking. Circuit Judge Stephen Rapp ordered that the sentences for those counts run concurrently with the life sentence.

Ocala Star-Banner (FL)
January 21, 1995

Deputy under attack helped by John Zile
Author: Mike Folks

FORT LAUDERDALE -- John Zile, facing murder charges in the death of his stepdaughter, was one of three prisoners who came to the aid of a jail deputy under attack by another inmate, jail officials said on Friday. Zile, 32, helped Deputy Lawrence McLaughlin subdue Kevin Kerli when the deputy was assaulted on Jan. 7 at the Palm Beach County Jail. McLaughlin received minor injuries in the attack. Kerli, who was in the jail on charges of unarmed burglary and grand theft auto, was locked down and will remain in his cell until a disciplinary hearing. The unprovoked attack on the deputy occurred in the day room of a 24-bed maximum security mental health housing unit for male prisoners, a Department of Corrections report shows. The unit at the County Jail on Gun Club Road houses inmates who need mental health treatment.

Lt. Chris Kneisley, an inmate classification supervisor at the jail, said Zile was not being held in the unit to receive mental health treatment, but because of threats from other inmates in the general jail population. Zile and his wife, Pauline, 24, each face first-degree murder and child abuse charges in the September slaying of Pauline's daughter, Christina Holt, 7. The other two inmates who aided the deputy were Jon Barnocky, jailed on a charge of aggravated assault on a person 65 years or older, and Michael Wells, held for violation of probation for a drug conviction. Zile, Barnocky, Wells and other inmates were watching television in the unit's day room about 1:45 p.m. on Jan. 7 when Kerli attacked Deputy McLaughlin from behind and struck him on both sides of his head. As McLaughlin struggled to subdue Kerli, Zile, Barnocky and Wells joined the fray.

McLaughlin and the three prisoners brought Kerli down on the floor and held him there, the report says. McLaughlin tried to call for assistance on his radio, but did not hear a response. He then had the nurse push an "officer's duress" button on a nearby control panel, and six deputies rushed to the unit. McLaughlin, who could not be reached for comment, was treated by a nurse for minor injuries to a finger, a knee and a mark on his neck. None of the inmates was injured. Kneisley said one deputy, a mental health technician and a nurse routinely are stationed in the unit. At the time of the attack, only McLaughlin and the nurse were there, with McLaughlin standing at the door. After learning of her client's deed, public defender **Iola Mosely** seized the moment on Friday in a courthouse corridor to tell reporters about it. His actions, she said, show the public another side of John Zile. "We've got a bad case, and it's a case where the public's perception has been that he's a horrible, evil person," **Mosely** said. "I think it was really a brave thing to do. It certainly shows he's not an evil, vicious person."

The Palm Beach Post
November 18, 1994

KRISCHER ACCUSED OF GOING TOO FAR
Author: CHRISTINE STAPLETON

As the legal drama surrounding the death of 7-year-old Christina Holt unfolds, the focus has shifted from what John and Pauline Zile may have done to what State Attorney Barry Krischer said and did. Attorneys for the Ziles want Krischer off the case. At a court hearing today, a judge will hear their complaints that Krischer has been too eager to give news conferences and that he may have overstepped his role as prosecutor by taking part in the questioning of the Ziles. In the wake of the criticism, Krischer, a seasoned prosecutor and veteran criminal defense attorney, is playing it safe. Krischer is declining to comment until a judge hears the evidence against him. But local attorneys familiar with Krischer's legal skills doubt that he has made the legal blunders attributed to him.

``He's smart, he knows the law cold, and I believe he would not act if he didn't think it was legal," said defense attorney Richard Lubin. ``He's aggressive, but he's fair." Ellis Rubin, Pauline Zile's attorney, launched the first attack on Krischer. Rubin relied on newspaper articles and televised reports to blast Krischer for ``self-servingly" trying to ``justify the action of his office" and to ``glorify himself for personal gain." Rubin wants the governor to appoint a special prosecutor. Coming from Rubin, a Miami lawyer frequently accused of pandering to the press, such criticism could sound hollow to a judge.

``That motion is ridiculous," Lubin said. ``Ellis Rubin has built a reputation on media shows, and he's created one here." In court papers filed on Thursday, Krischer's office described Rubin's effort as a ``deliberate attempt to mislead the court and pander to the public." Listening to Rubin's motions ``would be a waste of the court's time," Assistant State Attorney Scott Cupp wrote. Attorneys for John Zile may take a different tack to get Krischer off the case. Assistant public defenders Peggy Natale and **Iola Mosely** said they may ask Krischer to step down because of his personal involvement in the investigation.

``If he was there when either defendant gave a confession, it may be that he shouldn't be the prosecutor," Natale said. ``Barry Krischer may very well be a witness in this case." At a court hearing this week, Pauline Zile's mother, Paula Yingling, said Krischer also talked to her daughter. According to Yingling, after Pauline Zile revealed what little she knew about her daughter's grave, Krischer said: ``Why should I believe you? You've been lying." During the interview with detectives at the Riviera Beach Police Department on Oct. 27, Krischer was identified as a man with considerable power - the man who ``could determine whether she spent her life in jail or (would) go to the electric chair," Yingling said.

John Zile's attorneys have declined to comment on how involved Krischer may have been in questioning John Zile. Police say two Riviera Beach detectives and an investigator with the state

attorney's Office questioned John Zile over the course of nine hours at the Riviera Beach Police Station. Krischer was at the station but never directly questioned Zile about the case, a source said.

CONFESSION MAY BE VOIDED
However, a newspaper reporter who interviewed Zile has reported that Krischer played a crucial role in the case. A Miami Herald story based on a jailhouse interview by reporter David Kidwell says Zile alleges police stopped questioning him after he asked for a lawyer, then returned. Zile's wife had confessed. ``They said their number one priority was to find Christina," Zile told Kidwell. Zile asked how he could help. Later, Krischer came into the room. Zile's account of the conversation, according to The Miami Herald:

Krischer ``said he knew that I had asked for an attorney and that meant they couldn't talk to me anymore, but he said I needed to make some decisions. They wanted to find Christina. . . . He said I was already charged with first-degree murder and that he couldn't make any promises, but that maybe it could be involuntary manslaughter or accidental death if I cooperated."
Zile then decided to take police to Christina's grave, according to the Herald. If Zile's story is true, his attorneys likely will ask a judge to throw out his confession and all the evidence discovered as a result of it - including Christina's body.

Investigators cannot suggest the possibility of special treatment as a way of persuading suspects to talk, said John Tierney, a criminal defense attorney. ``All you should tell them is that if they cooperate it will be brought to the attention of the prosecutor handling the case. They can't make any promises." Zile may have initially told detectives that he did not want to talk, then changed his mind - as police say happened. Police could then legally resume the questioning. ``It has to be very clear that the suspect initiated the second round of questioning," Tierney said. To prove Zile's rights may have been violated, his attorneys likely would question Krischer about his role in the investigation. And that could make Krischer a witness in his own case.

CASE OF ILLEGAL CONFESSION
However, that doesn't mean Krischer overstepped his role as prosecutor. Florida law gives prosecutors the right to investigate and prosecute crimes. Prosectors ``conduct investigations all the time," Lubin said. ``If they didn't, people would be screaming how come." When he came to office in January 1993, Krischer established a policy of sending prosecutors to murder scenes. He hoped to ensure that evidence was properly gathered and that police followed legal procedures that would avoid the situation he now finds himself in.

``It's probably a good practice," Tierney said. ``But a prosecutor has to be smart enough to not get into a situation where they become a witness." If a judge throws out Zile's confession, the state's case could be doomed. Although it's rare in Palm Beach County, first-degree murder charges have been dropped because of illegal confessions.

In 1989, Palm Beach County prosecutors dropped a first--degree murder charge against Matthew

Proctor after a judge ruled that prosecutors could not use the confession he gave to police about his role in the murder of Linda Sue King, the ex-wife of Proctor's best friend, Jeffrey Ashton. In that case, police told Proctor that they were after Ashton and that anything he said could not be used against him because they had not read him his Miranda rights. Proctor then described the murder and how he and Ashton buried King's body. Proctor pleaded guilty to being an accessory and is now free.

`INEVITABLE DISCOVERY'

But in Zile's case, prosecutors could rely on a 1977 U.S. Supreme Court case that created a controversial legal doctrine called ``inevitable discovery.'' On Christmas Eve 1968, Robert Anthony Williams killed a 10-year-old girl and buried her near Des Moines, Iowa. After his arrest, Williams, like John Zile, invoked his right to an attorney.

Police immediately stopped questioning Williams. But while driving Williams to jail, officers struck up a conversation. Knowing that Williams was a former mental patient and deeply religious, they told him that the child deserved a Christian burial. Williams, like Zile, then led police to the girls' grave. Williams was convicted of the girls' murder, but the U.S. Supreme Court ordered a new trial, ruling that police had denied him the right to have an attorney present during questioning.

Although Williams' case seemed doomed, prosecutors successfully argued that police would have ``inevitably discovered'' the girl's grave. Williams' confession was allowed, and he was convicted again. ``If police can demonstrate that they would have inevitably found the body, they still can use the evidence even though there a constitutional violation,'' Tierney said. ``I would say inevitable discovery could play a role in this case.''

Miami Herald, The (FL)
July 8, 1994

ACCUSED KILLER OFFERED DEAL BY PROSECUTORS
Author: JUDY PLUNKETT EVANS

Michael Hoelz, accused of killing a man and a 9-year-old boy by setting fire to their duplex, has been offered a plea deal that could bring him as little as six months in prison, but Hoelz may still want to go to trial. Palm Beach Circuit Judge Marvin Mounts, who said last week that he wanted to consider the case before agreeing to the deal, said Thursday that he would accept it. But Hoelz wants more time to think about it, saying he is not emotionally ready to give up his right to a trial. Defense attorney **Iola Mosley** said Hoelz is reluctant to take the deal because he is innocent. Hoelz has until next week to decide whether to accept the offer.

"He needs to make a decision about this, and the reason it's so hard for him is that he didn't do it," **Mosley** said. Prosecutors and Hoelz's attorneys worked out a deal that requires Hoelz to plead no contest to two counts of manslaughter, in exchange for a prison sentence of 10 years. Because prisons are crowded and Hoelz already has spent two years in jail, corrections officials said, he could serve as little as six months.

Prosecutors offered the deal because they already have tried Hoelz once and that case ended in a mistrial when jurors could not reach a unanimous decision. The state offered no physical evidence to dispute the defense claim that the fire was caused by a faulty electrical plug, not arson. Fire gutted the Lake Worth duplex where Anthony Parker, 9, lived with his three brothers and sisters, his mother and her fiance Lorenzo Smith, 28. Parker died of smoke inhalation during the May 30, 1992, fire, and Smith died of severe burns about a month later. The three other children also were injured, one of them seriously. Police arrested Hoelz, saying he bragged to a nephew that he started the blaze because Smith owed him $24.

The Palm Beach Post
March 20, 1994

SERVICE SORORITY GIVES TEENS `STAY IN SCHOOL' MESSAGE
Author: JULIANA RATNER

The 100 teens were somewhat restless Saturday morning but listened closely to advice about self-esteem and how to get ahead in the world. The second annual Teen Conference at Ezell Hester Community Center was sponsored by the South Palm Beach County chapter of Delta Sigma Theta, an international African-American public service sorority. The workshops for middle and high school students were about self-esteem, peer relationships and cultural awareness. ``The purpose is to get across to kids that they can be whatever they want to be," said Jayne Patrick, the sorority's program planning chairperson.

To get input from the audience and find out what they think is important, Marissa Wedges of Africare crisis center said. She asked where they want to be in one, five and 10 years. The goals called out ranged from owning a rehabilitation center to playing football for the Dallas Cowboys. Rather than simply lecturing the kids, she asked them to say what they think is necessary to get ahead and what could possibly hold them back.

Iola Mosley, a Palm Beach County attorney, spoke about her career. She gave an old message, to stay in school, but knew how to reach the young audience. ``I get paid," she said. ``I get paid good money because I stayed in school." The connection between school and money was a good one, because it was **Mosley**'s presentation that caught the attention of one girl.

Angel Woody, 13, of Boynton Beach, said she was talking through some of the presentations, but listened when **Mosley** spoke. ``I want to be a lawyer," Angel said.

The Palm Beach Post
October 10, 1993

BACK ON THE STREET?
Author: RON HAYES

Here we go again. Another spin of the revolving door and Dennis Lee Moore is back home. Back on the street. Back on drugs and headed for trouble. Merrell Conkin saw him when she pulled into the take-out lane of Kentucky Fried Chicken on Blue Heron Boulevard. While she placed her order, he waited up ahead by the front door, nervously glancing around.

Conkin, 49, ordered lunch, then took some money from her wallet while she pulled forward to the pick-up window. It was just after noon last June 16. Suddenly, as she held out the bills with her left hand, he grabbed her wrist, bent her arm painfully back, tore the money from her fingers and ran. After the drive-through clerk and several co-workers had chased him down, the man told Conkin he was sorry for taking her $3.

His name was Jimmy Lee Moore, he told police. Later, they learned he was Dennis Lee Moore, 31, who had grown up less than a mile away. He had lied, Moore said, because he didn't want to get in trouble. Dennis Lee Moore has been arrested 23 times since 1980 - for trespassing, loitering and prowling, retail theft, strong-arm robbery, aggravated assault, buying and selling drugs. In the past 13 years, his family and psychiatrists have gone to court 15 times to have him Baker Acted - involuntarily examined or treated for paranoid schizophrenia and drug abuse. Finally, in February 1991, a judge ordered him put on a waiting list for South Florida State Hospital in Pembroke Pines, west of Fort Lauderdale. Eleven months later, a bed was found. After 15 months in the hospital, Dennis Lee Moore was back in Palm Beach County.

South Florida State Hospital is the only state facility serving South Florida's 4.5 million citizens. But less than a month before Dennis Moore was arrested at Kentucky Fried Chicken, officials with the state Department of Health and Rehabilitative Services announced their solution to a looming class-action suit that accused the hospital of inhumane conditions. They would close it.

* The crisis at South Florida State Hospital has been a long time coming.

More than 15 years ago, in April 1978, Circuit Judge Edward Rodgers complained that Palm Beach County mental patients he sent there for long-term treatment were being released too quickly. Patients were going from the 45th Street Mental Health Center to the state hospital, Rodgers said, then being returned to the community and winding up right back in 45th Street. The ``revolving door syndrome'' repeatedly returned patients to court for involuntary hospitalization - some after only two weeks.

``Two weeks does not appear to be long-term treatment to me,'' the judge said then. ``Either we're jumping the gun on our evaluations or South Florida has a miraculous cure.'' When he

complained about the premature patient releases to hospital administrators, Rodgers said, he was told the hospital didn't have enough staff or money. In 1969, the hospital had 1,700 patients. Today, that number has been reduced to about 350 through deinstitutionalization - a well-meaning attempt to return patients to their own communities for care.

But much of the promised care was never provided. Patients wound up back on the streets, and the hospital is still not accredited by the Joint Commission on the Accreditation of Health Care Organizations, a private group that sets national standards.

* The first signs of paranoid schizophrenia generally appear in the late teens or early 20s.
One day in 1977, when Dennis Moore was in 10th grade at Suncoast High School, he and another boy had a disagreement. Moore came home, slipped past his sleeping mother, took his father's handgun from the closet and returned to school. ``I don't know whether he aimed at somebody," his mother says. ``Some kind of way, the Lord just fixed it that the bullet ricocheted and no one got hurt, but really it seems like he killed himself, because it really destroyed him. He hasn't been the same since."

Dennis Moore's mother, Merdis, is a school bus aide who helps handicapped children get to and from school. His father, Nathan, was a maintenance worker for the city of North Palm Beach until kidney disease forced him to retire. Of their four children, only Dennis has suffered from mental illness. The Moores have lived in the same house in Riviera Beach since 1965, but today bars guard the windows and a hurricane fence encircles the yard.

``We've had about five break-ins," Nathan Moore says in a voice thin and weary from his weekly dialysis. ``It's bad everywhere," his wife agrees, ``but some areas are badder than others." When he was 4, Dennis fell on a flower vase and had 21 stitches on the side of his head. At 10, he was hit with a soda water bottle and had 20 more on the other side; and then at 14 he fell playing basketball.

``He had a nickname because he had so many cuts and falls," his mother says softly. ``They call him Cut, and he hates that. So he's had a lot of head injuries. I think that had a lot to do with it, too." After Dennis was thrown out of school, Merdis Moore says, his mental problems seemed to emerge. He couldn't hold a job. He fought. His father recalls a time when Dennis tried to panhandle quarters, even though he had money in his pocket. Sometimes he imagined people were after him. He talked to himself. Eventually, he started hearing voices. ``I think most of the time he tried to ignore the voices," his mother says, ``but I don't know whether he ignored the voices all the time. Telling him to do bad things, you know."

On April 14, 1980, two days after West Palm Beach police arrested him for shoplifting - his second arrest - the Moores petitioned the court to have their son involuntarily examined. Mentally ill need help and all so on durgs, his mother wrote. Her son stayed out late, stole things and got into fights, she told the court. If he didn't get help, she feared, someone might hurt him, or he might hurt someone else. At the 45th Street Mental Health Center, a staff psychiatrist

concluded that Dennis was suffering from a personality disorder manifested by poor social skills, drug abuse, theft and lack of remorse.

The petition and response were the first in a long, sad series of legal papers that now fill a file nearly two inches thick. They document one patient's 13 years in South Florida's mental health system. In 1985, his parents wrote the court he hadn't held a job for more than two weeks since 1977. His mine is very bad, he can't remember things I tell him. Please help him. Thank you. He fights his sister. Please put him somewhere in a mental place so he can get well. In 1986 - after 16 arrests - he was admitted to the crisis stabilization unit at 45th Street Mental Health Center and discharged the same day with an appointment for outpatient treatment.

``He was in and out of 45th Street so many times I couldn't even begin to count it," his mother says. At the same time, his rap sheet was growing longer - for petty larceny, drinking in public, trespassing, retail theft and aggravated assault.

Finally, in August 1989 - nine years after his parents first sought psychiatric help for their son - Moore was diagnosed paranoid schizophrenic. ``Mr. Moore's drug problem is chronic and exasperated by his major mental illness," testified Dr. Gayle Kesselman, his psychiatrist at 45th Street Mental Health Center, and Circuit Judge Vaughn Rudnick ordered him sent to the Better Way Halfway House at Parkside Recovery Center in Hialeah.

Shortly after arriving at Parkside at 2 p.m. on Sept. 11, 1989, he ran away. Goes to houses trying to get money for drugs. Acts like a 3 year old child and sometimes violent. Said he burn house down. He threatens us, all the family members. Was his mother ever afraid of him? ``Usually, no," she says.

In August 1988, a private monitoring agency called the Advocacy Center for Persons with Disabilities investigated South Florida State Hospital. Nurses slept on their shifts, the agency found, and paint was peeling from the walls. Patients were ridiculed and put to bed or gotten up for staff convenience. Soap, dentures, toilet paper and other personal hygiene articles were being withheld. The resulting public outcry brought a new administrator and $1.8 million to repair leaking roofs, renovate living quarters and train new employees.

During an annual legislative orientation tour in February 1990, flower beds had been planted and vertical blinds installed; but some of the better-groomed, better-clothed patients said paintings and curtains had been put up the day before the tour. Still, nearly everyone agrees the hospital is much improved. In the Jefferson residence building, for example, 60 patients share two floors. Each room is nondescript but neat, with four single beds, four wardrobes and four bed tables. A plastic laundry basket sits under each table. The windows are large jalousies with screens but no curtains. The walls are bare except for the occasional assembly-line art - a cloyingly cute photograph of a koala bear, perhaps.

During the day, seven staff members serve each floor; at night, four staff members remain on

duty. Condoms and other forms of birth control are provided to the patients on request. Good behavior is rewarded with privilege points, which patients may use to join field trips to the movies or malls. A clothing boutique sells patients' handicrafts, and their artwork is on display. But in September 1990, a joint report by the Public Citizen Health Research Group and the National Alliance for the Mentally Ill trashed whatever cosmetic improvements had been made. ``South Florida State Hospital is as physically deteriorated as any state hospital in the nation,'' the report concluded.

Wards were still crowded. State standards require 15 beds for every 100,000 people in the five counties the hospital serves between Vero Beach and Key West; but the 350-odd beds average out to only about 8 per 100,000 - and they're almost always filled. At one point, some patients were on waiting lists as long as five years, and some reforms brought problems of their own. In 1991, 104 mental patients simply walked off the grounds. In the mental-health bureaucracy, however, hard facts are often softened to pale euphemisms.

Mental patients are ``consumers of mental health services.'' Walking away is called ``eloping.'' The hospital grounds are the ``campus.'' Last year, after the wards were unlocked during the day under pressure from patient advocates, the number of consumers who eloped from the campus rose to 187. But a crisis was already brewing. In April 1989, the Tallahassee-based Advocacy Center had filed a class-action federal lawsuit to force the state to spend whatever was necessary to fix South Florida State Hospital.

* Dennis Lee Moore was arrested and sentenced to five months and 29 days for leaving Parkside Recovery Center, the sentence to be suspended if he completed a drug treatment program. He didn't. On Nov. 6, 1990, Riviera Beach police arrested him for buying cocaine. Took money from his mother. Worry her all the time. Will not take his pills. He talks to his self all the time and steal from his mother and father. Finally, on Jan. 30, 1991 - 11 years after his parents sought help - Dr. Kesselman asked the courts to put Dennis in South Florida State Hospital.

``He is unable to function in the community and needs long-term care,'' the psychiatrist wrote. Circuit Judge Rudnick found Moore to be ``a chronic paranoid schizophrenic'' and ordered him held at 45th Street Mental Health Center until a bed could be found at South Florida State Hospital. Nearly 11 months later, in December 1991, he arrived at the hospital. ``He was down there for a year and I would go down often to visit him,'' his mother says. ``He was doing fairly well, and when he got out he was doing real good.''

After Moore had been in the state hospital for 15 months and 14 days - he eloped once, overnight - doctors decided he had made enough progress to try returning to Palm Beach County. On March 17, he was placed in the Phoenix program, a halfway house run by the 45th Street Mental Health Center. The Phoenix program takes a three-tiered approach to easing mental patients back into the community. In Phoenix I, patients are continually monitored and spend their days in vocational programs at the 45th Street Mental Health Center. In Phoenix II - 12 bungalows on

Metcalf Court in West Palm Beach - residents are left alone overnight after showing they can prepare meals and take their own medication.

Phoenix III, an old apartment building at 2722 N. Dixie Highway, is for residents who have shown they can hold jobs and get by with only occasional drop-in visits by caseworkers. ``Everything you see here," says James Crawford, the program's director of residential services, ``you could multiply by six to meet the need." Dennis Moore was to try the Phoenix I program for 30 days. If he did well, his stay could be extended for another 30 days.

The only problem was, Phoenix I is housed in a converted motel at 2901 Broadway in West Palm Beach, a strip of low-rent real estate sometimes known as Crack Alley. ``It's a really bad area," Merdis Moore says. ``It's right on Broadway where all the dopers and prostitutes are." Within days, Dennis was calling his mother. ``He kept telling me, `Mama, they're trying to get me to start back using drugs,' " Mrs. Moore recalls. For a while, Dennis did well, but in early June he was kicked out of the Phoenix program for smoking crack cocaine with a dealer in his room. After one night in a rented room found for him by a caseworker, Moore was back on the street and his parents filed another petition to have him involuntarily examined.

Mentally ill on dope and drinking if he can get some, any thing to get hi. take little ting, and not take his medi. don't have anyplace to live. But when Mrs. Moore went to file the petition, she was too late. On June 12, Mangonia Park police arrested him for snatching a $65 money order and $5 in cash from a woman leaving a check-cashing service.

Four days later, he was arrested at Kentucky Fried Chicken for grabbing Merrell Conkin's lunch money. Awaiting trial on charges of strong-arm robbery, petty theft, burglary to a vehicle and resisting arrest without violence, Moore recently talked about his life during a phone call from the county jail. ``I don't think I have a mental problem," he said. ``That's what I think it is - just drugs. They be saying I'm a paranoid schizophrenic, but I don't know what they be talking about." He was happy, he said, in the Phoenix program.

``I loved it," he said. ``I had my own room, and I had some new clothes and I was doing pretty good." But something went wrong: ``I drifted back on drugs. I don't think I'd do that no more if I get another chance. Somebody must have said some kind of magic word that means evil to me and I didn't take it for the right thing."

* On May 21, the state Department of Health and Rehabilitative Services announced plans to phase out South Florida State Hospital over three years. Bringing the 36-year-old institution up to acceptable standards would cost about $20 million, HRS concluded, and the $82,000 annual cost of caring for one patient there could be cut to about $34,000 if patients were treated in their own communities through programs such as Phoenix. ``We would have ended up with the best horse and buggy money could buy," HRS spokesmen said, and the horse-and-buggy metaphor for an outdated mental hospital fast became the official line.

Lt. Gov. and acting HRS Secretary Buddy MacKay used it in the Broward County Commission Chambers on June 17, when a standing-room-only crowd appeared for a legislative task-force hearing on the hospital closing. ``We don't want the best horse and buggy in town," MacKay said, and assured the crowd that the decision to close was not made for fear of losing the upcoming federal suit, but solely on the best interests of the patients.

Don't worry, MacKay said, the hospital will not close until adequate local services are in place and paid for. And then, for the next three hours, relatives, advocates, mental patients and hospital employees stepped to the microphone one by one and said basically the same thing: We don't believe you. As Pattie Hunt, a Jupiter mother whose son has been in the hospital six years, put it: ``A horse and buggy looks pretty good to somebody on the street that can't get help!" In a strange way, part of Merdis Moore is relieved to have her son in jail.

``I'm glad he's in jail because there wasn't no place I had for him to go at the time," she says, ``and that's bad. I didn't want him on the streets because I know there's nothing but death and destruction out there, especially for him." On Sept. 7, a day before the federal lawsuit against South Florida State Hospital was to be heard in Miami, lawyers for HRS and the Advocacy Center reached an agreement that avoids a trial and sets strict guidelines for discharging patients. Under the 24-page settlement, the state must provide community support programs if the hospital closes, or pay for improvements if it doesn't.

At about the same time, the six-member legislative task force recommended that South Florida State Hospital remain open, with A.G. Holley Hospital in Lantana perhaps expanding to accept Palm Beach County patients and a smaller facility placed in Dade or Monroe counties for patients from the southern area. South Florida State Hospital is being under-used and local services either don't exist or can't absorb all the patients if it closes. And, the report concluded, getting South Florida State Hospital accredited should be a goal. But the hospital's fate remains with the full Legislature, which has yet to act.

``I won't vote to close it, " vowed state Rep. Carol Hanson, a Boca Raton Republican. ``Over my dead body. I don't know if it's going to be more economically feasible to build a new facility, but there's got to be something in place. We can't walk away and turn our backs while we continue to build aquariums and theaters for the performing arts." At 8:45 a.m. on the same day the suit was settled, Dennis Moore was taken from the jail for a status hearing in Room 315 of the Palm Beach County Courthouse. Fifteen years had passed since Judge Edward Rodgers complained about the system's endlessly revolving door.

Merdis Moore sat alone in one of the spectator benches when her son filed into the courtroom, chained to 10 or 12 other prisoners. From a seat in the jurors' box, he sometimes waved to strangers entering the room. When Moore's name was called, Assistant Public Defender **Iola Mosley** gestured for him to remain seated while she approached the microphone to tell the judge that psychiatric evaluations were not complete. In less than five minutes, Moore was being led back to jail.``I'd like to get him into a Phoenix program as quickly as possible," **Mosley** reassured

Mrs. Moore. ``I'm working to get him back into the mental health system because it's been my experience that when they're kept in jail, they just deteriorate."

Dennis Lee Moore's trial on the robbery at Kentucky Fried Chicken is set for Thursday morning. He will appear before Circuit Judge Edward Rodgers.

Miami Herald, The (FL)
July 30, 1991

RAPE CHARGES FILED AGAIN AGAINST TEEN'S STEP-FATHER
Author: LORI ROZSA

A videotape of a man once charged with sexually assaulting his 13-year-old step-daughter that shows him lifting heavy bags and having lively conversations helped convince prosecutors to refile the rape charges -- after they were dropped because the man was deemed incompetent to stand trial. Assistant State Attorney Doug Fulton said Monday the man is once again charged with two counts of sexual activity with a child, the same charges he faced in 1988 after his step-daughter told police he assaulted her. She became pregnant and later miscarried. The Herald is not printing the man's name to protect the girl's identity.

Fulton dropped the original charges against the man because medical experts said he was incompetent, and he had convinced doctors and other observers that he was barely able to speak or sit up in a chair.

Fulton said the man appeared to be in horrible physical shape, and when the girl's mother pushed for dismissal of the charges, Fulton agreed to drop them in May 1990. But a year later, a civil court judge found that the man's claim of "organic brain syndrome" arising from a work-related injury six months before he was charged with rape was a sham. Judge Lisa Campbell denied the man's workman's compensation claim after watching a videotape presented by attorney Neal Ganon.

The tape shows the man driving, lifting a 50-pound bag of dog food, and having animated conversations with people.

"In court, he kept his eyes down, his arm was bent up in a fetal-like position, you could hardly get a word out of him without him looking like he was in pain," Ganon said. "And here he is smiling, with easy, joyful expressions. He's even driving."

Iola Mosely, the public defender who represented the man in the original charges, said she hasn't seen the videotape. "Just because a person can lift something does not mean he is mentally competent or able to understand the charges that are pending against him," Mosely said. Fulton said the step-daughter had gone to live with her natural father.

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Gary K. Oldehoff

Attachments

Oldehoff

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:12 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 9

Gary K. Oldehoff

Fort Pierce City Attorney Candidate Report

Section 9

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Cover Letter and Resume

GARY K. OLDEHOFF
3061 SE Falmouth Drive
Stuart, Florida 34997
772-919-1040
gkoldehoff@gmail.com

October 17, 2018

Honorable Mayor and Commissioners
City of Ft. Pierce
100 N. U.S. Highway 1
Fort Pierce, FL 34950

C/O: Colin Baenziger & Associates
Recruit37@cb-asso.com

Re: Fort Pierce City Attorney Position

Honorable Mayor and Commissioners:

Please accept this letter in response to the advertisement for the position of Fort Pierce City Attorney. I would be pleased and honored to serve you and the City in the position of City Attorney, and I am very sure I am well suited to you and to this position.

I am a graduate of the University of Virginia School of Law, which is recognized as one of the top 10 law schools in the country. I have practiced local government law in Florida for nearly 35 years. I am intimately familiar with all areas and facets of municipal and local government law. I worked for the Miami-Dade County Attorney's Office and the Sarasota County Attorney's Office. I worked for the Martin County Attorney's Office, and was the Martin County Attorney. I have lectured for many years on a variety of local government law topics. I have experience with the state's executive and executive agencies, the state legislature, and the courts. I've represented the Florida League of Cities and the Florida Association of Counties in the United States Supreme Court. I have worked individually and collectively with elected officials, staff, interest groups, and local governments to solve problems and issues. I am absolutely sure I have all the knowledge and experience you could be seeking in your City Attorney.

I am a partner with Lewis Stroud & Deutsch in Boca Raton. We represent the Florida League of Cities, the Palm Beach County Sheriff's Office, the town of Jupiter Shores, Miami Lakes, the Village of Estero, and several other municipalities. Our work and services run the gamut of municipal and local government law, including (for example), administration, labor, budgeting, government and public financing, procurement, zoning, code enforcement, code and ordinance writing, comprehensive planning, sunshine and public records law, government ethics, utilities, civil rights, eminent domain, redevelopment, regulatory issues, and all areas of litigation.

I have lived on the Treasure Coast in Stuart since 1989. My firm's senior partner recently passed away after a brief illness. This event has prompted me to relocate closer to home.

I have attached a copy of my resume. I would appreciate the opportunity to speak with and provide you any more information and references you might need or desire.

Thank you for your consideration.

Very truly yours,

GARY K. OLDEHOFF

GKO/cl
Enclosure: Resume

GARY K. OLDEHOFF

Curriculum Vitae (abridged)

Relevant Employment Experience:

LEWIS STROUD & DEUTSCH, PL, 1875 Corporate Way, Boca Raton, FL 33431

Partner November 2007 - present

Practicing exclusively in civil matters, consisting primarily of advising, representing, and defending local governments in Florida, on all areas of local government law. Particular emphasis is on state and federal court litigation, land use law and police defense work.

SARASOTA COUNTY ATTORNEY'S OFFICE, 1660 Ringling Boulevard, Second Floor, Sarasota, FL 34236

Assistant County Attorney June 2002 - November 2007

Attorney responsible for Sarasota County's land use and growth management programs. Legal advisor to County Planning Commission, numerous boards and committees, and County staff associated with all aspects of planning and development. In particular, legal advisor to County's Planning and Development Services Department and Environmental Services Department. Practiced extensively in all areas of land use law, including, but not limited to, substantial trial and administrative practice in state and federal courts and agencies, state and federal regulatory compliance, local government finance, and land use and growth management law.

MARTIN COUNTY ATTORNEY'S OFFICE, 2401 SE Monterey Road, Stuart, FL 34996.

County Attorney April 1997 - October 2000

County Attomey and legal advisor to the Martin County Board of County Commissioners. Legal advisor to County boards and committees and County staff. Practiced extensively in all areas of local government law, including, but not limited to, substantial trial and administrative practice in state and federal courts and agencies, transactions, state and federal regulatory compliance, sunshine and public records law, and land use and growth management law. Supervised a staff of eleven, and coordinated outside counsel providing specialized legal expertise. Managed a budget of over one million dollars.

Chief Deputy County Attorney November 1995 - April 1997

Engaged in a multi-faceted civil practice encompassing a wide variety of areas of local government law. Practice included all areas previously handled as assistant county attorney, with greater emphasis on administrative and policy-making activities. Served as County Attorney when the County Attorney was absent.

Assistant County Attorney September 1989 - 1995

Engaged in a multi-faceted civil practice encompassing a wide variety of areas of local government law. Practice included litigation before state and federal trial and appellate

courts, as well as administrative agencies and bodies, and acting as legal advisor to the Board of County Commissioners and related advisory boards and County departments. Primary focus was in the area of land use law.

Education:

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia 22904. J.D. 1984.

Activities: Journal of Law and Politics, Editorial Staff.
Lile Moot Court Competition, Third Round.

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida 33124-8087. Graduate Program in Estate Planning (1986-). LLM not completed.

STATE UNIVERSITY OF NEW YORK, Plattsburgh, New York, 12901. B.A. 1980 History. Minors: Political Science, Anthropology.

Honors: *Summa Cum Laude*
New York State Regents Scholarship
Selected for Albany Semester Program

Bar Membership:

FLORIDA:

Supreme Court of Florida, 1984
11th Circuit Court of Appeals
U.S. District Court for the Southern District of Florida
U.S. District Court for the Middle District of Florida
U.S. District Court for the Northern District of Florida

VIRGINIA: (associate)

Supreme Court of Virginia, 1987
4th Circuit Court of Appeals
U.S. District Court for the Eastern District of Virginia
U.S. District Court for the Western District of Virginia

UNITED STATES:

United States Supreme Court 2009

Section 9

Candidate Introduction

GARY K. OLDEHOFF

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia. J.D. 1984. Journal of Law and Politics, Editorial Staff.

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida. Graduate Program in Estate Planning (1986-). LLM not completed.

STATE UNIVERSITY OF NEW YORK, Plattsburgh, New York. B.A. 1980, *Summa Cum Laude.* Major: History. Minors: Political Science, Anthropology.

EXPERIENCE

LEWIS STROUD & DEUTSCH, PL, 1900 Glades Road, Suite 251, Boca Raton, FL 33431
Partner November 2007 – present

SARASOTA COUNTY ATTORNEY'S OFFICE, 1660 Ringling Boulevard, Second Floor, Sarasota, FL 34236
Assistant County Attorney June 2002 – November 2007

MARTIN COUNTY ATTORNEY'S OFFICE, 2401 SE Monterey Road, Stuart, FL 34996.
County Attorney April 1997 - October 2000
Chief Deputy County Attorney November 1995 - April 1997
Assistant County Attorney September 1989 - 1995

CHESTERFIELD COUNTY, VIRGINIA ATTORNEY'S OFFICE, 9901 Lori Rd. Chesterfield, VA 23832
Assistant County Attorney 1988 – 1989

MIAMI-DADE COUNTY ATTORNEY'S OFFICE, 111 NW 1st St, Miami, FL 33128
Assistant County Attorney 1984 – 1987

BACKGROUND

I am a partner with Lewis Stroud & Deutsch in Boca Raton. I directly supervise my legal assistant/paralegal. We specialize in local government law and represent the Florida League of Cities, the Palm Beach County Sheriff's Office, and several other municipalities in South Florida. The firm represents local governments in litigation in state and federal court, and advises local governments on a wide variety of local government matters, especially land use matters.

GARY K. OLDEHOFF

I have a Bachelor's degree, *summa cum laude,* from the State University of New York (SUNY), and a Juris Doctorate (JD) degree from the University of Virginia School of Law. After law school, I worked at the Dade County Attorney's Office. A few years later, my wife and I moved to Virginia, where I worked for a private law firm. There, I performed, supervised, and managed civil rights defense of sheriff's offices and police departments throughout the country. I left that firm and went to work at the Chesterfield County Attorney's Office.

In 1989, we moved to Stuart, and I worked as an Assistant County Attorney at the Martin County Attorney's Office. In 1994 I was appointed Deputy County Attorney, and from 1997-2000 I was the Martin County Attorney. From 2002-2007, I worked at the Sarasota County Attorney's Office, supervising the County's land use program. From 2007 through the present, I have worked at Lewis Stroud and Deutsch, PL, in Boca Raton, representing local governments and governmental entities and specializing in local government law.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I have lived in Stuart since 1989. I am very familiar with the City of Ft. Pierce and the city government. My children attended John Carroll High School in Ft. Pierce. My wife is the Magistrate in Ft. Pierce. I have served the community in a number of capacities. When not working, I enjoy spending time with my family, reading, playing golf, and kayaking.

I see the chance to be the Ft. Pierce City Attorney as an opportunity to work for a very talented group of elected officials and to do something I really enjoy. I believe the City of Ft. Pierce should have a City Attorney's Office of a caliber, quality, and standing commensurate with its size and position on the Treasure Coast. I created an exceptional County Attorney's Office when I was Martin County Attorney in the 1990's. I would be excited to have the opportunity to create an exceptional city attorney's office for the City of Ft. Pierce.

I believe an exemplary City Attorney is objective, gives sound legal advice and counsel, and produces impeccable legal products that stand the test of time. I am recognized as bright and articulate, and known for having an excellent analytical mind. I am able to examine an issue or problem from many different approaches and angles to arrive at the best right answer to legal and practical problems. I have been in local government law since 1984, and I have experience in every area of law the city will encounter. I have a proven track record of success as a local government attorney.

As I see it, a City Attorney must be above reproach. I have purposely chosen to work in local government law since I got out of law school because high standards of ethics and character are absolutely necessary. I understand the expectations placed on public figures and I have lived for nearly twenty years in the public eye, under the public records law. I have taught and lectured on ethics many times. There is nothing in my background that would embarrass the City if it became public knowledge. There is no "dirt" on me.

I am known to be an accomplished communicator, particularly with elected officials, city staff, and the public. I have sat on the dais with commissioners for more than a decade. I am able to speak in a wide variety of settings and to a wide variety of audiences. I have spoken and made presentations to homeowners' associations and citizens' groups as well as regular presentations to citizens and staff. Naturally, a City Attorney must be an effective advocate for the city's interests in the legal arena. I have a proven reputation in that regard.

I do not seek out the media. I prefer to let others speak to the media. When asked to do so, I have explained commission actions and discussed matters in litigation with news reporters to try to assure that the city's actions are accurately reported. I strive to have a good relationship with reporters. When I have spoken to reporters, I have tried, first and foremost, to help the reporter understand the matter well enough to write an accurate report.

I have lectured on a variety of topics, including ethics, the Sunshine Law and land use issues. The Local Government Law Section of the Florida Bar gave me an award in 1993, recognizing me for excellence in legal writing. I have met with legislators and agency heads to present local governments interests; I have litigated scores of cases on behalf of local governments in the state and federal courts; and I have argued successfully on behalf of local governments in the Florida Supreme Court and the United States Supreme Court.

My service as Martin County Attorney is illustrative of my management style and the kind of office I would create. One of my chief objectives was to assemble a staff that would rival the best local government attorney's offices in the state. I created an office that was broad in local government knowledge and experience, and respected and recognized among the community and the bar. I sought out and hired attorneys that were exemplary. Attorneys in the office were encouraged and expected to write or lecture at conferences, and to be active with the local and state bar. By doing so, they were challenged to improve themselves professionally and distinguish themselves among their peers. Employee evaluations included these matters, as well as client satisfaction. The benchmark set for the staff and the office was to exceed expectations so well that if the elected officials and staff were given a choice between the attorneys and staff of the County Attorney's Office and a private attorney, they would unhesitatingly choose the County Attorney's Office. The quality of the office I created, its products, and all it accomplished, is a matter of public record and speaks for itself.

It is my belief that a City Attorney must also be able to work with people, and be a good manager and administrator. My administrative and management style is extremely team-based. This would include a close working relationship with the City Manager. I am confident that if you asked anyone who worked in the County Attorney's Office during my time as Martin County Attorney, they would say it was an exciting, collaborative place to work.

My approach to handling lawsuits is to be involved before they are commenced, and active and focused on winning or obtaining the best result possible when the city has been sued. I proactively identify and follow matters that could ripen into a lawsuit, and seek to reduce or

eliminate the conflicts or risks associated with those matters. When the city is sued (or if the city is bringing the lawsuit), I assess the lawsuit for the resources that will be needed as soon as possible. The resources I have in the office to defend a particular lawsuit dictate whether or not the case will be handled in-house. If defending a lawsuit is going to exceed the resources of the office, or if the best way to defend the lawsuit is with outside counsel, I find those outside resources and bring the matter to the City Manager and City Commission as soon as possible for direction. I keep the City Manager and the members of the City Commission apprised at all times. I believe my record of litigation representing local governments is exceptional and is illustrative of my approach and abilities with litigation.

I believe that keeping the elected officials and City Manager informed is critical, and open communication with the elected officials and the City Manager is absolutely essential, since they have the day-to-day contact with the citizens, and they make the policy and practical decisions. I work as closely with them as they will permit me to. I always make myself available to meet or talk, and I usually try to have at least weekly meetings with officials to inform them of matters about which they might be asked.

My philosophy regarding legal advice is simple and straightforward: give elected officials and staff the right legal answers and the ability to make their best, most informed decision. I have worked directly and personally with well over 30 county commissioners. The elected officials and staff I have provided legal services and advice to have recognized the quality of my work, advice, and counsel. I believe the elected officials I have served will all speak very well of me, my work with them, and my abilities and the quality of my work. Likewise, I always had an excellent relationship with the all of the County Managers and County Administrators with whom I have worked, and I believe they will also speak very favorably of me.

I believe that my strengths are: I am very well educated, I studied law at one of the top law schools in the country; I have more than 20 years of experience in local government, both legal and practical; I am recognized in the field of local government law for my knowledge, abilities, and accomplishments for local governments; I have a demonstrated work ethic and a contagious love for the law and what I do; and I am a middle child, and therefore I am by nature a conciliator and a problem solver. In my legal career in local government law, I consider the following my finest achievements:

1. My accomplishments as the Martin County Attorney.
2. The work I did in representing the Florida League of Cities and the Florida Association of Counties in the Florida Supreme Court and the United States Supreme Court in *Stop the Beach Renourishment v. Department of Environmental Protection*.
3. The Interlocal Service Boundary/Annexation Agreement between Sarasota County and the City of Venice that I had a large hand in when I worked with Sarasota County.

4. The outcomes that I have obtained for my clients.
5. That my work products have stood the test of time.

I have always placed the highest emphasis on the quality of my work and judgment, for with my honor, they are the most important things I have as a lawyer. Once, however, I made a weak interpretation of language in an ordinance to try to help a colleague who was being criticized for his interpretation. I was not sure his interpretation was correct. In retrospect, he was wrong and I was wrong. I have always regretted it and will never repeat it. Since that day, I have always had a quote on the wall of my office from one of my law professors, which I have followed religiously and recited numerous times to local government attorneys and local government staff:

> *"It is not good enough to be creative, or to have good ideas, or to be provocative: the obligation of the legal advisor is to get it right. Getting it right is not the best thing, it is the only thing."*

If given the opportunity to be City Attorney, in my first six months on the job, I would hope to first stabilize the city's present legal need and requirements, while assessing and determining the overall needs of the office and the budget that is available to meet those needs and structure the office. I would want to move to assemble the office as expeditiously as possible.

REASON FOR WANTING TO LEAVE MY CURRENT JOB

I am willing to leave my current job for two reasons. First, I see this job as an excellent opportunity and a chance to do what I truly love to do. Second, I have been commuting to Boca Raton for more than 10 years and it would be nice to not have to make that trip each day, and instead carpool with my wife to Ft. Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- loyal
- knowledgeable
- ethical
- innovative
- dedicated
- savvy

CURRENT/MOST RECENT SALARY

My current salary is approximately $160,000.00.

CB&A Background Checks

Background Check Summary for
GARY K. OLDEHOFF

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Martin County, FL	No Records Found
Palm Beach County, FL	No Records Found
Sarasota County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Martin County, FL	No Records Found
Palm Beach County, FL	No Records Found
Sarasota County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle	
Florida	No Records Found
Credit	Excellent No negative credit reporting since 2011 discharge of bankruptcy.
Bankruptcy	**June 2011 -** Chapter 13, Voluntary **Disposition:** Awaiting final discharge **See page two of personal disclosure for candidate explanation for record found.*
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #449679

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
GARY K. OLDEHOFF
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: GARY K. OLDEHOFF

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.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No X
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No X
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes X No ☐ SEE ATTACHED
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No X
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No X
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No X
7. Have you ever sued a current or former employer?
   Yes ☐ No X
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes X No ☐ SEE ATTACHED
9. Do you have a personal Twitter Account?
   Yes ☐ No X
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 X
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
    SEE ATTACHED

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/1/2018.

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

Background Check Summary for
GARY K. OLDEHOFF
Personal Disclosure Explanation

Personal Disclosure Questionnaire
Supplement

3) In January 2001, following my time as the Martin County Attorney, I opened my own practice in Stuart with my wife. For financial reasons, in June 2002, I accepted a position with the Sarasota County Attorney's Office, heading the office's land use practice. I got an apartment in Sarasota and came home every other weekend.

My wife Julie, also an attorney, continued working at the office we had opened, and our two sons stayed with her so that they would not have to change schools. I was working and living in a condominium apartment in Sarasota and returning on weekends to spend time with my family. By 2006, monthly rent for a one-bedroom apartment in Sarasota exceeded $1100, and the apartment where I lived converted to condominiums. In July 2006, we purchased that condominium for $169,500.00, investing all of our savings to reduce the mortgage as much as possible. In 2007, I received an offer to return to the east coast of Florida and work for a firm in Boca Raton doing local government and administrative law. By this time, both our sons were in college and the Stuart practice was doing better.

My wife accepted an offer to work at Greenspoon, Marder in West Palm Beach and we were able to maintain the payments on the condominium and our home in Stuart, as well as supporting our sons in college. Unfortunately, Julie was laid off in 2009 as a result of the economy and we found ourselves unable to keep up with the payments on the condominium. We attempted to work out an agreement with our lender to either short sell the condominium or have them take a deed in lieu of foreclosure. Unfortunately, they refused to do so. By this time, the value of the condominium had dropped to $79,000.00.

In early summer of 2011, we filed a Chapter 13 bankruptcy. We gave up the condominium through the bankruptcy but were able to keep our Stuart home. We made all payments due under the plan, completed the plan in early July, 2016 and received a discharge.

In 1997 when I was being vetted by Martin County, an investigation was done of my and Julie's financial and credit history, and it showed that our credit was impeccable. I understand that this is not the ideal economic situation for an applicant for City Attorney. However, as with many individuals in Florida, and St. Lucie County in particular, we found ourselves having done everything by the book but ending up casualties of the economic recession. We accepted responsibility for the situation and completed a Chapter 13 Plan. We are financially stable. I would be happy to provide you with any further information you need regarding this matter.

8) I have a Facebook account. I have a LinkedIn account.

11) George May v. Martin County, et al., 19th Judicial Circuit Case No. 43-1997420 CA (dismissed)
American Tower Systems, Inc. v. Martin County, et al., 19th Judicial Circuit Case No. 43 -1999389 CA (dismissed)
Sherry Carr v. Martin County, et al., 19th Judicial Circuit Case No. 43 2000371 CA (dismissed)
Chase Home Finance v. Gary and Julie Oldehoff, 12th Judicial Circuit Case No. 58-2009 CA 3707 (closed/foreclosed)
In Re Gary and Julie Oldehoff, U.S. Bankruptcy Court Case No. 2011-26542-PGH (discharged/closed)

CB&A Reference Notes

Russ Blackburn – Former County Administrator, Martin County, FL 772-284-0910

Mr. Blackburn first met Mr. Oldehoff in 1997 and worked with him until 2000 when Mr. Oldehoff left the County. They have had some contact after that time, but mainly on a personal level.

Mr. Oldehoff is an outstanding attorney who is incredibly smart. He has a photographic memory and has a firm command of the law. He has experience and knowledge in Constitutional Law, Contracts, Environmental Law, Land Use, Utilities, and Labor and Personnel matters. He worked on many aspects in all of the above mentioned areas of law and is particularly gifted in Land Use issues and knows just about everything in that field of law

Mr. Oldehoff is honest, proactive, responsible, and an all-around solid person with good values. He maneuvered the law extremely well, but was also smart enough to ask for help in areas that were not his expertise. Additionally, he is well connected and has tremendous contacts throughout the state of Florida.

Resolving issues comes naturally to Mr. Oldehoff. He is solution oriented and is someone who tries to find solutions to problems based on the governing body's wishes. During his time in Martin County the elected officials were extremely active and he dealt with some pretty big issues. He consistently made good recommendations to the Commission, even though they did not always follow his advice. One example was when they were facing a lawsuit regarding the annexation with the City of Stuart that angered the Commission. Mr. Oldehoff knew that the County did not have a strong legal case and advised the Council against the lawsuit, however they decided to pursue it against his advisement. Ultimately, the City of Stuart corrected the issues before it went to trial and it worked out to the satisfaction of all involved parties.

Communication is a definite strength of Mr. Oldehoff's. He always kept Mr. Blackburn informed of what was happening in the County. He is an open person who is personable, listens to others, and likes to talk to people. He was a fine administrator and manager to his staff and was extremely helpful to all of the County's employees.

Mr. Blackburn is not aware of Mr. Oldehoff being involved in anything controversial since he has known him. He has no knowledge of any item in his background that would be construed as embarrassing if the press were to investigate. Mr. Blackburn highly recommends him for any position, Mr. Oldehoff would be a wonderful City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Honest,
- Very intelligent,
- Hardworking,
- Creative,
- Responsive, and
- Team player.

Strengths: An honest and proactive professional who is exceptionally talented and knowledgeable in his field.

Weaknesses: None identified.

Dennis Wilkinson – Former Planning Director, Sarasota County, FL 941-749-0235

Mr. Wilkinson first met Mr. Oldehoff in 2002. They worked together on some major legal issues in Sarasota County for two years. They kept in contact for several years after Mr. Wilkinson retired until Mr. Oldehoff moved in 2007 and have since lost touch.

Mr. Oldehoff is persistent and pays special attention to details. He definitely has a solid command of the law. He was the lead attorney on a major administrative hearing that was worth millions of dollars regarding a massive land use plan. It was being challenged by the environmental and developmental communities and the County withstood their entire backlash due to Mr. Oldehoff's expertise and demeanor. No charges were cited by the Administrative Officer and it was a 100% win for the County.

Mr. Oldehoff was a pleasure to work with and he worked well with everyone. He was especially talented at making things tolerable during the stressful times. He was a hard worker who not only ensured that the big and tedious cases were taken care of, but he also kept the daily issues of the office running without a hitch.

Dealing with others in the organization was something that Mr. Oldehoff did well. He was professional in his dealings with the County Manager, the department heads and the staff. He also interfaced well with the municipalities within the County, which, at times, could be adversarial. He was always professional and handled himself in a dignified and polite manner. Furthermore, he met with the Chamber of Commerce, various community groups, and, on occasion, the press where he was always forthcoming and communicated what was necessary.

Mr. Oldehoff was a diligent worker and was always responsive to Mr. Wilkinson. He could not think of any major incidents where the elected officials did not follow Mr. Oldehoff's advice. He is the type of person who looks for solutions. Whatever the organization wants to accomplish he will creatively find a way to get it done within the regulations of the law.

Mr. Wilkinson is not aware of Mr. Oldehoff being involved in anything that would be looked at as controversial. He does not have any information about Mr. Oldehoff's past that would be embarrassing to any future employer. He would certainly seriously consider him as a candidate for a City or County Attorney position.

Words or phrases used to describe Gary Oldehoff:

- Dedicated,
- Diligent,
- Persistent,
- Detail oriented,
- Team player, and
- Entertaining.

Strengths: Diligent professional who is detail oriented and works tremendously well with everyone around him.

Weaknesses: In a team situation he will declare his territory and can sometimes have a strong personality which, at times, can rub others the wrong way, especially in a governmental setting.

Stephen DeMarsh – County Attorney, Sarasota County, FL 941-861-7272 941-861-7255

Mr. DeMarsh first met Mr. Oldehoff in 2002 and they worked together until 2007. Mr. DeMarsh became the County Attorney in 2004 and Mr. Oldehoff reported to him from that time forward. They have had some sporadic contact since 2007.

Mr. Oldehoff is a brilliant, extremely intelligent, and hardworking attorney. He is in the top echelon of people who can handle complex matters. He has an excellent command of the law especially in civil litigation. He is also well versed and experienced in Land Use, Constitutional Law, and in some aspects of Contracts.

Mr. DeMarsh considers Mr. Oldehoff as responsive and someone who served his clients well. He is a team player who has unbelievable energy and interest in the law. He is the type of person who can handle the heavy load of litigation and daily work that comes with the territory of working as a municipal attorney.

Mr. Oldehoff always made good recommendations to the elected body. He gave excellent recommendations to the Council on a number of complex matters and helped to clarify those matters. Mr. DeMarsh recalls one time when the elected officials did not follow his recommendation. He had essentially won a piece of litigation and they wanted to settle it anyway. The outcome was that they received less than what they would have had they continued with his recommendation to follow it through, but it is what they wanted.

Finding solutions is easy for Mr. Oldehoff, however, he does so within the limits of the laws and regulations. He first will advise his clients what the codes are, and then present them with the options so that they can decide for themselves.

Dealing with the public comes easily for Mr. Oldehoff. During his time in Sarasota he dealt with various members of the public as well as their attorneys. He also attended Commission meetings from time to time and interacted well with the elected officials as well as any member of the public who might be in attendance.

Mr. DeMarsh is not aware of Mr. Oldehoff being involved in anything controversial that was not part of his job description. He has nothing in his past history that would be thought of as unflattering if the press were to go digging. He would be a fine candidate for a City or County Attorney position because he has a vast understanding, experience, and knowledge of governmental issues. If any municipality wants someone who is sure of himself and can handle the full workload, he is the right pick.

Words or phrases used to describe Gary Oldehoff:

- Highly intelligent,
- Good command of the law,
- Hardworking,
- Interested in the law, and
- Knows what he is doing.

Strengths: An outstanding attorney who is dedicated to the law and has an immense amount of experience and knowledge in his field.

Weaknesses: An attorney who is best suited to a client who wants an attorney who is sure of himself, which, for some, could be a weakness.

Janet Gettig – Former Commissioner, Martin County, FL 561-746-0984

Ms. Gettig first met Mr. Oldehoff in 1992 and worked with him until 2000 when she left the Commission. The last time they had any contact was a few years ago.

Mr. Oldehoff did an excellent job for Martin County. He is extremely familiar with the law and is always well prepared. He is a fairly substantial and well recognized attorney in the area who works hard for positive outcomes for his clients.

Solving problems is an area where Mr. Oldehoff excels. He came up with some excellent strategies for growth management in Sarasota. He is responsive and makes good recommendations to the elected body. While he was with the County he advised the Council well and with his guidance they prevailed and had positive outcomes on various lawsuits and legal issues.

Mr. Oldehoff is a fine communicator. He was present at all of the meetings and was clearly prepared with staff reports. He had no other agenda other than that of serving the board and working for its, and the County's, best interest.

Ms. Gettig is not aware of Mr. Oldehoff being involved in anything controversial since she has known him. He has nothing, to her knowledge, that would be thought of as embarrassing if the press were to go digging. He would do well as a City or County Attorney and she would hire him if she were given the opportunity.

Words or phrases used to describe Gary Oldehoff:

- Responsive,
- Analytical thinker,
- Competent,
- Personable, and
- Good communication skills.

Strengths: Well prepared and experienced attorney who is knowledgeable in many aspects of municipal law.

Weaknesses: None identified.

Teresa Grassi-Wolosh – Legal Assistant, Lewis Stroud & Deutsch, Boca Raton, FL
561-826-2800

Ms. Grassi-Wolosh first met Mr. Oldehoff in 2014 when she came to the firm. In her position she reports to him on a daily basis.

Mr. Oldehoff is an amazing attorney who is fair, detail oriented, and thorough. He has an exceptional command and knowledge of the law. He is personable, easy to talk to, caring, and friendly. Additionally, he is a hard worker who goes the extra mile to get the job done.

Mr. Oldehoff makes excellent decisions when it comes to dealing with the law. He also negotiates well on behalf of the party whom he represents. He is responsive and is willing to problem solve, however he is very conscience of the law. He will not deviate from the law but will do what he can in a creative way within legal parameters.

As a boss, Mr. Oldehoff is one of the better bosses that Ms. Grassi-Wolosh has had during her career. He is communicative and always keeps her informed of what she needs to know about in regards to cases.

Ms. Grassi-Wolosh is not aware of Mr. Oldehoff being involved in anything controversial since she has known him. She is unaware of anything in his background that would be considered embarrassing if the press were to research his past history. If she were looking to hire a City or County Attorney, he would be a solid candidate whom she would definitely consider.

Words or phrases used to describe Gary Oldehoff:

- Hardworking,
- Outgoing,
- Problem solver,
- Friendly, and
- Detail oriented.

Strengths: A hard working professional who is personable, friendly, and gets the job done in the best interest of his organization and client.

Weaknesses: None identified.

David Wagner – Former County Attorney, Alachua County, FL 352-246-6546

Mr. Wagner first met Mr. Oldehoff in 1995. They worked together regarding issues in Martin County. They have stayed in contact over the years via phone calls and at various conferences.

Mr. Oldehoff is a superb attorney who has a very good command of the law. He does well when presenting the law to others and has a wide range of local government experience. He is a hard working person who understands not only governmental city law, but also county law.

Mr. Oldehoff makes fine decisions in regards to the law. He also makes solid and sound recommendations to his elected body. While in Martin County his recommendations were always well founded and backed up with facts. He is also an excellent negotiator and works well for the people whom he represents. He does what he can to find solutions rather than stating that the law does not permit something to be done.

In order to be a successful attorney one must be able to communicate and deal well with the public. Mr. Oldehoff is an effective communicator and is always prepared to provide the best legal advice.

Mr. Wagner is not aware of Mr. Oldehoff being involved in anything controversial that was not part of his job. He has nothing in his background that would be construed as unflattering if the press were to research him. He would be a fine candidate for a City or County Attorney position and Mr. Wagner would hire him if he were looking for one. He has the requisite experience and maturity to do the job and do it well.

Reference Notes
Gary K. Oldehoff

Words or phrases used to describe Gary Oldehoff:

- Competent,
- Inclusive,
- Friendly,
- Even keeled personality, and
- Calculating in his communication.

Strengths: Experienced and knowledgeable individual who works well with others and who is one of the best in his field.

Weaknesses: None identified.

Denise Neiman – County Attorney, Palm Beach County, FL 561-355-2225 561-355-3389

Ms. Neiman first met Mr. Oldehoff approximately in the 1990's when he was with the Martin County Attorney's office. She has not had contact with him for several years.

Mr. Oldehoff is highly intelligent and has a good command of the law. He is an excellent writer and not only knows the information, but also knows how to clearly communicate it both written and verbally. Although Ms. Neiman is not entirely familiar with what type of law in which he has experience, she does know that he knows Constitutional Law and Contracts.

Ms. Neiman was not only impressed by Mr. Oldehoff's intelligence and firm command of legal issues, but his healthy approach to life both professional and personal. He is a good, well-rounded person whom people gravitate towards. He is a genuinely honest individual who practices with high ethics and morals.

On the few issues that Ms. Neiman worked with Mr. Oldehoff on he was always responsive. He is also one who embraces finding solutions to problems. He makes good decisions with regards to the law and practices with common sense. He always works with an element of practical application to the law that Ms. Neiman found to be refreshing.

Mr. Oldehoff has nothing in his past history that would be thought of as controversial or embarrassing if the press were to go digging. For him to have stayed in Martin County for so long speaks volumes as it is an area that is traditionally difficult. If he applied for a position in her office she would most definitely hire him.

Words or phrases used to describe Gary Oldehoff:

- Highly intelligent,
- Personable,
- Common sense,
- Communicative, and
- Well-rounded.

Strengths: Exceptional attorney with a solid understanding of the law who practices with a common sense approach and gets results.

Weaknesses: None identified.

Nora Patterson – Former Commissioner, Sarasota County, FL 941-349-1721

Ms. Patterson first met Mr. Oldehoff in 2002. She worked with him until he left the County in 2007. They have had no further contact since that time.

Mr. Oldehoff has an excellent command of the law and is a fine trial attorney. On numerous occasions Ms. Patterson went to talk to him and always found him to be bright and that he represented the County well. He was responsive and made the best recommendations to the elected body. In fact, she does not remember a time where the elected officials did not follow his advice and decided on something different.

Mr. Oldehoff is a solution oriented person, but also someone who stays within the confines of the law. He did his best to do what the Commissioners wanted, but if he thought they were walking a plank, he let them know.

Ms. Patterson felt comfortable asking Mr. Oldehoff questions. He was always accessible and communicated what she needed to know in regards to County legal business. He was a knowledgeable attorney who knew what he was doing especially in regards to Land Use issues as that is what he did, for the most part, in Sarasota.

Ms. Patterson is not aware of anything in Mr. Oldehoff's background that would be considered controversial or embarrassing. She would definitely hire him if she were looking for a City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Bright,
- Outspoken,
- Articulate, and
- Intelligent.

Strengths: A capable attorney who represents his clients well and who is highly intelligent.

Weaknesses: Outspoken.

Joseph Barbetta – Commissioner, Sarasota County, FL 941-921-9566

Mr. Barbetta first met Mr. Oldehoff in 2006 when he was elected to the Commission. He worked with him for about a year up until Mr. Oldehoff left the County. They have had no further contact since that time.

Mr. Oldehoff is a very smart person who has an outstanding command of the law. Mr. Barbetta interacted with him a few times per week and was always pleased with how he was treated. His dealings with him were mostly in regards to Land Use issues in which he is extremely experienced and well versed.

Mr. Barbetta would characterize Mr. Oldehoff as responsive. He also makes very good and thorough recommendations to the elected body. He does not recall of any circumstances where the Commissioners did not follow his advice and did something different.

Mr. Oldehoff always kept Mr. Barbetta and the other Commissioners well informed about things he was working on. He was a solutions driven attorney who helped as much as he could. He was straightforward and ensured that they understood that his solutions always came from an ethical and legal place.

Mr. Barbetta does not recall of Mr. Oldehoff having been involved in anything controversial. He does not know of any item in his background that would be thought of as embarrassing by any future employer. Mr. Barbetta would definitely hire Mr. Oldehoff as a City or County Attorney.

Words or phrases used to describe Gary Oldehoff:

- Bright,
- Conscientious,
- Excellent communication skills,
- Responsive,
- Amicable,
- Easy to deal with, and
- Good person.

Strengths: A highly capable attorney who is intelligent and experienced in the law.

Weaknesses: None identified.

Jeri Wright – Legal Assistant, Lewis Stroud & Deutsch, Boca Raton, FL 561-826-2800

Ms. Wright has known Mr. Oldehoff since 2012 when she came on board at the firm. He is one of the attorneys that she reports to in their office.

Mr. Oldehoff is a wonderful attorney who has an excellent command of the law, but if something comes up that he is not familiar with he will do his research. His overall character is fantastic. He is very intelligent and she feels comfortable going to him when she has questions.

Mr. Oldehoff is definitely responsive. He never leaves things unattended and makes himself available. From her perspective he makes good decisions in regards to the law and negotiates well on behalf of the people whom he represents. He is absolutely a problem solver and looks for solutions to issues rather than saying they cannot be handled because the law does not permit.

Communication is an area where Mr. Oldehoff shines. He never turns Ms. Wright away and his door is always open. He does a fine job of managing his area of the office and works well with the staff. She would hate for him to leave as he adds such a wonderful aspect to their office.

Ms. Wright is not aware of Mr. Oldehoff being involved with any controversies since she has known him. She has no knowledge of anything in his background that would keep him from doing a top notch job at any organization. He is an excellent candidate for a City or County Attorney position because he is personable and deals well with others.

Words or phrases used to describe Gary Oldehoff:

- Intelligent,
- Helpful,
- Sociable,
- Easy to get along with, and
- Experienced.

Strengths: An intelligent and experienced professional who is easy to work with and who is extremely helpful.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

Section 9

CB&A Internet Research

Palm Beach Post, The (FL)
July 16, 2014

Pair: Nasty, petty politics threatened dream home
Author: Jane Musgrave

When Richard and Marilyn Barfield's house in Jupiter Inlet Colony was walloped by back-to-back hurricanes in 2004, they knew it would take many months, possibly more than a year, to mend their lives. As a result of what they call widespread corruption and petty, yet vicious, politics, it would be six years before they got permission to move into the dream home they designed to replace the one Hurricanes Francis and Jeanne destroyed. Rather than help the Barfields rebuild as they had promised, small-minded town officials did everything they could to thwart them, their attorney told a Palm Beach County jury on Tuesday. Then-Mayor John Zuccarelli III dispatched members of the tiny town's police force to spy on the couple, attorney Steven Katzman said. Workers, including roofers, drywall hangers and paving contractors, were chased off their property. Day laborers they hired were forced to register at town hall.

800 code violations

Before their new house was finally completed in 2011, they had been issued more than 800 code violations and more than $100,000 in fines, he said. "Why did they get all these violations?" Katzman asked jurors during opening statements in a trial in which he is expected to seek millions in damages. "We believe it's because they stood up and spoke out and were punished for doing so." Attorneys representing Zuccarelli, two town commissioners and Police Chief John Benevento disputed the notion that the Barfields were punished because Marilyn Barfield used her position as a town commissioner as a bully pulpit to criticize long-standing town policies. "This case is not about free speech. It's not about unlawful searches. It's not about discrimination," said attorney Michael Burke, who represents Commissioner Douglas Pierson and current Mayor Daniel Comerford III. "The evidence will show they tried to bully and intimidate folks in the town who were responsible for enforcing the rules of the road when it comes to construction." He disputed Katzman's claims that the Barfields paid tens of thousands in fines. "The evidence will show not one penny has been paid," he said.

Attorney **Gary Oldehoff**, who represents Zuccarelli and the police chief, also blasted the couple for trying to skirt town rules. The hurricanes, he said, gave Barfield, an emergency room doctor, and his wife, who worked as a nurse, an unexpected gift. "The Barfields saw this as an opportunity to build their dream house," **Oldehoff** said of the grand two-story, 10,000-square-foot home they built to replace their aging 5,000-square ranch-style house. "They wanted to build their house on their own time, on their own terms." The level of animus belies the atmosphere of the neatly manicured 128-acre community at the tip of Jupiter Island. It seems more likely to embody the characteristics of its most famous resident, the late crooner Perry Como, who climbed to the top of the charts with such hits as "Some Enchanted Evening."

An enchanted life

For 10 years, Marilyn Barfield testified, life on the island was enchanted. "It was the most beautiful place I'd ever seen," said Barfield, who was raised in West Virginia. An active town volunteer, in 2003 she decided to seek office. That was when, she said, she discovered cracks in the town's veneer -- cracks she couldn't ignore. She questioned why the town moved its money into Independent Community Bank, where Zuccarelli was a 9.9 percent owner and Pierson owned stock. She pushed fellow commissioners to fix what she said were blocked or undersized drainage pipes, claiming they were contributing to flooding and sink holes. She criticized Pierson for not putting an enclosure around his pool and Comerford, then a commissioner, for not trimming bushes that obstructed motorists' views. She questioned why the town charged so much for building permits. Zuccarelli, she said, told her it was to keep property taxes low.

With each complaint, she said, her elected colleagues got angrier and angrier. When the Barfields then needed the town's cooperation to build their new house, the outraged commissioners got their chance for revenge, she testified. Police began visiting the construction site several times a day, taking photographs and issuing citations. As citations mounted, she said she and her husband went to visit Zuccarelli to call a truce. "We decided to go and speak to him and tell him we were done complaining about the town," she said. "All we want to do is build our house and live in peace." Zuccarelli's response was swift: "He said we would never move into that house and we would never get a certificate of occupancy," she said.

Police called vigilant

Throughout her testimony, Zuccarelli and Pierson shook their heads as Barfield recounted conversations she said she had with them. **Oldehoff** said Zuccarelli didn't sic the police on the Barfields. Police watch the 180 houses in the community constantly. And, he said, that includes being vigilant about code enforcement violations. They were particularly watchful of the Barfields because they appeared to be doing work without permits, he said. Work trucks and construction equipment littered the site and dust billowed from it, in violation of town rules. The couple tried to avoid paying extra to extend building permits when they expired, he said. They moved in before construction was completed. They also low-balled the cost of the house to reduce the price of permits, which are based on construction costs.

Experts estimate they spent as much as $3.5 million to build their house while the Barfields said it cost $400,000, he said. "It really boils down to the fact that the Barfields wanted to have things their way," he said. The trial, which is expected to last several weeks, continues today.

Florida Times-Union, The (Jacksonville, FL)
June 18, 2010

High court backs beach restoration Private property owners claim they're losing land value, rights
Author: STEVE PATTERSON

Florida's program for rebuilding eroded beaches Thursday survived a U.S. Supreme Court challenge that could have stalled restoration projects statewide. The case centered on the improbable question of whether oceanfront landowners in Walton and Okaloosa could sue the state for building beaches in front of their property. The high court unanimously said no. "We're very, very pleased. ... We'll be able to continue doing beach restoration, especially now with the hurricane season coming up," said **Gary Oldehoff**, a Boca Raton lawyer who filed a brief for the Florida Shore and Beach Preservation Association and two local-government associations.

The case was followed by property rights advocates nationally, because it invited a decision about whether judges ruling against property owners are in fact illegally taking property rights. That remained unsettled, though, with only four out of eight justices saying a so-called judicial taking was possible. Four others stopped short of addressing that, giving two separate reasons why that decision wasn't needed in this case. The ninth justice, John Paul Stevens, owns Florida beachfront property and didn't take part in the ruling. The suit stems from a Panhandle restoration project that was first planned in 2003.

Landowners who organized a group called Stop the Beach Renourishment Inc. questioned the need for some work, saying part of the beach was actually expanding, not eroding. Their property extended to the water's edge, with the state owning everything below the high tide line. They argued that the state-funded beach project would cost them both land value and rights because it involved pouring sand onto state-owned - previously submerged - land. Doing that would move the high tide line further out to sea, creating a strip of publicly owned beach between the water and their property.

After the Florida Supreme Court overturned a ruling that backed the landowners, they appealed to the nation's highest court, saying they were entitled to be paid if their property rights were taken. Since restoring a beach already costs $3 million to $5 million per mile, beach advocates worried that adding extra payments for landowners would make the work prohibitively expensive. But the justices said nothing in the state's action amounted to taking the landowners' rights. "Florida law ... allowed the state to fill in its own seabed," Justice Antonin Scalia wrote. Two Tallahassee attorneys who represented the landowners, Kent Safriet and Richard Brightman, said in a statement they feared the ruling "will lead to more incidences of government unfairly taking private property away from hard-working citizens." But they and other property rights advocates said they were encouraged that four justices went out of their way to talk about the chance for judicial takings even after ruling one had not happened this time. "Four did say yes; we didn't have four say no," said Jim Burling, director of litigation at the Pacific Legal Foundation, a property rights advocacy group.

Florida Times-Union, The (Jacksonville, FL)
October 8, 2009

High court to hear beach erosion suit Landowners say state stole their beachfront by replenishing sand.
Author: STEVE PATTERSON

Florida's system for saving beaches from erosion is being challenged in a U.S. Supreme Court case that could reshape rights of landowners and governments nationally. The case centers on two questions: whether people who own beachfront land can suffer a financial loss by the state adding new sand, and whether judges are violating property rights if they let that happen without ordering payment to the owners. A top federal lawyer and the attorneys general for 26 states filed briefs this week supporting Florida's state government. More than a dozen property rights groups or business associations have filed arguments supporting landowners who sued over a beach project in Walton and Okaloosa counties in the Panhandle that started in 2006. The suit's opponents say a court ruling to pay the landowners could stop beach projects in their tracks. "The outcome of this case will decide whether the beach restoration program will continue in Florida, as well as similar programs in the rest of the country," argued a brief filed jointly by the Florida Shore and Beach Preservation Association and the Florida Association of Counties and Florida League of Cities.

EROSION AND PROPERTY VALUES

The suit, by a group called Stop the Beach Renourishment Inc., will be argued before the justices in December. The landowners' suit claims their rights were taken because the 2006 project created a new strip of public beach that separates them from the Gulf of Mexico. They say their beach was stable and would have eventually grown. "That land is no longer oceanfront. It's ocean-view," said Menelaos Papalas, a Jacksonville attorney who filed a friend-of-the-court brief for the nonprofit Coalition for Property Rights. That group agrees with the landowners who argue the project lowered their property values by opening up a beach that anyone could use. "This is a fundamental legal right to be compensated," Papalas said.

Government agencies spend hundreds of millions of dollars yearly in Florida to repair eroding beaches by pumping offshore sand onto the beach around the high tide line. By law, the area underwater at high tide is owned by the state. But the added sand pushes the tide line farther out, leaving a state-owned strip of dry land that will normally slowly erode again. That's only done to stop the sea from carving up the coastline, so arguments about losing property value make no sense, said **Gary Oldehoff**, a Boca Raton attorney who filed the brief for the beach preservation association. Restoring a beach normally costs between $3 million and $5 million per mile, so if landowners' rights were somehow damaged, that should more than make up for it, the brief argues.

IMPACT COULD RIPPLE

The Florida Supreme Court ruled against the landowners last year, but the new suit argues that was a kind of judicial activism. It asks the U.S. Supreme Court to rule that the decision amounted to a "judicial taking," where a judge's decision represents a violation of property rights guaranteed under the Constitution's Fifth Amendment. The Supreme Court has never ruled such a thing exists, and many of the interests involved in this case see that as having far-reaching impacts. **Oldehoff** said he's worried that a judicial taking ruling would start a torrent of claims from all sorts of landowners. "The concept of property covers a very narrow spectrum in the minds of some people but a very broad spectrum in the minds of others," he said. "If the people with that much broader notion ... thought they had a remedy for every judicial decision that affected their property in the Supreme Court of the United States, their docket would be flooded. The federal courts would be flooded."

In the middle of arguments about sweeping theoretical issues, the case could end up drifting away from the facts that first touched some Panhandle landowners, said Keith Hetrick, general counsel for the Florida Home Builders Association, which filed a brief in support of the suit along with the National Association of Home Builders. Because of the scope of issues in play, "groups start lining up and taking black-and-white, the-sky-is-falling type positions," Hetrick said. "The truth is somewhere in the middle, obviously."

Sarasota Observer, The (FL)
February 21, 2008

Planners to consider new Lowe's store - The home-improvement retailer has altered its plans to deed eight to 10 acres to the county to serve as a buffer
Author: Robin Hartill

A proposed Lowe's home improvement store on Central Sarasota Parkway in Palmer Ranch faces a crucial test Feb. 21 when its development application goes before the Sarasota County Planning Commission. This the proposed Lowe's store that brought about the resignation last year of assistant county attorney **Gary Oldehoff**, who resigned after opposing the store at a public workshop last fall. **Oldehoff** also happened to be a resident of a condominium next to the Lowe's proposed site.

Palmer Ranch Holdings Inc. owner Hugh Culverhouse Jr. complained about **Oldehoff** 's Sept. 25 appearance, alleging it was a conflict of interest and prejudicial. **Oldehoff** was the attorney who often presided at Planning Commission meetings during which commissioners decided whether to approve or deny development requests. Culverhouse said it was unethical for **Oldehoff** to oppose the Lowe's project and then sit on the panel that would help decide its fate.

County Attorney Steven DeMarsh initially backed **Oldehoff**, saying it was his right as a property owner to be at the meeting. But after more than a month of letters between DeMarsh and Culver-house's attorneys, **Oldehoff** resigned. Culverhouse attorney Lawrence Kellogg said he would monitor the approval process carefully, and if the planning commission or County Commission rejected the project, he would want to investigate why it was turned down.

Lowe's has held three neighborhood workshops, with the most recent one last week. The communities that will be most affected by the 20-acre development are the Bella Villino condos to the east of the proposed store, the Royal Palms Mobile Home Park to the west and the Venetian Mobile Home Park to the south. Based on neighbors' concerns about noise and traffic, Lowe's has changed some of its plans. It has offered to give to the county at no cost the deed to eight to 10 acres of natural space on the southern side of its property that will serve as a buffer area. It also has reduced the size of its loading area behind the store to allow for a greater buffer and to reduce the truck noise. Lowe's hopes to build a 153,000-square-foot store with 450 parking spaces.

Englewood Sun (FL)
November 11, 2007

Attorney involved in federal housing suit resigns
Assistant County Attorney Gary Oldehoff was a central figure in the Tammi House case.
Author: Jack Gurney

A key player in the U.S. Justice Department's intentional housing discrimination case against Sarasota County has resigned. Assistant County Attorney **Gary Oldehoff** will leave the job this Friday and return to his former home in Martin County. **Oldehoff** advised the county building and zoning officials who unsuccessfully tried to close Tammi House, a complex of six Warm Mineral Springs homes for residents in recovery from alcohol addiction, substance abuse and mental illnesses. The county's 2004 actions triggered an investigation by the Justice Department's civil rights division and prompted a lawsuit that cost taxpayers an estimated $4 million in legal bills and settlement payments to avoid a federal jury trial.

The terms of the Oct. 26 out-of-court agreement include mandatory U.S. Fair Housing Act training sessions for county officials, and a four-year probationary period during which all county housing activities must be reported to the federal government. **Oldehoff** was no stranger to controversy before he came to Sarasota in 2002. He was fired "without cause" as the Martin County attorney in 2000 and given a $93,000 severance package by county commissioners, two of whom did not stand for re-election. In 2004, **Oldehoff** got involved in the Tammi House case when he advised building and zoning officials the complex was a "community residential home" that should be licensed by the state, and as such each of the homes should have 1,000 feet of separation between them.

An order was issued to the owners of Tammi House that would have required 30 residents to vacate five of the homes. The owners appealed both the determination and order to an appointed county board of zoning appeals that was also advised by **Oldehoff.** On Oct. 4, 2004, in response to a board member's question about whether federal, state or local law prevails in such cases, **Oldehoff** advised the members they should only consider county rules. "You are to focus only on the zoning code," he said, "and what the code says." Rather than argue the county's findings in a state court, the Tammi House owners contacted federal housing officials. The case was referred to civil rights lawyers in the Justice Department who issued a warning to the county in 2005 before filing suit in 2006.

Venice Gondolier Sun (FL)
November 2, 2007

Education key element of settlement
Author: Jack Gurney

When Sarasota County accepted the terms of an out-of-court settlement with the U.S. Department of Justice to resolve alleged intentional housing discrimination charges it assumed an obligation to learn more about provisions of the 1968 U.S. Fair Housing Act. As a result, many top county officials who make critical building, planning and zoning decisions will attend classes arranged by a new court-mandated county employee whose job title will be the Fair Housing Act Compliance Officer.

The officials include Zoning Administrator Tina Crawford, Planning and Development Services Manager Rob Lewis, Planning Manager Anne McClung, Build Official Paul Radauskas, Code Enforcement Manager Sandra Jones, Community Housing Manager Mary Beth Humphreys and Housing and Community Development Manager Don Hadsell. Also required to attend is Assistant County Attorney **Gary Oldehoff**, who is responsible for advising the board of zoning appeals about provisions of the Fair Housing Act. He was a key player in county decisions that led to the federal lawsuit.

The Fair Housing Act prohibits landlords, real estate firms, local governments, banks, insurance companies and all other providers from denying housing to people because of their race, color, religion, sex, national origin, familial status or disability. Oct. 24, the county commission unanimously agreed to settlement terms with the Justice Department that will remain in effect for four years, during which time the U.S. Federal Court in Tampa will retain jurisdiction and decide whether all the parties have met their obligations. As has been previously reported, the case stemmed from a 2004 county decision to close five of six Warm Mineral Springs homes clustered in a complex known as Tammi House that rents rooms to people in recovery from alcohol addiction and drug abuse.

County officials cited zoning violations. Justice department lawyers visited the facility in late 2005 and warned the county its actions were unlawful. In June 2006, the county was charged with violations of both the Fair Housing Act and Americans with Disability Act. The settlement allows all six homes to remain open as "sober houses," but states they must be independently operated under rules that prohibit on-site drug testing, distribution of medications, group substance abuse education or group counseling. Terms of the settlement include a $750,000 county "contribution" to the owners of Tammi House, a $10,000 payment to the Justice Department and bills for a legal defense against the charges from the Washington, D.C., law firm of Holland & Knight. The estimated cost to county taxpayers for trial preparation and the out-of-court settlement is about $4 million. A more accurate total will be available when all the bills have been submitted for payment and are accounted for by Court Clerk Karen Rushing.

South Sarasota Observer, The (FL)
November 2, 2007

County attorney resigns
Accused of a conflict of interest over his objections to a Lowe's development, an assistant county attorney steps down.
Author: Kyle Rogers

The Sarasota County attorney at the center of an ethics probe has resigned. Assistant county attorney **Gary Oldehoff** will step down from his post Nov. 9. **Oldehoff** had come under fire after his vocal appearance at a neighborhood meeting concerning a proposed Lowe's home-improvement store in Palmer Ranch. **Oldehoff's** resignation appears to be the latest development in a month-long, back-and-forth dialogue between Sarasota and Palmer Ranch Holdings, resulting from his appearance at a Sept. 25 workshop for the project, which is required as an initial step in the development-approval process. **Oldehoff** owns a condo next to the vacant land where the store would be built. According to Palmer Ranch lawyer Lawrence Kellogg, **Oldehoff** asked several detailed questions at the workshop, which reflected his intimate knowledge of the county's development standards, and spoke out against the project saying: "This site plan will not work."

Palmer Ranch owner Hugh Culverhouse Jr. accused **Oldehoff** of a conflict of interest. **Oldehoff** is the attorney who sits on the Planning Commission, which is the second-to-last step before any development can move forward. "Hopefully, (the resignation) puts an end to the concerns about **Oldehoff** influencing the county's decision (on the Lowe's development)," Kellogg said. Culverhouse was also concerned about the presence of county planner Ed Wolfe at the workshop, who sat with **Oldehoff** and conversed with him prior to **Oldehoff** 's pointed questioning. Wolfe does not live in the neighborhood surrounding the Lowe's property. Wolfe's supervisor, Anne McClung, told The South Sarasota Observer that Wolfe was in the neighborhood to take photos of the site and decided to stop in to the workshop to pick up some documents from WilsonMiller representatives, who were consulting on the Lowe's project.

However, Frank Domingo, one of the WilsonMiller representatives at the meeting, said nobody picked up any documents from him and he doesn't remember even taking any with him that night. McClung didn't return calls seeking clarification. After reading in The Observer McClung's explanation of Wolfe's presence at the meeting, Kellogg sent a letter to County Attorney Stephen DeMarsh Oct. 26, which said McClung's statements are "belied by the facts that Mr. Wolff (sic) received no documents from the developer, nor did he ask for any, (and) pictures cannot be taken at night, which is when the meeting occurred." DeMarsh had defended **Oldehoff** 's appearance at the meeting as his right as a private citizen and as a neighbor of the project.

In an Oct. 3 letter to Kellogg, DeMarsh said **Oldehoff** would not work on that particular project, but did not comply with Kellogg's request to take **Oldehoff** off of all Palmer Ranch projects.

Kellogg responded Oct. 11, asking not only that **Oldehoff** have no further dealings with Palmer Ranch, but also that DeMarsh conduct an independent investigation of the incident.

DeMarsh wrote Kellogg again Oct. 15, and he agreed to assign all Palmer Ranch projects to other attorneys, but he denied the request for an independent investigation. DeMarsh and **Oldehoff** did not return calls seeking comment. While Kellogg is satisfied with **Oldehoff 's** resignation, he said if the Lowe's development isn't approved, he would wonder if the assistant county attorney influenced the project after all. "We would have to investigate further about why it was rejected," Kellogg said. "Hopefully, we're not in that situation. Hopefully, this is the end."

South Sarasota Observer, The (FL)
October 19, 2007

County denies Ranch's investigation request
Author: Kyle Rogers

Palmer Ranch owner Hugh Culverhouse Jr. wanted county employees ' presence at a proposed Lowe's store workshop probed. Palmer Ranch Holdings ' request for outside counsel to conduct an independent investigation of what it calls questionable ethics has been turned down. County attorney Steve De-Marsh responded this week to a Palmer Ranch attorney's call for an independent entity look into the presence of two county employees at a neighborhood workshop for a proposed Lowe's home-improvement store. He said he would not hire outside counsel to investigate, but Palmer Ranch is within its rights to file a complaint with the Commission on Ethics.

DeMarsh did, however, agree to another Palmer Ranch request – that one of the employees who attended, assistant county attorney **Gary Oldehoff**, will not work on any Palmer Ranch projects. The problem arose Sept. 25, when **Oldehoff**, who is a Palmer Ranch resident, attended that workshop. **Oldehoff** was critical of the project, which would be built next door to his Bella Villino condo, and asked pointed questions of the developer.

Palmer Ranch owner Hugh Culverhouse Jr. accused **Oldehoff** of a conflict of interest. **Oldehoff** is the attorney who sits on the Planning Commission, which is the second-to-last step before any development can move forward. But DeMarsh defended **Oldehoff**, saying it was his right as a homeowner to attend and that the assistant county attorney would recuse himself from any business dealing with the Lowe's store. That didn't satisfy Culver-house, whose attorneys asked the county in an Oct. 11 letter to conduct an independent investigation of the matter. "Palmer Ranch appreciates that Mr. **Oldehoff** will not have any future involvement in the processing of Palmer Ranch's Parcel Q-1 Application, but remains concerned about the influence that Mr. **Oldehoff** already appears to have imposed," wrote Culverhouse attorney Lawrence Kellogg.

According to Kellogg, **Oldehoff** was heard at the meeting saying: "This site plan will not work." **Oldehoff**, according to Kellogg, also asked several detailed questions, which reflected his intimate knowledge of the county's development standards. Palmer Ranch is also concerned about county planner Ed Wolfe's appearance at the meeting. Wolfe does not live in the community, which was invited to attend the meeting, and he reportedly conferred with **Oldehoff** outside the meeting room before **Oldehoff** asked some of his more critical questions.

Culverhouse said those same questions appeared on an official letter from the county's planning department, which listed the problems with the Lowe's development application. "It is also troubling that the questions asked at the Neighborhood Meeting by Mr. **Oldehoff** – which appeared to have been fed to him by Mr. Wolfe – have now found their way into (county planner) Todd Dary's comments on the application, sent to Palmer Ranch's consulting firm on Oct. 3," writes Kellogg.

Shelley Hamilton, a senior project consultant at WilsonMiller, which represents the Lowe's project, and a former planner for the county, said it would be uncommon for Wolfe to attend the workshop. "It is unusual for county staff to show up," Hamilton said. "It is frowned upon. Staff is instructed not to attend, because it looks like you are in support or opposed, and (they) are supposed to be neutral." In his response, DeMarsh wrote: "I am satisfied that neither (Wolfe or Dary) as been asked by Mr. **Oldehoff** to assist him in any way with respect to concerns he may have regarding the (Lowe's store) … I have taken reasonable steps … to insure that your client continues to receive fair treatment in its dealings with Sarasota County Government and the Office of the County Attorney."

Wolfe's supervisor, Anne McClung, agreed that **Oldehoff** did not ask Wolfe to attend, saying Wolfe was just in the neighborhood Sept. 25, so he decided to stop by the meeting. McClung said Wolfe was at the development site the night of the meeting, so he stopped by to get some documents from the Lowe's representatives. "We typically don't attend neighborhood meetings, but (Wolfe) was there for pictures and thought it was an opportunity to coordinate with the applicant on some information," McClung said.

Sarasota Observer, The (FL)
October 4, 2007

Palmer ranch questions county ethics
Article Text:

After an assistant county attorney protested a development in his neighborhood, lawyers for Hugh Culverhouse Jr., owner of Palmer Ranch Holdings, sent a warning to Sarasota County. The letter requested assistant attorney **Gary Oldehoff**, who presides over the Sarasota County Planning Commission, recuse himself from any business concerning the proposed Lowe's home improvement store on Central Sarasota Parkway.

It also took the drastic step of asking that **Oldehoff** be prevented from working on any Palmer Ranch project in the future. Culverhouse claims **Oldehoff** violated ethical standards by speaking out against the Lowe's project at a neighborhood workshop Sept. 25. **Oldehoff** owns a condo next to the vacant land where the store would be built. The developer also admonished the county over the presence of a Sarasota County planner at the same neighborhood meeting. Palmer Ranch lawyers said Ed Wolfe's attendance contradicts ethical standards of objectivity.

In the Oct. 2 letter, Culverhouse lawyer Lawrence Kellogg cited a state law, which emphasizes impartial behavior and restricts public officials from using their office for private gain. According to the letter, **Oldehoff** was a vocal member of a small audience at the workshop, which is required as an initial step in the development approval process. Palmer Ranch lawyers said **Oldehoff** spoke out against the project, when he said: "This site plan will not work." **Oldehoff**, according to the letter, also asked several detailed questions, which reflected his intimate knowledge of the county's development standards. At one point in the workshop, Culver-house's attorneys said **Oldehoff** and Wolfe left the meeting, and it appeared they conferred outside, so that **Oldehoff** could re-enter the meeting and rebut the developer's representatives. "It has been a standing practice that county staff do not attend any neighborhood meeting," Kellogg writes. Wolfe does not live in the neighborhood surrounding the proposed store.

Shelley Hamilton, a senior project consultant at WilsonMiller, which represents the Lowe's project, and a former planner for the county, said it would be uncommon for Wolfe to attend the workshop. "It is unusual for county staff to show up," Hamilton said. "It is frowned upon. Staff is instructed not to attend, because it looks like you are in support or opposed (to a project), and (they) are supposed to be neutral."

County Attorney Steve DeMarsh, **Oldehoff** 's boss, said a decision has been made to keep **Oldehoff** from working on the Lowe's project. "Mr. **Oldehoff** is a condominium owner, and he had a right to participate (in the workshop)," DeMarsh said. "But this means he will not be involved as a lawyer in the Lowe's case at all." But DeMarsh said he did not think the county would comply with Culverhouse's other request that **Oldehoff** be removed from all cases involving Palmer Ranch.

Bradenton Herald, The (FL)
August 20, 2004

STATE MAINTAINS LEGALITY OF SARASOTA 2050 PLAN
Author: Lisa Marie Lentz

Sarasota 2050 looks like it could be a go. The state's Department of Community Affairs handed down its final ruling on the legality of the controversial Sarasota growth plan this week, adopting the recommended order of administrative law Judge Donald Alexander. In May, Alexander ruled that Sarasota County acted within its citizens' best interests in shaping Sarasota 2050, a 50-year, incentive-based land use plan designed to manage and shape growth in the county. The ruling came after months of administrative hearings, prompted by lawsuits brought against the county and DCA by environmental group ManaSota-88 and Old Miakka resident Becky Ayech. Sarasota County attorney **Gary Oldehoff** said he was happy to see the process come to a conclusion, adding that all claims of the challengers had been rejected with no changes deemed necessary. Sarasota County planner Matt Lewis said he hasn't celebrated, or had the spirit to do so, in the aftermath of Hurricane Charley. "With everything going on, we haven't had time to breathe a sigh of relief yet," he said. "We'd like to be able to."

Although **Oldehoff** said ManaSota-88 or Ayech could seek an appeal within 30 days, he indicated they may have trouble establishing standing for such an appeal with the findings being as "compelling and conclusive" as they were. Dan Lobeck, attorney for ManaSota-88, agreed that while the group had standing to challenge the plan, they lack the same standing to appeal. Both Lobeck and Ayech expressed disappointment in the ruling. Lobeck said 2050 land development regulations recently adopted by Sarasota's County Commission could bring urban sprawl earlier than the county's comprehensive plan would have normally allowed. **Oldehoff** said the adoption of the land development regulations, a months-long process, should start to bring in applications for development under the 2050 plan.

First to the gate may be Lakewood Ranch developer Schroeder-Manatee Ranch, which participated with Sarasota County in a theoretical test run of 2050 on its Sarasota property just south of University Parkway. SMR officials were pleased with the ruling, but not surprised. "We were confident that the DCA's decision would be consistent with the judge's ruling," said Todd Pokrywa, SMR's vice president of planning. "This is a significant milestone in the process since, following the decision, the 2050 plan went into effect immediately." The ruling allows SMR to push forward without impediment. "SMR is diligently working on the Development of Regional Impact application and master plan for the Villages of Lakewood Ranch South," Pokrywa said, "and, subsequently, we anticipate filing an application before the end of the year."

Herald Tribune, Sarasota, FL
April 26, 2004

Seeking sanctions over 2050 challengers is taking it a step too far

The Sarasota County Attorney's office has ratcheted up the pressure in its legal battle over the Sarasota 2050 long-range growth strategy. The plan is being challenged by the predictable amalgam of environmentalists and anti-growthers who have turned to the courts to get what they could not get through the democratic process. It's a common strategy used by some, turning over every legal rock possible to block the represented will of the people.

Assistant County Attorney **Gary Oldehoff** has accused Dan Lobeck, an attorney and long-time foe of population growth, of "filibustering" and "offensive behavior." Both are believable based on historic precedent. But **Oldehoff** also criticized former planning commissioner Becky Ayech's claims as "completely irrelevant and clearly frivolous" and accuses her of trying to delay the case. Well, maybe. But that is what the judge is supposed to decide. Where things take a dubious turn is that **Oldehoff** filed a motion asking for sanctions against Ayech and the environmental group Manasota-88, which Lobeck is representing. If the judge rules for the county, the groups would be ordered to reimburse the county for the cost of defending the plan -- some $200,000 at this point.

Challenging amendments to county comprehensive plans, such as 2050, is part of the process of changing the plans. While it is often an end-run around the decisions of elected officials accountable to voters, the safeguard is still required. While I am sympathetic to county frustration with the challengers, the degree of intimidation in seeking sanctions is just not becoming of local government. The city of Sarasota wants to consolidate developers' money for transportation improvements rather than have the developers make road improvements at their condos and office buildings.

Currently, the city requires developers to build or widen roads associated with their development. The proposed change would allow the city to charge a "development impact fee" that would be used for public transit, bike paths and other such items. It's easy to see why the city might prefer this method. Having the money in one large pot for downtown gives city planners more flexibility. It would also be a way to pay for the $40.8 million downtown transportation plan - including some expensive roundabouts to help traffic flow. But some folks see a sinister motive behind it. Robert M. Johnson, a lawyer for the Bayfront Condominium Association, said: "It's very troubling. It says 'give developers whatever they want.'" Well, actually it says, "give the city whatever it wants." Developers will still be shelling out the bucks.

Government v. Government

There is just something distasteful about government using tax dollars to try to influence other levels of government. It's not new, but the trend is for ever more of it. Southwest Florida cities, counties and school boards are part of state and national associations that represent their interests

to lawmakers in Tallahassee and Washington, D.C. That's understandable, if still grating. But that is just the tip of the government-lobbying-government iceberg. More and more, local governments are hiring their own lobbyists to directly work the state Legislature for local interests.

Sarasota County has been on a trajectory for increasing its lobbying efforts in Tallahassee for several years. Now the county is paying $150,000 -- just a reminder, that's taxpayer money -- for a team of lobbyists from Holland and Knight, one of the state's powerhouse legal firms. That is in addition to the county's full-time lobbyist based in Sarasota and being paid $75,000 per year, which is in addition to $38,000 in dues to the Florida Association of Counties. The thing is, I thought this was the very purpose for which we had local representation in the Legislature in the first place -- unless, of course, local government has diverging interests from the local public.

Englewood Sun (FL)
April 5, 2004

Sarasota battles phosphate
Hearing set for May 10
Author: WARREN RICHARDSON

SARASOTA COUNTY -- Two weeks after commissioners agreed to increase participation in the litigation over phosphate mining, Sarasota County is officially in the battle. Last week, assistant county attorney **Gary Oldehoff** filed a petition with the Florida Division of Administrative Hearings challenging IMC Phosphates' plan to mine approximately 4,200 acres near Ona in Hardee County. After the Florida Department of Environmental Protection issued IMC a permit to open the Ona Mine in 2003, Charlotte County and the Peace River/Manasota Regional Water Supply Authority filed an administrative challenge to DEP's decision.

Lee County has also intervened in the action because of the potential impact on the Charlotte Harbor Estuary into which the Peace River drains. Sarasota became able to file its own challenge when IMC applied for and received permission from DEP last month to construct a clay settling complex on property adjacent to the Ona Mine. The Ona Mine lies in the Peace River Basin near Troublesome Creek, Oak Creek, and Hickory Creek, all tributaries to the Peace River. Also in the area that would be affected by the mining activities are the West Fork of Horse Creek, Brady Creek and Brushy Creek. Phosphates are considered vital to all life and are mined to help agriculture, but the counties and the authority want to limit mining since most of it is on the headwaters of Horse Creek, a prime tributary of the Peace River. The counties rely upon the Peace River as a source of drinking water through the authority.

In his challenge, **Oldehoff** claims the mining will decrease the water quality and the flow in Horse Creek and the Peace River. Under state rules, the authority can only make limited withdrawals from the Peace River during high flow periods. Decreasing the level of flow in the Peace River would limit the authority's ability to take water from the river, ultimately affecting the amount of water available to its customers, **Oldehoff** claims. **Oldehoff** also claims the IMC has not provided "reasonable assurances" that the mining is not inconsistent with the objectives of the Southwest Florida Water Management District and won't violate state water quality standards, nor will it adversely affect the public health and safety or will not cause further pollution. In addition, he alleges that IMC has not performed an adequate cumulative impact analysis from opening the Ona Mine, and that the mining will also negatively affect wetlands in the area. Because Sarasota's challenge is similar to those of Charlotte County and the authority, Administrative Law Judge Robert Meale granted a request from DEP and ordered a consolidation of the two challenges so that they will be heard at the same time. Meale will hear the two challenges on May 10 in space provided by the Stetson University College of Law in Tampa. Sarasota County could also become involved in further phosphate challenges. Deputy county administrator Dave Bullock said IMC is expected to file applications to open the Wingate Mine in Manatee County, which is on the headwaters of the Myakka River. He did not know when that application would be filed.

Herald Tribune, Sarasota, FL
August 19, 2003

Lawyers spar over expert's opinions
Author: Dale White

SARASOTA COUNTY -- An expert in New Urbanism got caught in a verbal crossfire Monday as lawyers defended and attacked his opinions about the Sarasota 2050 growth plan. **Gary Oldehoff**, an assistant county attorney, and Dan Lobeck, attorney for the environmental group ManaSota-88, repeatedly objected to each other's tactics as an administrative hearing about the plan continued through its 11th day. New Urbanist planner R. Wayne Bennett, a witness for ManaSota-88, returned to the stand after a more than month long recess in the proceeding to undergo a lengthy grilling by **Oldehoff**. Bennett, a town planner based in Louisville, Ky., is a proponent of New Urbanism -- a concept that calls for compact, walkable communities with shared amenities and open spaces. The county wants to enact a growth plan that promotes New Urbanist-style villages in now-rural areas east of Interstate 75. Yet Bennett claimed the plan falls short of achieving New Urbanist goals because it could cause "leapfrog development" and "urban sprawl." Bennett referred to many of 2050's policies as "vague and uncertain." He concluded that the amendment to the county's comprehensive land use plan is "inconsistent" with the comp plan itself and "not in compliance" with state growth management laws.

Oldehoff cited portions of Cornerstone 2020, a growth plan for the Louisville region that Bennett helped craft. He quoted passages that also promote New Urbanism but could be construed as being as broadly worded as Sarasota 2050. Bennett said he had disagreed with others working on Cornerstone 2020 about some of its wording as well. **Oldehoff** noted that the 2050 plan recently won an award from the Congress for New Urbanism, the leading association of planners, architects, and others who specialize in neo traditional communities. He stressed that consultants, county planners, and the Florida Department of Community Affairs concluded that 2050 complies with all state and local growth laws. "Are you saying they're all wrong and you are right?" **Oldehoff** asked Bennett.

Lobeck frequently objected to such questions. He claimed that **Oldehoff** "mischaracterized" Bennett's earlier testimony and engaged in "a continual game to try to confuse, befuddle, and trip up this witness." **Oldehoff** fired back, accusing Lobeck of conducting "a filibuster" when he spent most of the previous 10 days of the hearing presenting ManaSota-88's witnesses. **Oldehoff** questioned whether Bennett, a former Orlando-area planner, was up to date on Florida growth policies and had sufficient knowledge of Sarasota County's terrain on which to base his opinions. He also challenged Bennett's motive for stepping into the 2050 debate. "You wouldn't be here if you hadn't been paid by ManaSota-88," **Oldehoff** told him. The hearing is expected to continue into September. A judge assigned by the Florida Division of Administrative Hearings will recommend that the DCA uphold or reject the comp plan amendment. Depending on who files an appeal, the case could head into the courts or be settled by the governor and the Cabinet.

Palm Beach Post, The (FL)
May 17, 2002

BUILDER NOT ABLE TO DITCH BUFFER PLANS
Author: Sarah Eisenhauer

When most residents in Palm City's Islesworth development bought their homes, they expected a 15-foot buffer of large trees between their modern community and the 5-acre property with horse pastures next door, their attorney argued Thursday. The owners of the 5 acres, Leslie and John Kingsley, agree. Islesworth's developer, Pulte Homes, left only 5 feet of space between the properties when it built the community in the late 1990s. On Thursday, Pulte's attorney asked the Martin County Development Review Committee to recommend the county commission eliminate the final site plan's requirement for a 15-foot buffer. But Pulte encountered another problem: the Kingsleys' accusations that Pulte's construction of Islesworth is to blame for causing their property to flood during hard rains. Because county staff reported Pulte had done little to address the drainage problem, development review committee members said Pulte should not get the commission's help with the buffer issue. The board unanimously voted to recommend the county commission deny Pulte's request. "They have not offered any specific solutions to the drainage problems," county planner Harry King told the committee. "This request does not appear reasonable until the drainage issues are addressed."

Pulte's attorney Johnathan Ferguson argued that the drainage issue is a private matter between Pulte and the Kingsleys and has nothing to do with the buffer request. He said the project's plat shows only the 5-foot separation, where Pulte has installed a solid wood fence. "It's unfortunate that the plat and site plan were not submitted at the same time, and now We're stuck with an inconsistency in the documents," Ferguson said. "We're talking about seven homes in Islesworth that would be affected by this. The 15-foot landscape buffer would have a minimal effect for Islesworth." But attorney Deborah Ross, who represents Islesworth's homeowners association, said the final site plan with the 15-foot buffer was what most of the 123 residents saw at Islesworth's sales office. "It's not seven homeowners, it's 123," Ross said. "If there's any ambiguity, you have to err on the side of caution and say the buffer is supposed to be there."

Gary Oldehoff, who represents the Kingsleys, said county codes spell out that the final site plan should be the ultimate guide in such disputes. He said it's the county's duty to look at the drainage issue when considering the buffer request. "I think it's very, very clear this buffer is needed," **Oldehoff** said. "You shouldn't excuse a failure to do something like this."

Palm Beach Post, The (FL)
September 21, 2001

WRONG - BUT 'ETHICAL'

The Florida Commission on Ethics has cleared Martin County Commission Chairman Dennis Armstrong of allegations that he broke ethics laws by voting to give public money to a project from which he stood to earn a real-estate commission. If that isn't a violation, you wonder what is. When the matter became public in April, Commissioner Armstrong apologized and took responsibility, though it seems unlikely he would have confessed if nobody had noticed. He voted to spend $137,424 on a 124-unit affordable-housing project for seniors in Stuart. He stood to make a $19,128 commission for being a "transaction broker" on the deal. After he was caught, Commissioner Armstrong first said the commission vote was not close, so his vote didn't matter. Then he blamed bad advice from former County Attorney **Gary Oldehoff**. Mr. **Oldehoff** noted, however, that while the tainted vote came in January, he had left the county three months earlier, the last time he saw Commissioner Armstrong. Mr. **Oldehoff** also said he advised the commissioner not to vote on another issue in March 2000 because of a similar conflict.

After Commissioner Armstrong's apology, the commission again approved public money for the housing project, this time with Commissioner Armstrong abstaining. The deal fell through, though it could be resubmitted. Two Stuart residents filed a complaint with the ethics commission, which last week dismissed the case, citing "insufficient evidence." The panel ruled that Commissioner Armstrong and his firm, Stuart Land Co., would stand to gain or lose from the commission's vote only if Commissioner Armstrong's vote decided the sale. "It's a pretty obscure point of law having to do with contractual relationships," conceded Kaye Starling, complaint coordinator for the Ethics Commission. "What on the surface may look unethical might be illegal. It might be immoral, or wrong or unwise. But it may not be unethical as our statutes cover it."

Justice may wear a blindfold, but the ethics commission appears to be blind to plain facts: A commissioner should not vote on any matter from which he stands to gain financially. Commissioner Armstrong has asked the new county attorney to draft a list of questions for the ethics group to help him figure out what to do in the future. That's a waste of a public employee's time. Anyway, the misguided ethics commission apparently has its own rule: If it's illegal, immoral, wrong or unwise, it's probably ethical.

Stuart News, The (FL)
April 7, 2001

OLDEHOFF: NO ADVICE ON TANGLEWOOD ARMSTRONG ADMITS HE DIDN'T TALK WITH FORMER COUNTY ATTORNEY
Author: SUZANNE LATSHAW

Former Martin County Attorney **Gary Oldehoff** says he never gave advice to commission Chairman Dennis Armstrong on whether to vote on giving county-controlled money to Tanglewood Village, a housing project on which Armstrong stood to make a real estate commission. "I had no involvement whatsoever in Commissioner Armstrong's violation of the ethics code," **Oldehoff** wrote Thursday in a letter to The Stuart News/Port St. Lucie News. The state ethics code requires public officials to abstain from voting and publicly declare their conflict of interest on issues that could financially benefit them.

Last week, Armstrong said **Oldehoff** had advised him "it wasn't a problem" to vote to fund developers of Tanglewood, a proposed $5.5 million low-income senior apartment complex. Armstrong is the real estate agent for the developers, The Gatehouse Group, on the Tanglewood project. Asked on Friday to respond to **Oldehoff's** statements, Armstrong acknowledged he never talked to **Oldehoff** about the Tanglewood issue, which came to a vote Jan. 9 - about three months after **Oldehoff** left county government. "I never spoke to **Gary Oldehoff** on the Gatehouse issue. I agree with **Gary** on that," Armstrong said in an interview with the News. Later in the interview, Armstrong continued, "I did not receive any advice from any one of the county attorneys, not **Gary Oldehoff**, not Krista Storey, not Stephen Fry, on this specific Gatehouse issue."

In his letter to the News, **Oldehoff** criticized the newspaper for not contacting him to get his response to Armstrong's initial comments on the voting issue before publishing articles and an editorial about the controversy. "If you had simply asked me, I could and would have told you that I never advised Commissioner Armstrong that his action on January 9, 2001 would not constitute a violation of the ethics law . . .," **Oldehoff** wrote. In response, Tom Weber, editor and president of the News, said, "I do regret that we did not get **Gary Oldehoff**'s statement earlier and I apologize."

In his letter, **Oldehoff** wrote, "I did not advise Commissioner Armstrong that he did not have a conflict of interest on the Tanglewood project, nor was I ever asked to render any opinion on whether he had a conflict with regard to that project." **Oldehoff** also emphasized that while county attorney he advised that "it would be a conflict of interest for a commissioner to vote on the county's acquisition of real property from which the commissioner or his office might benefit." **Oldehoff** continued: "My advice to Commissioner Armstrong was consistent throughout my employment with the county - do not vote on any land acquisition by the county which would tend to benefit you or your real estate office."

Oldehoff noted that in March 2000 he advised Armstrong about a potential conflict on an issue with "facts remarkably similar" to the Tanglewood project. In that case, Armstrong asked whether he could vote on the possible acquisition of 3,020 acres called the Pal-Mar Ninejem tract, which had as its real estate agent SLC Commercial, the company Armstrong has worked for since 1995. "He should consider himself to have a potential for a conflict of interest," **Oldehoff** said at that March 14, 2000, meeting. "He may not make a motion, he may not vote on a motion, but he may participate in discussions." **Oldehoff** continued at that meeting, "The law tends to try to proceed in a cautionary way and tries to avoid even appearances of impropriety."

Armstrong, asked on Friday to explain his earlier Tanglewood comments, said he had been referring to past broad discussions about the general conflict-of-interest issue. That issue, Armstrong continued, is "of me being a Realtor and trying to figure out what was a conflict and what I should do and what I shouldn't. I thought I understood but I guess I didn't." Armstrong said he never talked with **Oldehoff** regarding any specified land deals he was involved with, only general ethics questions. "I don't believe it is my responsibility or my need to divulge to the county attorney, or anyone for that matter, in what I'm involved as a business person. I can only divulge a situation," Armstrong said.

If the Tanglewood project was funded at the state and local levels, Armstrong would have received a commission on the sale of 8.3 acres on Central Parkway, appraised at $571,496. Commission for real estate agents range from 2 to 10 percent of the sale. A 5 percent commission would be $28,500. Armstrong did not abstain on the Jan. 9 vote to give The Gatehouse Group $137,424 in county-controlled State Housing Initiative Partnership (SHIP) funds. At Tuesday's county commission meeting, Armstrong requested a new vote on the SHIP allocation and a separate public meeting regarding land in which SLC Commercial has interest, and apologized for his January vote. "It would be nice to blame it on everybody," he said. "I thought I was pretty clear that it was my fault and I accept full responsibility for it."

Stuart News, The (FL)
April 7, 2001

OLDEHOFF: 'NEWS' DEFAMED ME
Author: **GARY K. OLDEHOFF**

My attention has been called to two recent articles in the News. The first was published on April 3, 2001 and was titled, "Armstrong owns up to ethics violation." The byline on that article was Suzanne Latshaw. The article included the following paragraph: Fry said Monday that he called the Commission on Ethics in Tallahassee and gave advice to Armstrong, who relied on the advice of former County Attorney **Gary Oldehoff** to vote on the measure in January.

The reference to my giving advice to Commissioner Armstrong to violate the law is a lie. I had no involvement whatsoever in Commissioner Armstrong's violation of the ethics code. I have not spoken to Commissioner Armstrong since Oct. 13, 2000 and I am certain that it would not be a surprise for you to learn that, after my departure, Commissioner Armstrong never again approached me requesting legal advice. I did not advise Commissioner Armstrong that he did not have a conflict of interest on the Tanglewood project, nor was I ever asked to render any opinion on whether he had a conflict with regard to that project. I was not the county attorney at the time of the vote.

You might imagine my distress, then, when I was advised of the similarly libelous News column by (Associate Editor) Nancy Smith, published the next day, April 4, 2001. Ms. Smith quotes Commissioner Armstrong as follows: "On the other hand, I did ask **Gary Oldehoff** about this last year, and he didn't see a conflict." Ms. Smith uses this quote as a springboard for her further comments in the article impugning my character, my ethics and the quality of my professional work.

Rather than investigate whether I did in fact advise Commissioner Armstrong on this project, much less whether I had even heard of it, your paper saw fit to publish this quote unsupported by any source other than Mr. Armstrong. I understand why Mr. Armstrong would seek to blame someone else for his violation of the ethics code. Why might your staff have been suspicious of the veracity of the commissioner's statement?

1) Commissioner Armstrong's improper vote occurred on Jan. 9, 2001, three months after I left the county.

2) To the best of my knowledge, neither the Tanglewood project nor the request for funding was even known to the county on or before Oct. 13, 2000, my last day with the county.

3) As your articles have reported, it would reasonably appear that Commissioner Armstrong had clearly violated the ethics law. Thus, he had a reason to try and place the blame on someone else.

4) According to the reports in your publication, by voting on the Tanglewood project, Commissioner Armstrong voted to give $137,424 of public money to the contract purchaser of a property for which he was a sales agent in order to keep the sale (and his "almost $30,000" commission) alive. The very notion that any attorney, or for that matter any reasonable person, would conclude that the commissioner did not have a voting conflict, or that his voting would not give an appearance of impropriety (which also calls for abstaining), defies logic and reason.

Commissioner Armstrong apparently never discussed this matter with Acting County Attorney Krista Storey or with Stephen Fry, the present county attorney, until the story of his ethics violation broke in the papers, despite the fact that Ms. Storey was right down the hall and the board had just hired Mr. Fry. When you interviewed Mr. Fry on Monday, April 2, 2001, he immediately acknowledged to your paper that the commissioner had committed an ethics violation.

In fact, it is a matter of public record that the Board of County Commissioners had requested that I research and advise them of a potential for conflict of interest by Commissioner Armstrong which arose in early 2000, regarding the Ninejem property which presented a set of circumstances strikingly similar to those referred to in your recent articles. As the record shows, Commissioner Armstrong and his office were the listing agents for a piece of property which was eligible to be purchased by public monies from the Save the Rivers project. The issue presented was whether Commissioner Armstrong could cast votes regarding the use of Save the Rivers funds when such votes would benefit the Ninejem property. My advice to Commissioner Armstrong was placed on the record at the March 14, 2000 County Commission meeting. A representative of your publication was at that meeting, and the written minutes, audio tapes and videotapes of that meeting reflect my advice. I urge you to review these immediately, but for your benefit, I have provided the following transcription of what occurred and the advice I gave:

Commissioner Melzer: "Is - is Commissioner Armstrong the broker on the Ninejem parcel?"

Dan Hudson: "I don't know what his particular role is on that. I know that the property was referred to us and we sent it on down to the Water Management District by the Stuart Land Company is the representative. I don't know if Commissioner Armstrong has a specific role in that acquisition or not."

Commissioner Gainey: "Mr. Chair - I would ask that our attorney clarify that because if I recall, when that question was asked before, Commissioner Armstrong said that his office had an interest in it, the office that he worked in and he was not a broker, so would you please clarify that for the record."

Gary Oldehoff: "Well, when this came up a few months ago, the Board asked me, directed me to research it and talk to Commissioner Armstrong about that situation and I have spoken to Commissioner Armstrong and he will proceed accordingly."

Commissioner Gettig: "Well, what was your research, what was the result?"

Gary Oldehoff: "The question was whether there was a potential conflict of interest that would prevent him from being able to vote and... . He should consider himself to have a potential for a conflict of interest. He may not make a motion, he may not vote on a motion, but he may participate in discussions." (Emphasis added.)

Commissioner Melzer: "Just for the general public, as I understand the way conflicts of interest work, it's not only if I would have a direct interest or Commissioner Armstrong would have a direct interest, but a business partner would also. Is that pretty close?"

Gary Oldehoff: "That's right. That's right. In this instance, it didn't matter whether he was the individual broker that was handling that property or the company that he is contracted with who is handling it. The law tends to try to proceed in a cautionary way and tries to avoid even appearances of impropriety."

Commissioner Melzer: "Thank you."

Commissioner Gainey: "Okay and that was the concern that I had that you had made the contact or there was not going to be an issue of impropriety."

Gary Oldehoff: "Right."

Commissioner Gainey: "Okay. Thank you."

For your information, the "research" and "review" I undertook of the above matter included review of several written communications from the Commission on Ethics in Tallahassee, confirming that the commissioner did have a conflict and could not vote on land acquisition matters in which he or his firm had an interest.

As Ms. Smith indicated in her column, I previously stated in 1996 that it would be a conflict of interest for a commissioner to vote on the county's acquisition of real property from which the commissioner or his office might benefit. I gave the same opinion in March, 2000 and my employment with the county ended in October, 2000. My advice to Commissioner Armstrong was consistent throughout my employment with the county - do not vote on any land acquisition by the county which would tend to benefit you or your real estate office. This statement, unlike your statements, is confirmed by the public record and written documentation.

It troubles me immensely, but does not surprise me, that neither you nor anyone else from the News ever contacted me to get my comments or response before you published these defamatory statements. You and your reporters have my home phone number, despite the fact that it is unlisted, and felt free to call me at home many times when I was the county attorney. Indeed, one of the News reporters actually came to my home once to obtain a quote. If you had simply asked me, I could and would have told you that I never advised Commissioner Armstrong that his action on Jan. 9, 2001 would not constitute a violation of the ethics law, and prevented you from

damaging me, my family and my professional reputation. Instead, you acted recklessly, maliciously, and with utter disregard of the truth to do just that.

I consider your publication of the above-quoted excerpt from the article by Suzanne Latshaw and all references to me in the column by Nancy Smith to be both defamatory and actionable. You clearly published a false, defamatory statement with actual malice, that is, with a reckless disregard as to whether it was false or not. Your false statements have directly and proximately resulted in serious injury to my reputation.

I will always have a deep love for Martin County and the wonderful people who live here. It was my honor and privilege to serve the county and its people for 11 years. I have no regrets about the quality of the services that I provided to the county, though at times my job was very stressful and sometimes even placed my personal safety in jeopardy. Had you ever seen my office, on the wall next to my chair you would have observed a quote from one of my first-year law professors expressing his and my philosophy of the practice of law. It is also on the wall of my new office, and it reads: "It is not good enough to be creative, or to have good ideas, or to be provocative; the obligation of a lawyer is to get it right." I demand that you immediately print a front-page retraction of the statements made concerning me in the above-mentioned articles. This should be considered notice of and demand for a retraction within five (5) days in accordance with Florida Statutes Section 770.01.

GOVERN YOURSELVES ACCORDINGLY.

Stuart News, The (FL)
October 29, 2000

HOW CAN 'NEWS' LET OLDEHOFF MATTER DROP?

The Stuart News has suddenly become very quiet about the almost 100-grand golden parachute handed outgoing County Attorney **Gary Oldehoff** by the outgoing County Commission majority and smacks of blatant cronyism. People in management positions get fired every day without cause. It's part of the game called politics, be they corporate or civic. When a new regime takes over, somebody has got to go to make room for the new management team and their players. It has happened to me on two occasions. In the back of your mind you know this could happen when you accepted the promotion your team leader gave you: new regime, new faces. In effect, you are fired without cause. When you reach a certain management level in the corporate world, from there to the top spot it's all corporate politics. Of the half-dozen men I know who have had this happen to them, not one ever received a reward such as Mr. **Oldehoff** is receiving.

The reason given by the outgoing commission, "To avoid a blood bath," is grossly theatrical. This is Martin County, U.S.A., not a coup d'etat in some banana republic. It appears Wetlands Wanda (Melzer) and go-along Gettig, along with good ole boy Wilcox, just want to pay off their buddy for services rendered. The whole thing has the odor of "So there, Martin County, take that!" Another slap in the face for Martin County taxpayers. Litigating Liza didn't even carry her own district, that should tell you something. The new commission should disallow the payment to **Oldehoff**. And by the way, congratulations to the new commission - it looks like a clean sweep for common sense.

Robert J. Naughton - Palm City

Stuart News, The (FL)
October 15, 2000

OFFICIALS VOW NEW LEGAL STRATEGY
"THE THING I DIDN'T LIKE IS THEIR PHILOSOPHY OF 'IF YOU DON'T LIKE WHAT I'M DOING, SUE ME.' I THINK GARY THOUGHT HIS OBLIGATION WAS TO THE THREE (MAJORITY) COMMISSIONERS . . . RATHER THAN THE RESIDENTS OF MARTIN." - LEE WEBERMAN, COMMISSIONER-ELECT
Author: Melissa E. Holsman

STUART - With the departure of County Attorney **Gary Oldehoff**, incoming county commissioners say there will be a change in legal strategy, with different priorities over when to sue, settle or accept defeat. Commissioner-elect Lee Weberman said the former majority of Janet Gettig, Donna Melzer and Marshal "Bud" Wilcox used **Oldehoff** to further their political agenda, often to the detriment of county taxpayers. "The thing I didn't like is their philosophy of 'if you don't like what I'm doing, sue me,'" said Weberman. "I think **Gary** thought his obligation was to the three (majority) commissioners . . . rather than the residents of Martin County - there is a big distinction there." Weberman, a former 11-year county engineer, said he thought **Oldehoff** "tailored" his advice to please the commission majority and acted as a de facto county administrator. "That's the way the commissioners wanted it," Weberman said. "I want to return to the way the county is supposed to function with a true county administrative type of government."

Commissioners on Tuesday chose two-year employee Krista Storey as acting county attorney to replace **Oldehoff**, whose last day was Friday. He was dismissed Sept. 26 by the outgoing majority, but received a compensation package of more than $93,000. Commissioner Dennis Armstrong agreed with Weberman that **Oldehoff** seemed often to tailor legal advice to majority policy. "**Gary** was way too interested in the politics instead of saying, 'Here's the law and here's where you can go.' Instead, I saw the majority say, 'Here's what we want to do' and then ask, 'Where within the framework of the law can we do it?'" Armstrong said. "I would be interested more in someone who was rooted in law and not so much of where the board wanted to go." **Oldehoff** did not return phone calls seeking comment.

In past debates over legal strategy, Gettig and Melzer argued lawsuits filed by the county reflected the commission's commitment to the environment and pioneering laws regulating growth. "Caving in to preposterous developer's plans . . . would be nothing short of gutting the Comprehensive Plan," Gettig said during a July discussion of lawsuits. "I believe the county Comprehensive Plan policies are worth defending and fighting for." Armstrong last week said when the new commission is seated Nov. 21, residents will see a distinct philosophical change. "The new board will be a more 'let's get along with . . . the school board and the city of Stuart' rather than take a position that says, 'We're right and you're wrong, and we are going to fight you on it every step of the way,'" he said.

Armstrong said he also wants the new commission to set policy guidelines for retaining outside counsel.

In the past, he said, an outside attorney hired at a flat rate has been allowed to charge the county for other related costs such as photocopies - a practice Armstrong said he wants stopped. "For example, we hire engineers and that's a flat fee that includes (their) expenses . . . and that's not something that's appropriate for outside attorneys," Armstrong said. "If you're paying $125 an hour, it should include expenses." Debate on how much the county spends on lawsuits became more heated earlier this year when the Palm City Chamber of Commerce issued a report stating the county has spent almost $2 million on outside legal help defending laws passed by the current majority.

After the chamber report, Armstrong requested a full litigation study, which **Oldehoff** presented to the commission in July. It showed the county has been involved in about 150 lawsuits since 1989 and more than $3 million has been spent. Chamber president Len Hoag said most lawsuits came about because of "actions of the commission." "All the litigation came about through (**Oldehoff**'s) understanding with the majority. He was their lackey," Hoag said. "The fact that he was paid so handsomely upon their departure makes you think that he had committed himself to whatever they wanted, not necessarily what he thought was right."

As an example, Hoag cited the former Section 28 Partnership, in which a judge slapped the county with a $100,000 judgment. According to court records, the lengthy case involved a land developer who in 1997 sued Martin County for the right to build an 810-home community in south county on a parcel referred to as Section 28. "That cost taxpayers about $1.5 million in litigation. The county kept appealing, even when the appeals were turned down," he said. "They thought they had the deepest pockets and kept bringing this thing back. At some point, a reasonable man would have said we are beaten. But that wasn't done." Hoag said the next commission needs to apply "reasonable regulations."

"There were no abilities for exceptions . . . and that resulted in lawsuits. The change in philosophy that I want to see is, don't use legislation and regulations to achieve your personal agenda," he said. "Use it to achieve what is in the best interest in the community." The county's wetlands ordinance, adopted in June by a 3-1 vote, was hailed by its supporters as the pinnacle of environmental protection efforts. Since then, critics say they've had trouble getting building permits and in some cases, after months and sometimes years of planning, developers' plans have been rejected by commissioners, who said they needed to scale projects back to protect wetlands before proceeding.

Incoming Commissioner Michael DiTerlizzi said there's more than one approach to approving land regulations that have such controversial potential. "With the wetlands policies, they rushed through and it caused some lawsuits. Then there's the thought that you go slow . . . and not have to fix it later. They're now fixing the wetlands ordinance," said DiTerlizzi, adding other ordinances passed under **Oldehoff's** watch should be examined. "There are some people that

think **Oldehoff** was filing suits to delay," said DiTerlizzi. "Part of his job was to warn the commission; it seemed like they were telling him what to do."

The ongoing annexation appeals filed against Stuart also are examples of what new commissioners consider the former majority's "unwarranted" legal maneuvers. "How many times do you have to lose before you get the message that you're off base?" Weberman said. "The only reason they were initiated in the first place is because the board had some rigid and uncompromising policies in place." Weberman said he wants the upcoming search for a county attorney to be "equitable" and he'll insist the new one provide sound legal advice without "interjecting their personal philosophy to the commission." DiTerlizzi said the attorney search should be "as open as possible" adding, if the new commission employs "fairness and public participation," the county could avoid future lawsuits. "With **Oldehoff**, it is all water under the bridge and it's time to look forward," DiTerlizzi said. "I want an attorney that will be open-minded and honest with the board and not what we want to hear - that's what happened in the past."

Stuart News, The (FL)
October 12, 2000

JOURNALISTS, TELL US TRUTH BEHIND OLDEHOFF FIRING

News readers cannot fairly judge the "antics" of their county commissioners in the firing of **Gary Oldehoff** because many important facts have not been ferreted out and reported. To list the many unanswered questions would make this letter unacceptably long. But based on the meager facts reported in the newspapers so far, readers must conclude the County Commission should not have fired **Gary** - not necessarily for the reasons given by the dissenting commissioners, but for too many more important ones.

The commission should not have succumbed to the arrogant, bullying threats (to fire **Oldehoff** and Blackburn) made by one commissioner-elect. The "majority" responded to "the handwriting on the wall." I've seen handwriting on the wall - it's called graffiti. It's characteristically put there by immature, irresponsible persons who have no respect for the property or sensitivities of others and cannot be considered sound basis for making serious decisions.

The commission must base its decisions on what is best for the citizens of Martin County and not necessarily on what is best for individual county employees. **Gary**'s expertise in land management issues and comprehensive planning will be needed more than ever during the next few years. The decision will deprive the incoming commission of this expertise at a very critical time. It probably will not easily be replaced, if at all. One commissioner-elect said he wanted **Gary** to stay on. Of course, if **Gary** wanted to leave, nobody can stop him. But that would be at his option, not the county's.

The reasons given by the "majority" commissioners for giving **Gary** the boot make very little sense. So I have come up with my own theory as to what went on. Other Martin Countians will do the same. Unless the News digs out all the facts and reports them, which is what good journalists are supposed to do, there will be all kinds of speculation and unproven theories floating around for years, as is still the case over the Peter Cheney firing.

Richard E. Towne - Hobe Sound

Stuart News, The (FL)
September 29, 2000

CHICKY, SMITH DIFFER ON OLDEHOFF ISSUE
THE CANDIDATES FOR THE DISTRICT 1 COUNTY COMMISSION SEAT WERE INTERVIEWED BEFORE PARTICIPATING IN A LIVE DEBATE ON WPSL/1590, WHERE THEY DISCUSSED TAXES, PARKS, AND THE INCOMING COMMISSION.
Author: Melissa E. Holsman

STUART - County Commission runoff candidates Jon Chicky and Doug Smith disagreed Thursday over the controversial firing of County Attorney **Gary Oldehoff**. Interviewed before a radio debate, Chicky wanted to say little about this week's 3-2 commission vote to fire **Oldehoff** "without cause," guaranteeing **Oldehoff** more than $93,000 in severance pay. Chicky is aligned with the commission majority that approved the deal - Marshal "Bud" Wilcox, Janet Gettig and Donna Melzer - but said he had no opinion about it. "That has nothing to do with me," Chicky said. "They are the commission until Nov. 21. That's out of my realm," Chicky said. "I've been in government. . . . Things take place by the seated commission. They can do what they want to." Smith, however, criticized the current majority's decision. "It's disappointing that it couldn't be handled by the incoming commission," Smith said in an interview. "Those kinds of decisions should have been handled in the next commission. . . . If there was a reason to discuss his contract and something came out that was wrong, then the new commission would have dealt with it."

The candidates in Tuesday's runoff for the District 1 seat were interviewed before participating in a live debate on WPSL/1590, where they discussed taxes, parks, and the incoming commission. Tuesday's election is open to all registered voters in Martin County. Chicky, 60, a former mayor of Sewall's Point, has been backed by several citizen-based political action committees that endorse what they consider the "slow growth" policies of the outgoing majority. He began by describing his background and stating his campaign goals. "I'm a 40-year resident of District 1 and an Air Force vet. For 28 years, I've owned Savannas Water Service," Chicky said. "I started months ago with three points to my message - protect our quality of life, preserve the comp plan and promote economic development."

Smith, 38, a Massachusetts native who moved here in 1990, has gathered numerous endorsements from business and development-related groups. Before the Sept. 5 primary, he was aligned with Commissioners-elect Lee Weberman and Michael DiTerlizzi to form a "business friendly" slate. Smith began by thanking his supporters, including the Realtors association and local firefighters. "In north county, people are really driven to produce for the county what's good for the whole," Smith said. "That's what excited the county in coming out Sept. 5, and we're looking forward to everyone coming back out on Oct. 3."

Of the incoming commission that will be seated Nov. 21, both candidates speculated on what might be expected in the coming months. "My campaign is about balance and I think the new commission will continue that," Smith said. "There is an air of relief that good things are

coming. . . . I think we'll see exciting things for the county." Chicky, who before the primary was closely aligned with the failed Melzer and Gettig campaigns, said he was taking a "wait-and-see attitude." "I can't say how this new commission will go. There's a lot of rhetoric out there," said Chicky. "I would hope they will balance themselves out. I hope they will not weaken our environmental laws." Chicky - referring to almost a dozen lease violations found during an audit of the Martin County Golf and Country Club - said that if elected, he would first request an audit of all county finances. "We did it in Sewall's Point when I became mayor," Chicky said. "You want to know where you're going, see where the money's at, how much is spent and where the money's going."

Smith said his first priority as a commissioner would be to "resolve the issues with the city of Stuart." "Let's do what we need to do to resolve it. . . . They are doing some fabulous things," said Smith. "In District 1, there will be many things that we'll work on. I think we'll look forward to working together." Chicky and Smith agreed that improving the tax base and spending tax dollars "wisely" need to be top priorities. "Taxes are a big thing. We have some really big issues coming up that I don't think we are ready for," Smith said. "We're going to have to be incredibly resourceful with our tax dollars. We always have to keep that tax base in mind. . . . Ending the lawsuits with Stuart will help return some of the money that's been spent." Chicky said he'd like to see taxes "stay the same." "Like death, they're inevitable," said Chicky. "A lot of things are coming down the pike - new roads, refitting storm water systems, parks - they all cost money. We need to look for ways to get our tax base up and look at economic development." Of the urban services district boundary, both candidates agreed that the boundary line should not be moved for development and that the county's Comprehensive Plan should continue to guide future growth. The WPSL broadcast was the last public debate scheduled before Tuesday's election.

Stuart News, The (FL)
September 28, 2000

LATEST ANTICS SHOW NEED TO ALTER MARTIN GOVERNMENT STRUCTURE
Author: Joe Crankshaw

The actions of the outgoing members of the Martin County Commission are very interesting to watch. Commissioners Marshal "Bud" Wilcox, Janet Gettig and Donna Sutter Melzer voted to "fire" County Attorney **Gary Oldehoff** to spare him a "bloodbath" when the new commissioners come on board. I guess they know something about "bloodbaths." They certainly chopped down former County Administrator Peter Cheney as he lay on his deathbed. They were certainly the epitome of concern then, so why should anyone be surprised at their concern for **Oldehoff**. For that matter, what sort of concern do they have for County Administrator Russ Blackburn? If the incoming commissioners are supposed to be ready to dump **Oldehoff**, what sort of plans do they have for an administrator who did everything the outgoing commissioners wanted done without objection?

The matter involving **Oldehoff** and Blackburn shows that the system of county government needs to be restudied. The two men are the only two people who actually work for the County Commission. **Oldehoff** had an advisory position as a lawyer, while Blackburn, in theory and theory only, is supposed to be the county's executive officer. The theory of commission-manager or commission-administrator is that the commission sets policy and the manager or administrator carries them out. The manager exercises full authority over all staff and employees, directing them to accomplish the policies and goals set out by the commission. Some people want you to believe that an administrator does the same thing, but, as local history shows, that is not the case.

A manager shields the staff and employees from politics. He sees that they discharge their duties in an efficient and professional way. Commissioners, as individuals, have no authority to tell a single employee (other than their aides) what to do. That is not the case for administrators. Blackburn showed that during the flap over the chartering of a jet flight from Witham Field, when he declared the employee who chartered the flight was not politically aware. County employees are supposed to do their best without considering politics.

Want further proof? Back in 1996, Melzer, just ten days on the board, gathered up the personnel files of County Engineer Don Holloman and Building and Zoning Director Mike Sinkey, Chief Building Official Bart Stuart, and Building Inspector Bobby Chambers, and sent them off to the state for examination of their qualifications. It wasn't her job, but Cheney was too sick to object. Sinkey made a complaint about the commissioners, saying they had violated open-meeting laws to plan on firing Cheney. A grand jury declined to indict the commissioners for the alleged violations. When Blackburn was hired in 1997, county government was restructured to leave Sinkey on salary, but without formal duties and isolated. Eventually the matter was settled in court, and Sinkey was paid $23,000 for legal expenses and restored to duty in another capacity at $68,000 a year. The settlement also guaranteed Sinkey his job through March 2003. It is

interesting to note that Melzer found that provision unfair. Maybe she wanted to give a severance package like the one received by **Oldehoff**.

Then there was the budget planning in May of this year, when the commission decided to write Commissioner Dennis Armstrong's aide out of the payroll. That sort of micromanaging was going down without a peep of objection from the county administrator. If the outgoing commissioners fear a "bloodbath" for staff, maybe they would consider starting a move to create a charter county with a real county manager, who could isolate employees from commissioners trying to micromanage local government.

Come to think of it, that might be a good idea for the incoming commissioners, just to keep them from doing any micromanaging of their own. I would think that right about now the outgoing and incoming commissioners could agree on a charter and a strong manager capable of enforcing our growth management laws in the face of political pressures. Our growth management laws need to be interpreted and enforced uniformly, without fear or favor. People wishing to build or develop should know what the rules and regulations are at the start, and not suddenly be subjected to changes demanded by one interest or the other. Only employees secure in their jobs, and able to act as professionals, can manage that sort of work.

The Palm Beach Post
September 27, 2000

MARTIN ATTORNEY FIRED - FAVORABLY
Author: Sarah Eisenhauer

The three Martin County commissioners most supportive of County Attorney **Gary Oldehoff** cast the votes needed to fire him Tuesday - a move they say spared him a possible "bloodbath" when the new board is seated in November and assured him a $93,994 severance package. The commission's outgoing majority all said they did not want **Oldehoff** to be subjected to a nasty and bitter ousting such as top employees have endured in the past when the commission changes power. They also said it seemed inevitable the new board would not keep **Oldehoff** around for long. "Clearly, the indications from the incumbents and elected folks are they pretty much have their minds made up," said Chairman Marshal "Bud" Wilcox, who proposed terminating **Oldehoff's** contract. "There's no question in my mind where the future board was going."

Commissioners Elmira Gainey and Dennis Armstrong voted against terminating the contract "without cause" - meaning no reason has to be specified - which ensured **Oldehoff** will receive the severance. "I find it surprising that the people most supportive of Mr. **Oldehoff** are the ones making the motion for his termination," Armstrong said. "I don't see any crystal balls at all. If the new board wants to do something, let them do it when it's their time to do it. I'm just wondering if this is just a bit of some sore losers showing." Janet Gettig and Donna Melzer lost their seats in the Sept. 5 primary election, and Wilcox opted to retire this year. The race for his seat will be decided in Tuesday's runoff.

Commissioner-elect Michael DiTerlizzi, who will replace Melzer, said he's not so sure the new board would have fired **Oldehoff**, let alone have done it in a bitter "bloodbath." DiTerlizzi added that he "had no intention" of terminating the contract and believes his leadership skills could have swayed two more votes in favor of keeping **Oldehoff**. "I don't think this was about Mr. **Oldehoff**," said DiTerlizzi. "This was a way for them to try to throw us in turmoil." But Commissioner-elect Lee Weberman, who will replace Gettig, said Monday night that he would have proposed terminating **Oldehoff's** contract. "It was inevitable. I think it would have come to a vote," Weberman said.

Gainey said she believed there was cause to fire **Oldehoff**, citing his role in recent allegations that the county had violated the Sunshine Law. If the board had found cause to fire **Oldehoff**, it would not have had to pay the severance package. "This is an extraordinary amount of money that is a waste of taxpayer dollars," Gainey said of the severance package. "I am also concerned about this item being brought up so quickly." Wilcox said he proposed the "emergency" agenda item because he wasn't sure the full board would be present at any more meetings before the new commissioners are sworn in.

Melzer and Gettig both praised **Oldehoff**, calling him an expert on land-management issues and the county's comprehensive plan, its strict blueprint for growth. "Mr. **Oldehoff** has done a stellar

job in land-use cases. I want to make sure the public is aware of the quality of his legal services,"Gettig said. "I would be very much in favor of him not getting the boot with the connotation that he has done a miserable job." Melzer said she doesn't believe strict growth management will be a priority for new board members, so it would not be in their interest to keep **Oldehoff**. "I would suggest the writing is on the wall. You don't need a crystal ball to see the handwriting." DiTerlizzi countered that land-use and growth management are important to him, which is a primary reason he supported **Oldehoff**. **Oldehoff**, an 11-year county employee with a $117,000 salary, declined to comment after the meeting Tuesday. He said his last day would be Oct. 13.

The Palm Beach Post
September 26, 2000

POST WANTS MARTIN HELD IN CONTEMPT
Author: Pat Moore

The Palm Beach Post filed court papers Monday asking a judge to declare Martin County in contempt of court for repeatedly violating the Sunshine Law and a 1997 court order requiring them to settle lawsuits in public. The county has settled seven lawsuits this year totaling more than $2.5 million in violation of the law and a court judgment that ended a suit filed by The Post three years ago, the newspaper's attorney Martin Reeder said. The Post's request to reopen the lawsuit claims five cases settled this year by attorneys for the county's self-insurance group have never been settled in public. "I don't like this type of thing to continue," Commissioner Elmira Gainey said. "Look at what our taxpayers will be subjected to." A judge required the county to pay $15,900 for The Post's attorney's fees in 1997. The Post is seeking attorney's fees again.

Reeder said The Post gave commissioners written notice in December 1997 and May 1998 of other violations of the 1997 court judgment without taking court action. "We're trying to break the pattern of violations once and for all," he said. "Time has proved the county has basically ignored the judgment." The Post asked the court Monday to void settlements reached in violation of the Sunshine Law or the court judgment. Gainey and Commissioners Dennis Armstrong blamed County Attorney **Gary Oldehoff** for failing to make sure the five suits handled by attorneys for Treasure Coast Risk Management Program, known as TRICO, were settled in public meetings.

Commissioner Janet Gettig said County Administrator Russ Blackburn also should share the responsibility for making sure the cases were handled correctly. Commissioners are expected to call for **Oldehoff's** resignation at today's commission meeting. **Oldehoff** would not comment to a Post reporter Monday, but six weeks ago, when told of the TRICO settlements, he said he was shocked to learn attorneys were settling cases without his knowledge. He vowed to make sure future settlements were properly settled in public.

The Post's request for a court hearing to find the county in contempt also accuses commissioners of improperly settling two cases in a hurried Sept. 5 commission meeting after settlements in both cases had been announced in court a month earlier. Commissioners had discussed both of those cases - one brought by paralyzed Port St. Lucie resident Margaret Helm and a second by Steven and Veronica Pochopin of Jensen Beach - in closed-door sessions in July. Florida law allows the private sessions among elected officials and their attorney to discuss litigation strategy. Before going into the July closed-door meetings, commissioners announced they were going to discuss the Helm case, but did not mention as required by the Sunshine Law that they also would discuss the Pochopin case, the newspaper's attorney said. Within a week of the private session, the county's insurance attorney persuaded a Fort Lauderdale senator to file a claims bill in Tallahassee that would allow the county to pay Helm $2.25 million more than the legal cap set for government.

The claims bill stated Helm and the county "have entered into a settlement agreement," a month before it was approved in a public meeting. Transcripts of those sessions remain sealed. Cases settled by TRICO attorneys without a public hearing include:

- a $50,000 settlement for David Smith, a former emergency operations center dispatcher struck by lightning.

- a $45,000 settlement for Elizabeth West and a $25,000 settlement for Bridget Rachel Lee, both of whom filed suits claiming they were injured when they slipped and fell on county property.

- a $19,000 settlement for Valerie Primm and a $15,500 settlement for Brenda Hile, both sheriff's dispatchers who said the mold and poor air quality at the sheriff's office made them sick.

Stuart News, The (FL)
July 26, 2000

COUNTY'S TOP-PAID OFFICIALS GET RAISES
Author: Paul T. Rosynsky

The administrator and attorney have received about $50,000 in raises combined in three years. STUART - In a vote that highlighted past arguments about county lawsuits and free spending on administrators, a majority of the County Commission agreed Tuesday to give its two highest-paid officials raises totaling more than $10,000. During their second public review since being hired in 1997, County Attorney **Gary Oldehoff** and County Administrator Russ Blackburn were given 5 percent raises, hiking their salaries to $117,200 and $119,700, respectively. "We've made a lot of demands on them ... there has been a lot going on and I just think that these two executives and leaders deserve a lot of credit," County Commissioner Donna Melzer said. "It's changed and I think this administration has been a real part of that."

Commissioners agreed last week that both Blackburn and **Oldehoff** did a good job leading the county through a host of improvements, including land development changes, keeping taxes low and opening government to residents. But they could not agree on the amount of raise, and the debate continued Tuesday afternoon as commissioners argued whether Blackburn deserved a 5 or 3 percent increase and whether **Oldehoff** should get a 5 or a 2.5 percent raise.

Commissioner Elmira Gainey, who asked for the week postponement to talk with both administrators, asked the board to be fiscally responsible and suggested a 2.5 percent raise for **Oldehoff** and a 3 percent raise for Blackburn. Gainey said **Oldehoff** deserves a 2.5 percent raise because he has not properly warned commissioners that some of the ordinances they passed would be challenged in court. She also criticized the attorney for finding "loopholes" for some commission members. "A lot of the issues regarding Mr. **Oldehoff**, I think, they could have been avoided if he was more outspoken," Gainey said. "I think he needs to look at that more carefully. We've wasted tax dollars." Gainey's critique sparked a heated reaction from Commissioners Melzer and Janet Gettig, who defended **Oldehoff** and said the county has won many of the cases that have gone to court. "I'm getting tired of hearing about all the little lawsuits that have appeared," Gettig said. "You were able to provide the legal expertise so we would prevail in court."

Added Melzer, "Our two staff members are protecting what the residents want for their future and I admire what they have done." Tuesday's pay increase was the third for the two administrators since they were hired in 1997. After the first year on the job, both received an automatic 5 percent raise without commission discussion, and last year they both had increases of 15 percent, for a total of close to $50,000 in raises combined in three years. Citing those past increases, Gainey said the two have been amply compensated for their work. "Your salaries are comparable with the other counties," Gainey said. "This would still make yours a competitive salary."

Commissioner Marshal "Bud" Wilcox, however, reminded board members that a 5 percent raise means extraordinary performance. "A 3 percent raise reflects a merely satisfactory performance," Wilcox said. "I've just heard from you that you thought that both are doing a fine job. The 2.5 to 3.5 percent to me is saying, "Here's your hat; you better find a job because you are barely satisfactory."' Commissioners voted 3-2, with Gainey and Commissioner Dennis Armstrong voting no, to give both a raise and an increase in their car allowance to $345 a month from $300 a month.

Stuart News, The (FL)
July 19, 2000

REPORT ON LITIGATION TRIGGERS ARGUMENT
Author: Paul T. Rosynsky

Growth management proponents lauded the report and county efforts. Foes called efforts a waste and the report incomplete. STUART - Depending on who was looking, the report that County Attorney **Gary Oldehoff** presented Tuesday was either a glowing tribute to strict growth management laws or a confusing and incomplete review of his office's expenses. As county commissioners analyzed the awaited report on the county's lawsuits, they argued about what all the numbers and explanations really meant for the community. But **Oldehoff**, who gave a 45-minute explanation of the 128-page report, tried to clear it up. "Sheer numbers may not be an indicator of whether things are good or things are bad." Those numbers - about 150 lawsuits since 1989 and more than $3 million spent so far on open cases - have caused considerable controversy in the county, as critics and supporters of the commission majority argue whether the county is spending too much on unnecessary lawsuits.

Opponents of the commission majority continually argue the county is wasting money by enacting illegal laws and proponents argue it's worth spending money to save the environment. Similar arguments surrounded the report Tuesday, as commissioners tried to emphasize their own take on a report **Oldehoff** said was intended "to present the facts of litigation in Martin County." Commissioners Janet Gettig and Donna Melzer said it reflected the county's commitment to the environment and pioneering laws regulating growth, but Commissioners Dennis Armstrong and Elmira Gainey said it failed to emphasize the cost incurred by the county in defending laws passed by the majority, which is committed to slowing growth in the county. "I like the report and am disappointed that some of the most vocal critics ... are not here," Gettig said. "I see that most of the outcry I have seen has been total misinformation. For the most part it's political churning of a position that is not true."

Gainey, however, said misinformation will only increase because of the report's lack of detail. "I understand what you are saying about the numbers not really telling everything but ... this doesn't reflect the numbers," Gainey said. "We looked at the report. It wasn't quite clear." Debate on how much the county spends fighting lawsuits increased earlier this year when the Palm City Chamber of Commerce issued its own report that stated the county spent almost $2 million on outside legal help defending laws passed by the commission's slow-growth majority.

Armstrong immediately requested a full report, which took the attorney more than three months to complete. Armstrong said Tuesday he was concerned the report was not complete. "There are some cases here that are not on your list," he said. "There's probably good reason for all them but there did seem to be differences." **Oldehoff** said he tried to supply the commission with the most complete report possible. Within the 128 pages, he detailed the number of lawsuits the county filed and those filed against the county since 1989, a breakdown on what those suits were about,

a detailed description of the 48 open cases being fought by his office and a comparison between Martin County and others facing similar problems.

The report "is the first of its kind in Martin County," **Oldehoff** said. "It is the most detailed and comprehensive report on litigation than any other county attorney's office that I know of." **Oldehoff** defended the amount of money spent by his office as he gave an explanation about the costs of a typical lawsuit and why every legal challenge must be taken seriously. "When people litigate, they don't litigate to lose. If you must litigate, it's important to use your best efforts," he said. "Not taking litigation seriously can lead to disaster."

Oldehoff also warned commissioners the report did not show the number of lawsuits his office was able to avoid with specific laws and successful negotiations sessions. Gettig also said she was disappointed that the report did not list the lawsuits won by the county. "One of the things I would have liked to see in the report is we have had some very big wins and they are not here," she said. "I think what has not been recognized in this report is the talent." Despite the differences, commissioners unanimously approved the report with Gainey and Armstrong saying they will meet with **Oldehoff** to clear up differences. "I guess, to me numbers can be figured in different ways and as a county under development pressures we are within the same line as other counties that have similar pressures," Melzer said. "I know my residents are very grateful."

Stuart News, The (FL)
June 30, 2000

LEGAL EXPENSE REPORT DRAWS COMMISSION FIRE
Author: Paul T. Rosynsky

STUART - A report detailing how much County Attorney **Gary Oldehoff** spent on outside legal help last year sparked a political storm Thursday as county commissioners argued over its content and purpose. In an 11-page report to County Commissioner Dennis Armstrong, who requested the numbers in April, the county attorney's office said it spent more than $300,000 in 1998 and 1999 on outside legal firms to help the county defend against more than 10 lawsuits. But the amount of money spent and the number of lawsuits defended became secondary issues for Armstrong, who said the report did not adequately fulfill his request. "It wasn't exactly what we were looking for," he said. "All the information requested wasn't there." Armstrong, along with fellow county minority member Commissioner Elmira Gainey, asked **Oldehoff** in April for a detailed description on how much his office spent for outside legal help since the 1996 elections, when Commissioner Donna Melzer took office, forming a commission majority committed to slowing growth in the county.

Their request was sparked by a report from the Palm City Chamber of Commerce that claimed the county spent nearly $2 million on outside help defending laws passed by the commission majority - made up of Melzer and Commissioners Marshall "Bud" Wilcox and Janet Gettig. It was also prompted by Lee Weberman, a former county engineer who is challenging Gettig for her District 3 commission seat. Weberman complained to the commission that **Oldehoff** was denying his repeated requests for the information about legal expenditures.

On Thursday, Weberman and Armstrong said they wanted the information because residents repeatedly ask how much the county is spending. "Everywhere I go, people ask me, they want to know how much we are paying for lawsuits," Weberman said. "It's an election issue." But Gettig, who defended the costs in a letter to the Palm City Chamber of Commerce, accused Armstrong of using the report to strengthen Weberman's campaign. "Dennis is very involved in a political campaign this year," she said. "In this election year, he is all of a sudden involved in every single issue." Gettig said she did not see Thursday's report and couldn't comment on it, but said money spent defending Martin County laws are a tiny portion of the overall county budget. "Caving in to preposterous developer's plans ... would be nothing short of gutting the Comprehensive Plan," she said. "I believe the county Comprehensive Plan policies are worth defending and fighting for." Melzer and Wilcox could not be reached for comment. Senior Assistant Attorney Fred Van Vonno, who wrote the report, did not return phone calls.

Stuart News, The (FL)
May 9, 2000

DENVER LAWYER URGED AS AIRPORT COUNSEL
Author: Jerry M. Gutlon

STUART - Martin County Attorney **Gary Oldehoff** today plans to recommend the County Commission hire a Colorado-based law firm as legal consultants for issues concerning Witham Field. After a search of several weeks, **Oldehoff** wants the board to retain the law firm of Cutler & Stanfield of Denver to act as the county's attorneys in matters involving the airport, which has been the center of controversy for several years. **Oldehoff** specifically named attorney Peter Kirsch of the firm as a lawyer well versed in aviation-related matters.

In a memorandum to the commission, **Oldehoff** wrote that he has worked out a financial agreement with Cutler & Stanfield for a basic rate of $225 an hour to serve as special counsel to Martin County. **Oldehoff** suggested the commission allocate as much as "$50,000 to $75,000" for legal fees, although he said that "the actual expense could be lower or higher" than that range. He also pointed out that the commission hadn't budgeted for special counsel.

Oldehoff said Cutler & Stanfield has an extensive track record of representing municipal governments on airport- and aviation-related matters. Among Florida-based municipalities the Denver firm has represented are Palm Beach County, Boca Raton and Naples. "Eighty percent of Cutler & Stanfield's airport work is representing local governments throughout the United States," **Oldehoff** said. The criteria **Oldehoff** utilized in selecting potential legal representation included "experience with local governments, citizens' groups, pilots, and the Federal Aviation Administration."

Among the local issues **Oldehoff** noted that Cutler & Stanfield could assist on, he cited "noise abatement and reduction; weight and size restrictions; restrictions on touch and go operations; curfews; redrafting and updating the County's airport ordinance; assistance with Part 150 and Part 161 studies and related remedial options based on such processes." **Oldehoff** wrote that he thinks the Denver firm has experience in all the areas of concern the commission is grappling with. "Mr. Kirsch and the firm have extensive experience in each of the areas of particular concern to the board," **Oldehoff** wrote. "I am confident that Mr. Kirsch and his firm can give the county the kind of representation it desires."

Oldehoff said he began his search by surveying nearby local governments. He then made additional contacts within the legal realm and searched literature and databases. Ultimately, **Oldehoff** said he narrowed the field of candidates down to four firms: Spiegel & McDiarmid of Washington; Cutler & Stanfield of Denver; Winthrop, Stimson, Putnam & Roberts of Washington; and Schnader, Harrison, Segal & Lewis of Philadelphia and Washington. The county attorney wrote that lawyers with the experience and reputation of the finalists he cited don't come cheap. "Lawyers and law firms of this stature from cities like Denver, Washington, and Philadelphia come with a premium," he wrote.

Stuart News, The (FL)
April 19, 2000

COUNTY COURT COSTS TO BE EXAMINED
Author: Jerry M. Gutlon

Commissioner wants spending breakdown on outside attorneys

STUART - At the behest of Martin County Commissioner Elmira Gainey, County Attorney **Gary Oldehoff** has been instructed to compile a breakdown of all the public funds spent on outside attorneys and lawsuits the county is involved in. Lee Weberman, a candidate for incumbent Commissioner Janet Gettig's District 3 seat, broached the topic after The Stuart News/Port St. Lucie News published a story Tuesday recounting expenditures of nearly $2 million for outside counsel to defend the county in more than 40 lawsuits.

According to figures compiled by the Palm City Chamber of Commerce, Martin County has spent more than $1.4 million on one zoning lawsuit alone. The suit - which was initially lodged against Martin County in 1994 - involves a proposed upscale housing project that developers wanted to build straddling the county line with Palm Beach County. Martin County officials denied the zoning change request, effectively killing the project. The developers sued the county, initially winning a judgment of $200,000. Ultimately, attorneys for the county convinced an appellate judge to cut the amount of damages in half. At one point, the U.S. Supreme Court denied a request to review the case, but the litigation continues.

Last week, Weberman asked **Oldehoff** for a breakdown of legal fees the county has spent on outside representation. In a letter to Weberman, dated April 6, **Oldehoff** said he didn't have to provide Weberman with a summary of outside legal costs because "a public record is a document which already exists." When **Oldehoff** verbally requested the county records late in Tuesday's meeting, **Oldehoff** repeated his contention, telling Weberman that he was under no obligation to draft a new document in response to Weberman's "Sunshine Request."

In an earlier letter Weberman wrote to County Commission Chairman Marshal "Bud" Wilcox, Weberman requested estimates of the money on in-house counsel on an hourly basis. He said he never received a response. If it hadn't been for Gainey, Weberman would still be waiting for an answer. When Weberman, who is resigning his job as a county engineer to campaign full time, asked **Oldehoff** to respond to the request, **Oldehoff** refused to give Weberman a straight-from-the-shoulder answer. "Mr. **Oldehoff's** response was cute, but non-responsive," Weberman said. Turning to Wilcox, Weberman asked him to direct **Oldehoff** to gather and release the data. Wilcox didn't respond to Weberman's plea. Instead, he issued a lesson in the political realities of Martin County. "You've been around long enough," said Wilcox. "You know how it works. You (can) make your comments but we don't need to answer you right away." **Oldehoff** appeared heartened by Wilcox's response but the attorney's relief proved short-lived. Gainey then announced that she wanted the data, too, and instructed **Oldehoff** to compile the information. In other action Tuesday, the commission:

*Voted unanimously to have county growth management staff provide Jensen Beach's Neighborhood Advisory Committee with a complete set of updated land development regulations - something committee members said they have been seeking for two years.

*Granted Commissioner Donna Melzer, who represents Palm City and western Martin County, $135,000 for renovations designed to slow traffic on Murphy Road. However, Melzer - who was looking to secure a "no strings" funding source - was foiled, as fellow commissioners refused to give her the money outright. Instead, Martin County "loaned" Melzer the money, which must be paid back from district funds within three years.

*Continued the tedious process of refining the proposed stormwater regulations, as well as the pending revisions to the county's zoning ordinances.

Stuart News, The (FL)
August 4, 1999

COUNTY TO WAIVE SELECTED BUFFERS
Author: Dan McCue

An internal report blamed staff members for erroneous advice over the years on wetlands rules.

STUART - The Martin County Commission on Tuesday blamed staff members for years of bad advice to local waterfront property owners seeking to build near wetlands. As an act of contrition, the commission voted to waive a 25-foot wetland buffer requirement for some of the residents. "What we have here is a half-dozen instances - and there are probably many more - where people were given an interpretation of our wetland protection buffer rules and relied on what they were told by county staff to make decisions about what land to buy and what they wanted to do with their property," Commissioner Janet Gettig said. "If staff presented these people with erroneous information, I think we're obligated, as a board, to try and do something to rectify the situation," she said. "With that, though, people have to understand that from this day forward, the staff's been put on notice - they have to follow what's been represented in our ordinances."

In an internal report, County Attorney **Gary Oldehoff** and acting Growth Management Director Nicki Van Vonno assert that for more than 15 years staff members erroneously informed local waterfront property owners about setback requirements under the county's Comprehensive Plan. In essence, these homeowners were first told they could develop their land as they saw fit, then told they couldn't. It wasn't until the new wetlands protection ordinance was adopted in mid-June that some began to have second thoughts about advice they'd received.

Donna Clasen, a zoning technician with the county's Growth Management Department, dismissed the charge that staff foul-ups are to blame for the wrong advice. "What I see here is a deliberate case of obfuscation," Clasen said. "It is a cavalier attempt to cast blame when none is deserved. "I believe this is being done to protect someone higher up," Clasen said. Ever since the new wetlands protection ordinance was adopted, the county's Growth Management Department has been contacted by waterfront property owners seeking clarification and relief from some of the requirements. Van Vonno said most people who've contacted her department own single-family waterfront lots that were legally bulkheaded and border man-made canals. In many cases, the property owners had received incorrect information on setback requirements from county staff, she said.

The **Oldehoff**/Van Vonno report found the property owners typically were not told their land was subject to the Comprehensive Plan's wetland buffer requirements. The county's Comprehensive Plan requires a wetland buffer of 25 feet on lots with a 10-foot setback, though the Board of Zoning Adjustments may reduce the requirement by 5 feet in some cases. Residents such as Frank Carofano of Hobe Sound say they were told by county staff - in writing - that they could have buffers of as narrow as 15 feet. "It's a devastating situation to be in," Carofano said.

"Here you plan for something to enjoy later in life, and when you finally get around to doing it, you're informed the county was wrong and you can't do to your property what you thought you could." After an extended debate in which Commissioners Elmira Gainey and Dennis Armstrong lobbied for a major revision of the wetlands protection rules, the commission voted 3-1, with Armstrong dissenting, to waive the 25-foot wetland buffer in cases in which the property owner shows:

*The lot is single-family residential.

*The lot is on a canal.

*The lot has been stabilized by a legally constructed bulkhead, retaining wall or other shoreline protection structure.

*The owner before July 1 was told by the county, verbally or in writing, that the lot could be developed without any wetland buffer.

*The owner bought the lot, designed a home and applied for permits on the basis of advice from county staff.

Commissioner Marshal "Bud" Wilcox was ill Tuesday and not at the commission meeting. After the vote, Armstrong said he was worried the exemptions would create a bigger mess in the long run by granting some land owners special privileges. He proposed that all legally permitted lots with legal bulkheads on man-made canals be exempt from shoreline and uplands setback criteria, but that motion failed to win the support of anyone but Gainey. Like Clasen, Morris Crady, a former county planner, said staff members should not be criticized for the misunderstandings. "We spent a lot of time talking about this," he said. "I don't think it was a case of our interpreting the rules incorrectly. ... I think it just didn't make sense to apply the buffer rules in instances where the shoreline had been hardened already with a buffer."

County Administrator Russ Blackburn said he didn't think the **Oldehoff**/Van Vonno report blames only the staff. "It makes everybody look bad," he said. **Oldehoff** agreed. "We never intended to cast blame," he said. "What happened in the past happened. Our sole intent was to determine where the county went wrong and set standards to assure it never happens again."

Stuart News, The (FL)
June 17, 1999

15% RAISES DON'T AMUSE CHAMBER
Author: Dan McCue

2 increases to cost county $38,000 STUART - When it was his turn to speak at the Stuart/Martin County Chamber of Commerce meeting Wednesday morning, Commissioner Dennis Armstrong got a big laugh with a joke most in the room thought wasn't funny. "I told them the raises we doled out the night before were just in keeping with the cost of living," Armstrong said. "And they told me, "Nobody in the private sector is giving out the kind of raises we do,'" he said.

On Tuesday night, Martin County commissioners voted 3-to-1, with Armstrong dissenting, to increase the base salaries of County Administrator Russ Blackburn from $97,650 to $114,000 and County Attorney **Gary Oldehoff** from $89,880 to $112,000 - an increase of about 15 percent and the second hefty raise for both men in the past six months. In support of the increases, Commissioners Marshal "Bud" Wilcox, Janet Gettig, and Donna Melzer said they were a reward for the work the men have done and an incentive to keep them from leaving. They backed up their contention with supplemental memos comparing **Oldehoff**'s and Blackburn's salaries with their counterparts in other parts of the state.

Charlotte County, for instance, which has a population of 110,975, pays its county attorney $114,343. Clay County, which has a population of 105,986, pays its county attorney $117,223. Indian River County, with a population of 90,208, pays its attorney $95,298 annually. But Armstrong said such comparisons were weak because they only showed base salary and did not provide any information on the size of the staffs being supervised. "Both our county administrator and our county attorney just received 7 percent raises not that long ago," Armstrong said. "Now we go and double those increases." "What kind of message are we sending to people?" he continued. "Are we now going to turn around and give everybody a 15 percent raise?" None of the commissioners who voted in favor of the pay raises could be reached for comment Wednesday, but Commissioner Elmira Gainey, who left Tuesday's meeting before the vote, was outraged. "We were only supposed to discuss their evaluations, then I come in this morning and discover my colleagues handed out a big fat raise," she said. "It's unconscionable." **Oldehoff** and Blackburn did not return phone calls Wednesday.

John Catrambone, president of the Stuart/Martin County Chamber, said his board members laughed at the raises, but didn't think they were funny. "I'll tell you one thing, our commissioners certainly aren't business people," Catrambone said. "They think they can do anything they want with taxpayers' money because they don't have to answer to a board of directors. "Well, soon, thankfully, they'll have to answer to the voters," Catrambone said.

Stuart News, The (FL)
March 19, 1999

PAY INCREASE EXPECTED FOR TOP ATTORNEY
Author: Dan McCue

Oldehoff overdue for review

STUART - Martin County's top lawyer is scheduled to receive a $4,200 pay raise next week, although he has yet to have the annual performance review called for in his contract. The raise would increase County Attorney **Gary Oldehoff**'s salary from $84,000 to $88,200, and be retroactive to the date of his first anniversary on the job, June 1, 1998. The retroactive pay is necessary because county commissioners are now nine months late in their evaluations, which **Oldehoff** concedes have not been done - at least in a formal manner. "I have received feedback from commissioners as they saw fit to give it to me," **Oldehoff** said. "I've sat down with some commissioners on occasion and talked about things. But, honestly, some of those discussions have been informal in nature, talking while we're walking down the hall, that kind of thing."

Commissioner Marshal "Bud" Wilcox, who is pushing for **Oldehoff's** raise, praised the attorney for his "tireless work" and "the level and quality of the legal counsel" he's given the County Commission. But although they say the five-member board will approve the raise at its Tuesday meeting, commissioners Dennis Armstrong and Elmira Gainey said Thursday they'll likely be voting against the proposal as well as an attached proposal that would amend **Oldehoff's** contract to mandate automatic raises in the future. "Frankly, I don't think he's done that great a job," Armstrong said.

Wilcox wrote in the raise proposal to be considered by the commission, "I have discussed **Oldehoff**'s performance with him and I believe my fellow commissioners have done so as well." But formal evaluations are another matter. Last July, in keeping with **Oldehoff's** contract, County Administrator Russ Blackburn asked commissioners to prepare reviews of the attorney's performance. Seeking to have those reviews done in a timely fashion, Blackburn requested they be completed by Oct. 1, 1998. As of Thursday, however, Armstrong's evaluation of **Oldehoff** was still sitting on his desk, and Gainey was hard pressed to find hers. "I did do one. I wrote down some comments regarding things I wasn't pleased with, but I never did anything with it," she said. **Oldehoff's** situation mirrors Blackburn's, who four months ago received a pay raise from commissioners without any formal review of his performance.

The raise increased Blackburn's annual salary from $93,000 to $97,650. **Oldehoff** supervises a staff of 10 - four lawyers and six staff people. He said a "fair amount" of his time each day is spent meeting with commissioners, commission staff, administrators and the general public on legal matters pertaining to the county. "I can literally arrive at work in the morning with nothing specific on my agenda and wind up leaving at the end of the day having had a full day of meetings and discussions," **Oldehoff** said.

Wilcox is unreserved in his praise of **Oldehoff**, saying the attorney's counsel and advice has been invaluable to the board. Asked to evaluate his own performance, **Oldehoff** was reserved. "I have a fairly strong sense of Christian values and normally don't tout my own accomplishments," he said. "I'd prefer just to say I've worked hard to be of benefit to the county and the county commissioners." Wilcox told fellow commissioners that a 5 percent increase would be consistent with raises given county attorneys in the past. He's also proposing to change **Oldehoff's** contract in regard to future salary increases.

When Blackburn took his job in summer 1997, his contract included a provision that gives him a 5 percent pay raise if the commission failed to evaluate his performance in a public meeting before his anniversary date. "That contract was a sample take from the International City and County Managers Association," said Cynthia Morris, the county's human resources specialist. "It is used in other areas." Wilcox said a change in the attorney's contract will prevent such a delay from happening again. "Mr. **Oldehoff** should not have had to wait this long for a raise he deserves," Wilcox said. Armstrong thinks the change would be a mistake. "Essentially then, a raise is a slam-dunk," he said. "Evaluations are a mechanism for employees to improve their performance."

The Palm Beach Post
December 28, 1998

OLDEHOFF IS MARTIN'S WISE MAN
Author: Howie Paul Hartnett

Everybody does it at least once each Martin County Commission meeting. Someone will say something, then look immediately at County Attorney **Gary Oldehoff**. Sometimes they look for confirmation. Sometimes for information. And sometimes they look to the county's top legal adviser to play the heavy. It's up to **Oldehoff** to tell a resident that the law won't allow a sea wall or a development of some kind. He doesn't mind being the messenger, though. It's part of the job. ``I don't have an opinion until the county commission tells me what it is," **Oldehoff** likes to say. But he is probably the only employee in the county who can tell commissioners no. More often than not, they heed his advice. ``I think we have to have a stronger reason not to follow his advice now than before," said Commissioner Donna Melzer. ``We don't have the give-and-take leeway anymore."

Blame it on a growing hypersensitivity to liability and lawsuits in society. Blame it on CourtTV and Judge Judy and books by John Grisham. Whatever the reason, the results are clear: More people are filing more lawsuits. Martin County has about 25 suits pending, ranging from developers challenging development laws to residents upset over the configuration of a county ballpark that means foul balls land in their back yards. Litigation is just one part of what **Oldehoff** and his four assistant attorneys handle daily. Every county contract and practically all memos bear the mark of the legal department. County staffers and commissioners also lean on legal staff for research.

By comparison, Stuart City Attorney Carl Coffin doesn't feel like his workload has increased that much the past 10 years. He also hasn't gotten a sense from city commissioners that they want him to increase his presence. ``I haven't been putting words in their mouth, but in **Gary**'s case it's probably an excellent idea," he said. Coffin was referring to **Oldehoff's** efforts to help commissioners craft motions using appropriate language, something Coffin doesn't generally do for city commissioners. Despite having a hand in almost all the county's pies, **Oldehoff** sees only his role, not his power, growing. ``I think that there has been more of a desire by the county commission, county administrator and staff to have the county attorney's office involved because they value the judgment of the legal department," he said. ``I don't think I make policy, but I may be asked to help them explore (an issue) so they can make a policy choice."

Melzer agrees with **Oldehoff's** job assessment and trusts his judgment. ``There are a tremendous number of court cases out there and if our attorney isn't up on them, we could lose our comprehensive plan," she said. ``(**Oldehoff**) has been through some really heavy-duty cases dealing with growth management issues. I think he's very professional." She may get an argument from Commissioner Dennis Armstrong. ``I'm not real comfortable with some of the advice he gives," Armstrong said. ``Sometimes it seems like he gives us a lot of juicy legalese but you can't figure out what he says you can or cannot do." **Oldehoff** also has a tendency to

stretch a law beyond its intent to fit the desires of the commission, or rather that of three commissioners, Armstrong said.

It's no secret Martin County politics are polarized, with Commissioners Melzer, Janet Gettig and Marshal ``Bud'' Wilcox on one side and Armstrong and Elmira Gainey on the other. In general, the majority favors environmental issues, while the minority favors business issues. Outside of feel-good proclamations and issues of universal urgency, the commission typically votes 3-2. ``I've worked under several city and county attorneys,'' Armstrong said. ``In my estimation, the best one I've worked under is Carl Coffin at the city. He would lay out the parameters. I liked that. I don't get that type of feeling with **Gary**.' 'tell them the law.''

Stuart News, The (FL)
May 13, 1998

INCREASE OK'D FOR LAWYER'S BUDGET
Author: Kevin Osborne

County commissioners approved the 157 percent increase amid a debate about county priorities and spending practices. STUART - County commissioners Tuesday approved a 157 percent increase in the county attorney's budget, but not before a heated debate about how the county sets priorities and spends money. Two commissioners spoke against the budget increase, saying legal spending is out of control. A commission majority, however, supported the increase. They called it essential to protecting Martin's quality of life and accused their colleagues of opposing the action solely for political purposes. Commissioners will use emergency reserve accounts to pay for the increase, possibly tapping a natural disaster fund.

In a 3-2 vote, the commission approved raising the county attorney's budget for litigation from $176,000 to $450,000. Commissioners Dennis Armstrong and Elmira Gainey were opposed. Until the pair pulled the item, commissioners weren't scheduled to discuss the increase before making a decision. It was part of the group's consent agenda, a slate of unrelated items that are approved by a single vote and without comment. "I am very concerned about the amount being expended and the number of attorneys being hired," Gainey said. "There's no limit. Everything is sort of wide open at this point. I'd like to see how we can put a limit or get a handle on this." Other commissioners questioned their motives, noting both Armstrong and Gainey are seeking re-election this year. "How are we to handle lawsuits when we are sued? Are you in favor of simply abandoning our rights?" asked Commissioner Janet Gettig, who supported the increase. "We are not the plaintiffs in the majority of these cases ... please represent the facts and not the politically expedient thing to say."

County Attorney **Gary Oldehoff** recommended against imposing a strict cap on spending, adding it would hamper legal strategies in the cases. "No lawyer would ever advise his client to proceed with one hand tied behind his or her back. The risks are too great," he said. "I have made and will make every effort to keep costs down." County budget documents indicate that most of the increase is needed because of three cases:

*An annexation dispute with the city of Stuart;

*A zoning violation against Pioneer Concrete Tile in Hobe Sound;

*A dispute with a developer who wants to build on land known as Section 28, near Jonathan Dickinson State Park.

Armstrong said the annexation and Pioneer cases were filed in response to actions the county had taken. Martin often becomes involved in litigation when there are other options such as mediation, he said. "I am certainly not suggesting we don't have suits. I'm suggesting that, at

some point, we prioritize these suits," Armstrong said. "The money just isn't there. We need to pick and choose our fights, and we need to pick the fights on (the basis of) the ones that most affect (residents) ... Now we're spending the money on any and all of them."

Commissioner Marshal "Bud" Wilcox likened some of the cases to being hit in the nose. The county has no choice but to fight back and must defend its zoning and development rules, he said. "If you have a high profile and are in business, you're going to get sued," he said. Then, primarily to Armstrong, he said, "I'm not running for office, so I'll call it like it is. This is baloney!" "There are more important things to spend our money on," Gainey said, citing libraries and a regional park. "To say this is politically motivated is absurd." Armstong criticized the all-GOP commission for not upholding Republican ideals. "Yeah, I guess it is political," Armstrong said. "It goes to the heart of what it is to be a Republican, less government and less taxes. I didn't see that at last budget time, either."

Last fall, Armstrong was the sole vote against a $251 million county budget, which included an 11-percent average increase on the part of the tax bill that is controlled by the county. Commission Chairwoman Donna Melzer said money spent on legal fees can yield great savings if it used to prevent bad developments that spark the premature expansion of sewer and water systems. The nation relies too heavily on lawsuits to solve disputes, and Martin County is falling prey to the trend, Gettig said. She wanted the commission to take another approach to reducing costs. "I would like to hear an impassioned plea for the public not to sue the county," Gettig said. "That might work a little better."

The Palm Beach Post
May 13, 1998

COMMISSIONERS CARP ABOUT REQUEST FOR MORE CASH FOR OUTSIDE COUNSEL
Author: Howie Paul Hartnett

County Attorney **Gary Oldehoff**'s request for more money to continue fighting lawsuits touched off a battle of its own among Martin County commissioners Tuesday. While some called the $275,000 for additional outside counsel and expert witnesses necessary, other commissioners said it was ``appalling." The request was approved 3-2, with Commissioners Elmira Gainey and Dennis Armstrong dissenting. ``We can't ask our community to continue funding all these legal expenses," Armstrong said. ``It just seems like this is a bottomless pit." Roughly half of the county's 32 active lawsuits use outside attorneys. As of April 26, the county attorney's office had spent $165,177 of its $176,324 outside counsel budget for the year.

Most of that money went to new lawsuits opposing Stuart annexations and new work on the Section 28 development case, **Oldehoff** said. But those and many other pending cases deal with the county's long-range planning document, which must be defended, Commission Chairwoman Donna Melzer said. ``It is pretty amazing that commissioners don't want to support the things that the people hold dear." Commissioner Janet Gettig wondered how much of the concern was from ``Commissioner Armstrong" and how much was coming from ``Candidate Armstrong." ``I think this concern is politically motivated," Gettig told Armstrong, who is seeking re-election in the fall. ``I would like to know what your solution is." Make a decision and stick with it, Armstrong said. ``Every year we have our budget hearings and that is the forum where we determine what we need and want and how to fund them," he said. ``My problem is now in mid-stream we're trying to reprioritize."

The only thing Armstrong wants to reprioritize is the importance given to existing cases. Fight the big cases and settle the little ones, he advised. Commissioner Marshal ``Bud" Wilcox said the idea ``sounds a little stupid." ``I`m not running for office (this year) so I'll tell it like it is: This is baloney," he said. ``If you have a high profile and you're in business, you're going to get sued."

Stuart News, The (FL)
May 10, 1998

COMMISSION MINORITY CRITICAL OF COUNTY ATTORNEY'S METHODS
Author: Kevin Osborne

STUART - The Martin County Commission has run afoul of state law in the past over the method it used to settle lawsuits, and some commissioners say the county almost did it again. But the county's attorney says he never planned to discuss a settlement offer outside meetings prescribed by law. Even if County Attorney **Gary Oldehoff** had reviewed the offer individually with commissioners, the state attorney general's office says it wouldn't have been necessarily illegal. But it would be easy for the conversation to stray into areas that would violate open-meeting laws, said Pat Gleason of the attorney general's office. For that reason, many local governments avoid separate sessions between elected officials and lawyers, Gleason said.

Last week, a former Martin County department head offered to drop his federal lawsuit against the county under certain conditions. County commissioners were told of the offer Wednesday, 13 days after **Oldehoff** received it. **Oldehoff** then scheduled appointments with each commissioner for the following day. "We were told it was to review the offer," said county Commissioner Elmira Gainey. "I was disturbed by that and with the delay in getting the offer in the first place." The use of separate meetings with commissioners also was met with skepticism from Barbara Petersen, director of the First Amendment Foundation in Tallahassee. Separate meetings could be a way for the county attorney to function as a liaison between commissioners, which is illegal, Petersen said.

Oldehoff said reviewing the offer wasn't his intention. Instead, he wanted commissioners to meet an outside attorney they hired to handle the case. "He was going to be here working on the case anyway, so I thought it would be good to introduce him to all of the commissioners," **Oldehoff** said. The length of the introductions varied widely among commissioners. Gainey's private session with **Oldehoff** and the attorney took about 10 minutes, but a meeting with another commissioner directly involved in the lawsuit lasted about an hour. Gainey and Commissioner Dennis Armstrong, who make up a commission minority at odds with how the board handles many issues, said conflicting information might have been given to some commissioners. Separate meetings to discuss a lawsuit are uncommon, Gleason said. The state's open-meetings law prohibits members of a commission from having private conversations about issues that will be voted on later. To discuss pending lawsuits, it recommends commissioners meet jointly in a closed-door executive session. However, any decision on a settlement must be voted on publicly.

Last year, commissioners settled a lawsuit with an area newspaper after it was revealed the group had a history of illegally voting on lawsuits in private. "There's nothing illegal with meeting individually, per se, as long as a person isn't used as a liaison or a decision isn't made," Gleason said. "I think a lot of counties prefer to do it together in a client-attorney session for that reason. "Presumably, the county attorneys are careful to know what the limitations are," Gleason added. "All it would take is one word, and they'd have a real problem."

Oldehoff said the delay in getting the offer to commissioners was caused by scheduling problems. "We haven't deviated at all with the way we've dealt with other settlement offers when they come in," **Oldehoff** said. "We work with the person who submitted it to find out when we can get them all together" for an executive session. The offer to settle was made by Mike Sinkey, the county's former building and zoning director. Sinkey sued Martin County under the state "whistle-blower law," alleging he was improperly demoted last year after accusing commissioners of wrongdoing. Commissioners are scheduled to discuss Sinkey's offer Tuesday in a closed-door session.

The Palm Beach Post
May 6, 1998

MARTIN COUNTY COMMISSION

STUART - Commissioners took action Tuesday on the following issues: Coquina removal: Decided to start a program to remove coquina rock from unpaved roads in Martin County. The commission also decided to try an experimental procedure sealing coquina to the road along a mile stretch of North Boat Ramp Road. With the coquina gone, dirt roads will need grading at least once a week.

Legal: Granted County Attorney **Gary Oldehoff** the power to file another lawsuit against Stuart for adding county land to the city. The additions, approved by the city commission April 13, are the latest in a series. County commissioners believe the additions violate city law. **Oldehoff** also got permission to take legal action to stop an adult bookstore from opening in Port Salerno. County officials believe the store is too close to a gymnastics school. State law bars adult businesses within 1,000 feet of education centers.

Indian Riverside Park: Approved a scaled-down $3 million first phase for Indian Riverside Park. Some amenities, such as shoreline restoration, will be moved to future phases. Officials hope civic groups will help with other improvements, such as landscaping and picnic tables. The commission also directed county staffers to investigate buying land north of the park for parking and other uses.

Indian Street: Agreed to widen Indian Street between Kanner Highway and U.S. 1 from two to four lanes, which would allow Willoughby and other developments pending along Indian Street to expand.

The projects have been stalled since December 1996 when the county found its vehicle capacities for many county roads too low to allow for new developments. But part of Willoughby's agreement with the county charges the county with adding two lanes to Indian Street when necessary. The capacity problems have made it necessary.

The Palm Beach Post
September 17, 1997

MARTIN PAYS TWO LAWYERS $12,000
Author: Stephanie Desmon

Martin County paid more than $12,000 to a pair of Boca Raton lawyers in July and August for advice on growth management issues. Commissioners voted Tuesday to spend far more than that in coming months if needed. They voted unanimously to allow County Attorney **Gary Oldehoff** to seek the opinions of the two attorneys, who earn as much as $175 an hour, on whatever issues he chooses, including development applications. No limit was placed on how much **Oldehoff** can spend.

The county attorney's office has been running at half-staff for months since the resignations of County Attorney Robert Guthrie in April and Assistant County Attorney Tony Mutchler in June. **Oldehoff** said those two positions - and a third authorized during the recent budget process - won't be filled until at least the end of October and it will take time for the lawyers to get up to speed. Martin County regularly hires outside counsel for assistance. The county seeks advice on bonds, airport litigation and telecommunications issues, among other matters. Large trials are often handled by other attorneys. **Oldehoff** said he doesn't know how much the advice costs the county each year since different departments pay the bills.

Commissioner Elmira Gainey said she was worried about the apparent blank check being given to **Oldehoff**. ``I see it as an open-ended funding source that you have here," she said. Commissioner Donna Melzer, whose idea it was to increase the workload for the attorneys from Burke, Weaver & Prell, defended the move. ``It's not like he thinks he can make $1 million with this and walk away with it," Melzer said. ``He's very aware of our budget.

Palm Beach Post, The (FL)
August 24, 1997

LOOPHOLE LETS ATTORNEYS SPEND TAXPAYERS' CASH
Author: GLENN HENDERSON

Now, let me see if I have this straight. The Martin County Commission is responsible (is that too strong a word?) for spending the public's money in a manner that's sane and rational (OK, I know those words are too strong). With that in mind, we have this new policy adopted by commissioners in which they allow attorneys to decide how much of the public's money to spend. If YOU don't have a problem with this, then ... well ... you must be an attorney.

Commissioners have had trouble obeying Florida's Sunshine Law, which requires them to do their business in public view. One such problem involves the county's policy for settling lawsuits exceeding $5,000. The state says commissioners have to approve those settlements. The thinking here - probably good thinking - is that elected officials should have a say-so when large amounts of money pass from the public till into private hands. But the state's ruling used the word "approve" instead of "vote." And that ambiguity gave the county's attorneys, with some crafty assistance from Port St. Lucie's city attorney, the loophole they sought. So new Martin County Attorney **Gary Oldehoff** recommended, and commissioners approved without discussion, this new policy in which they hold public hearings on the settlements - but without voting on the recommended amount. That "non-vote" will be accepted as de facto approval of the proposal agreed to by attorneys for the county and the county's insurance carrier.

Commissioners will be giving their "approval" by, in reality, sitting on their hands. I am troubled by a number of things here, perhaps the biggest of which is this scary precedent of giving unparalleled significance to commissioners' inactivity. Can you imagine the scenarios?

Attorney: "Mr. Chairman, I recommend we pay this poor individual who stubbed his toe while distributing copies of the grand jury report throughout the county the sum of $375,562.13, along with 10 free copies of your new book, The Dark Side of the Sunshine Law."

Commissioners (sitting on hands): . . .

Attorney: "OK, thank you very much."

County administrator: "Commissioners, I suggest you approve a policy in which all employees whose names rhyme with `Stinky' be assigned to the Palm City Landfill, where their new duties will be to measure and document all bad smells."

Commissioners (gazing at the ceiling): . . .

County administrator: "OK, thank you very much."

Growth management director: "Commissioners, in view of how much you dislike vehicles using our highways, I suggest we put tollbooths at the county line and start demanding passports before allowing cars driven by Port St. Lucie residents to enter Martin County."

Commissioners (fumbling with their car keys): . . .

Growth management director: "OK, thank you very much."

As you can see, we have a problem on our hands.

Unless someone takes action - for real.

The Palm Beach Post
July 26, 1997

FLORIDA BAR CLEARS MARTIN ATTORNEY OF LYING IN DOCUMENT
Author: PAT MOORE

A Florida Bar committee has cleared Martin County Attorney **Gary Oldehoff** of any wrongdoing stemming from a complaint a developer filed against him in February. Woodrow Kantner, who sued the county in 1994 over the development of a marina, accused **Oldehoff** of lying in a court document about the date he received a letter from the Department of Environmental Protection regarding the review process for the project.

Oldehoff denied Kantner's accusations, calling them unjustified and intended to punish him for representing the county in the litigation. "That's great," **Oldehoff** said Friday, when told of the committee's decision. "I was confident once the committee looked at the complaint and reviewed it they would conclude as they did." Kantner's attorney, Tim Wright, said he was disappointed "because it means the committee found one of two things - either I'm lying when I told them (**Oldehoff**) knew about the letter and swore under oath he didn't or they don't care if he lied."

Kantner, who recently pledged $300,000 to a California foundation that plans to open an office in Stuart to fight environmental and growth-management laws, said he also was disappointed. "It was an absolute lie," he said. He accused **Oldehoff** of stating in court papers that he received a DEP letter notifying Kantner his marina project did not need to go under strict review more than a year after **Oldehoff** received a copy from Wright's office.

Oldehoff told the Florida Bar he couldn't find the letter when he initially responded to the court document. County commissioners were unaware of the Bar complaint against **Oldehoff** until a week after they selected him as the new county attorney in June. He said he assumed former County Attorney Robert Guthrie had told them.

Stuart News, The (FL)
June 26, 1997

ATTORNEY REJECTS CONTRACT PROPOSAL
Author: Kevin P. Connolly

County Attorney **Gary Oldehoff** plans to make a counterproposal today. STUART - Newly appointed Martin County Attorney **Gary Oldehoff** has rejected a contract offered by county commissioners because he is "uncomfortable" with the employment terms proposed earlier this month. **Oldehoff**, who was offered a salary of $84,000, is expected to make a counterproposal to commissioners today. He declined Wednesday to detail the problems he has with the offer commissioners made June 9, when he was selected from a short list of four attorneys to serve as the county's top legal adviser. **Oldehoff**, an assistant county attorney since 1989, also declined to elaborate on possible details of his counterproposal, saying "it's too early to tell" what he might ask for. "I just want to carefully look at it," said **Oldehoff**, noting that he planned to review the issue with his wife before turning the proposal over to acting County Administrator Randall Reid.

Commissioners asked Reid to forge a tentative agreement with **Oldehoff**. They were expected to approve his contract Tuesday. Reid told commissioners in a memo Wednesday that **Oldehoff** has rejected their offer to extend to him the same contract they had with former County Attorney Robert Guthrie. Guthrie, who was hired in 1995, resigned under pressure April 1. "Mr. **Oldehoff**, in our discussions of this contract, has indicated that he is uncomfortable with the terms of Mr. Guthire's contract and has implied that "it is not well-written,'" Reid wrote. He told commissioners **Oldehoff** is comparing Guthrie's contract to proposals for other "public executives," including the agreement commissioners forged with incoming Administrator Russ Blackburn.

Blackburn, a deputy administrator for Loudoun County, Va., was selected over Reid for Martin's top post in May. He negotiated a $93,000 salary, which is $8,000 more than the last county administrator, the late Peter Cheney, was paid. Commissioners also agreed to Blackburn's request for a six-month severance package, which is two months longer than Cheney's. Blackburn, who starts in Martin County on July 5, sought the additional severance because of the county's high turnover of administrators. Reid told commissioners to expect that **Oldehoff** will "have similar concerns ... regarding the tenure of attorneys in Martin County," noting that **Oldehoff** was appointed by a 3-2 vote. In addition to Guthrie's former annual salary of $84,000, **Oldehoff** was offered a severance package equal to six months' pay - or $42,000 - if he is fired without cause during his first two years. The severance package drops to an amount equal to five months' salary if he is fired without cause during the third and fourth year of employment. It would drop to four months' severance after the fifth year. The county wouldn't have to pay severance if **Oldehoff** is fired "for cause." The offer also includes a $300-per-month car allowance, a deferred compensation program and 15 vacation days a year. Other benefits include life insurance, medical coverage and contributions to Florida's retirement system.

The Palm Beach Post
June 18, 1997

STOP POINTING AT ME, EX-COUNTY ATTORNEY SAYS
Author: PAT MOORE

Former Martin County Attorney Robert Guthrie, who resigned under fire in April, lashed out Tuesday at his former colleagues for pointing the blame toward him "every time someone panics over there." Guthrie said he was "startled" to learn that new County Attorney **Gary Oldehoff** blamed him for not telling commissioners a Stuart developer filed a Florida Bar complaint against **Oldehoff** in February. Guthrie reminded **Oldehoff** in a letter Tuesday that the two of them had agreed initially the complaint was "confidential" unless **Oldehoff**, the developer or the Florida Bar decided to release the information.

Once the complaint advanced to the grievance committee level - which occurred after Guthrie resigned - he said it was **Oldehoff's** responsibility to notify the commissioners. **Oldehoff** called Guthrie's accusations a "misunderstanding between the two of us." Guthrie said he will not let the criticism go unchallenged. "I want to say to you and the others that I will respond ... if a pattern emerges in county government that elicits a reflex response that points to my empty chair and suggests `he did it' every time someone panics over there," Guthrie wrote.

Commissioners criticized Guthrie earlier this year, claiming he gave them poor advice that caused them to violate the state's Sunshine Law when settling lawsuits in private. They also blamed him for their appointment of Joan Wilcox - wife of Commission Chairman Marshal Bud" Wilcox - to a county board in January in violation of the state's anti-nepotism law.

Stuart News, The (FL)
June 17, 1997

ETHICS COMPLAINT FILED ON OLDEHOFF
Author: Kevin P. Connolly

STUART - A developer who has clashed with the county in the past has focused his attention on County Attorney **Gary Oldehoff**, accusing **Oldehoff** of violating bar rules by lying and filing "frivolous" legal actions against him. Woodrow Kantner filed a complaint against **Oldehoff** with The Florida Bar Association in mid-February, alleging **Oldehoff** lied about the date he received a letter from the Department of Environmental Protection dealing with one of Kantner's developments. **Oldehoff**, recently appointed the county's top lawyer, said last week Kantner's allegations are false. He declined to elaborate. "I completely deny it. That's crystal clear," **Oldehoff** said.

At least one county commissioner contacted Monday said he would have preferred that **Oldehoff** disclosed Kantner's ethics complaint before commissioners promoted him from assistant to top attorney June 9. "Don't get me wrong, I believe that everyone is innocent until proven guilty," said Commissioner Dennis Armstrong, who voted against **Oldehoff's** promotion. "(But) in my mind, it's something that we should have known before we made our decision."

A Fort Pierce lawyer, Richard V. Neill Jr., is investigating the ethics complaint for the Bar's Grievance Committee, 19th Judicial Circuit. Kantner unsuccessfully sued the county in 1994 when commissioners didn't approve fully his development plans for 77 acres north of Kanner Highway and east of Interstate 95 along the South Fork of the St. Lucie River. The projects included a development called Lost River Cove, with 78 boat slips, which was the subject of the DEP letter.

Oldehoff received a copy of a June 9, 1994, letter from the DEP that said Lost River Cove didn't need to be reviewed as a "development of regional impact," a designation that requires scrutiny by a variety of local, regional, state and federal officials. Kantner says **Oldehoff** got a copy of the letter Sept. 22, 1994, and **Oldehoff** lied in a court brief when he wrote that he didn't get it until Dec. 14, 1995, the complaint alleges. **Oldehoff** said later he got the letter in January 1995, the complaint says. The original statement by **Oldehoff** "was not only a false statement, but it was a blatant lie," the complaint reads. Kantner "believes that Mr. **Oldehoff** acted unethically, and it cost him a lot of money to defend the case," said Kantner attorney Tim Wright of Stuart. **Oldehoff** filed a petition with DEP on March 15, 1996, in an attempt to overturn the DEP's decision. An administrative hearing officer upheld the DEP decision. But the DEP ordered a new hearing, which hasn't been conducted, Wright said.

In May 1996, a federal judge ruled against Kantner in his 1994 lawsuit against Martin County, rejecting the developer's claims that the county violated his rights when it didn't approve all of his plans for the Lost Lake projects. Kantner has asked that a federal appeals panel review that decision, Wright said.

Stuart News, The (FL)
June 10, 1997

COMMISSION CHOOSES NEW COUNTY ATTORNEY
Author: Kevin P. Connolly

STUART - Martin County commissioners Monday considered two other applicants before selecting in-house candidate **Gary Oldehoff** as their next county attorney. **Oldehoff**, an assistant county attorney since 1989, replaces former attorney Robert Guthrie, who was forced out by commissioners April 1. **Oldehoff**, one of four candidates who interviewed for the job, will make $85,000 a year, or the same salary Guthrie earned, commissioners decided. "It's glad it's over," said **Oldehoff**, who unsuccessfully tried for the job in 1995 when commissioners opted for Guthrie. "I look forward to being an effective county attorney for Martin County."

Oldehoff has been the interim lawyer since Guthrie's departure, and he made about $69,000 as an assistant attorney. Commissioners voted 3-2 for **Oldehoff**, with Commissioners Elmira Gainey and Dennis Armstrong casting the dissenting votes. The two commissioners pushed for candidate Joni Armstrong Coffey, an assistant attorney for Dade County since 1982, but a motion for her appointment died after the other commissioners - Marshal "Bud" Wilcox, Janet Gettig and Donna Melzer - voted against her.

The second motion for candidate Terrell Arline, the legal director for 1,000 Friends of Florida, a growth-management advocacy group, failed by a 4-1 vote, with Melzer offering the lone vote of support. "I would just reiterate the fact that Mr. Arline has a great deal of experience of being able to get up to speed on a lot of issues in a relatively short period of time," Melzer said. Melzer also said Coffey wouldn't be as dedicated to preserving Martin County's laws, noting that she has worked for officials in Dade County, who Melzer said have allowed unchecked growth and damage to the environment.

Melzer said Arline, a former lawyer with the Florida Department of Community Affairs, had the experience to shield Martin County's tough growth rules against attacks from developers. But Arline's lack of experience in other legal areas - such as labor relations, public financing and departmental operations - didn't sit well with other commissioners. "He doesn't have any experience in any of the other areas," Gainey said. "I can appreciate his land-use and urban design experience, but I think we need more than that in our county."

After the motions failed for Coffey and Arline, Gettig nominated **Oldehoff** for the post. During his interview, **Oldehoff** noted the cases he won when he worked as an assistant attorney in the Dade County legal department from 1984 to 1986. He also reminded commissioners about several of the land-use battles he has fought for commissioners during the past eight years. "I know Martin County, and I know local government law," **Oldehoff** said. "I have been involved in some of the most important cases in the state of Florida since the adoption of the Growth Management Act in 1985." None of the commissioners mentioned the fourth applicant, Maria Chiaro, the former attorney for the city of Naples.

The Palm Beach Post
August 2, 1990

LAWYER ASKS FOR PUBLIC MONEY TO DEFEND NEELY
Author: PAT PLARSKI

Before ordering Martin County taxpayers to pay a private attorney about $12,000 to represent Todd Patrick Neely in his second attempted-murder trial, a retired Broward County judge Wednesday said he wants to know if the Public Defender's Office will take the case. Stuart attorney Joseph Negron asked retired Circuit Judge John Ferris to appoint him as a special public defender, so taxpayers can pay him to defend the Stuart man who has run out of money to pay attorneys. But Assistant Martin County Attorney **Gary Oldehoff** said he would rather see the Public Defender's Office represent Neely, so the state would pick up the tab, not the county. "Until the public defender disqualifies himself or the defendant asks the Public Defender's Office (to withdraw), I don't think the court has much discretion in the matter," Ferris told attorneys in a telephone conference hearing Wednesday.

Public Defender Phil Yacucci said it makes sense to have Negron handle the case, "from a judicial economy point of view." Neely, 22, was convicted and sentenced to 15 years in prison after his first trial for the 1986 burglary and stabbing a Port Salerno woman, but the 4th District Court of Appeal last month ordered a new trial because prosecutors improperly withheld information from his attorneys that would have led to a second suspect.

Ferris scheduled Neely's new trial to begin Sept. 4 in Martin County, but Assistant State Attorney Richard Barlow said he will ask it be moved because publicity. Yacucci said his office is preparing for a first-degree murder trial in September and would be hard-pressed to prepare for the Neely trial by that date. Negron told Ferris he is the logical choice for the job because he assisted Stuart attorney Russell Ferraro in Neely's trial in 1987 and represented him during a weeklong hearing last year before retired Circuit Judge William Frye. Miami attorney Ellis Rubin has agreed to represent Neely in his new trial for free, and Dallas attorney Ed Sigel, who has represented Neely in several hearings, will participate in the new trial. But Sigel won't be paid, Neely's mother, Edith Crosley, said. "We aren't paying any of the attorneys in the new trial. There isn't any money left," she said.

Two months ago, Neely paid Stuart attorney Richard Kibbey an initial fee of $1,000 to represent him in a misdemeanor drunken driving case. That case is pending. **Oldehoff** said he wants to investigate Neely's financial obligations more thoroughly. "He was under age 21 in his past trial and I'd like to get more information as to whether he's on the hood for those payments, not his parents." Neely owns an $11,000 Ford truck, but he still owes $66,500 to Ferraro for representing him in his first trial, Negron said.

Edith Crosley said she and her husband, Lewis Crosley, already have paid more than $108,000 in legal expenses-- more than 90 percent raised through contributions to the Todd Neely Defense Fund. She said they consider all the donations loans, which they intend to repay. Barlow said he

believes it is illegal for Negron, who is running for the legislative seat held by state Rep. Jim Hill, R-Jupiter, to receive a salary from taxpayers while he is campaigning. But Negron said his law firm-- not himself-- would be paid to represent Neely.

Research Compiled by: Cara Slade
Colin Baenziger & Associates

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

Peter "Pete" J. Sweeney

Attachments

Sweeney

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:13 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 10

Peter "Pete" J. Sweeney

Fort Pierce City Attorney Candidate Report

Section 10

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Cover Letter and Resume

Peter J. Sweeney, Esq., B.C.S.

215 13th Avenue, Vero Beach, FL 32962 | 772-359-3054 | peterjsweeney@gmail.com

October 12, 2018

City of Fort Pierce

Honorable Mayor Linda Hudson and Members of the City Commission

C/O Colin Baenziger

100 N. U.S. Highway 1

Fort Pierce, FL 34950

Dear Mayor Hudson and Members of the City Commission:

I would like to be the next City Attorney for the City of Fort Pierce. As a Fort Pierce native and lifelong Treasure Coast resident, this is a dream opportunity for me. I grew up in Fort Pierce, went to elementary school at Lawnwood Elementary and attended middle and high school at Lincoln Park Academy, where I graduated Salutatorian. From playing Little League baseball on Delaware Avenue to surfing on South Beach, the City has been an integral part of my life and helped to form who I am now.

For the past six years, I have worked in the Palm Bay City Attorney's Office and served as a Deputy City Attorney. I am the only attorney, out of over 105,000 members of The Florida Bar, who is a board-certified expert in **both** City, County & Local Government Law **and** Construction Law. I believe this is an invaluable asset to the City considering the tremendously important construction and redevelopment projects in the City's immediate future. Particularly, I am aware of the redevelopment of the former H.D. King parcel, potentially involving BrightLine train service, as well as the imminent development of the Port of Fort Pierce (which is governed by the land use and building restrictions of the City). These are but two projects which will involve complicated construction and municipal government expertise, which I am uniquely suited to provide. Additionally, I have been featured in Florida Trend's Florida Legal Elite as being one of the top 1% of attorneys in Florida in 2016, 2017 and 2018, as well as holding an AV Preeminent Rating from Martindale, which is the highest possible rating in both legal ability and ethical standards.

I know that I would be an excellent fit as your next City Attorney if afforded the chance. It is truly a dream opportunity for me, and I would love to be able to spend the rest of my career in the town I grew up in, representing it to the best of my ability and helping it continue to develop and advance. I look forward to meeting with you and the other members of the City Commission.

Sincerely,

Pete Sweeney
Florida Bar No. 815721

Peter J. Sweeney, Esq., B.C.S.
215 13th Avenue
Vero Beach, Florida 32962
Telephone: 772-359-3054
E-mail: peterjsweeney@gmail.com
Florida Bar No. 815721



Practice Areas

- City, County & Local Government Law
- Construction Law
- Tort/Liability Defense Litigation
- Zoning, Planning and Land Use
- Appellate Law

Summary

- The only attorney in Florida that is board certified in both City, County & Local Government Law and Construction Law by the Florida Bar
- Deputy City Attorney of Palm Bay, the largest city in Brevard County, the 12th largest city in Florida by land area, and the 16th largest city in Florida by population
- AV Preeminent® peer review rated by Martindale-Hubbell® and 10.0 Superb rating from Avvo®
- Selected for inclusion in Florida Trend's Florida Legal Elite in 2016, 2017 and 2018

Education

The Florida State University, College of Law — Tallahassee, FL
Juris Doctor – *Cum Laude* — 2004

- *Florida State University Law Review* - Member
- Moot Court Team - Treasurer and Member
- Order of the Barristers - Member

Florida State University, College of Business — Tallahassee, FL
Bachelor of Science, Management – *Magna Cum Laude* — 2001
Bachelor of Science, Multinational Business – *Magna Cum Laude* — 2001

- Dual Bachelor's Degrees from a top-30 Public Business School in the United States of America.

Experience

Office of the City Attorney — Palm Bay, FL

Deputy City Attorney II — October 2012 – Present

- In-house legal representation of large municipal corporation. Serve at the pleasure of the City Attorney as the charter officer responsible for all legal affairs of this Florida municipal corporation with approximately 115,000 residents and 66 square miles of real property, making it the largest city in Brevard County, the 12th largest city in Florida by land area, and the 15th largest city in Florida by population.
- Act as the City Attorney on an as-needed basis.
- Supervise two attorneys, a paralegal, a risk manager, a worker's compensation adjuster and two administrative assistants.
- Render oral and written legal opinions to City Departments regarding local government matters. Departments include City Manager, City Clerk/Legislative, Fire, Police, Economic Development, Growth Management/Land Planning, Community Redevelopment, Building, Utilities, Public Works, Parks & Recreation, Finance, Information Technology, Human Resources and Code Enforcement
- Provide legal research, drafting, review and opinions on various legal documents and correspondence including but not limited to: contracts, bonds, leases, easements, deeds, municipal ordinances, municipal resolutions, policies, procedures, RFPs/RFQs, releases/indemnification provisions, land development agreements, claims, liens, MOU's, land plats, and ILA's.
- Reviewed and revised portions of the City's Charter while assisting Palm Bay's Charter Review Commission.
- Assisted with the development and creation of a Merged Risk Management Division into the City Attorney's Office, improving customer service response times and lowering insurance premium payments, saving the citizenry an average of millions annually as demonstrated below:

  2012: $ 218,777.00;
  2013: $1,252,729.78;
  2014: $ 506,526.81;
  2015: $1,909,545.00;
  2016: $2,108,942.60; and
  2017: $1,722,565.87.
  TOTAL: $7,719,084.06

- Serve as principal tort litigator and support appellate advocate for Palm Bay which has an average annual caseload of greater than 300 cases, notably:
  - Successfully defended $1.8 million bid protest by competing design-builders.

- First Chair of a trial and appellate team that successfully defended the City's Sexual Predator and Offender Ordinance against nine (9) separate constitutional law claims asserted by a registered sex offender at the trial court and 5th Fifth District Court of Appeal twice.
- First Chair of trial team which received a directed verdict in a lawsuit involving the Palm Bay Police Department on a cause of action for negligent entrustment.
- Second Chair of an appellate team that successfully defended the City's land use decision on appeal to both the Eighteenth Circuit and Fifth District Court of Appeal which resulted in the preservation of a $1 million regional asset used by numerous law enforcement agencies in Central Florida.
- Second Chair of a trial team which filed suit seeking approximately $10 million from a prominent public contractor for construction defects due to settling of twin runs of stormwater pipelines causing road depressions to manifest along one of the City's two main arterial roadways.
- Second Chair involved in the successful defense of the City's interest in a Chapter 11 bankruptcy proceeding in the U.S. Bankruptcy Court for the Middle District of Florida (Tampa division) which enabled the City to meet its obligations to the Florida Department of Transportation for the construction of the new I-95 interchange at Micco Road with an economic impact to Palm Bay of $55 million.
- Reported appellate cases including:
    - *Holmes v. City of Palm Bay*, 249 So. 3d 760 (Fla. 5th DCA 2018).
    - *City of Palm Bay v. Ranger Construction Industries, Inc.*, 236 So. 3d 1114 (Fla. 5th DCA 2017).

Vocelle & Berg, LLP Vero Beach, FL

Associate August 2004 – September 2012

Litigation associate with trial experience throughout Indian River, St. Lucie, Brevard and Martin counties. First and Second chair litigation experience including §768.28 claims, construction, commercial, serious personal injury and wrongful death, and trust/probate matters. Litigation responsibilities including initial claim investigation, drafting and arguing motions, conducting and defending depositions, successful negotiation/mediations of claims and trial. Appellate experience in the Fourth and Fifth District Courts of Appeal for the State of Florida. Reported appellate cases including:

- *Laufen, Inc. v. Andrew*, 83 So. 3d 898 (Fla. 5th DCA 2012).
- *Denco, Inc. v. Tropicana Products, Inc.*, 78 So. 3d 549 (Fla. 4th DCA 2012).
- *Larkin v. Buranosky*, 992 So. 2d 268 (Fla. 4th DCA 2008).
- *Havens v. Chambliss*, 906 So. 2d 318 (Fla. 4th DCA 2005).
- *McMullin v. Beaver*, 905 So. 2d 928 (Fla. 4th DCA 2005).

Certifications

- Board Certified in Construction Law by the Florida Bar, 2013 – present
- Board Certified in City, County and Local Government Law by the Florida Bar, 2016 – present

Bar Admissions

- State of Florida
- United States Supreme Court
- United States Circuit Court of Appeals for the Eleventh Circuit
- United States District Court, Northern District of Florida
- United States District Court, Middle District of Florida
- United States District Court, Southern District of Florida

Programs

- National Institute for Trial Advocacy, *Teacher Training: San Francisco*, 2016
- National Institute for Trial Advocacy, *Building Trial Skills: San Diego*, 2015

Recognitions

- **Florida Trend's Florida Legal Elite**
  - Recognized in 2018 as one of the top 1,012 attorneys licensed to practice law in the State of Florida and as one of the top 58 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.
  - Recognized in 2017 as one of the top 1,080 attorneys licensed to practice law in the State of Florida and as one of the top 67 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.
  - Recognized in 2016 as one of the top 1,144 attorneys licensed to practice law in the State of Florida and as one of the top 65 attorneys in the State of Florida employed by municipal, county, state or regional government agencies and non-profit organizations.

- **AV® Preeminent Peer Review Rated by Martindale-Hubbell®**
  - Highest possible rating in both legal ability and ethical standards given by this renowned attorney rating service, 2015 – present.

- **Avvo® 10.0 Superb Rating**
  - Highest rating by this lawyer referral service calculated using a mathematical model that considers the information shown in a lawyer's profile, including a lawyer's years in practice, disciplinary history, professional achievements and industry recognition, 2014 – present.

Organizations

A. FLORIDA BAR

- Florida Bar Foundation, Fellow, 2016 – Present
- Governmental and Public Policy Advocacy Committee, July 2018 – Present
- Member Benefits Committee, July 2010 – June 2016 and July 2018 – Present
  - Chair, July 2014 – June 2016
  - Vice Chair, July 2013 – June 2014
- Eminent Domain Committee, July 2015 – Present
- Unlicensed Practice of Law Committee (19th Judicial Circuit), August 2011 – March 2018

B. LOCAL BAR ASSOCIATIONS

- Brevard Bar Foundation, 2017 – Present
- Brevard County Bar Association, 2012 – Present
- Indian River County Bar Association, 2004 – 2012

Publications

- *Risk[y] Business: Transitioning to a Stand-Alone Self-Insurance Program*, Stetson Law Review, May 2017, 46 Stetson Law Review 3.

Presentations

- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Palm Beach County League of Cities, Palm Springs City Hall, October 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, October 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Northeast Florida League of Cities, Orange Park City Hall, September 2018.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Suncoast League of Cities, Dunedin City Hall, July 2018.
- *Sovereign Immunity* (2632), Florida Bar's City, County and Local Government Law Section Annual Certification Review Course, May 2018.
- *Local Government Lobbying Regulations – Look Who's Talking*, Florida Association of County Attorneys Midyear CLE Program, November 2017.
- *What Lies Beneath? Latent Defects in Pipe Construction: A 6-Year Story of Construction Litigation Told from the Trenches* (2313R), Florida Bar's City, County and Local Government Law Section's 40th Annual Local Government Law in Florida, May 2017.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, October 2017.

- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc. and Alachua County League of Cities, Alachua City Hall, September 2016.
- *Ethics Training for Elected Municipal Officers*, Florida League of Cities, Inc., Belleview City Hall, June 2015.
- *Transitioning to a Stand-Alone Self-Insurance Program*, Florida Bar's City, County and Local Government Law Section's 38th Annual Local Government Law in Florida (1863R), May 2015.

Related News

- Rachael C. Moulton, *Palm Bay City Attorney's Office Employs All Board Certified Full Time Attorneys*, The Capstone News and Resources for Board Certified Lawyers Issue 63, Jan. 2016, at 3.
- *City of Palm Bay Attorneys' Office Raises Bar On Professional Standards*, Space Coast Daily (Aug. 5, 2015), http://spacecoastdaily.com/2015/08/city-of-palm-bay-attorneys-office-raises-bar-on-professional-standards.
- Bryan A. Lober, *Office Spotlight: Palm Bay City Attorney's Office*, The Ex Parte, A Publication of the Brevard County Bar Association, Apr. 2015, at 14.
- *City Attorney's Office Among Elite Experts In The Field*, Space Coast Daily (Aug. 8, 2013), http://spacecoastdaily.com/2013/08/city-attorneys-office-among-elite-experts-in-the-field.

References

- John Stewart, Esq., President-Elect, The Florida Bar, 772-231-4440
- Palm Bay Mayor Guillermo "William" Capote, 321-292-0382.
- Patricia Smith, Esq., City Attorney, City of Palm Bay, FL, 321-409-7185.
- Allison Dawley, Esq., City Attorney, City of Melbourne, FL, 321-608-7247.
- Rory C. Ryan, Esq., Ryan Law, P.A., Oviedo, FL, 407-359-0403.
- Steve Brannock, Esq., Brannock & Humphries, Tampa, FL, 813-223-4300.
- Michael Sjuggerud, Esq., Cantwell & Goldman, P.A., Cocoa, FL, 407-413-4301.
- Chief Jim Rogers, Police Chief, City of Palm Bay, FL 321-952-3458.
- Chief Jim Stables, Fire Chief, Johnson City, TN, 423-975-2852.

Candidate Introduction

Peter Sweeney

EDUCATION

Juris Doctor, The Florida State University College of Law (Cum Laude)
Bachelor of Science, Management, Florida State University (Magna Cum Laude)
Bachelor of Science, Multinational Business, Florida State University (Magna Cum Laude)

EXPERIENCE

Deputy City Attorney, City of Palm Bay, Florida	2012 - present
Associate Attorney, Vocelle & Berg, LLP, Vero Beach, Florida	2004 - 2012

BACKGROUND

Palm Bay is the largest city in Brevard County and is the 15th most populous city in Florida, with a population of approximately 115,000 residents. It is also a very large city, comprised of 66 square miles of real property, but is only 45% developed. The city is bisected by I-95 and also borders US-1 on its eastern edge, with several miles of frontage on the Indian River Lagoon. The city is a full-service municipality, with 815 employees, spread across 15 departments including Utilities, Police, Fire, Public Works (including Stormwater), Community Planning & Economic Development (including Code Enforcement), Community Redevelopment (CRA), Parks and Recreation and Human Resources, among others. In Fiscal Year 2018, the overall city budget was approximately $170 million, with the General Fund accounting for $68 million of the total budget. The Palm Bay City Attorney's Office is comprised of five attorneys and seven staff members. As Deputy City Attorney, I have direct responsibility for management and supervision of two attorneys and four staff. I also have acted as the City Attorney on multiple occasions, including attendance at Council meetings, when the City Attorney is on leave.

We are a full-service City Attorney's office and handle as much legal work in-house as possible. This includes all Risk Management litigation, which includes tort claims (trip and fall, auto accidents), police liability (Section 1983 claims), workers compensation, property damage claims and professional liability/errors and omissions. The only legal work that is outsourced are labor and employment matters, due to the inherent conflict of interest that can arise in those claims. The total budget for the office is $4.5 million, but approximately $2.85 million is the cost for city-wide insurance coverage, and funding for claim reserves.

The most significant legal issues facing the City of Palm Bay are:

- Large-scale development projects. The city has more than 20,000 acres of developable land. Currently, there is a new I-95 interchange scheduled to open by March 2019, and two different developers are in the process to develop more than 2,000 acres of property. The

legal issues include planning and zoning issues with specific focus on large-scale Planned Unit Developments (PUDs), utilities extensions (both water and wastewater), infrastructure development and stormwater management.

- Community Redevelopment/Business attraction. The city is home to Harris Corp, which is one of the largest defense contractors in the United States. The city is constantly renewing and developing strategies to attract more defense/aerospace/technology-oriented businesses. The legal issues involved in that process include tax-abatement and other relocation incentives, creation of a business development district and code modification/amendments to address new technologies.
- Pollution in the Indian River Lagoon. There have been massive fish kills in the last several years and it is believed that stormwater runoff has been the major cause. The city has taken significant steps to mitigate stormwater runoff, which required substantial legal expertise. The issues include development of a stormwater special assessment, creation of a legally-defensible calculation/methodology for stormwater Equivalent Residential Unit ("ERU's") and a successful bond validation lawsuit, including appeal, to support the cost of the stormwater program.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

As a Fort Pierce native and lifelong Treasure Coast resident, this is a dream opportunity for me. I grew up in Fort Pierce, went to elementary school at Lawnwood Elementary and attended middle and high school at Lincoln Park Academy, where I graduated Salutatorian. From playing Little League baseball on Delaware Avenue to surfing on South Beach, the City has been an integral part of my life and helped to form who I am now.

For the past six years, I have worked in the Palm Bay City Attorney's Office and served as a Deputy City Attorney. I am the only attorney, out of over 105,000 members of The Florida Bar, who is a board-certified expert in **both** City, County & Local Government Law **and** Construction Law. I believe this is an invaluable asset to the City considering the tremendously important construction and redevelopment projects in the City's immediate future. Particularly, I am aware of the redevelopment of the former H.D. King parcel, potentially involving Brightline train service, as well as the imminent development of the Port of Fort Pierce (which is governed by the land use and building restrictions of the City). These are but two projects which will involve complicated construction and municipal government expertise, which I am uniquely suited to provide. Additionally, I have been featured in Florida Trend's Florida Legal Elite as being one of the top 1% of attorneys in Florida in 2016, 2017 and 2018, as well as holding an AV Preeminent Rating from Martindale, which is the highest possible rating in both legal ability and ethical standards.

I believe the most important attributes of a successful City Attorney are honesty, adaptability, and a broad knowledge of municipal law. Without absolute honesty, Council will never trust in your legal opinion, which is the number one priority of a successful City Attorney. Adaptability is key

because most legal situations involving the city are dynamic, with multiple moving parts and people. One must be able to adapt to any situation that the city could face. Finally, having a broad knowledge of municipal law is important for at least two reasons. First, the more I know, the more I can properly advise my Council without having to resort to hiring outside counsel. Secondly, if the issue truly is outside my broad knowledge of municipal law, my Council has confidence that the issue really is unique and requires specialized outside attorneys.

My approach to handling law suits is unique from many other city or county attorneys, as I have direct responsibility for the defense of all tort claims filed against the city. This means that as soon as the city is served with the lawsuit, I begin the defense of the claim, which includes filing an answer and affirmative defenses, preparing and propounding discovery requests, taking and defending depositions, filing motions to dismiss, handling mediation and ultimately trying the case as necessary, including the appeal on several occasions. My belief is that lawsuits must be properly managed at all times, with the appropriate resources used carefully and efficiently. Further, it is vital that I make myself aware of all possible outcomes so that I can inform Council and advise them with the best possible legal advice regarding the potential liability and exposure of each case. My management style is above all respectful. I have managed all types of personalities, including different generations, ethnicities and educational levels, and I have treated each and every one of them with respect, dignity and encouragement. I believe in investing in staff members, whether it be by mentoring directly, supporting initiatives to further educational or professional development, or simply asking how I can help a subordinate do his or her job better.

In communicating with elected officials, particularly with my City Council members, I feel it is important to provide the most pertinent and important legal issues at the beginning of any conversation. I always prepare myself to provide as much detail as requested, but Council members' time is valuable, and I do not waste it. However, I will take as long as any member of Council would like to discuss any legal issue facing the City. I am happy to meet in person, communicate by phone or by email, depending on the preferences of the different council members. I believe the members of the City Council would say I provide honest and objective, direct, ethically-correct, top-notch legal advice and that I do not play politics, nor do I impart my own personal views into the decision-making process. I am not a policy-maker and I pride myself on providing the best possible unbiassed legal advice to each of them, no matter what. I believe the City Manager would echo these statements, as I have provided the same level of service to him for the last three and a half years.

A weakness is that I do not tolerate incompetence. I have on occasion directly pointed out a department director's mistake (which was always based on facts) that could or actually did expose the city to liability. However, I have learned to nuance my approach, and work with the City Manager to allow him to do his job in managing the departments under his direction.

My greatest achievement is to have been a key member of the transition team of bringing all risk management litigation in-house. I was specifically hired in 2012 to lead the team and defend the

city from all tort lawsuits; the entire program hinged on my ability to efficiently and effectively protect the city. It has been an incredible success, as we have not lost a single tort case in my entire tenure and have saved the city several million dollars in that timeframe. I have had the privilege of leading, but also mentoring, coordinating and developing the rest of the team, which has been just as important to the overall success of the program.

However, I am human, and my biggest mistake was becoming a friend with a subordinate. It was discovered he was having an affair with another married female office member, but he also lied about it, even when confronted with indisputable evidence. I had to fire him, and it was more difficult because I was friendly with him. I have learned to treat all employees, and especially subordinates, as professional colleagues and I do not spend time with them outside of the office. I believe it has made me a better manager because my staff respects my position and role; as a result, staff do not attempt to play the "friend" card when difficult conversations are necessary.

In the first six months as the City Attorney for Fort Pierce, I would do the following:

- First and foremost, I would take as much time as possible, as soon as possible, to meet with the elected officials, management and senior staff of all the departments to understand the immediate and long-term legal issues facing each of them, both as individual components and collectively on behalf of the city.
- Next, I would make sure I am aware of every lawsuit currently pending against the city, including reviewing any notice of claims received over the last four years. I would then coordinate a discussion of each claim with the insurance defense counsel that is handling the litigation, so that I may advise the Commissioners as to the status of liabilities against the city.
- Review and discuss with each current staff member what current work loads are, and if necessary, rebalance work distribution to meet fairness and efficiency within the office. I will also develop a specific plan for each employee to continue to develop professionally by discussing and asking what the employee's short, medium and long-term goals are within the city.

After six months, I expect that I will do a top-down review of my performance and modify any aspects of the position in order to best serve the Commission and the City.

I have not had to work with the media very much, but I am comfortable and confident on television or as a speaker at conferences. I understand the role the City Attorney plays when interacting with the media on the city's behalf and I am happy to oblige as much or as little media interaction as the City Commission prefers. I do not believe you will find any negative media coverage of any type about me, nor do I believe anyone in any community will contact you with any negative things to say.

Peter Sweeney

In my leisure time, I enjoy spending as much time as possible with my wife and two young sons, which often includes boating and diving offshore of Fort Pierce.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Honest
- Respectful
- Adaptable
- Intuitive
- Well-informed/Wide area of knowledge in the law
- Determined

REASON FOR DEPARTING CURRENT POSITION

I have truly enjoyed my time with the City of Palm Bay, but I want to be a City Attorney. The opportunity to guide the legal office of my home town is a dream and I know I have the ability, knowledge and determination to represent the City of Fort Pierce, especially as it is poised to experience unrivaled development and growth in the immediate future.

CURRENT / MOST RECENT SALARY

My current salary is $133,182, which includes a monthly vehicle allowance.

CB&A Background Checks

Background Check Summary for
PETER "PETE" JAMES SWEENEY

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Brevard County, FL	No Records Found
Indian River County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Brevard County, FL	No Records Found
Indian River County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found

Credit	Excellent
Bankruptcy	No Records Found
Education	Confirmed
Employment	Confirmed
Florida Bar Number	Member in Good Standing Bar #815721

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
PETER "PETE" JAMES SWEENEY
Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Peter Sweeney

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.

Please explain any yes answers on a separate sheet of paper.

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.

N/A

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 11/01/18.

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

Property of Colin Baenziger & Associates

Section 10

CB&A Reference Notes

Jim Stables – Fire Chief, Johnson City Fire Department, Johnson City, TN 423-483-5829

Mr. Stables is the former Fire Chief in Palm Bay and first met Mr. Sweeney in 2012 when he came on board at the City. Mr. Stables left the City in 2017, however they have remained in contact since that time.

Mr. Sweeney is a collaborator and all of Mr. Stables interactions with him were positive. Many times people in the legal field will take hard lines and not build bridges, but not him. He was instrumental in getting their department set on a solid legal foundation. He is someone who is genuine in finding solutions and not trying to expedite things for his own agenda.

Mr. Sweeney has competence in every aspect of the law and Mr. Stables never had any issues or conflicts with him. He has a good command of the law but he is not frivolous with responses and ensures that they are solidly grounded in the law.

Mr. Sweeney absolutely negotiates well on behalf of the party he is representing. Even though he was tasked with work from several departments in the City he never indicated that he had a heavy workload. Mr. Stables worked with him on negotiations with the Union at the City and he always gave 100% of his attention to the task. He maintained the diligence for the client without being offensive or combative.

While Mr. Stables was in Palm Bay he noticed that Mr. Sweeney was well respected by the elected officials. They worked well together and he is not aware of a time when they decided to go against what he recommended. Additionally, he absolutely worked well with the other department heads and acted as a bridge between them when they collaborated on issues.

Mr. Stables is not aware of Mr. Sweeney being involved in anything controversial personally, but the City Attorney's office went through some turmoil when Mr. Stables was leaving, but Mr. Sweeney was never looked at in regards to those issues. He kept it together for the other staff members during that time. He is not sure exactly what was happening since he was on his way out, but it had to do with some strife with the previous City Attorney, the City Manager, and the Council.

If Mr. Stables was looking to hire a City Attorney he would definitely hire Mr. Sweeney. He is confident that he would do an excellent job in that position.

Words or phrases used to describe Peter Sweeney:

- Friendly,
- Cordial,
- Approachable,
- Professional,
- Always well prepared,
- Highest integrity of anyone in the legal field.

Strengths: A highly collaborative individual who gets along well with others and is a solution finder.

Weaknesses: None identified.

Patricia Smith – City Attorney, City of Palm Bay, FL 850-567-3676

Ms. Smith first met Mr. Sweeney in 2012. At the time she was the most senior attorney under the City Attorney and she hired him. Since her promotion to City Attorney in September 2018 he has reported directly to her.

Mr. Sweeney is very intelligent and quick on his feet. He easily maintains a good rapport with people and his trial skills are most excellent. He is a problem solver who can get the client to a yes in a legal and ethical way. He is willing to stand strong in his convictions but also provides sound advice.

Mr. Sweeney gives excellent recommendations to the elected officials especially in the area of construction law. They currently have a road project which has been somewhat derailed and his background in this area has been relied upon by not only the staff, but also the elected officials. Ms. Smith is not aware of any instances where the Council went against his recommendations.

Mr. Sweeney has a plethora of experience in various areas of the law including constitutional law where he has actually helped do some training throughout the State in regards to home rule power and has participated in activities related to the board of certifications exam. He has also rotated through contracts and has taken care of the majority of it recently regarding vendors, procurement, etc. Additionally, since he has been with the City he has worked with Ms. Smith on growth management dealing with development, redevelopment, and land use.

In regards to working with a homeless population, Mr. Sweeney does have some experience. He worked in conjunction with the Parks and Recreation where they were preparing to do some construction on City property. Unfortunately, a homeless camp was set up on the property, however, he worked with the department making sure signs were posted in a timely fashion to alert the homeless people about the impending construction. By the time the construction was ready to begin they had moved on because the word got out in enough time for them to find a new location.

When it comes to dealing with the public, Mr. Sweeney does an excellent job. Whether it is in Council meetings or with residents in particular districts he cultivates good relationships with people and they tend to like him. Even if they do not receive the answer they want, they feel like they have been heard and respected.

Working well with the elected officials is another area where Mr. Sweeney excels. He has worked with numerous Commissioners on various projects and problems and they consider him to be responsive. Additionally, the City Manager and the staff get along with him. Only once does Ms.

Smith recall an issue with a department head, but that was because this particular individual decided to go ahead on his own with something, loosely telling Mr. Sweeney about it. When the department head was questioned about his actions he told people that Mr. Sweeney said it was okay when it fact he did not. Any tension that arose from that situation was because Mr. Sweeney stood his ground.

Ms. Smith is not aware of any controversies surrounding Mr. Sweeney. He has nothing in his background or conduct that would be of concern to a reasonable person. If she were looking for a City Attorney she would hire him for that position. It will be a natural fit for him and it is only a matter of time before he moves on to bigger and better things.

Words or phrases used to describe Peter Sweeney:

- Outgoing,
- Intelligent,
- Respectful,
- Trustworthy,
- Highly motivated, and
- Ambitious.

Strengths: An intelligent and experienced attorney who gets along well with people.

Weaknesses: Mr. Sweeney tends to be a people pleaser which can be a weakness when some in government have a warped moral compass.

William Capote – Mayor, City of Palm Bay, FL 321-292-0382

Mr. Capote first met Mr. Sweeney when he came to Palm Bay in 2012. He has worked with him as the Mayor the entire time.

Mr. Sweeney is a professional with credibility, character and integrity. He tells people the truth whether they like it or not. That goes a long way in the political world and he does a fine job of educating the Council well from the perspective of the law. He does a wonderful job of keeping the Mayor informed about projects and issues they are working on together.

When it comes to the law, Mr. Sweeney has a firm grasp on several areas. He can answer questions on the spot about what he has knowledge and he holds his own in terms of the law. He knows that he has experience and is well versed in contracts, development, redevelopment, land use, and utilities.

Mr. Sweeney is solutions oriented and responsive. He always gives good recommendations to the Council and Mr. Capote does not know of a time when they as the elected body went against his recommendations.

The City Attorney relies heavily upon Mr. Sweeney in the office. He does a fine job of managing the office while handling the legal affairs of which he is in charge. He has filled in on numerous occasions when the City Attorney is not in the office. During those times he is nothing short of polished and experienced.

Mr. Capote is not aware of any controversies involving Mr. Sweeney. He does not know of any item from his background or conduct that would be considered unflattering by a reasonable person. If he were looking for a City Attorney, he would hire Mr. Sweeney for that position.

Words or phrases used to describe Peter Sweeney:

- Integrity,
- Family man,
- Good character,
- Level headed,
- Thick skin, and
- Good sense of humor.

Strengths: An individual with excellent character and integrity who tells people the truth.

Weaknesses: None identified.

Harry Santiago – Council Member, City of Palm Bay, FL 321-576-2387

Mr. Santiago first met Mr. Sweeney when he was elected in November 2012. They have been working together since that time.

Mr. Sweeney is a wonderful people person with whom Mr. Santiago has never had any issues. He is very knowledgeable in terms of the law and has excellent communication skills. He can convey the complicated intricacies of legal jargon helping him to understand it. Additionally, he has always given good advice when asked and Mr. Santiago is not aware of a time when the elected body decided to go in another direction from his advice.

When Mr. Sweeney has covered a regular or special council meeting he is always prepared and if he does not have the answer he will research it and follow up in a timely manner. He works well with the staff to get the information out as fast as possible to Mr. Santiago and the other Council Members. Furthermore, he is a solution finder and does not merely say that the law does not permit certain things from being done.

Working with the public is another area where Mr. Sweeney shines. He has sat in during Council meetings as the representative of the department and conducted workshops where, in both situations, he has interfaced with the public. He is not confrontational or contentious and does well guiding the Council and the public in doing what is lawful.

From what Mr. Santiago has seen Mr. Sweeney gets along well with the City Manager and the other department heads. He has not heard of any major issues involving him. At times people may not like his answers but he always follows the law and then follows up with solutions on how to get to the end result. Overall, everyone has a very good working relationship with him.

Mr. Santiago does not know of anything embarrassing from Mr. Sweeney's background or conduct that would be of concern. He is not aware of any controversies involving him either. He would definitely hire Mr. Sweeney as a City Attorney if he were looking to fill such a position.

Words or phrases used to describe Peter Sweeney:

- Hardworking,
- Knowledgeable,
- Attorney,
- Solution finder, and
- Will not steer people wrong as far as the law is concerned.

Strengths: A skilled communicator who is knowledgeable in the law and gets along well with others.

Weaknesses: None identified.

Dylan Reingold – County Attorney, Indian River County, FL 772-226-1427

Mr. Reingold first met Mr. Sweeney in 2013. They interact together as local government attorneys bouncing ideas off of each other in a collegial relationship.

Mr. Sweeney is knowledgeable about local government law and is always interested in diving into the law. Every time Mr. Reingold has called him with a question he has been familiar with the issue and has provided guidance and advice on the situation.

Mr. Sweeney is a solutions based individual and is not the type of person to say that the law does not permit something to be done and walk away. Mr. Reingold does not follow politics in Palm Bay and therefore is not aware if the elected body has ever gone in a different direction than that prescribed by Mr. Sweeney.

In terms of experience in various areas of the law, Mr. Sweeney has been exposed to several. Mr. Reingold is quite impressed with the way he analyzes issues below the surface. Most of what they do as municipal attorneys at the end of the day boils down to constitutional law and he definitely has experience in that area. He is also quite knowledgeable and has experience in development, redevelopment, land use, and labor/personnel matters.

Mr. Reingold is not aware of anything controversial about Mr. Sweeney. He does not know of any unflattering behavior in Mr. Sweeney's background or conduct that would be of concern to any future employer. He would definitely hire Mr. Sweeney as a City Attorney and knows he would do a fine job in such a position.

Words or phrases used to describe Peter Sweeney:

- Knowledgeable,
- Enthusiastic,
- Inquisitive, and
- Dedicated.

Strengths: An extremely knowledgeable attorney who is experienced and gives excellent advice.

Weaknesses: None identified.

Debbie Hunt – Litigation Paralegal, City of Palm Bay, FL 321-301-0690

Ms. Hunt first met Mr. Sweeney in 2012 when he came on board in Palm Bay. She reports to the City Attorney as well as Mr. Sweeney.

Mr. Sweeney has proven to be an excellent teacher and mentor to Ms. Hunt. He has helped her to grow and develop in her position through his extensive knowledge. She has worked with him on numerous cases from torts to construction issues. She appreciates that he provides answers with context and background.

Mr. Sweeney has a superb command of the law which helps him to speak knowledgeably to the Council. He has established and continues to nurture good relationships with the Commissioners and can explain complex litigation issues to his audience in a manner that they can understand. Furthermore, the way he presents arguments in the courtroom are clear and concise to both the judge and the jury.

Ms. Hunt would characterize Mr. Sweeney as responsive. They conduct daily briefings and when she has completed an assignment she is delegated, he is highly responsive with his review or advising her of the next step in the process.

When it comes to giving recommendations to the elected officials Mr. Sweeney does a fantastic job. The elected officials trust him because he is honest with them. If proposed action cannot be taken because of legal constraints then he will offer alternatives to the outlined issues. As far as Ms. Hunt knows the elected officials have never gone against his advice.

Reference Notes
Peter Sweeney

Mr. Sweeney has vast experience in several areas of the law including constitutional law and contracts. He is often called upon by the Florida League of Cities to present about ethics. He also knows about and is experienced in development, redevelopment, and land use. Additionally, he has worked with homeless issues in Palm Bay. He serves as the City Attorney's office liaison with the Brevard County Coalition for the Homeless. He has a working knowledge in that area and has established some good working relationships.

Mr. Sweeney does a fine job of managing the responsibilities in the office as well as the legal caseload for which he is assigned. He has responsibility over the full-time risk manager as well as Ms. Hunt. He is an even keeled supervisor and calm in his approach to issues. If someone makes a mistake or error, they have no problems going to him with the problem and they will figure out a solution. He focuses on how to fix the problem rather than the mistake itself. He has a professional working relationship with everyone in the office and also manages with a good sense of humor.

Because of Mr. Sweeney's responsibilities with the utilities department and providing legal reviews for the police and fire departments he has had the opportunity to interact with residents. He has forged some good relationships and his style is to come away with a good outcome whether it is the originally desired one or not. He is an excellent listener and is extremely respectful to people.

Ms. Hunt is not aware of anything in Mr. Sweeney's background or conduct that would be considered embarrassing or unflattering. He has not been involved in any controversies since she has known him. He would absolutely be a wonderful City Attorney because not only does he have the leadership skills and practical knowledge of the law, but he also has expertise in and out of the courtroom and provides the elected officials with sound advice.

Words or phrases used to describe Peter Sweeney:

- Excellent listener,
- Teacher,
- Mentor,
- Leader,
- Strong interaction with the Council, public, staff, and volunteers, and
- Leads by example.

Strengths: A highly knowledgeable attorney who continues to learn and improve himself, works well with those around him, and is a tremendous mentor.

Weaknesses: None identified.

Brian Anderson – Council Member, City of Palm Bay, FL 321-408-3817

Mr. Anderson first met Mr. Sweeney prior to being elected in 2015. They have worked together since that time.

Mr. Anderson appreciates that Mr. Sweeney always goes into detail and gives the pros and cons of each situation. He is also available when needed and responsive to questions and requests. Additionally, if he does not feel he is the expert in a certain area he will point people in the right direction and will not give advice about which he is not confident.

Mr. Sweeney is professional and he has never failed to take care of business for Mr. Anderson. Any research he has been asked to do for him has been done quickly and he usually gives his opinion of the matter with the research to back it up.

Mr. Sweeney gives the Council excellent advice and Mr. Anderson does not know of a time when the elected body went in a different direction than the one advised by him. In his particular role right now he does have to follow the direction of the Council, however he stays within the parameters of the law while still trying to find solutions.

When it comes to working with the public Mr. Sweeney does well. He is very approachable, mild mannered, and quite direct with his answers. He is also the same way with Mr. Anderson and the rest of the Council. Sometimes he does not always give them the responses they want, but he is honest and tells them what they need to hear.

Mr. Anderson is not aware of any controversial situations that Mr. Sweeney has become involved with that were caused by him. He has no knowledge of anything from Mr. Sweeney's past history or conduct that would be of concern to anyone. He has never heard anything negative about Mr. Sweeney. He would hire Mr. Sweeney if he were looking to hire a City Attorney and knows that he would do a solid job in that position.

Words or phrases used to describe Peter Sweeney:

- Caring,
- Approachable, and
- Easy to talk to.

Strengths: A professional and available individual who is detail oriented and knowledgeable in his field.

Weaknesses: None identified.

Terese Jones – City Clerk, City of Palm Bay, FL 321-952-3414

Ms. Jones has known Mr. Sweeney since 2012 when he came to the City. They have worked together as colleagues since that time.

Mr. Sweeney has several strengths, but his main one is that he will give Ms. Jones his opinion immediately but he always double checks to make sure that he gives her the proper answer. He has a very consistent personality and she has never seen him act differently with anyone with whom he has interacted. He is always friendly and open with communication. He is extremely professional even in times of stress and is the person who calms others down.

Mr. Sweeney is a wonderful asset to their organization and he always knows the answers to questions posed to him. If he does not know the answer, he will research it and follow up with the involved parties.

Ms. Jones has seen him at Council meetings and he is always attentive following the conversation ensuring to give good legal advice to the elected body. She is not aware of a time when they did not follow his advice and decided to go in a different direction. He is also flexible and if the law does not allow something that the Council wants to pursue he will advise if they have other options.

When Mr. Sweeney interacts with the public he is approachable and always professional. He has a warmth about him that is welcoming and makes people feel comfortable and at ease. He is equally as friendly and professional with the elected officials and the rest of the staff from what Ms. Jones has seen.

Ms. Jones does not know of any instances where Mr. Sweeney has been involved in any controversies. She is not aware of anything from his past or conduct that would looked upon as unflattering by anyone. She would most definitely hire him as a City Attorney if she were looking to hire one.

Words or phrases used to describe Peter Sweeney:

- Honest,
- Dependable,
- Responsive,
- Trustworthy,
- Integrity, and
- Professional.

Strengths: A highly professional individual who is an excellent attorney and works well with others.

Weaknesses: None identified.

Andrew Hament – Attorney, Ford Harrison, Melbourne, FL 321-724-5633

Mr. Hament has known Mr. Sweeney since 2012. He serves as the City of Palm Bay's outside Labor Attorney and when they have an employment or union issue he will assist them.

First and foremost, Mr. Sweeney has excellent analytical skills. Mr. Hament has spoken with him about some fairly complicated issues and he is a good thinker who grasps important facts and then can apply the law to those facts. Secondly, he is very personable and responsive. Furthermore, he has an immense amount of integrity and is always above board in doing the right thing.

Mr. Sweeney is a well-rounded municipal attorney who knows his stuff. He makes good decisions when it comes to dealing with the law and Mr. Hament is not aware of any negative feedback in terms of his recommendations to the elected officials. He does not know if they have ever gone in a different direction than what he has advised. Additionally, he is a problem solver who likes to find a way to get to a solution even if it is not the original path. He does what he can to accomplish the mission.

Mr. Hament can tell that Mr. Sweeney is a good person and that he most likely speaks and interfaces well with the public. Even though he has not seen Mr. Sweeney in that capacity he is certain that Mr. Sweeney would do fine in that area. The former City Attorney always spoke highly of him and was comfortable with letting Mr. Sweeney handle the public meetings in his stead.

Mr. Hament does not know of any controversies surround or involving Mr. Sweeney. He has no knowledge of anything from Mr. Sweeney's background or conduct that would prove to be an embarrassment to any future employer. He would hire Mr. Sweeney as a City Attorney if he were in a position to hire one.

Words or phrases used to describe Peter Sweeney:

- Analytical,
- Responsive, and
- High integrity.

Strengths: An extremely knowledgeable municipal attorney who is a straight shooter and very analytical.

Weaknesses: None identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

Section 10

CB&A Internet Research

June 15, 2018

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

BRENDA J. HOLMES, ON BEHALF OF HERSELF AND ALL OTHER PERSONS SIMILARLY SITUATED,
Appellant,

v. Case No. 5D16-2993

CITY OF PALM BAY AND GATSO USA, INC.,
Appellees.
_____/
Opinion filed June 15, 2018
Non-Final Appeal from the
Circuit Court for Brevard County,
John M. Harris, Judge.

[CB&A Note: The remainder of the case can be read here:
https://law.justia.com/cases/florida/fifth-district-court-of-appeal/2018/5d16-2993.html

The Florida Bar News
December 15, 2017

Eight board races set

Eight contested Board of Governors races involving 20 candidates will be on the Bar's March Board of Governors election ballot. Sixteen seats, all but two held by incumbents, were settled without a contested race when the December 15 filing deadline expired. The contested races are:

• In the First Circuit, Charles F. Beall, Jr., Jeremy C. Branning, and Joseph Passeretti, all of Pensacola, filed to replace retiring board member Stephen Echsner.
• In the Third Circuit, Andrew J. Decker IV is challenging incumbent board member Bruce W. Robinson. Both are from Lake City.
• In the Fourth Circuit, Seat 1, Wiley Braxton Gillam IV and Michael Fox Orr, both of Jacksonville, have filed to replace retiring board member Fred D. Franklin, Jr.

• In the 11th Circuit, Seat 3, Maria T. Armas of Miami, Jordan Dresnick of Miami, Alexandra Bach Lagos of Miami, and Patrick Montoya of Coral Gables have filed to replace retiring board member Leslie Lott.
• In the 11th Circuit, Seat 5, Judson Lee Cohen of Miami Lakes and Jeffrey Rynor of Miami Beach filed to replace retiring board member Dennis Kainen.
• In the 13th Circuit Seat 4, Jeffrey Carter Andersen and Paige A. Greenlee, both of Tampa, filed to replace retiring board member Michael Hooker.

• In the 17th Circuit, Seat 4, Hilary Creary of Plantation and Jon Polenberg of Ft. Lauderdale filed to replace retiring board member Jay Cohen.
• In the 18th Circuit, Damon Chase of Lake Mary, **Peter J. Sweeney** of Palm Bay, and James G. Vickaryous of Lake Mary filed to replace retiring board member John Alpizar.

Elected without opposition were Melissa VanSickle of Tallahassee in the Second Circuit, Seat 2; Joshua T. Chilson of Clearwater in the Sixth Circuit, Seat 1; Sam N. Masters of Daytona Beach in the Seventh Circuit, Seat 1; Thomas P. Wert of Orlando in the Ninth Circuit, Seat 1; Wayne L. Helsby of Winter Park in the Ninth Circuit, Seat 3; C. Richard Nail of Lakeland in the 10th Circuit, Seat 1; Roland Sanchez Medina of Miami in the 11th Circuit, Seat 1; John H. Hickey of Miami in the 11th Circuit, Seat 7; Thomas R. Bopp in the 13th Circuit, Seat 1; Michael P. Dickey of Panama City in the 14th Circuit, Seat 1; Rosalyn Sia Baker-Barnes in the 15th Circuit, Seat 1; Robin Bresky of Boca Raton in the 15th Circuit, Seat 3; Jay Kim of Ft. Lauderdale in the 17th Circuit, Seat 1, Laird A. Lile of Naples in the 20th Circuit, Seat 1; Ian Comisky of Philadelphia in Out-of-State, Seat 1; and Brian D. Burgoon of Atlanta in Out-of-State, Seat 4. All but Wert, Dickey, and Baker-Barnes are incumbents.

For the contested races, ballots will be mailed by the Bar's elections company, Election Services Corporation, on or around March 1. Voters again will have the choice of voting online or returning paper ballots, and instructions will be included with the ballots. All ballots must be

received prior to midnight March 21. In any runoffs resulting from the March voting, ballots will be mailed around April 2 and must be received prior to midnight, April 23. Five-hundred word platform statements from the candidates in contested races will be published in the February 1 Bar News.

October 11, 2017

RAFTOPOULOS v. CITY OF PALM BAY

Case No. 6:15-cv-1063-Orl-37KRS.

JOHN RAFTOPOULOS, Plaintiff, v. THE CITY OF PALM BAY, et al., Defendants.

United States District Court, M.D. Florida, Orlando Division.

October 11, 2017.

Editors Note
Applicable Law: 42 U.S.C. § 1983
Cause: 42 U.S.C. § 1983 Prisoner Civil Rights
Nature of Suit: 550 Prisoner: Civil Rights
Source: PACER
Attorney(s) appearing for the Case
John Raftopoulos, Plaintiff, Pro Se.

Steve Mimbs, Defendant, represented by Patricia Maria Rego Chapman , Dean, Ringers, Morgan & Lawton, PA.

Douglas F. Muldoon, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney, Jr**. , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

Mark Richards, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney, Jr.** , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

John Doe Hughes, Defendant, represented by Patricia Maria Rego Chapman , Dean, Ringers, Morgan & Lawton, PA.

Walter Evans, Defendant, represented by Andrew Patrick Lannon , City Attorney's Office, Jill E. Jacobs , City Attorney's Office, Patricia Denise Smith , City Attorney's Office, **Peter J. Sweeney**, Jr. , City Attorney's Office & Wendy Lee Fisher , City Attorney's Office.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/infdco20171012b54

Palm Bay Florida.org
June 26, 2017

Palm Bay Attorneys Recognized as 2017 Florida Legal Elite

Now in its 14th year, Florida Legal Elite presents a prestigious roster of attorneys chosen for recognition by their peers. The 1,080 lawyers listed here exemplify a standard of excellence in their profession and by so doing, have garnered the respect and esteem of their colleagues. Congratulations to City Attorney Andrew Lannon and Deputy City Attorney **Pete Sweeney**. Both were recently named in Florida Trend's 2017 Legal Elite issue.

Palmbayseat4.com
March 20, 2017

Palm Bay Victory in Protecting Most Vulnerable Citizens

PALM BAY- The City of Palm Bay Attorney's Office is celebrating a win for the city and its residents after a judge ruled in favor of a Palm Bay Code of Ordinance that was originally put in place over 10 years ago. The ordinance in question was enacted to prohibit sexual predators and sexual offenders from making deliveries or working at places where children or vulnerable adults may reside or regularly congregate. "This is a great win for Palm Bay, said Mayor William Capote. "Safety is our number one priority and this case attests to the fact that we will do whatever it takes to make that so."

In 2006 two sexual offenders filed a lawsuit against the city, challenging the 2005 ordinance. Presiding Judge Lisa Davidson, found in favor of Palm Bay however the complainants, referred to as "John Doe", appealed to the Fifth District Court. After more than a decade long legal battle, on March 13th, 2017 the Fifth District Court of Appeal denied the motion, allowing for Palm Bay to finally put in place the ordinance designed with the safety and welfare of the city's most vulnerable citizens in mind.

"Palm Bay is already one of the safest cities in the State of Florida. Because of the prudent decisions of Judges Davidson and Harris at the Eighteenth Circuit and Judges Palmer, Orfinger and Evander at the Fifth District Court of Appeal in the instant case, Palm Bay residents are even safer today, particularly those who are most in need of our protection," said City Attorney Andrew Lannon. The entire case from start to finish was handled in-house by the Palm Bay City Attorney's Office at no expense to Palm Bay taxpayers, in particular Andrew P. Lannon, Esq., B.C.S., Patricia D. Smith, Esq., B.C.S., **Peter J. Sweeney, Jr.,** Esq., B.C.S. and Rodney A. Edwards, Esq.

The Florida Bar News
September 15, 2016

189 lawyers earn board certification

[CB&A Note: Only the information relevant to **Peter J. Sweeney** is listed below]

The Board of Legal Specialization and Education congratulates the 189 lawyers who in 2016 earned Florida Bar board certification, a designation that places them among the only group of Florida lawyers who may use the term "board certified" when referring to their legal credentials. Board certified lawyers are "Evaluated for Professionalism and Tested for Expertise" by The Florida Bar. Board certification evaluates attorneys' special knowledge, skills, and proficiency in various areas of law and professionalism and ethics in practice. About 5,000 of Florida's nearly 101,000 lawyers have earned board certification. Florida offers 26 specialty areas for board certification, more than any other state. For more information visit www.FloridaBar.org/certification or call 850-561-5842. Lawyers who earned board certification in 2016:

City, County and Local
Carl Edward Brody, Clearwater
Robert Michael Eschenfelder, Bradenton
Anita Geraci-Carver, Clermont
Amanda Louise Quirke Hand, Miami
Lawsikia Jumoke Hodges, Jacksonville
Kimberly Romano Kopp, Orlando
Arthur J. Grant Lacerte, Kissimmee
Rebecca Clayton Lavie, St. Augustine
Joshua Bernard Moye, Port Charlotte
Nicole C. Nate, Tampa
Thomas F. Pepe, Coral Gables
Abbie Schwaderer Raurell, Miami
Patricia Denise Smith, Palm Bay
Peter J. Sweeney, Palm Bay

PalmBayFlorida.org
July 5, 2016

Palm Bay City Attorney's Office Recognized in Florida Trend

Two members of the Palm Bay City Attorney's Office (CAO) were recognized in Florida Trend's Florida Legal Elite 2016 as among the top 1,144 attorneys in Florida and among the top 65 attorneys in Florida employed by municipal, county, state or regional government agencies and non-profit organizations. What is most significant about this recognition is that Palm Bay surpassed all other CAO's of similar size in Florida, with two attorneys from the same office recognized. Hence, for a law office of this size, Palm Bay has the best in the State! Congratulations to Andrew Lannon, **Pete Sweeney**, and the City of Palm Bay Attorney's Office.

Prnewswire.com
October 19, 2015

From Law Firms to Bar Associations to Legal Media and Technology, ".Law" Domain Gains Momentum Throughout the Legal Profession
The Florida Bar, Orrick, Law360 Join Early Adopters As New Domain Opens for Regular Access, October 19

LOS ANGELES, October 19, 2015 /PRNewswire/ --

Law School Waiver Program Will Provide Accredited Schools With Dedicated .law Domain Name Without Charge

Minds + Machines Group Limited (LSE: MMX), the owner of the new ".law" top-level domain, today announced that beginning October 19, 2015, .law domain names may be applied for by qualified lawyers on a first-come, first-served basis at standard rates. The seven-day Early Access Program, during which .law domain names were priced higher to accommodate initial demand, ended at 1600 UTC on October 19. Antony Van Couvering, CEO of Minds + Machines, commented, "The early interest in .law by the legal community has been outstanding. The legal profession seems to agree with our foundational policy: that every name sold under .law or .abogado must belong to a qualified lawyer and that there is real value in domain names governed by meaningful, verified policies."

Early Adopters Lead the Way

Early adopters of .law domain names include prestigious state associations such as The Florida Bar; leading law firms across the country including Orrick, Skadden, and DLA Piper; the leading legal media outlets Law360 and ALM Media; professional legal organizations such as DRI-The Voice of the Defense Bar, and the American Association for Justice, which is working with .law to ensure its members are aware of this opportunity; and many other firms, organizations, and individuals. "Interest is coming from all corners of the legal profession," Lou Andreozzi, CEO of Dot Law, Inc. said. "This is a once-in-a-lifetime opportunity to secure names that can help rebrand, expand, or otherwise promote the legal profession. Many of the associations have indicated that, in addition to their own use, they will provide access to the new domain names as part of their membership benefits. Law firms large and small have expressed interest not only in their names but also in practice areas. They see this as an investment to help ensure their position as a leading practice. It is exciting to consider the possibilities."

With over 100,000 members, The Florida Bar is the organization of all lawyers who are licensed by the Supreme Court of Florida to practice law in the state. "As The Florida Bar continues to serve an ever more diverse and engaged constituency, it is important to look for new tools with the potential to help our membership leverage their resources in order to best serve their clients," said **Pete Sweeney**, Chair of The Florida Bar Member Benefits Committee. "We are excited to be among the first organizations to receive the new .law domain names and make them available

to our members." Orrick is a global law firm focused on serving the technology, energy, infrastructure, and finance sectors. "Law firms are constantly looking for new and more valuable ways to share market insights and content with our clients, and we applaud efforts to innovate in this area," said Orrick Chairman Mitch Zuklie. "We are delighted to be an early recipient of a new .law domain name."

Free Registration Opened Up to Law Schools

In addition, Minds + Machines is proud to announce its law school program, which will provide a .law domain name to accredited law schools, and will waive registration and renewal fees for the domain name. U.S. schools are the first to be afforded this opportunity; outreach to non-U.S. law schools is planned for the near future. "We are proud to announce a program to provide accredited law schools with a dedicated .law domain name, without charge to the school," said Carl Jaeckel, COO of Dot Law, Inc. "For many law schools, their web and email addresses do not reflect that they are a law school or may be long and convoluted, such as 'initials of law school dot initials of university dot edu.' We hope that these new domain names will provide law schools with a tool to easily identify their position in the legal community."

Seton Hall Law School, the only private law school in New Jersey, is a leading law school in the New York metropolitan area. "We are delighted that the .law domain provides Seton Hall Law School with an extraordinary array of new branding opportunities for both the law school and our specialized programs," said Kathleen Boozang, Dean and Professor of Law, Seton Hall Law School. "setonhall.law distinguishes us as a leader in legal education and in the broader legal marketplace, regionally and globally."

About .law and .abogado

.law and .abogado are new restricted top-level domains (TLDs) that aim to promote trust in the professional legal community by creating exclusive online spaces in which lawyers can present themselves in a distinctive and memorable manner. Only qualified lawyers are eligible to secure a .law and/or .abogado domain name. A qualified lawyer is a professional who is licensed to practice law by an approved regulator of legal services in a given jurisdiction. For full eligibility criteria, please see the .law and .abogado Eligibility Policy. More information on .law is available at join.law.

About Minds + Machines

Minds + Machines (LSE: MMX) is a leading owner and operator of new generic top-level domains ("gTLDs") including ".law," and provides registry services to a range of high-profile clients. The Group also provides domain name services to consumers through its wholly owned registrar operations in the U.S. and Europe. For more information on Minds + Machines, please go to http://investors.mindsandmachines.com.

Space Coast Daily
August 5, 2015

City of Palm Bay Attorney's Office Raises Bar On Professional Standards
Makes Palm Bay one of most professional offices
Author: Space Coast Daily

BREVARD COUNTY • PALM BAY, FLORIDA – The coveted title of "Board Certified" attorney now belongs to all three full-time attorneys within the City Attorney's Office. The achievement makes Palm Bay one of the most professional and ethical offices in the State of Florida. The city attorneys join only 7 percent of eligible Florida Bar member attorneys in the state who share the certification, which is the highest recognition a practicing attorney can receive.

Andrew P. Lannon is double board certified in Business Litigation and City, County & Local Government Law. Patricia D. Smith is board certified in State & Federal Government & Administrative Practice. **Pete Sweeney** is board certified in Construction Law. "That is very impressive," said Councilman Jeff Bailey. "Each department member's commitment to excellence and professionalism should be commended." Patricia Smith became board certified in State & Federal Government & Administrative Practice. There are only 93 board certified attorneys in this area; there are 87,803 attorneys licensed to practice law in Florida. She was appointed secretary of the Brevard County Association for Women Lawyers (BCAWL), re-appointed to the Eminent Domain Committee of the Florida Bar, re-appointed to the Traffic Court Rules Committee of the Florida Bar and gave a presentation at the Florida Municipal Attorneys Association's 34th Annual Seminar.

Pete Sweeney received AV® Preeminent peer review rating by Martindale-Hubbell®, the highest possible rating in both legal ability and ethical standards. He was re-appointed chairman of the Member Benefits Standing Committee of the Florida Bar. This is based on a personal selection by the President of the Florida Bar, Ramon Abadin, and is unprecedented for this committee. He was also re-appointed to serve on the 19th Judicial Circuit Committee for the Unlicensed Practice of Law. He also gave a presentation at the Florida Bar's City, County and Local Government Law Sections 38th Annual Local Government Law in Florida Conference to all of the city and county attorneys' offices in Florida.

This presentation was selected for publication in the Stetson Law Review's Local Government Law Symposium, the premier local government law publication in Florida. **Sweeney** is board certified in Construction Law. There are only 360 board certified attorneys in this area; there are 87,803 attorneys licensed to practice law in Florida.

Andrew Lannon is recognized as one of the top 1,131 attorneys licensed to practice law in Florida in Florida Trend's Florida Legal Elite 2015. He became Board Certified by the Florida Bar in Business Litigation and is now a Board Certified Specialist in both Business Litigation and City, County and Local Government Law. There are only 255 board certified attorneys in

Business Litigation and 262 board certified attorneys in City, County & Local Government Law. He is one of only two attorneys that is board certified in both areas in the State of Florida. There are 87,803 attorneys licensed to practice law in Florida.

Lannon was appointed to the Executive Council of the City, County and Local Government Law Section of the Florida Bar. Lannon has been recommended by the Florida Bar to be a member of the 18th Judicial Circuit's Judicial Nominating Commission and is currently waiting on appointment from Governor Rick Scott. Lannon was re-appointed Secretary/Treasurer of the Vassar B. Carlton American Inn of Court. He gave 2 presentations at the Florida Bar's City, County and Local Government Law Sections 38th Annual Local Government Law in Florida Conference to all of the city and county attorneys' offices in Florida.

One of these presentations was selected for publication in the Stetson Law Review's Local Government Law Symposium, the premier local government law publication in Florida. He was also asked to present at the 41st Annual Public Employment Labor Relations Forum in October. Lannon is currently appointed to the Eminent Domain Committee of the Florida Bar. Other staff members within the City Attorney's Office are also highly qualified. Debra Hunt became a Florida Registered Paralegal, one of only 5,135 in Florida. Lindsey Pike became a Florida Registered Paralegal, one of only 5,135 in Florida.

Legal Fuel - https://www.legalfuel.com/florida-bar-winter-meeting-peter-sweeney-on-technology-and-member-benefits/
January 28, 2015

Florida Bar Winter Meeting: Peter Sweeney on Technology and Member Benefits

Florida Bar Podcast host Adriana Linares interviews **Peter Sweeney**, Deputy City Attorney of Palm Bay, Florida, at the 2015 Winter Meeting of The Florida Bar. As the chairman of the Member Benefits Committee of the Florida Bar, **Sweeney** discusses adding technological tools like Clio and Rocket Matter to member benefits and the vetting process of these tools. Also a member of the The Unlicensed Practice of Law (UPL) Committee, he examines the problem of people needing legal aid and how to adequately meet these needs within the confines of the law. In addition to being Deputy City Attorney, **Peter Sweeney** is board certified in Construction Law by the Florida Bar.

CB&A Note: To listen to the interview, follow this link - https://www.legalfuel.com/florida-bar-winter-meeting-peter-sweeney-on-technology-and-member-benefits/

Brevard Business News
September 2, 2013

Palm Bay City Attorney's Office among elite experts in field, Lannon and Sweeney Jr. earn board certification

PALM BAY — Attorney Andrew Lannon and Deputy City Attorney **Pete Sweeney Jr**. recently became board certified by the Florida Bar in the specialized areas of city, county and local government and also construction law. This ranks them among the top 2 percent of practicing attorneys in the state of Florida, and they are considered among the top experts in their specialized fields. **Sweeney** received board certification in construction law, and Lannon in city, county and local government law. Both passed a rigorous six–hour examination after more than eight weeks of study and preparation for the highly coveted credentials. Only six percent of eligible Florida Bar members, roughly 4,600 lawyers, are board certified. The certification is valid for five years, during which time the attorney must continue to practice law and attend Florida Bar–approved continuing legal–education courses.

"The City of Palm Bay is very fortunate to have such a highly credentialed and experienced legal staff," said City Manager Sue Hann. "I appreciate the very capable team in the City Attorney's Office and the city is extremely proud to now have two board–certified attorneys representing Palm Bay." Lannon was appointed city attorney in 2011. In 2012 and 2013, he was selected as Florida Trend's "Florida Legal Elite." He was also recognized in 2013 as one of the top 1,228 attorneys out of the 96,512 attorneys licensed to practice law in Florida and as one of the top 61 attorneys in the state employed by municipal, county, state or regional government agencies and nonprofit organizations. Lannon is AV–rated by Martindale–Hubbell, the highest possible rating in both legal ability and ethical standards given by this renowned attorney rating service.

Sweeney joined the City Attorney's Office in October 2012. He earned his law degree with honors in 2004 from Florida State University. **Sweeney** is now one of only 318 attorneys out of the 96,512 attorneys licensed to practice law in Florida to achieve board certification in construction law. He is admitted to practice law in all courts in the state of Florida as well as the U.S. District Courts for both the Middle, and Southern Districts of Florida. They work closely with Patricia Denise Smith who joined the City Attorney's Office in August 2011 as a deputy city attorney. Smith's focus with the city has been Palm Bay City Attorney's Office among elite experts in field, Lannon and **Sweeney Jr**. earn board certification litigation and police–liability matters. She started her career in the Public Defender's Office for the 19th Judicial Circuit defending over 45 jury and non–jury cases.

Smith subsequently accepted the assistant general counsel position with the Florida Department of Health prosecuting health–care licensure cases. Smith is admitted to practice in the U.S. District Courts in the Northern, Middle and Southern Districts of Florida and in the U.S. Court of Appeals for the Eleventh Circuit. The Palm Bay City Attorney's Office is currently handling 276 active litigation cases involving everything from foreclosures, construction projects and contracts to labor relations and other civil matters that "potentially put the taxpayers at risk."

February 17, 2012

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT JANUARY TERM 2012

LAUFEN, INC. AND JAMES JACKSON,
Appellant,

v. CASE NO. 5D10-1888

THOMAS ANDREW AND CONSTANTINA ANDREW,
Appellee.
_____/

Opinion filed February 17, 2012
Appeal from the Circuit Court
for Brevard County,
Robert Wohn, Jr., Judge.
Peter J. Sweeney, Jr., of Vocelle & Berg, LLP, Vero Beach, for Appellant.
Allan P. Whitehead, of Frese, Hansen, Anderson, Anderson, Heuston & Whitehead, P.A., Melbourne, for Appellee.

[CB&A Note: The remainder of the case can be read here:
http://www.5dca.org/Opinions/Opin2012/021312/5D10-1888.op.pdf

July 12, 2006

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

July Term 2006

COLLEEN E. NEELD, f/k/a COLLEEN N. WILMOTH,
Appellant,
v.
THE NEW PIPER AIRCRAFT, INC., a foreign corporation,
Appellee.

No. 4D05-3589
[July 12, 2006]
PER CURIAM.
Affirmed.
WARNER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert A. Hawley, Judge; L.T. Case No. 02-57 CA17.
Peter J. Sweeney, Jr. of Clem, Vocelle & Berg LLP, Vero Beach, for appellant.
Andrew S. Hament and Alec D. Russell of GrayRobinson, P.A., Melbourne, for appellee.
Not final until disposition of timely filed motion for rehearing.

[CB&A Note: The remainder of the case can be read here:
https://www.4dca.org/content/download/157740/1395321/file/4D05-3589.pca.pdf

June 15, 2005

Havens v. Chambliss, 906 So. 2d 318 (Fla. Dist. Ct. App. 2005)
District Court of Appeal of Florida
Filed: June 15th, 2005

Precedential Status: Precedential

Citations: 906 So. 2d 318

Docket Number: 4D04-3147

Author: Barry J. Stone

906 So. 2d 318 (2005)
Daniel S. HAVENS and Cynthia Havens, Individually and as Husband and Wife, Appellants,
v.
Hendry CHAMBLISS, Appellee.
No. 4D04-3147.
District Court of Appeal of Florida, Fourth District.

June 15, 2005.
*319 **Peter J. Sweeney, Jr.** of Clem, Vocelle & Berg, LLP, Vero Beach, for appellants.

Garrison M. Dundas of Brennan, Hayskar, Walker, Schwerer, Dundas & McCain, P.A., Fort Pierce, for appellee.

STONE, J.

[CB&A Note: The remainder of the case can be read here:
https://www.courtlistener.com/opinion/1951595/havens-v-chambliss/

City Commission Selection of City Attorney Finalists - 4:00

Meeting Date: 11/26/2018

Re:

Information

SUBJECT:

V. Lynn Whitfield

Attachments

Whitfield

Form Review

Form Started By: Linda Cox Started On: 11/20/2018 04:13 PM

Final Approval Date: 11/20/2018

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 11

V. Lynn Whitfield

Fort Pierce City Attorney Candidate Report

Section 11

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Resume

V. Lynn Whitfield

432 33rd Street
West Palm Beach, Florida 33407
(561)856-6757

BAR ADMISSIONS: Florida; District Court for the Southern District of Florida; Eleventh Circuit Court of Appeal; and United States Supreme Court

EDUCATION

1980 **University of Miami School of Law**
Coral Gables, Florida
JURIS DOCTORATE

1977 **Brandeis University**
Waltham, Massachusetts
BACHELORS OF ARTS
Honors in Sociology

WORK EXPERIENCE

December 1, 2016- Present
President - VLW Enterprise Inc.-West Palm Beach, Fl.
Trainer/Seminar Presenter of "What's in your toolbox?" trial advocacy skills seminars and trainer of public servants on "How to testify in court."

December 5, 2011-Nov. 29, 2016
City Attorney-City of Hallandale Beach, Florida
Responsible for advising the Mayor and City Commission Legal matters coming before the Commission; responsible Providing the representation of the City in litigation filed By or against the City; monitor work done by outside Counsel; supervise legal staff and support staff: review City code and policies and recommend appropriate Changes; work with other City departments and provide Legal advice; trainer of Commissioners on ethics and public servants on testifying in court responsible for developing department budget; performs other duties as assigned by Mayor and City Commission

January 3, 2006 – Dec. 2, 2011
City Attorney-City of North Miami, Florida
Responsible for advising the Mayor and City Council on all

	Legal matters coming before the Council; responsible for Providing for the representation of the City in litigation Filed by or against the City; monitor work done by outside Counsel; supervise legal staff and support staff; review City Code and recommend appropriate changes; work with other City departments and provide legal advice; assist in Developing legal department's budget; training public servants in testifying in court; and performs other Duties as requested by the Mayor and City Council
December 2, 2002-December, 2005	**Associate**- Walton Lantaff Schroeder & Carson, LLP Concentrating in General Liability Defense, Municipal Law And Criminal Defense **City Attorney-City of Pahokee, Florida**-Responsible for Advising the City Commission on all legal matters coming Before them. Providing legal advice to department heads. Providing representation of the City in litigation filed by or Against it.
August 1, 1992 – December, 2002	Private Practice-Law Offices of V. Lynn Whitfield, P.A. Whitfield & Mosley Concentrating in Criminal Defense, Civil Litigation and Municipal Law.
March, 1987-July, 1992	**Deputy City Attorney, Chief Litigator-City of West Palm Beach** Responsible for the defense of the City of West Palm Beach in all types of litigation including Personal Injury, Eminent domain, police brutality and federal cases. Over 20 civil jury trials. Handled all municipal issues including Zoning, land use and annexation
September, 1985-March, 1987	**Assistant Public Defender** – Palm Beach County Responsible for the defense of indigents charged with Criminal offenses throughout the county.
August, 1983-March, 1985	**Law Clerk-Municipal** Court-East Cleveland, Ohio
August, 1981-July, 1983	**Sole Practitioner** – Handled criminal defense cases along With personal injury and domestic cases.
1978-1981	**State Attorney's Office-Miami-Dade** County, Florida

Started as legal intern assisting the attorneys; became a Certified legal intern trying cases and advanced to Assistant State Attorney trying felony cases.

ORGANIZATIONAL AFFILIATIONS:

Offices held:

2006-2008	Board Member at Large-National Bar Association
2004-2005	President-Craig S. Barnard American Inn of Courts
2001-2005	Director-Palm Beach County Bar Association
2002-2003	Chair-Board of Directors-Gulfstream Goodwill Industries
1998-1999	President – Palm Beach Association Of Criminal Defense Lawyers
1997-1998	Regional Director Region XI-National Bar Association
1996-1997	President-Florida Chapter National Bar Association; Affiliate Representative-National Bar Association
1995-1999	Vice President-Board of Directors Florida Rural Legal Services
1986-1987	President – F. Malcolm Cunningham Bar Association, Palm Beach County

Memberships:

Palm Beach County Bar Association; F. Malcolm Cunningham Bar Association; Life Member-National Bar Association; Virgil Hawkins Florida Chapter National Bar Association; Life Member – NAACP; Florida Rural Legal Services Board

TEACHING:

2016	Local Government Lawyer's Legal Summit: Make Law your Profession not your life

2012 Ethics and Orientation for New Commissioners
Ethics training for all City Boards

2011 Forfeiture, Search and Seizure, and Testifying in Court – Internal training for City of North Miami Police Department

2009 South Florida Chapter National Forum of Black Public Administrators-"Ethics Jeopardy"

2008 South Florida Chapter National Forum of Black Public Administrators – Public Records and Sunshine Law

2006 South Florida Chapter National Forum of Black Public Administrators-"How to balance Tightrope, Live in a Fishbowl without upsetting your moral Compass"

1997 Florida Chapter National Bar Association Trial Advocacy Seminar-"From Teachin' to Preachin'-Direct Examination of Witnesses

1993 Faculty member-Southern Regional Trial Advocacy Seminar-National Institute of Trial Advocacy (NITA)

LEGAL COMMENTARY EXPERIENCE:

1998-2005 Legal Commentator for WPBF Channel 25-
Handled gavel to gavel coverage of State v. Brazill; Interview of Gary Condit; coverage of President Clinton's Investigation and impeachment; numerous other stories
Covered by WPBF-Channel 25

HONORS AND AWARDS:

2013-Present Martindale Hubbell AV Preeminent rating

2012 Strathmore's Who's Who for leadership and achievement in the occupation, industry and profession

2009 Named one of the most accomplished in the legal field ICABA in their Inaugural Edition

2007 Named one of the 25 most prominent & influential Black Women by Success South Florida Magazine

Recipient of the Presidential Award for Outstanding Service-National Bar Association

2000 Who's Who in Executives and Businesses

1997 Nelson Mandela Award-University of Miami School of Law Black Law Students Association

- Eligible to sit for board certification examination

Candidate Introduction

V. Lynn Whitfield

Hello, I am Vennie Lynn Whitfield. I practice under the name V. Lynn Whitfield. I'm a graduate of the University of Miami School of Law, class of 1980. I received my undergraduate degree in Sociology from Brandeis University in Waltham, Massachusetts.

After graduating from law school, I was an assistant State Attorney working for Janet Reno. I have also served as an Assistant Public Defender, an assistant City Attorney, and a deputy City Attorney. My career has included owning my own private law practice and working for a medium sized law firm.

In 2006, I accepted a position as Deputy City Attorney for the City of North Miami and five months later I was named City Attorney. I worked there for approximately five years before accepting the position as City Attorney for Hallandale Beach. I left Hallandale Beach, November 29, 2016.

Hallandale Beach has a population of approximately 38,000 permanent residents. The population grows to approximately 50,000 during the season. Hallandale Beach is a coastal city and is the home of two casino facilities. The city employs just under 500 full-time employees. The City Attorney's office is made up of two other attorneys and a legal assistant. I supervised all the employees of the City Attorney's office. In Hallandale Beach our staff handled the majority of the legal needs of the city. When I first became the City Attorney the budget for outside counsel was over a half a million dollars. During my tenure we reduced the amount to under two hundred thousand dollars.

Hallandale Beach is a city very involved with development and it does not utilize impact fees so we had to be creative in figuring out ways to provide upgraded parks and recreation facilities for the residents. We entered into a private public partnership with a developer which resulted in the refurbishing of one of the city's beach parks. The projected included the building of a $8 million dollar restaurant/spa facility which the city was a party to the operating agreement receiving a share of the profits. We also utilized development agreements on other projects to assist the city in providing services to the residents.

I consider myself to have a teaching management style. I believe it is important that everyone work together as a team and I'm only as good as those who work with me and for me. I like to acknowledge the good things my staff does and help them to learn what they might have done better. Ft. Pierce is a city with a lot of potential and that is why I'm interested. I've had the occasion to handle federal cases in Ft. Pierce in the past so I've watched it. I enjoy using my experience to help a city which is looking to grow and even rebrand itself. I was a part of the rebranding of both North Miami and Hallandale Beach.

I believe it is important that the City Attorney is able to effectively communicate to the City Commission the legal position of any issues facing the city. Also, the City Attorney should be able to think outside the box and assist the City Commission on finding ways to accomplish their objectives within the constraints of the law.

I have a lot of litigation experience so when a lawsuit is filed against the city I represent I first do an analysis of the case. I would have already discussed the facts with the administration so I know whether or not we could resolve the matter prior to the lawsuit being filed. I believe cases which should be settled should be done so early, but if they should not be settled, they should be defended vigorously.

Not all communication with elected officials should be in writing. I have an open door policy for all elected officials and most department heads. The City Attorney's office is a service department of the city and we are there to serve the needs of the elected officials and administration. The elected officials should be kept abreast of any and all legal issues which they might have to encounter as a commission. As City Attorney I work for the entire commission and not any one commissioner alone. That being said I also believe it is important to maintain the confidentiality of what one commissioner says to me.

One thing I have learned in life is that not everyone is going to like you. I believe the majority City Commissioners who have worked, with me even when I was at the City of West Palm Beach as an assistant city attorney, will say that I'm a good, honest, hardworking attorney who always had the best interest of the city in mind. There will be one or two who will speak negatively of me, but if you look at the work I did it will show what type of attorney I am. I had good working relationships with all the City Managers I worked with and together we accomplished a lot.

I believe my strengths are my good memory and my ability to analysis an issue and see the big picture. I am also going to give you the best legal opinion I can. I believe in being impeccable in my word and always doing my best.

My weakness is that I sometimes get impatient. I sometimes forget that others may take longer to grasp a concept than I do. I have learned to take the time and break things down so that everyone can understand what is being said and done.

My greatest accomplishment is my being an attorney at all. I come from a family where I am the first college graduate and first graduate of a professional school, then I suffered an early setback in my career which resulted in a 6 month suspension from the Florida Bar. The fact that I was able to rebuild my career and have a successful one in government, says a lot about my determination and it is something I'm proud to have accomplished.

As I mentioned, I suffered an early setback in my career. In 1981, while I was an assistant state attorney I told my secretary that she was going to be arrested for dealing drugs. They said I interfered with the administration of justice because they were only able to charge her with 14 counts. I accepted a 6 months suspension from the Florida Bar which was actually about 19 months. It was a very trying time in my life. As a result of that experience I cherish my right to practice law even more. I will not let anyone or anything put that in jeopardy again. I also learned that just because others may count you out, don't count yourself out.

Fortunately, I have not had to fire too many employees in the past. I believe that you work with the employee first to help them improve. If after all your efforts you are not able to get the employee to a level which is acceptable then termination is the only option. I believe you terminate with as much compassion as possible. It's important to me that I not strip the person of their dignity. I let them know that they would be better suited somewhere else. I know that it is not easy being fired and it is not a pleasant task to perform. While at North Miami I had to terminate an assistant city attorney and two secretaries. Before terminating them I documented the issues and discussed ways they could improve.

During the first 90 days I would do a review of the legal issues and the status of litigation in the City. I would implement an Internal Service Request system which has worked well in the other cities I have served as City Attorney. This allows us to track the type of work we are doing for the other departments and the Commission and provides a method of reporting to the City Commission what is occurring in the City Attorney's office. I would also meet with each member of the staff to determine their strengths and weakness and to find out what their goals are individually and as a member of the staff. The next 90 days would be spent putting together a plan to ensure that the office is working effectively and addressing the needs of the city. Of course, we would be also addressing all the current legal issues which would come up daily in a city. I would also look at what training we could provide to other departments to reduce future litigation. At the end of the six months I would present a report to the City Commission of the goals of the City Attorney's office.

As City Attorney it is not my position to be a spoke person for the city unless I'm asked to do so. However, I do have a lot of experience with media in that I was a legal commentator for WPBF for several years. I believe that all media contact should go through the City's public information officer. I respond to the public information officer.

I love to read murder mystery books and to write. I'm an avid golfer. I love professional sports especially football. Everyone that knows me knows I'm a diehard Cleveland Browns fans.

I believe I have told you already about my suspension from the Bar. I have not done anything else which would be an embarrassment to the City or myself. I'm involved or will soon be involved in litigation against the city of Hallandale Beach for discrimination and retaliation. I filed with EEOC and they determinated that I was retaliated against when I was fired from there. I'm not embarrassed by the actions I took because I believe I did the right thing.

Former Commissioner Keith London and Commission Michele Lazarow, might contact you about me. Also, Former Fire Chief Daniel Sullivan, during the discrimination investigation of Commissioner London, who is upset because I headed the investigation which lead to his termination has made some negative comments about me discriminating against people. His comments were not substantiated. I believe everyone else will have good things to say about me and my work.

V. Lynn Whitfield

I was terminated from my position at Hallandale Beach in retaliation for my accusing one of my commissioners of discrimination when he attempted to threaten me and intimidate me into allowing them to fire me so I could get my severance. When he was able to get a new commissioner elected, the next day I was terminated for pretextual cause. EEOC has determined that my termination was an act of retaliation.

The six adjectives or phrases I would use to describe myself are hardworking, funny, dedicated, compassionate, intelligent and honest. I am currently unemployed. My salary when I left Hallandale Beach was $203,000.

Section 11

CB&A Background Checks

Background Check Summary for
VENNIE LYNN WHITFIELD

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found

Credit	Very Good
Bankruptcy	No Records Found
Education	BA – Brandeis University ***Confirmed***
	JD – University of Miami ***Verifications Pending***
Employment	VLW Enterprise (2016 – Present) Hallandale Beach (2011 – 2016) North Miami (2006 – 2011) ***Confirmed***
	Walton Lantaff Schroeder & Carson (2002 – 2005) ***Verifications Pending***

Background Check Summary for
VENNIE LYNN WHITFIELD

Florida Bar Number Member in Good Standing
Bar # 314021

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used be in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

Background Check Summary for
VENNIE LYNN WHITFIELD
Personal Disclosure

11/05/2018 14:09 561--691-4436 FEDEX OFFICE 1076 PAGE 02

Personal Disclosure Questionnaire

Name of Applicant: _____

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 need 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.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No x☐
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No x☐
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes ☐ No x☐
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No x☐
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No x☐
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No x☐
7. Have you ever sued a current or former employer?
   Yes ☐ No x☐ I'm in the process of filing a discrimination lawsuit against a former employer.
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes x☐ No ☐
9. Do you have a personal Twitter Account?
   Yes x☐ 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 x☐ there is nothing which would cause me embarrassment, but my termination from Hallandale Beach was very public. Also, at the beginning of my career I was suspended by the Florida Bar for six months. That was over 30 years ago.
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
    See below

Attested to: _____
Signature of Applicant

Property of Colin Baenziger & Associates

CB&A Reference Notes

Jennifer Warren– Deputy City Attorney, City of North Miami, FL 305-895-9810

Ms. Warren has known Ms. Whitfield since 2006 when she came to North Miami. They began working together in 2007 and enjoyed that relationship until Ms. Whitfield left for Hallandale Beach. They have continued to stay in contact.

One of the biggest strengths Ms. Warren admires in Ms. Whitfield is how well she communicates. At the City the Commissioners came from a variety of backgrounds and levels of education about the law and she always had a superb way of breaking down the legal concepts and strategies so they could understand them. They always felt confident in their choices because she explained everything to them so well.

Ms. Whitfield is well rounded and has all of the necessary skills of an outstanding lawyer. She was also quite good at managing the office as well as handling the legal affairs of the City. She was good at hand holding when necessary, but she also kept the case load moving.

As an attorney, Ms. Whitfield's biggest strength is her trial skills. She and Ms. Warren worked on developing trial strategies, jury selection, and anything else that pertained to litigation. When Ms. Warren needed direction in that area she always looked to Ms. Whitfield.

Ms. Whitfield consistently gave the Commission excellent recommendations. She was also good about giving them in-depth explanations of the law and any historical ramifications. Ms. Warren does recall instances when the elected officials did not heed the advice of Ms. Whitfield and decided to do something different. Although she could not speak to any specific examples, she does recall that those decisions usually ended up being quite costly to the City and if they had gone with Ms. Whitfield's analysis it would have been better.

Ms. Whitfield is the type of attorney who finds solutions within the parameters of the law. She always came up with solutions and did not always merely say no. Her answers may not have been what people wanted to hear, but she gave alternatives and directions that fell within the law. She went the extra mile to please the client as long as what they wanted was within the scope of the law.

In terms of Ms. Whitfield's experience with the law, she is highly experienced in several areas. Many of the cases that she oversaw in North Miami were constitutional law claims where some even went through the appellate. She is well versed in contracts and oversaw about 5 to 7 departments and their contracts. Additionally, during the time she was with North Miami she worked on a big project developing a large parcel of land that had previously been a city dump, thus using her expertise in environmental law. Furthermore, she is well versed and experienced in utilities, labor/personnel issues, development, redevelopment, and land use.

One of Ms. Whitfield's gifts is working with the public. She is good at taking the most disgruntled residents and making them her best friends. She was also just as good at dealing with the elected

officials. She was one of the few City Attorneys who gave equal attention to the Mayor and Council treating them all the same.

Ms. Warren is not aware of anything controversial involving Ms. Whitfield. She has no knowledge of any embarrassing or questionable behavior from Ms. Whitfield's past or present conduct that would be of concern. If she were looking for a City Attorney, she would definitely hire Ms. Whitfield.

Words or phrases used to describe Lynn Whitfield:

- Exuberant,
- Outgoing,
- Dynamic,
- Attentive,
- Savvy, and
- Integrity.

Strengths: An experienced professional who excels at communication and is confident in her command of the law.

Weaknesses: None identified.

Brett Schneider – Attorney, Weiss Serota, Boca Raton, FL 954-812-2760

Mr. Schneider first met Ms. Whitfield in the City of North Miami in 2007. He worked with her as the Labor Attorney in North Miami as well as at Hallandale Beach. They continue to stay in contact.

Ms. Whitfield is a hardworking, very smart, competent, and experienced attorney. She has an excellent command of the law and is extremely responsive with Mr. Schneider. She has experience in several areas of law including constitutional law, contracts, development, redevelopment, and land use. She also has dealt with a homeless population in some of her municipalities. When it comes to labor and employee matters, she handled employee complaints and would involve him when litigation was imminent.

Ms. Whitfield is the type of attorney who tries to find solutions to problems, but is also a straight shooter. She does what she can to stay a-political and give good legal advice regardless of the person asking the question. Mr. Schneider is not aware of any specific instances where the elected body went against her advice. However, in Hallandale Beach she had to deal with an extremely divided political environment where she may have not been well liked by one of the minority commissioners. Even if she was giving the right legal advice it always made someone upset.

In terms of interacting with the public, Ms. Whitfield does fine. Mr. Schneider has seen her at commission meetings interacting with citizens on occasion and she seems to do well. No one can be a City Attorney for as long as she has without having experience in that area.

Mr. Schneider suspects that Ms. Whitfield left Hallandale Beach because of the highly charged political environment. She made a complaint against one of the commissioners and an outside investigator was hired to look into the complaint. Nothing was found other than the commissioner was being overly hard on her. She has nothing in her background or conduct that would be considered embarrassing. The only person who might disagree with him might be the elected official who did not like her.

If Mr. Schneider were looking to hire a city attorney, he would certainly strongly consider Ms. Whitfield. She has the confidence and experience to do that job well.

Words or phrases used to describe Lynn Whitfield:

- Strong,
- Hardworking,
- Thorough, and
- Tough.

Strengths: A bright and competent attorney who is direct and gives excellent advice.

Weaknesses: Sometimes overextends herself because she is concerned with the bottom line and keeping the costs down.

Renee Miller – Former City Manager, Hallandale Beach, FL 786-253-8436

Ms. Miller first met and became acquainted with Ms. Whitfield prior to 2011 but they did not work together until 2012. They worked in Hallandale Beach for four years.

Ms. Miller greatly appreciated Ms. Whitfield's problem solving abilities. It was different having a City Attorney that was comfortable with problems and who understood the business challenges and issues. She always helped Ms. Miller find solutions to management problems and was very much a partner, but was also clear about who was her client.

Ms. Whitfield was not political; she gave her legal opinion; and then stood by it. She would tell people when she did not agree with them and would consistently represent that. In this area she was extremely dependable. However, sometimes her forthrightness and directness was taken the wrong way, but Ms. Miller valued that aspect of her personality.

In terms of legal experience, Ms. Whitfield is well versed in several areas of the law including contracts, development, redevelopment, land use, utilities, and labor/personnel matters. She is a highly capable attorney who is called upon by several other City Attorneys in South Florida for

advice. She always gave Ms. Miller good advice, but also knew when she needed to refer out cases to specialty attorneys. She was responsible in the way she managed her department.

When it came to the elected officials, Ms. Whitfield worked hard to protect all the commissioners. Whether they took her advice is a completely different matter. It is common knowledge that the environment was difficult and they were working with some challenging personalities. She did an outstanding job navigating those waters. Unfortunately, the elected body did not always heed her advice and they did, on occasion, go in a different direction. They were incorrect in those choices and the City was the worse for wear in those instances.

In Ms. Whitfield's duties at Hallandale Beach she did not report to Ms. Miller, but they had shared bosses in the Commissioners. As colleagues they had an excellent working relationship and they made a point to speak and collaborate weekly sharing information and keeping each other abreast of what was happening in their perspective areas.

With the public Ms. Whitfield has experience and is excellent at dealing with people in the community. She never shied away from constituents' complaints or speaking with them about their legal questions. She operated with an open door policy and spoke to people when it was appropriate.

Ms. Whitfield was very responsive to the commission and worked well with the reasonable commissioners. It was not for her lack of trying and she treated each one the same staying out of their squabbles, but some were quite difficult. She did eventually leave based on the shift in politics.

Ms. Miller is not aware of anything in Ms. Whitfield's background or conduct that would prove to be disconcerting. Ms. Miller would absolutely hire Ms. Whitfield if she were looking for a City Attorney.

Words or phrases used to describe Lynn Whitfield:

- Leader,
- Intelligent,
- Analytical,
- Persuasive,
- Integrity, and
- Good litigator.

Strengths: An experienced city attorney who is direct with communication and who is a problem solver.

Weaknesses: Sometimes her compassion for her staff may have given them more leeway than she would have liked.

Nydia Rafols– Interim City Manager, Hallandale Beach, FL 954-457-1338

Ms. Rafols met Ms. Whitfield in 2011 when she came on board in Hallandale Beach. They worked together as colleagues until Ms. Whitfield left the City in 2016. They have had no further contact since that time.

Ms. Whitfield was very smart and had an excellent grasp of the law especially in terms of constitutional law, contracts, and some minimal experience in development, redevelopment, and land use. She was strong willed and sometimes it was her way or no other way. That did make it challenging to work with her at times, but she was usually willing to come to the table and discuss issues. She tried to find solutions and even though she was strong willed, she did an excellent job representing the City as its attorney.

Ms. Whitfield did extremely well working with all of the commissioners and had excellent relationships with them until she filed a complaint against the Mayor for a hostile work environment. An investigation was conducted by an outside attorney and nothing was found to warrant the complaint. As far as working with Ms. Rafols, the two worked well together in various aspects of City business and never experienced any issues.

Ms. Whitfield always did her homework and made fine recommendations to the elected officials. She challenged others to ensure that things were being done right and according to the law. Ms. Rafols is uncertain if the Commissioners ever went against her recommendations and decided to do something else.

When it came to dealing with the public, Ms. Whitfield would pick and choose with whom she wanted to interact. She was the attorney for the City and not the general public and Ms. Rafols does not recall seeing any kind of interactions with the public, but she was not around Ms. Whitfield on a daily basis.

Ms. Rafols is not aware of anything in Ms. Whitfield's background or conduct that would be of concern to a reasonable person. She left the City because of the change in Commission. Ms. Rafols is not certain if she would hire Ms. Whitfield as a City Attorney if she were looking to hire one. As the City Manager she would be interacting with her as a colleague and it might prove to be a different experience than just another employee.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Strong willed,
- Excellent writer,
- Challenging to work with, and
- Challenged others to ensure what was being presented was correct or right.

Strengths: A smart professional who did a fine job of representing the City.

Weaknesses: None identified.

Anthony Sanders – Former City Commissioner, Hallandale Beach, FL 954-540-5100

Mr. Sanders has known Ms. Whitfield since 2011. He did know of her before that time, but started working with her when she came on board at the City. They worked together until she left Hallandale Beach and have remained in contact since that time.

Ms. Whitfield was a creative professional who knew what she was doing. Mr. Sanders always had confidence in any advice she gave. She helped them avoid many lawsuits at the City. She was very responsive which had much to do with the structure that she put into place in her department from the beginning. She was quite responsible in terms of her budget and her staff. Everyone in her office worked at being efficient. She managed her staff well as well as the workload as the City Attorney.

Their City was very difficult to work in because along with Ms. Whitfield being the first African American City Attorney it was the first time they also had an African American Police Chief, Clerk, and City Manager. Even though Mr. Sanders was glad to see some diversity in the City, not everyone felt the same. Unfortunately, that created some problems. She always did what was fair when it came to giving her recommendations to the Commission, but a few of the Commissioners made things difficult in spite of her professionalism. Having said that, he is not aware of the elected body ever going against her recommendations with a majority vote.

Ms. Whitfield is an attorney who is solutions oriented. she looks for ways to get things accomplished, but at the same time she kept it right and tight legally. She looks to solve problems and then gives ideas of how they can be accomplished within the parameters of the law.

When it came to communication, Ms. Whitfield always kept Mr. Sanders informed of what was happening in the City. As an elected body they were informed either in their executive sessions or her office was keeping them abreast of the different situations going on within the City. He also had a running monthly meeting with her and the City Manager in regards to projects they were working on together.

Unfortunately, the political environment at the City was a toxic one laced with hatred and controversy with some of the Commissioners attacking Ms. Whitfield personally on the dais. Much of that negative attention was directed towards her and the City Manager for various issues. She lodged a complaint against one of the Commissioners regarding race, gender, and one other problem that Mr. Sanders could not recall. This particular Commissioner's behavior would sometimes lead to manipulation and intimidation, especially with women one on one and she would not buckle to that. That is when it spilled over into the dais. The Commissioner was

investigated and the findings were that his conduct was not flattering, but not illegal. Mr. Sanders suspects that others were too scared to come forward and speak to his pattern of abuse because of fear of retaliation. In a nutshell, that is why Ms. Whitfield left the City.

Some of Mr. Sanders former colleagues would take everything that he has stated and reverse it even though the legal community would completely disagree with those colleagues. The City is a divided community. It is a black and white issue, or an East/West part of town issue. Ms. Whitfield, the City Manager, and other staff members brought the City's resources to the West side of the community for the first time in over forty years. Because she did that and because she is African American she was attacked. It was not an issue of her capabilities as an attorney.

As far as Mr. Sanders knows Ms. Whitfield has nothing in her background or conduct that would be construed as problematic or embarrassing to a reasonable person. He would, without a doubt, rehire her if he were still at the City.

Words or phrases used to describe Lynn Whitfield:

- Strong,
- Smart,
- Timely,
- Spiritual, and
- Quick on her feet.

Strengths: A knowledgeable and creative attorney who offered excellent legal advice and treated everyone fairly.

Weaknesses: None identified.

Kathy Schanz – Parks and Recreation Director, Hallandale Beach, FL 954-457-1409

Ms. Schanz first met Ms. Whitfield in early 2012 and worked with her until 2016. They have had some, occasional contact since then.

Ms. Whitfield is a thorough individual and explains legal concepts in an understandable manner depending upon her audience. She is a highly capable attorney who has a good command of the law. If a topic is complex and she does not know everything about it she will do her research so that she is fully informed.

Ms. Whitfield is a solution finder. She helped them to write the Parks and Recreation ordinances that never before existed. They wanted to accomplish some particular things and they needed to figure out a way to accomplish them, but keep them within the constraints of the law. She did a fine job of guiding them through that process.

Ms. Whitfield was definitely responsive and her responses were timely, but she did have some challenges with the Commission. Ms. Schanz could not think of any situation off hand where the elected officials did not take her advice and went in another direction. However, considering their environment she would not be surprised if it did happen.

Hallandale Beach has controversy on a regular basis. Ms. Whitfield handled her share of them being the City Attorney and unfortunately she also experienced numerous issues with the Commission. Ms. Schanz does not know of anything that would be of concern from Ms. Whitfield's background or in her conduct. She would hire Ms. Whitfield as a City Attorney if she were looking for one.

Words or phrases used to describe Lynn Whitfield:

- Thorough,
- Communicative,
- Polite,
- Knowledgeable with the law,
- Supportive, and
- Willing to share her knowledge.

Strengths: An extremely thorough individual who is a capable attorney that finds solutions to issues.

Weaknesses: None identified.

Pamela Ryan – Retired City Attorney, Riviera Beach, FL 561-686-8700

Ms. Ryan first met Ms. Whitfield in approximately 1995 in a social for the Florida Bar Association. Ms. Whitfield has acted as a mentor for Ms. Ryan over the years. After her retirement from Riviera Beach Ms. Ryan continued to practice law and still represents several municipalities in South Florida. Ms. Ryan has hired Ms. Whitfield as a special magistrate for her clients and that is where she continues to keep in touch with Ms. Whitfield.

Ms. Whitfield is very gregarious, smart, and a go-getter. She is quite adaptable and easily switched from the criminal side of the law to the municipal side. She is a tough, but fair attorney who is beloved by the staff and citizens with whom she works as a magistrate. Ms. Ryan cannot say enough good things about her.

In terms of communication, Ms. Whitfield is straightforward and tells people what they need to hear even if they do not like the message. She is good at spotting issues; seeing the pitfalls; then communicates them excellently.

Reference Notes
V. Lynn Whitfield

Ms. Whitfield's knowledge of the law is top notch. She is tremendously smart and knows what she is doing. She is solutions oriented. They only way to survive in their line of work is to solve problems whether it is for the City Manager, the Commissioners, or the citizens. The only reason she has lasted as long as she has in her field is because she is a problem solver.

Ms. Ryan is not aware of any instances of the elected officials going against the advice of Ms. Whitfield. She does know that much controversy came out of a situation in one of the cities where she worked regarding some issues she addressed directly with the Police Chief. The Commission asked her to deal with the problems directly when they should have and they took some heat from that from the public.

In Ms. Whitfield's dealings with the public she has performed quite well across the board. She is a well rounded person who people like. She is a motivational speaker who often is asked to speak to the Florida Bar and is very active in her community.

In Hallandale Beach Ms. Whitfield may have aligned herself too closely to one side of the elected officials and Ms. Ryan is not sure how she got so far from maintaining her independence from the politics. She became close with the now indicted Mayor which may have caused some issues. She ended up having a conflict with one of the elected officials who decided to go after her. they wanted her to leave and they came up with some ridiculous reasons for terminating her. Some comments were out of line alluding to the fact that she could not do her job because she is a female.

If Ms. Ryan were in the market to hire a City Attorney she would definitely hire Ms. Whitfield. However, if any municipality has the same dynamic as Hallandale Beach she may not be the person for the job. If a municipality wants someone to straighten them out while being straightforward and upfront, she is the right one for the job. Ms. Ryan supports Ms. Whitfield 100%. Once any potential employer meets her, they will see that she is a quality person whose talents go beyond the resume.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Well-rounded,
- People person,
- Motivating,
- Knowledgeable, and
- Candid.

Strengths: A straightforward and direct communicator who easily adapts and solves problems.

Weaknesses: At times her strength of being straightforward can be a weakness if it rubs people the wrong way.

Sonja Dickens – City Attorney, Miami Gardens, FL 305-622-8000

Ms. Dickens has known Ms. Whitfield since 1998. She has mentored Ms. Dickens over the years and they have also been colleagues in various capacities in a few South Florida municipalities.

Ms. Whitfield is a highly experienced and knowledgeable attorney. She has most likely touched upon every issue that one can as a City Attorney. She has such a good command of the law that she could go to the dais of any city and handle just about anything thrown her way.

Ms. Whitfield is direct and straightforward in her advice and is a by-the-book lawyer who makes good decisions in terms of the law. She is flexible enough to get her commission where it wants to go and always stays within the parameters of the law. Ms. Dickens is not aware of any time where the elected body did not follow her advice and went in a different direction.

Ms. Whitfield is excellent at working with the people in the community. In North Miami they have a number of residents who like to antagonize the elected officials. She always took the high road in those instances and ensured to get along well with everyone. She is equally well liked and beloved by her staff and colleagues. Unfortunately, she has been the victim of political scapegoating. Ms. Dickens suspects that the Mayor used her as a way to deflect some of his negativity onto her. Sometimes that is par for the course in their line of work and it was not a reflection of her job performance.

At Hallandale Beach Ms. Whitfield felt that she was being discriminated against and had some issues with one of the Commissioners. Because of the controversy there she was asked to leave. Keith London, a former commissioner, might be one person who might have some things to say to the contrary of Ms. Dickens.

Ms. Dickens is not aware of anything embarrassing from Ms. Whitfield's background or in her conduct about which any future employer should be worried. She would definitely hire Ms. Whitfield as a City Attorney. She will come right in and take care of business with little to no learning curve.

Words or phrases used to describe Lynn Whitfield:

- Smart,
- Kind,
- Nurturing,
- Intelligent,
- Outgoing, and
- Fun.

Reference Notes
V. Lynn Whitfield

Strengths: A very knowledgeable individual who is direct, straightforward, and extremely experienced in her field.

Weaknesses: Very direct and straightforward which is not always welcome by some politicians.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

Redbroward.com
July 19, 2018

Faux Outrage? Hallandale Beach Mayor Keith London Knew About City Attorney Recording For Eight Months Before Calling "Emergency" Meeting For Her Removal
Author: Tom Lauder

On November 1, 2016 WPLG Local 10 investigative reporter Bob Norman dropped another political bombshell on the City Of Hallandale Beach. The story, "Secret Audio Implicates Hallandale Beach City Attorney In Alleged Improper Conduct," detailed a conversation between then-Vice Mayor Bill Julian and City Attorney **V. Lynn Whitfield**. The conversation surrounded a March 2016 robo-call attacking Julian. A recording left by Julian related to the robo-call was the subject of Bob Norman story in August 2016.

In his November 2016 story, Bob Norman said he, "obtained an audiotape of an inadvertently recorded conversation [**Whitfield**] had with Bill Julian, in which she clearly provided Julian campaign advice and guidance." Norman stated **Whitfield**'s actions could be a violation of the law which prohibits public officials from "using their authority to interfere with elections in their own cities." On the audiotape, **Whitfield** allegedly told Julian, "I can't advise you on personal stuff and definitely I can't advise you on election stuff, ok?" But later in the three minute recording, **Whitfield** said, "When they do stuff to you, my advice, personally, is to plan….Plan out, list out, 'this is how they are going to come after me.'"

According to Bob Norman, Commissioner Keith London was "livid" after listening to the audiotape. He said **Whitfield** "doesn't know the basics of the city charter that says you work for the City. It doesn't say you work for Bill Julian." London said, "She gave personal and campaign advice to Bill Julian, she's got to go." Four weeks later, Keith London called for an "emergency" meeting to fire **Whitfield**. According to a WPLG story, London used the audiotape as a cause to fire her. Bob Norman said Keith London "is now the City's de facto leader." **Whitfield** was fired.

Once again, an outraged Commissioner Keith London portrayed himself to the local media as the corruption fighter at Hallandale Beach City Hall. However, sworn testimony given to the Broward State Attorney's Office shows Commissioners Keith London and Michele Lazarow knew about **Whitfield**'s action for eight months and never said anything.

LOBBYIST EVAN ROSS PLAYED **WHITFIELD** TAPE FOR KEITH LONDON

As REDBROWARD reported, lobbyist Evan Ross, a close ally of Hallandale Beach Mayor Keith London, gave sworn testimony to the Broward State Attorney (SAO) in March 2017. The Broward SAO was investigating whether Bill Julian accepted bribes as alleged in an August 2016 report by Bob Norman. A recording of Julian was provided to Norman by Ross after Keith London gave him the "green light." Even though the recording was made in March 2016, Keith London testified they kept the tape under wraps until August 2016 for "politically expedient"

reasons. London was the campaign manager for Julian's opponent in the November 2016 election. In his sworn testimony, Evan Ross stated Bill Julian left ten recordings on his system. The night the robo-call went out, Ross noticed a voicemail in "the system." When he listened to the call, Ross "quickly identified it was Bill Julian's voice talking to someone." The following day, Ross claimed he found more voicemails. He testified there were ten recordings, including the **Whitfield** tape. Evan Ross stated he told Commissioner Keith London about the Julian recordings the same day he discovered them. Ross testified he "advised Commissioner London and Commissioner Lazarow…to come to my home and told them that I felt it was of great importance." Both Commissioners came to Ross' house. Once there, he played ten recordings of Bill Julian.

Ross said three agreed not to do anything with the recordings. Ross stated, "[W]e all agreed that we should not make a decision on what to do with it sight unseen. And that we should take a little time." Ross said the recordings contained, "conversations with people who I believe to be city employees, some of them I could identify potentially." Ross told Assistant State Attorney David Schulson he still had all ten recordings. Schulson asked if he gave all ten to Bob Norman. Ross said, "At a later time, I gave [Bob Norman] the remainder of them, one which he used in a story, which was between Vice Mayor Julian and the city attorney." Ross described the contents of that recording in political terms. He said, "The city attorney was on that tape giving him political advice and saying less than flattering things about some of the other commissioners, most notably, Commissioner London.

ANOTHER POLITICAL DIRTY TRICK?
Keith London has a well documented adversarial relationship with **Lynn Whitfield**. In February 2015, a special counsel was hired to investigate **Whitfield**'s allegations of racial discrimination against Keith London. In February 2016, London was cleared of charges of discrimination and creating a hostile work environment. According to the Sun-Sentinel, "While investigators cleared London, they took him to task for rubbing people the wrong way. They quoted his critics, who accused him of being aggressive, intimidating and rude."

The meeting of two sitting Hallandale Beach Commissioners at the home of a lobbyist occurred on or about March 3, 2016. Just one month after London had been cleared. But they took no action when they heard the Hallandale Beach Vice Mayor talk about a potential crime. They took no action when they heard the city attorney possibly commit a violation of law. They waited. They waited for the election to be closer. As Keith London testified, he did not want the news to get "buried." Did London and Lazarow ever document the March 2016 meeting with lobbyist Evan Ross? Did London ever document his numerous conversations with Ross about the release of the Julian tape? Did London and Lazarow document discussions with Ross about the **Whitfield** tape?

Did London and Lazarow document their discussions about **Lynn Whitfield**? The Florida Sunshine Law covers discussions between elected officials about matters that may come before them for a vote. Didn't Keith London and Michele Lazarow vote to fire **Lynn Whitfield** in November 2016?

May 24, 2017

MAJOR v. HALLANDALE BEACH POLICE DEPARTMENT

Rayfield MAJOR, Appellant, v. HALLANDALE BEACH POLICE DEPARTMENT, Appellee.

No. 4D16–1714
Decided: May 24, 2017
Rayfield Major, Miami, pro se. **V. Lynn Whitfield**, City Attorney, and Andre Mckenney, Deputy City Attorney, Hallandale Beach, for appellee.

The defendant appeals from the circuit court's order denying his petition for writ of mandamus, which sought to direct the police department to comply with his request for public records relating to his conviction of attempted robbery with weapon. We affirm the denial of the petition, but without prejudice to the defendant filing a new petition attaching a document which he filed in this appeal, but did not attach to the petition at issue.

[CB&A Note: The remainder of the case can be read here:
https://caselaw.findlaw.com/fl-district-court-of-appeal/1861766.html

Florida Weekly
March 23, 2017

Lawyer to offer insights on persevering against the odds
Author: Eunice Baros

Are you feeling like you are on a constant obstacle course and you don't know if you have what it takes to get through it? Attorney **V. Lynn Whitfield**, 62, of West Palm Beach asks the probing question in the introduction to her autobiography, which explores the many highs and lows in her own life, including a sudden brain surgery a few years ago for a subdural hematoma (brain bleed) which left her paralyzed.

After four days in ICU following seizures in the recovery room and realizing the left side of her body would not move, Ms. **Whitfield** remembered back to when she was a 6-year-old riding in her aunt's car in a Cleveland rainstorm. Some people had stopped their cars and pulled off under an overpass to wait for the rain to stop, she says. But "Auntie" kept driving and explained to her curious niece "what we need to do in the storm is to keep driving through it. We don't pull over. Eventually, you will come through the storm on the other side."

Throughout her life, that message has stayed with Ms. **Whitfield**, who proudly boasts of being a scholarship recipient and graduate of Brandeis University in Boston and then earning a University of Miami law degree in Coral Gables in 1980. "Sometimes in life things will happen which knock you down and cause you to question whether or not you will be able to go on," she writes. " "It can be the loss of a job, the loss of a loved one, an arrest, or the news of a terminal illness. It doesn't have to happen to you directly; it can be happening to someone close to you and thereby affecting you," she observes. "These are the things which I refer to as 'life storms.'"

For example, as a young lawyer, Ms. **Whitfield** lost a job as an assistant state attorney in Miami more than 30 years ago and she rebuilt her career step by step, leaning on her deep religious faith and convictions. She has many awards and honors to her credit. In those "storm" situations she writes about in her book, "The Party's Not Over Until God Says So" (Professional Woman Publishing, 2015, $15 through amazon.com), it is easy to look at the problem as hopeless, Ms. **Whitfield** explains. "Enemies and those without faith may be quick to say it's all over for you."

But not for Ms. **Whitfield**. Once a ward of the state of Ohio and an orphan by the age of 18, she has persevered through some very good times and some very challenging and desperate days. She will bring her message of hope to others who yearn to hear her inspirational presentation as co-emcee for a one-day Women's Conference on March 25 at the Hilton West Palm Beach. Topics include leadership, healthcare, finances, legal issues and politics. (For more information, visit www.empowherofthepalmbeaches.org or call Geanine Wester at 336-0498).

"**Lynn Whitfield**'s story of struggles — in her legal career, with disease and day-to-day life — and with her sense of overcoming through religion the many challenges she's faced will engage the many readers who hold similar beliefs," says author John Katzenbach, who once wrote about

her in The Miami Herald. “In clear cut and direct prose, she tells of pitfalls and stumbles and how her connection with church and Bible got her through many difficulties,” he writes on the back of her book. “When adversity visits, many people cower and seek cover,” says Ms. **Whitfield**’s longtime friend and colleague, local attorney F. Malcolm Cunningham Jr. “**Lynn** does her best work in the face of adversity. She owns her condition and focuses all of her energy on returning to productivity. She did this in Miami when she had the incident as a prosecutor. She did it in the face of her illness. She’s done it in her business and in her employment. Never count her out – maybe down for a moment but never out. She is a fighter with a lot of heart!”

Delray Beach Assistant City Attorney Lawonda Warren, who is president of the F. Malcolm Cunningham Sr. Bar Association, adds, “**Lynn** is truly inspirational. Nine out of ten people could not have overcome many of **Lynn**’s obstacles. Through her faith, tenacity, intellect, and humor she inspires us all to drive through our storms to get to the other side, to achieve happiness and success.” “I think I am very blessed,” says Ms. **Whitfield**, a former city attorney in Hallandale, North Miami and Pahokee, “Over the years I have learned it is not what others do or say about your life that matters, but what you do or say when you find yourself in that apparent hopeless situation — that ‘life storm’. Do you buy into the hopelessness or do you pull yourself out of it?”

Ms. **Whitfield** says she was compelled to write her book to help and encourage people. “If others tell you there is no hope, laugh at them or don’t respond at all.” She teaches. “If you must respond all you need to say is “the party’s not over, until God says so.” ¦

— Eunice Baros is a lawyer and mediator in Palm Beach County and served on the board of directors when **V. Lynn Whitfield** was president of the local Craig S. Barnard American Inn of Court.

The Palm Beach Post
March 16, 2017

Judge: Parents in neglect case must have counsel
Author: Jorge Milian

A judge Wednesday morning ruled that a couple accused of living inside a car with their five malnourished children for two months cannot represent themselves. Palm Beach County Circuit Judge Samantha Schosberg Feuer rejected the requests of Donell Barron and Rikki Hart, who refused to acknowledge their names during a 20-minute hearing. In court documents, Barron refers to himself by the name El Rahmaat-Shuu and states that he is a sovereign citizen and member of the Yamasee Amazigh nation. Barron and Hart, both 34, responded to Feuer's questioning Wednesday with a volley of bizarre answers.

Barron told the judge that he was an "authorized representative" for himself, but would not identify himself and said that "Barron is a corporation." "Because you are not intelligently answering my questions ... I am finding you not competent to represent yourself," ruled Feuer, adding that Assistant Public Defender Nicolas Stebinger would continue to represent Barron. Hart's responses were equally strange. She began her testimony by referring to herself as a "living woman" and appeared to exasperate Schosberg with her refusal to logically answer simple questions.

Ade Griffin, Hart's court-appointed attorney, asked Wednesday to be removed from the case, citing her client's lack of cooperation. After speaking to Hart privately in the courtroom, Griffin complained to the judge that Hart repeatedly asked her to define the state of Florida. Feuer ordered Griffin to remain as Hart's legal counsel, adding that it was unlikely "any other lawyer would have less difficulty" representing Hart. "Do your best," Feuer advised Griffin. **V. Lynn Whitfield,** who previously represented the couple, asked in January to be removed from the case because of "irreconcilable differences" that made working with Barron and Hart "impossible." After his arrest in December, Barron also made a series of head-scratching comments to Palm Beach County sheriff"s deputies, including a statement that he practices law "but not as a lawyer."

Barron and Hart are each facing five counts of child neglect after a Palm Beach County sheriff's deputy found the couple and their five children -- ages 14, 8, 6, 5 and 4 -- living inside a Toyota in a Wal-Mart parking lot in Greenacres. The 14-year-old boy weighed only about 50 pounds and was "severely underweight to the point that his bones were clearly visible," according to the arrest report. The 14-year-old weighed only 5 more pounds than his 8-year-old sister, the report said. Barron told sheriff's officials that the children bathed irregularly at Okeeheelee Park west of Greenacres and had never enrolled in school. Instead, he said the children were home-schooled inside the vehicle, according to the report. The couple is being held in the Palm Beach County Jail in lieu of $5,000 bail for Barron and $6,000 for Hart. The children are in foster homes, according to a spokeswoman for the Department of Children and Families.

Local10.com
November 29, 2016

Hallandale Beach fires city attorney; mayor walks out of divided meeting
City Attorney V. Lynn Whitfield gives emotional farewell
Author: Bob Norman

HALLANDALE BEACH, Fla. - The first City Commission meeting in Hallandale Beach since a contentious election didn't disappoint those expecting drama, coming complete with the firing of a top official, an emotional breakdown on the dais and the mayor storming out at the midway point. "I will leave this meeting because I believe we are operating against our charter," Hallandale Beach Mayor Joy Cooper said as she walked off the dais, not to return. At that point, the city's newly christened Vice Mayor Keith London walked over, grabbed the mayor's gavel and kept going.

It wasn't just a symbolic gesture. After this month's bitterly fought, big-money election, London is now the city's de facto leader, controlling a majority of votes on the commission. London called the emergency meeting in order to fire not only City Attorney **V. Lynn Whitfield**, but also City Manager Daniel Rosemond, another of his longtime foes who was loyal to Cooper. Cooper was the lone "no" vote against firing **Whitfield**, saying the move to fire **Whitfield** with cause -- and without a compensation package -- would lead to litigation that would cost taxpayers "an abundant amount of money." "If you stand up to Commissioner London, you have a huge target on your back," Cooper said.

Voting to fire **Whitfield** were London and Commissioners Michele Lazarow and Anabelle Taub, the trio that now forms a majority bloc on the commission. Taub beat longtime Commissioner Bill Julian in November, who was caught on audiotape agreeing to accept secret gifts from a developer before a vote. Julian also admitted to agreeing to accept the gifts in a Local 10 News interview in a report that sparked an ongoing criminal investigation by the state attorney's office. **Whitfield** was also caught on audiotape offering Julian campaign advice shortly after admitting that her city position did not allow her to give the commissioner such advice.

London offered that tape -- along with the hiring of a recruitment company that London claimed was improper -- as causes to fire **Whitfield**, who broke down during her farewell speech. Curiously, **Whitfield** said that her signature on the contract with that recruitment company was made by another lawyer and that she had no knowledge of it. London said that presented more problems, including possible forgery. "I gave myself permission to be emotional today," she said before breaking down in tears. "To my friends on staff: We shared good times and rough times, but we will make it through it."

It was after that emotional speech that Cooper walked off the dais, saying that the firing left the commission without an attorney, in violation of the city charter. But shortly after she walked out the door, London and his two allies immediately installed an interim city attorney, as well as outside counsel, and continued the meeting. There was no vote on firing Rosemond after the

outside counsel, Gray Robinson attorney Steven Zelkowitz, said the move required a resolution. Rosemond did not attend the meeting, but his attorney, Freddy Perera, called the proceedings a "sham" and told the commission that Rosemond was prepared to engage in costly litigation should the commission go forward with firing the city manager with cause. The commission voted to go forward with a resolution to fire Rosemond, but both parties left the door open to come up with a negotiated exit in the meantime.

Getnews.info
November 26, 2016

Popular Motivational Speaker's New Book Has Been Selected as Bronze Winner of National Literary Habitat's Book Award

VLW Enterprise Inc.- Inspirational/Motivational Speaker/Author's Book "The Party's Not Over Until God Says So" has been selected as Bronze Winner of National Literary Habitat's Book Award in the Spirituality-Inspirational Category Fall 2016. **V. Lynn Whitfield**, a motivational speaker and the founder of VLW Enterprise, Incorporated, is pleased to announce her new self-help book "The Party's Not Over Until God Says So" has won an award. The new self-help book, which has been described as inspirational, motivational and honest, has been selected as a Bronze winner of National Literary Habitat's Book Award. It is no surprise to many that **V. Lynn Whitfield**'s new book won the award in the Spirituality-Inspirational category after receiving positive reviews from book reviewers and those that have bought the book to improve their lives.

V. Lynn Whitfield said of the award: "I was delighted to be considered, but to have won it, is overwhelming." The Party's Not Over Until God Says So, is not just another self-help book, it is a book that was written from personal experience to help people understand that no matter what life throws at you, you can overcome the problems and come out on the other end. **Lynn** takes you through her personal journey and shares with the reader intimate details of the problems she faced and overcame. The book is not only inspirational, it is also a book that will leave the reader with smiles and tears.

The award-winning book has been described as one of the most important self-help books of 2016, and with all the positive reviews it has received on Amazon, it's no wonder that it continues to receive worldwide acclaim. This book will benefit everyone that wants to achieve more out of life. Its words will encourage those who are currently facing a challenging life and who don't know how to drive through the storms or who are thinking of pulling over to the side and giving up.

Margaree King Mitchell, a renowned author herself, offered this review on Amazon: "love this book! The author is very transparent as she shares her challenges on the journey of life! She doesn't let anything keep her down. She gets right back up and keeps on moving forward. This book is great for anyone going through challenges and is thinking about giving up." To learn more about "The Party's Not Over Until God Says So" and find out why it has become one of the most talked about self-help books of 2016, please visit https://www.amazon.com/Partys-Not-Over-Until-Says/dp/0996580964

About **Lynn Whitfield**

Internet – Newspaper Archives Searches
V. Lynn Whitfield
(Articles are in reverse chronological order)

V. Lynn Whitfield is the founder of VLW Enterprise, Incorporated, who inspires and encourages people not to quit when faced with the storms of their lives instead to turn those storms into triumphs.

Distributed by In2town Public Relations
Media Contact
Company Name: VLW Enterprise Inc.
Contact Person: **Lynn Whitfield**
Email: vlwenterpriseinc@gmail.com
Phone: 561-324-7988
Address:432 33rd Street
City: West Palm Beach
State: Florida
Country: United States
Website: https://www.when**Lynn**speaks.com

Local10.com
November 01, 2016

Secret audio implicates Hallandale Beach city attorney in alleged improper conduct
Commissioner Bill Julian can't seem to hang up his phone
Author: Bob Norman

HALLANDALE BEACH, Fla. - After a recent commission meeting, Hallandale Beach City Attorney **V. Lynn Whitfield** vehemently denied playing politics with commissioners in her city. "I don't give campaign advice. I don't give election advice," said **Whitfield**, who has held the post since 2011. "I don't do elections." That's a good thing since **Whitfield** engaging in campaigning in her own city would constitute not only a clear conflict of interest, but could also possibly be a violation of law, as Florida statutes make it a misdemeanor for public officials to use their authority to interfere with elections in their own cities.

What **Whitfield** didn't know when she made that denial is that Local 10 News obtained an audiotape of an inadvertently recorded conversation she had with her city's vice mayor, Bill Julian, in which she clearly provided Julian campaign advice and guidance. In the audiotape, **Whitfield** is speaking with Julian after they had both just listened to a robocall attacking him for his vote to approve a $450 million high-rise development a the Diplomat Golf & Tennis Club in his city. "Vice mayor let me say this, I can't advise you on personal stuff and definitely I can't advise you on election stuff, OK?" she tells Julian on the recording.

But then she immediately turns around and gives him campaign advice. "When they do stuff to you, my advice, personally, is to plan, because you are going to do a lot of speaking for this election," she tells Julian. "Plan out, list out, 'This is how they are going to come after me.'" "I have to be ready for that," Julian replies. "Be ready for that and just smile," **Whitfield** said.

Whitfield also explains to Julian how he can politically attack fellow Keith London, a fellow Hallandale Beach commissioner and a longtime Julian foe, telling London also voted for the development and that "technically" he too voted against forcing the Diplomat developers to provide additional money for parks, a fire truck and other amenities for residents. After hearing the recording for the first time, London said he was "livid."

"Obviously, she doesn't know the basics of the city charter that says you work for the city," London said. "It doesn't say you work for Bill Julian. She's not here to give personal advice to Bill Julian, and she's certainly not here to give election advice to Bill Julian, and that's what she's doing." The recording is sure to add yet more bitterness to the politically divided city -- and it is just one of many that Julian inadvertently left behind when he called a number to listen to the negative robocall attacking his vote.

At the end of the robocall was a beep, signaling that it was going to a voicemail recording. On no fewer than 10 of his calls, the vice mayor apparently failed to hang up his phone properly and inadvertently left behind audio recordings of private conversations that have been obtained by

Local 10 News. "She gave personal and campaign advice to Bill Julian, she's got to go," Commissioner Keith London said. The first recording released was a bombshell: In it Julian admitted that he had agreed to accept secret gifts from the Diplomat -- including a van for his favorite charity and 300 workers to help with his campaign -- before his vote for the development. On the **Whitfield** recording, the city attorney tells Julian that she's certain is yet another commissioner, Michele Lazarow, whose voice is on the robocall. "That's Lazarow's voice," **Whitfield** said on the recording. "I know her voice."

Lazarow is a close ally of London and the two of them have called for **Whitfield** to be removed from her job several times in the past. When London threatened to terminate **Whitfield** last year, **Whitfield** accused him of racial discrimination and hired special counsel to investigate him. London was cleared in the investigation. Lazarow said that not only is it not her voice on the robocall, but that she had absolutely nothing to with the call whatsoever and had no advance knowledge of it. "I'm filing a bar complaint (against **Whitfield**)," Lazarow said after hearing the recording. "It's really a vile accusation, considering it's a political agenda." At a recent commission meeting, **Whitfield** refused to listen to the recording and wouldn't comment on it. "I'm not listening to that," she said. "I don't know how you have my voice on anything. I'm not answering your questions."

Sun Sentinel
October 20, 2016

Hallandale officials host forum on race relations
Hallandale Beach Town Hall meeting looks for solutions to police, race relations crisis
Author: Helen Wolt

Hallandale Beach recently hosted its second Let's Start Talking town hall meeting. A panel of 16 city officials, law enforcement officers and community leaders met to find solutions to police and race relations crisis. Hallandale Beach City Attorney **V. Lynn Whitfield** opened the forum at the city's Cultural Center with a recap from the first gathering that took place back in August. "The two major problems we identified were how police perceive and interact with citizens, and likewise, how the community perceives and reacts to police. The third is police transparency and accountability of misconduct," **Whitfield** said.

Panelist Brian Stewart, an attorney and community activist, suggested a community service requirement would provide a natural setting to help police interact with the public. Yushika Florence, a Task Force on Law Enforcement and Community Relations member, said in her past experience as a police officer she saw the benefits of getting out of the patrol car and talking to residents. The need for police training met with pros and cons from panelists. Skills in de-escalation, cultural competency and handling special needs populations are critical areas. Broward County Public Defender Gordon Weekes said the issue that he hears repeatedly from families is "the fear children have in encountering law enforcement." Youth don't know how to navigate an encounter and may react if an officer is aggressive.

"An officer should be removed from the force if they don't have the proper level of tolerance when dealing with the public," Weekes said. "It's difficult to train someone on something that should be embedded in their person." Attorney Ronald Book questioned training and referred to the difficulty of removing failing officers from duty. "Police unions have a very strong lobby," Book said. "It's unlikely the state would put more money to training." B.J. Jordan, a retired Hallandale Beach officer, said: "A police officer has got to earn respect. Nobody's going to give it to you. You have to treat people like you want to be treated."

After a two-hour dialog and many heartfelt remarks from the panel, Book said appointing a sub group will spur progress. Commissioner Sanders agreed having an action plan in place will lead the city to a solution. "It's baby steps," said Hallandale Beach Assistant Police Chief Miguel Martinez. "One-fell-swoop answers aren't possible, but moving toward an answer little by little is possible."

Broward Palm Beach New Times
June 24, 2016

Hallandale Fire Battalion Chief Fired for "No Bitch Tuesdays" Says He's Totally the Victim Here
Author: Jerry Iannelli

Jeff Lyon, an ex-Hallandale Beach Fire Rescue Battalion chief fired for a laundry list of sexist, racist comments — like admittedly calling a black employee a "token" and allegedly referring to male-only shifts as "No Bitch Tuesdays" — filed a petition in Broward County Court earlier this month claiming that he's totally the victim of discrimination in all this mess. According to a June 13 petition for writ of certiorari filed against the city of Hallandale Beach and the city's Civil Service Board, Lyon claims he was never offered a chance to rebut any of the claims the city made against him, that the charges against him weren't made according to the Florida Firefighters Bill of Rights, and that, since City Attorney **V. Lynn Whitfield** had allegedly called for "a change of culture" at the fire department — apparently due to rampant sexism — that meant she was too biased to handle Lyon's case.

"That comment indicates to me that she had a preconceived idea where the investigation was going to go," Lyon's lawyer, Mark Berkowtiz, told New Times. "This was obviously not impartial." Lyon is now asking for his job back, with back pay. Per the Sun Sentinel, Lyon was fired on October 30 after a departmental investigation accused him of operating a culture of intimidation and routine sexism at the Fire Rescue department. In addition to the aforementioned claims, Lyon, then 48, was also accused of asking women what their sexual orientations were and claiming that female employees had no business working in the fire department.

According to Lyon's recent legal complaint, he'd also been accused of telling two female employees to "coordinate their forthcoming pregnancies" so as to not inconvenience the department too much, and being overly harsh in criticizing female employees. Lyon had also been accused of making a "national origin epithet" at an employee of Hispanic descent. So yeah: Great guy to bring to a family dinner. He'd reportedly been working at the department for 13 years, making $106,654 in his final year on the job. Lyon's conduct on the job was apparently so egregious he also helped bring down his boss along with it: Former Fire Chief Dan Sullivan was suspended in April 2015, and ultimately fired the following October, for tolerating "discrimination" and spawning a "good old boys' environment that belittled minorities and women." Sullivan had been chief for 18 years and was pulling in a $167,000 salary.

Lyon then appealed his firing to the city's Civil Service Board, hoping to have his job reinstated. Instead, the board backed the city's decision last March. Lyon is now claiming in court that his firing only came after the city violated scores of due process rules before yanking his job. He claims he wasn't warned that he was under investigation when **Whitfield** asked to interview him — and, as such, wasn't able to bring a lawyer with him during the exchange. He also claims the charges he was later presented with were too "vague" to comply with state law: The state Firefighters Bill of Rights, Chapter 112.82 of the Florida Statutes, states that "No firefighter shall

be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter of the nature of the investigation. The firefighter shall be informed beforehand of the names of all complainants." Lyon says that at first, he wasn't told who had filed a complaint against him or what the specific charges against him were.

Importantly, Lyon also maintains he was never given a "pre-determination hearing" to refute the claims against him. While Lyon admits he called a black employee a "token" — an offensive term for a person of color who's only been hired because of diversity laws — Lyon says he only used the term because he didn't know the employee was around to hear him. He then says he apologized to the employee and that everything's totally cool now. "One example," Berkowitz explained, "was that one of the alleged charges was that he gave an improper ride to an investigative interview of a co-worker. The fact is that a superior ordered him to do that because of operational needs in the department." But, Berkowitz said, his client wasn't given the chance to defend himself.

He has denied belittling female employees, including using the phrase "No Bitch Tuesdays." The city, however, maintains that multiple witnesses corroborated the events in question. Lyon also alleges there were massive conflicts of interest in his firing: In addition to what he saw as clear bias on the part of the city attorney, Lyon says it was Hallandale Beach City Manager Renee Miller who filed a formal complaint against him, rather than any of the employees he supposedly wronged. Asked whether Lyon was implying the entire investigation was some sort of vendetta against him, Berkowitz responded: "I don’t want to say that. All I can do is comment on the pleading, and you can draw your own conclusions." As to why it took the city manager to step up and file a complaint against him, Lyon might have answered that question himself in his legal complaint, which says the employees in question kept quiet "allegedly for fear of retaliation."

Sun Sentinel
February 16, 2016

Hallandale commissioner cleared of bias claims
Yearlong investigation clears Hallandale commissioner of racial discrimination claim
Author: Susannah Bryan

Commissioner Keith London this week was cleared by an outside law firm of accusations of racial and gender discrimination. City Attorney **Lynn Whitfeld,** who is black, leveled the allegations in February 2015, after learning London planned to push for her termination. At the time, London said he had lost confidence in **Whitfeld's** ability to give impartial advice to her commission bosses. London declined comment Tuesday, saying he had not yet read the report. "I'm happy he's been vindicated," Commissioner Michele Lazarow said. "I expected him to be. I have never heard an accusation like that before about Commissioner London."

The year-long investigation, released Tuesday and handled by the Bryant Miller Olive law firm, cost taxpayers more than $100,000, city records show. "There is no factual support to find that Commission London's action in wanting to place Ms. **Whitfield'**s contract on the commission agenda was motivated by race or gender," the report said. Investigators also found London had no reason to terminate **Whitfield** for cause. **Whitfield**, who had also accused London of creating a hostile workplace, declined comment. She has been Hallandale's city attorney since December 2011.

While investigators cleared London, they took him to task for rubbing people the wrong way. They quoted his critics, who accused him of being aggressive, intimidating and rude. The report urges London to express his opinions in a professional manner. Mayor Joy Cooper says she plans to hold a special meeting Feb. 29 at 6 p.m. to discuss the report. "The report does not find discrimination based on gender or race," Cooper said. "But it does show a pattern of breaching our city charter."

In Hallandale, the commission hires and fires the city manager and city attorney, but is forbidden by the charter from giving direction to their staff. In the report, former City Manager Renee Miller alleges London spoke directly with staff rather than coming to her – a claim denied by London. "We can not remove a commissioner," said Cooper, a longtime rival of London's. "We can censure a commissioner. That is something we will have to discuss.''

Sun Sentinel
January 8, 2016

Some seeing red over blogger's request for upside down cross

Some seeing red over blogger's request for upside-down cross

BY SUSANNAH BRYAN
Staff writer

HALLANDALE BEACH – Chaz Stevens, the atheist blogger who made national news for putting up a Festivus pole at the Florida Capitol, now wants to erect an upside-down cross at City Hall.

The cross would say "In Satan We Trust, All Others Pay Cash."

"I would prefer to accommodate [him] rather than risk a lawsuit," Commissioner Keith London said during a meeting Wednesday.

Before granting the request, City Manager Daniel Rosemond and City Attorney Lynn Whitfield told commissioners they wanted to make sure Stevens' message contains no obscenities.

The message on the cross will not contain offensive language, Stevens assured Rosemond in an email this week.

"All of our public work for viewing is ALWAYS rated G," Stevens wrote. "We have children ourselves and understand the need to maintain proper decorum."

City Commissioner Michele Lazarow also expressed concern about the city leaving itself open to a lawsuit.

"Are we going to be leaving ourselves open to a lawsuit if we don't address this?" she said, referring to a string of emails Stevens began sending to City Hall on Dec. 29.

Rosemond told the commission he planned to review the matter with the city attorney.

"It is obviously a very delicate matter," he said.

Stevens wants to display the cross at City Hall the week of Jan. 18. He put in his request after learning a Nativity scene, Christmas tree and menorah had been put up at City Hall for the holidays.

"They are saying that area is a free speech zone," Stevens said. "It's all or none."

Some people were not amused by Stevens' request.

One man sent an email to the Sun Sentinel saying Stevens should "burn in hell since he dedicates his life to Satan."

Richard Alianiello, a Catholic from Margate, was incensed by the plan.

"That is shameful to put a cross upside down when we just celebrated Christmas," he said Thursday. "That really disturbed me. Atheists have a right to do what they want to do. But don't take our religion and turn it upside down."

Arguing for separation of church and state, Stevens has made it a mission to end prayer at public meetings by asking several local cities to allow him to perform a satanic prayer at commission meetings.

In his requests, he cites a recent U.S. Supreme Court decision that determined prayer is allowed at government meetings provided it applies to all religions, including Satanism, Stevens argues.

Dania Beach, Deerfield Beach, Coral Springs and Delray Beach have all dropped prayer before government meetings to avoid the spectacle.

sbryan@sunsentinel.com or 954-345-4554

Broward Palm Beach New Times
June 8, 2015

Hallandale Shooting: Witness Who Called 911 Disputes Cop's Story
Author: Ray Downs

On a January evening back in 2012, Willis Morgan, a retired pressroom supervisor at the Miami Herald, was trying to get a few winks in at his Hallandale Beach home before heading to his part-time concierge job. But the 64-year-old was jolted awake when he heard the startling screams of someone begging not to get shot. "I heard somebody screaming, 'Don't shoot! Don't shoot!'" recalls Morgan. "I thought it was a woman begging for her life and her husband was gonna kill her." Morgan jumped out of bed and called 911. He told the dispatcher that there was a confrontation outside and it sounded like a woman was begging for her life and a man with a gun was about to kill her.

Morgan says he thought it was a domestic dispute between a couple that was about to turn deadly. Turns out, Morgan was witnessing a confrontation between Hallandale Beach police officer Edward McGovern and shoplifting suspect Gregory Ehlers Jr., a 34-year-old Tampa native who had fled police after swiping some electronic items from a Best Buy. Ehlers tried to hide on top of a one-story roof in the tiny beachside city but was found and then surrounded by police. His story follows a now-too-familiar arc: a scared, aggressive police officer kills an unarmed man for a minor offense. In this case, police investigators' efforts to track down a witness were too little too late, and in a subsequent legal battle, city officials sounded more eager to be absolved of responsibility than to determine the truth.

At some point during the standoff, Ehlers was shot to death. In a video deposition after the killing, McGovern claimed he saw Ehlers reaching toward what he assumed was a gun and verbally warned Ehlers several times not to reach for it. No gun, however, was found on the scene, and the shiny object must have been either a cell phone or a mini laptop computer. Morgan, who lived next door to where the shooting took place, watched the video deposition of McGovern giving his account of the shooting, which was obtained by New Times. And Morgan says McGovern's story doesn't match up with what he heard that night. ""As far as [McGovern's] verbal account goes, everything he says is exactly what a police officer should say, but none of what he says is correct," says Morgan. "In the minute that led up to the shooting, never did I hear anyone say, 'Get your hands up, get your hands up.' Nor did I hear anyone say, 'Do not reach, do not reach down, don't reach.' Had I heard an exchange like this, I would have never thought this was a domestic dispute with a very angry male."

There were several calls from the immediate area of the shooting that were similar to Morgan's that night, according to 911 dispatch logs. Morgan's 911 call is summarized as: "HEARS SOMEONE SCREAMING FOR THEIR LIFE." However, the actual call recordings have since been destroyed. BSO's policy is to hold call recordings for only 30 days unless they're requested for evidence by police. A homicide investigation is one reason why a call would be saved,

according to BSO public information officer Keyla Concepcion. But Hallandale Beach Police didn't bother following up until it was too late.

Hallandale Shooting: Witness Who Called 911 Disputes Cop's Story
Ehlers family filed a wrongful-death lawsuit against the city in 2012, which was eventually settled for $150,000 in October 2014. About one month prior to the settlement, the city council held a meeting to discuss the case, which was being handled by Hallandale Beach City Attorney **Lynn Whitfield**. **Whitfield** claimed that after the shooting, police internal affairs investigators had tried to obtain the 911 calls in a timely fashion but couldn't because the Broward Sheriff's Office had made a mistake in logging the calls under the wrong case number. “Once we found out there was a mistake, it went back. Of course, the 90 days had passed,” she said, apparently unaware that BSO 911 call policy is to keep them for 30 days.

Whitfield explained to the city council that a probable witness' 911 call had been noted in a log but that investigators initially thought it was unrelated to Ehler's death because it mentioned a woman, not a man, begging for life, even though the call records matched the location and time of the shooting. Morgan says that a private detective hired by Ehlers' father managed to track him down to be interviewed about six weeks after the shooting. He wasn't approached by Hallandale Beach Police detectives until at least six months after the shooting. Officer McGovern claimed he shot Ehlers because he feared that Ehlers had a gun and could have shot him or fellow officer Miguel Mirabal, who was on the side of the house facing Ehlers' right side. But in a deposition, Mirabal said he had eye contact with Ehlers for nearly the entire 20 seconds between the time McGovern confronted Ehlers and shots were fired – yet Mirabal never drew his weapon (although he claimed in the deposition that he was in fear for his life when he saw Ehlers' head).

“So although you just testified that you were in fear for your life as you stared at his head, you never drew your firearm?” asked the Ehlers family attorney, David Heffernan. “That is correct,” answered Mirabal. In the city council meeting, Mayor Joy Cooper asked **Whitfield** if an outside department should be hired to investigate the shooting. “Even though it's our internal investigation, would it behoove us to do another?” Cooper asked. “No, no, it would not,” answered **Whitfield**. “I would leave it alone at this point. Because you don't want them saying, 'Oh, look, they're trying to, you know...'” Cooper interrupted **Whitfield** and said: “Yeah, [they've] already gone through the process in terms of it's not required. I never asked that question.” The shooting investigation by the State Attorney's Office is still pending. Morgan says he hasn't been contacted by anybody in that office.

Broward Palm Beach New Times
May 26, 2015

Why Hallandale Beach Paid $150,000 to Family of Unarmed Man Shot by Cop
Author: Ray Downs

On a cool winter evening on January 8, 2012, 34-year-old Gregory Ehlers Jr. exited a Best Buy in Aventura with a few items he didn't pay for. Aventura cops chased him at first, but that store is located just a few blocks from the line that divides Miami-Dade from Broward County, and Ehlers soon found himself in Hallandale Beach. Aventura cops didn't bother pursuing an iPad thief across county lines, so they let their Hallandale Beach counterparts know that there's a white male in their town with some electronics he shouldn't have. They also said on the APB that Ehlers didn't have a gun.

Hallandale Beach Police, eager for action in the tiny city, brought out several squad cars and at least one dog to pursue the shoplifting suspect. Ehlers, a Tampa man with a history of drug problems, ran through alleyways and hopped fences to elude the police. Eventually, he decided to climb on the roof of a one-story home in the city's northeast section, about 1.5 miles from the Best Buy. Officer Edward McGovern, a corpulent, ex-Miami Beach bouncer from Philly with 12 years on the force, drove up to the house. Twenty seconds later, he shot Ehlers three times, missing once. But the two bullets that hit Ehlers' arms were enough to bleed him to death. It took at least ten minutes for paramedics to get on the roof. By the time Ehlers was taken to the hospital, he was pronounced dead.

McGovern says he saw an object in Ehlers' hands and told the suspect to put it down. Ehlers obeyed at first but then reached back down, according to the cop's story. That's when McGovern says he fired. The only object found near Ehlers' body was a cell phone. The case is still being reviewed by the State Attorney's Office. But in October of last year, the City of Hallandale Beach paid out $150,000 to the Ehlers family in a wrongful-death lawsuit. New Times obtained copies of the civil case documents to find out why. On August 20, 2014, the city leaders of Hallandale Beach met to decide what to do about the Ehlers case, which by then was more than 2 years old and apparently not very important on their agenda.

City Manager Renee Miller thought the State Attorney's Office had already cleared McGovern, but that wasn't true, and City Attorney **Lynn Whitfield** had to correct her. “[The State Attorney's Office] had a crowded grand jury when they were going to take it, and our four witnesses are in Canada,” **Whitfield** explained. “You've got to be kidding me,” Miller replied. “No. So they have not gone to the grand jury,” said **Whitfield**. “The State Attorney's Office here is terrible, as far as I'm concerned.” “I can't believe this has gone on since 2012,” chimed in City Commissioner Michele Lazarow.

But it had, and **Whitfield** described the case. McGovern shot an unarmed man, she said. But the city had prepared a defense: Although Ehlers didn't have a gun, it's possible he could have found one in the bushes, which makes the shooting justifiable. “Our theory of defense is that the

suspect was a fleeing felon who fled from the police more than once," **Whitfield** said. "Hid from the police and then got on the rooftop, which gave him the advantage if he was armed. Although the BOLO [be on the lookout] did not go out that he was armed, he could have gotten a weapon while he was hiding in the bushes or anywhere else along the way." **Whitfield** explained that the Ehlers family was not only arguing that shooting an unarmed man on a rooftop was excessive force but that several 911 calls indicate that Ehlers was screaming for help and urging police not to shoot.

However, **Whitfield** said those 911 calls are irrelevant because they no longer exist. When Mayor Joy Cooper asked what happened to them, **Whitfield** explained there was a mix-up at BSO and because Hallandale Beach Police waited more than three months to get the calls, they were destroyed. "Well, we asked for the 911 calls from BSO when our detective was getting all the evidence. BSO gave us the dispatch calls and gave us our radio transmissions but did not give us the 911 calls of the people calling in because they had logged them on under a different case number. So once we found out there was a mistake, it went back. Of course, the 90 days had passed, and those calls had been – we do have the CAD report. The printout of the call. We have contacted the individuals who called in. They do not substantiate that they heard him asking for – calling for help."

Whitfield doesn't say who didn't substantiate the calls, but the printout of a call log indicate that at least two people called 911 and described hearing somebody plea for help. Although **Whitfield** told city leaders their defense case was strong, they should be prepared to settle for at least $75,000 out of a $200,000 state maximum for excessive force cases, especially because a trial would happen around Christmastime. "I don't like Christmas cases. People like to give on Christmas. I don't like it, though," **Whitfield** said. Furthermore, offering a low settlement would be a good idea because she knows the judge and mediator involved with the case. "Our mediator is former Judge Norman Gerstein, who I know very well," **Whitfield** said. "Also, our judge is Robert Scola, who I know very well too. We actually started in the State Attorney's Office together. I think he is a very fair judge. I think he is going to really do what he can."

Whitfield was asked if Ehlers had ever had any violent criminal charges or weapons charges, and she said no — just drug and theft charges. Miller asked if Ehlers had ever been a registered gun owner, and **Whitfield**'s answer again was "no." The city leaders authorized a minimum of $75,000 to pay. But after mediation, the final settlement was for $150,000. Gregory Ehlers Sr. tells New Times that he would have gone to trial for the $200,000 but was convinced to accept the $150,000 after attorneys for the city and police union warned that they would fight if he didn't settle. "They said there wouldn't be anything left of the settlement if I went to trial because of attorneys' fees and that it wouldn't be worth it," Ehlers Sr. said from his home near Atlanta. The elder Ehlers is still very angry about his son's death. But the 68-year-old retired computer engineer explained he wanted to secure some financial stability for his grandson.

Although the civil case is over, the criminal investigation is ongoing — a rarity, says Ehlers family attorney David Heffernan. "Oftentimes, the criminal end is resolved before the civil end, but we were able to develop some things from the civil end and gave the state attorney

everything we obtained in hopes of assisting them in the criminal process," says Heffernan. "The family is still very perplexed that the criminal investigation is still ongoing, and there hasn't been a conclusion there."

Sun Sentinel
February 18, 2015

Hallandale city attorney alleges racial discrimination after commissioner threatens her job
Hallandale city attorney accuses commissioner who wants to fire her of intimidation
Author: Susannah Bryan

In the wake of Commissioner Keith London's threat to push for the termination of City Attorney **Lynn Whitfield**, she has accused him of discrimination based on gender and race. **Whitfield**, who has hired an attorney to represent her, also accused London of creating a hostile workplace. In light of **Whitfield**'s allegations, Mayor Joy Cooper called a special meeting Wednesday to hire special counsel to investigate the matter. "This is a very sad, sad day for Hallandale Beach," Cooper said. "It weighs heavy on my heart."

After a spirited discussion, commissioners agreed to hire labor and employment attorney James Crosland to handle the investigation. London told the Sun Sentinel he planned to push for **Whitfield**'s termination due to his loss of confidence in her ability to provide unbiased advice to the commission. Commissioner London to debate firing Hallandale city attorney on Wednesday But on Wednesday, London said he would delay the discussion until the end of the investigation. **Whitfield**, 60, has been Hallandale's city attorney since December 2011. She watched from the back row as her five commission bosses debated hiring the outside attorney. "I find it interesting that up until yesterday there was no allegation of racial or age discrimination until I told her I was going to put an item on the agenda to discuss her employment," London said. "I find it very convenient."

Cooper commended **Whitfield** for standing up for her rights. "I want to publicly apologize that you have been put in such a situation," Cooper said. "We will step out and investigate any discrimination. We will see where the investigation takes us." Review of police use of force urged by chief, backed by elected officials in Hallandale Commissioner Michele Lazarow came to London's defense. "He made a comment," Lazarow said. "She filed a memo. It's a he said, she said. I'm disappointed to hear there are accusations of discrimination. I don't know how this is going to go. I haven't heard his side yet." When the discussion ended, **Whitfield** returned to her seat on the dais.

Crosland told commissioners City Hall has a legal obligation to investigate the allegations. "I will be interviewing the city attorney," Crosland said. "I will be interviewing other people. In the course of investigating her allegations, it may be that other people come forward and make allegations against Mr. London or maybe someone else." Crosland advised the commission that retaliation or harassment of any employee who makes allegations of discrimination could be costly for the city should a court award hefty damages down the road. Crosland said he was not sure how long the investigation might take or how much it might cost. "No matter how this plays out, it's going to cost us thousands of dollars," Commissioner Bill Julian said. "I'm really disgusted. This is an embarrassment. But we'll deal with it."

Sun Sentinel
January 29, 2014

Next step for ethics reform in Broward
Author: Sun Sentinel Editorial Board

The Broward Office of the Inspector General needs help. So do local politicians who want to attend community events while staying on the right side of the county's ethics code. Inspector General John Scott is calling for the addition of an ethics official or commission to ensure government leaders get consistent advice about accepting gifts or trips — and an impartial review when rules might have been violated. Scott is working on such a proposal for the November ballot. And he is on the right track.

Already, some politicians are objecting, decrying another level of bureaucracy. Some fear an independent body might call out those who are simply trying to do the public's business. They should look to history and remember how we got to where we are today. Two years ago, voters demanded a new ethics code after watching far too many elected officials hauled off in handcuffs, charged with bribery and public corruption. The headlines continue even today, as readers of the Sun Sentinel well know.

To enforce the ethics code, commissioners tasked the inspector general's office with investigating and prosecuting potential violations. However, since the referendum's passage, Scott and his staff have discovered problems that need addressing. For example, for advice on accepting a gift or free trip, local officials now mostly turn to their city or county attorneys. The result is a plethora of local opinions about what politicians can accept as a freebie. In the past two years, some 900 legal advisories have been served up countywide, the inspector general's office reports.

These advisories can put government attorneys in the awkward position of having to tell their bosses bad news about taking free stuff — or how to find a way around the law's intent. They also provide cover to politicians who may be seeking personal gain. After recently reviewing legal opinions from Weston to Sunrise to Fort Lauderdale, Sun Sentinel reporter Brittany Wallman found politicians are accepting questionable gifts and perks. In Miramar, for example, city attorney Jamie Cole told Commissioner Winston Barnes he couldn't accept 10 free tickets to the circus last year, but suggested the circus could provide "promotional" tickets to the city that could then be given to Barnes guilt-free.

City attorneys similarly told the mayors of Miramar and Hallandale Beach they could accept free trips to Riyadh, Saudi Arabia, though it's hard to see the public benefit there. Hallandale city attorney **V. Lynn Whitfield** told Mayor Joy Cooper the trip was allowed if it somehow promoted "the exchange of ideas between, or the professional development of, governmental officials or employees." She even said Cooper could bring along her husband, all expenses paid, so long as she reported it as a gift. Cooper went, but did not take her husband along.

The vast majority of local politicians work to do the right thing, no question. But a recent report shows public corruption in Florida continues to rank among the worst in the nation. Between 1998 and 2007, 824 Florida officials were convicted on public corruption charges at the local, state and federal level. The New York Times says the totals may be worse than in any other state. Ironically, in the face of this news, Florida lawmakers are considering a proposal to loosen the ethics reins. Legislation filed this month by Sen. Jeff Clemens, D-Lake Worth, would strip many gift-reporting requirements for public officials and officially protect them if they have a legal advisory in hand.

Meanwhile in Broward, the person responsible for investigating ethics complaints says that to improve the process, the system needs to be tweaked. We encourage county commissioners and the Broward League of Cities to embrace his goal and ensure that public officials countywide play by the same rules and definitions. Given our history with public corruption, it's time we got this right.

Sun Sentinel
January 15, 2014

Hallandale police to test out body cams for one year
Author: Susannah Bryan

Body cams may be the next high-tech tool for officers on patrol in Hallandale. Commissioners have given initial approval to a yearlong pilot program that would arm the department's road officers with video cameras small enough to clip onto their uniforms. The cameras are expected to cut down on complaints against cops and help improve relations with the public, Police Chief Dwayne Flournoy told commissioners Monday. "We're not looking to be punitive," Flournoy said. "We want to improve our officers and our police department."

The technology is becoming popular with agencies throughout the country, including departments in Boynton Beach, Daytona Beach and Orlando, the chief said. Hallandale would be the first agency in Broward County to use it. Most officers are reluctant to wear the cameras at first, Flournoy said, but change their tune when they realize the footage can show whether an officer acted properly in the event a citizen files a complaint with Internal Affairs. The system would cost an estimated $95,000 in the first year. If the program is a success, it would cost $290,000 over a five-year period. Commissioner William Julian said he didn't think it was right to put a "video leash" on the city's cops. "The officer's judgment might be slowed because of the cameras," Julian said. "I think it shows a lack of trust in our officers by putting a video leash on them."

Flournoy assured him the cameras would help with officer training and improve accountability with the public. City Attorney **V. Lynn Whitfield** says the cameras may cut down on police-related lawsuits against the city and help her determine whether to go to trial or settle a case. "It's much easier to defend a lawsuit if I have something I can see," she said. In December, a federal jury awarded $82,000 to a man who accused a Hallandale officer of punching and pepper-spraying him during a traffic stop in 2009. Fort Lauderdale attorney Gary Kollin, who represented the plaintiff, praised the department for its willingness to use technology that can bring the truth to light.

If a recording shows misconduct by the officer, it can help clear the victim of criminal charges, Kollin said. If it shows misconduct by the suspect, it can exonerate the officer and help the prosecution at trial. Commissioner Alex Lewy said he was worried about officers entering a home with cameras rolling and violating a citizen's right to privacy. "Anyone could pull it as public record and post it on You Tube for the world to see," Lewy said. The cameras won't always be on, Flournoy said. City officials plan to come up with a set of guidelines determining which calls should be recorded, with input from the rank and file. "We're not going to capture every single incident," Flournoy said.

Florida Bulldog
July 11, 2013

Defiant Hallandale commissioners reject call for new legal opinion on CRA spending
Author: William Gjebre

Hallandale Beach city commissioners have shot down a request from a legislative committee that it seek a new opinion from the Florida Attorney General on how community redevelopment funds can be spent and abide by the ruling. Sitting as directors of the city's Community Redevelopment Agency (CRA), commissioners voted 3-2 Wednesday night to approve telling the Florida Joint Legislative Joint Auditing Committee that the CRA "cannot at this time advocate seeking the requested" Attorney General opinion. The action raised the likelihood that state legislators could order an audit of the city's CRA spending. "I'm not concerned if they order an audit; they can do that regardless," CRA Attorney Steven Zelkowitz said after the Wednesday meeting.

The state committee got involved after reviewing a highly critical report by the Broward Inspector General's Office that found Hallandale's CRA had "grossly mismanaged" and misspent millions of tax dollars. The Inspector General's report relied heavily on a 2010 Attorney General's opinion that said CRA funds should be used for "brick and mortar" projects. City officials, however, have questioned that interpretation of state law and said that the use of CRA funds for things like handouts to local nonprofit groups and city fireworks displays are legitimate expenditures. Hallandale's defensive posture appears to have prompted the legislators to suggest the city seek a new legal opinion that it would agree to live by.

The city's resistance to that idea was clear in a four-page report to the legislators that was submitted to the CRA's board – Hallandale's five commissioners for their approval. "The questions the committee has requested to be posed to the Attorney General will have an impact on (CRA's) on a statewide basis," the report said. "The city and (its CRA) cannot legally bind themselves to abide by a yet to be issued [opinion]." Zelkowitz, City Manager Renee C. Miller and City Attorney **V. Lynn Whitfield** wrote the report. "I'm very disappointed," said Commissioner Bill Julian, who with Commissioner Michele Lazarow favored seeking the Attorney General's opinion but were outvoted. "I'm not surprised" by the vote, Lazarow said.

Mayor Joy Cooper, who attended via phone, Vice Mayor Alexander Lewy and Commissioner Anthony Sanders voted for the report. After the meeting, Lewy said the city has made numerous improvements to the CRA recently. In response to several other matters raised by the state committee, commissioners agreed to reply that is their position that state law and a few case rulings do not prohibit the questioned expenditures. "In fact, the statutes and case law provide a broad framework for the expenditure of CRA monies," the report said. On another issue, the city's report to the legislature noted that while Hallandale had co-mingled city funds with CRA money in the past — which the Inspector General said was improper — it established a separate CRA trust in May, 2012 and reported the fund balance is approximately $15 million at present. At the meeting, commissioners also unanimously approved an eight-page report outlining the

city's response to recommendations made by the Inspector General. The report – a copy of which will be sent to the state audit committee – said Hallandale has:

*Stabilized CRA staff by naming City Manager Miller executive director and hiring a new Deputy City Manager to serve as CRA director and supervise key departments that interact with the CRA.
*Provided training to top city officials regarding provisions of the state law, Chapter 163, governing CRAs, and established a process and standards for awarding funds/grants to nonprofit groups, as well as on-going performance evaluation.
*Trained staff on policies and procedures for all CRA programs; established legal and financial reviews of loans and other financial funds, and implemented controls to monitor all CRA expenditures.

Florida Bulldog
April 23, 2013

Broward Inspector General: Hallandale leaders don't know what they're talking about
Author: William Gjebre

The Broward Inspector General's final report on the "gross mismanagement" of millions in tax dollars by Hallandale Beach is sharply critical of city leaders it says have shown a "basic misunderstanding" of what's gone wrong. Hallandale Beach city managers past and present, the city attorney, the mayor and other city officials defended the handling of funds of the city's Community Redevelopment Agency in formal responses included in the 56-page report released last week.

The Inspector General, after a year investigating, determined that from 2007 to 2012 city leaders used the CRA like a piggybank to improperly pay for the city's general expenses and other pet projects, including donations to favored charities and loans to local businesses. By law, CRA is a limited purpose special district whose funds are only to be spent to address slum and blight conditions within a defined area. It receives 95 percent of the taxes collected on the appreciated value of properties within its boundaries, or about $70 million since it began in 1996 Some of the report's bluntest words rebut claims by Mayor Joy Cooper and City Attorney **V. Lynn Whitfield** that the Inspector General had no authority to investigate the CRA's activities.

Whitfield's "assertions ignore the fact that the OIG (Office of Inspector General) has authority over all municipal officials in identifying mismanagement of public resources," the report says. "A municipality cannot avoid OIG oversight by spending taxpayer funds through an agency that is independent in name only." Likewise, the report ripped "another common theme" of the city's defenders that the Inspector General mistakenly relied on a Florida Attorney General's advisory opinion that the Inspector General said precluded the city from spending CRA funds as it had.

City Attorney **Whitfield**'s arguments "reflect the basic misunderstanding that is at the core of the gross mismanagement identified in this report: the city has failed to comprehend that the CRA has a limited purpose and that the powers of the CRA to expend CRA…funds is not equal to the power of the municipality to expend general funds." The report urged Hallandale Beach's leaders to ask the Attorney General for another opinion if they don't like the original one.

CITY MANAGER MILLER CRITICIZED
The report also criticized City Manager Renee Crichton Miller, who it said made "unsupported" arguments to support Cooper and **Whitfield**'s erroneous claims that the Inspector General had incorrectly determined that CRA funds were improperly used to repay city bond obligations for park improvements in other parts of the city. City officials contended that it was always the city's intention to repay any CRA funds spent on parks outside the CRA boundaries, The report, however, says those arguments failed to "address the plain fact that $416,365 in CRA funds – deemed 'negligible' by (Miller) – have already been expended on parks outside the CRA boundaries" without any repayments or any plan for repayment.

Miller, hired last summer and not identified in the report as being responsible for past mismanagement, stuck by her arguments in an interview after the report's release, saying the city has every intention to repay funds owed the CRA. She said it does not have to do so now because those projects have yet to get underway. "We have a difference of opinion with the Inspector General," said Miller. "I would not disparage their view." Asked for comment, Mayor Cooper referred a reporter to her statements in the Inspector General's report.

Said former City Commissioner Keith London, who lost a race for mayor to Cooper last November, "I hope the State Attorney's office will look into this further." BrowardBulldog.org first reported the Inspector General's preliminary findings last month. Last week's final report incorporated the responses of city leaders. Investigators found at least $2.2 million in questionable CRA expenditures, including inappropriate loans to local business and grants to local non-profits. The city improperly also spent $416,000 in CRA money for parks outside the CRA boundaries, the report said.

The report also said there is "probable cause" to believe that Dr. Deborah Brown, the founder and director of the Palm Center for the Arts engaged in criminal misconduct. In one case, the center allegedly spent nearly $5,000 to make a payment on Brown's timeshare at the Westgate Resort in Orlando, and make payments to Brown and her brother. The matter was referred to the Broward State Attorney's Office for criminal prosecution. In her response to the Inspector General, Brown provided a document of expenditures and details of youth activities that she said provided "positive, measurable results" at her Palm Center for the Arts. The report, however, said there was a lack of supporting documentation for those expenditures. "Her submission does not alter our determination that there is probable cause to believe that Dr. Brown may have engaged in criminal misconduct," the report says. Brown could not be reached for comment.

CITY LOANS DEFENDED

In their responses, Cooper and former city manager Mike Good defended various CRA loans to local businesses, including a $75,000 loan in 2009 to Digital Outernet Inc., a startup firm that planned to earn income from advertising on televisions screens it hoped put in local businesses. Digital Outernet closed a short time later when its principal owner died. But the city failed to secure a guarantee of repayment from other investors and waived a provision in the deal that would have given it some collateral for the loan. Cooper said the Digital Outernet loan was "not gross mismanagement" because it attempted to help establish a minority-owned business, according to the report. Good said the loan was "properly made," adding that at it was "unfortunate that some paperwork had not been signed," the report said.

Good, too, defended a $50,000 loan to the South Florida Sun Times weekly newspaper, saying it was "justified" because the newspaper needed assistance. The 2009 loan, under terms so favorable that half of it need not be repaid, was made under a new program Good had established for assist struggling businesses. At the time, the two top executives of the for-profit newspaper reported to the IRS that they'd paid themselves $469,000 in salaries in the two years before

receiving the loan. Cooper told the Inspector General that the salaries of those seeking loans are now part of the loan evaluation process, the report said.

But the Inspector General's report said Hallandale Beach's failure until recently to take any steps to empower the CRA as an independent body that might "act as a check on the improper use" of CRA tax funds is problematic. "While we are encouraged by the remedial steps taken by the city and the CRA in the last year, the OIG remains concerned that the city has not acknowledged the statutory limit on the use of TIF (tax increment financing) funds diverted to the CRA," says the report, which makes a number of recommendations it said would ensure the CRA's independence.

Hallandale Beach is not the only Broward city to have misspent CRA funds. Within the last year, the Inspector General found $2.5 million misspent by Lauderdale Lakes and the Florida Auditor General identified "several significant expenditures" by Hollywood that did not follow state law. "It is becoming increasingly apparent that the gross mismanagement of CRA funds by a Broward County municipality is not a unique occurrence," the report says. "The OIG will continue to examine the expenditure of CRA funds by municipalities." The report also recommends the county assess its legal options "to prevent the ongoing abuse of the CRA process and recover those funds that may have been misspent."

Florida Bulldog
June 27, 2012

Broward Inspector General hits first legal hurdle; Hallandale CRA says hands off
Author: William Gjebre

Hallandale Beach's Community Redevelopment Agency, run by the city's five elected commissioners, has sent a message to Broward's new Inspector General's Office – you can't touch us. Numerous questions have been raised about the business dealings of the CRA, in which city commissioners also serve as directors of the agency. But now the agency has called into question the IG's authority to delve into its management practices, declining to have commissioners answer county investigators' questions about their actions as CRA directors. The move is the first significant challenge to the authority of the year-old criminal justice agency whose job is to investigate possible fraud, corruption and gross mismanagement.

"It is our opinion that the authority of the Inspector General does not generally extend to a community redevelopment agency (CRA) and its board members," CRA attorney Steven Zelkowitz wrote in a June 18 letter to Inspector General Counsel Jennifer Merino. "As we both know, the individual Hallandale Beach CRA board members and the city commissioners are each one in the same person. However, in these separate capacities they wear separate hats and are guided by separate legal requirements." The Hallandale CRA's bottom line: the IG's auditors and agents can talk to the five commissioners about their actions as commissioners, but not as CRA board members.

INVESTIGATIVE AUTHORITY QUESTIONED
Zelkowitz's legal opinion is rooted in the CRA's status as a special district, a distinct legal entity under Florida law. According to him, board members are public officers regulated by Florida's Code of Ethics for Public Officials, not the recently updated, and more stringent, Broward County Code that covers all officials and employees of the county and its municipalities. The CRA uses property tax dollars collected within the district to promote businesses and redevelopment.

What may happen next is unclear, but the Inspector General's Office is not expected to back down from continuing its probe in the face of a challenge that could impact its authority over the many other special districts in the county. They include large the North and South Broward Hospital Districts and smaller ones such as the Performing Arts Center Authority or the Hillsboro Inlet District. Inspector General John Scott declined comment.

Robert Jarvis, a professor of constitutional law at Nova Southeastern University, said this is the first big test of the IG's authority, and that Zelkowitz may have a point. He cited a recent decision by the Fourth District Court of Appeal in West Palm Beach that limited the jurisdiction of the Attorney General to investigate foreclosure mills. "I think the CRA may be right," said Jarvis. "I think this has to be decided by a court." Last week's letter is the second push back from Hallandale Beach. Several weeks ago, City Attorney **V. Lynn Whitfield** informed the IG that

the City Manager's Office would not voluntarily schedule meetings between city commissioners and county agents investigating city management practices, including those at the CRA.

In last week's letter to IG counsel Merino, Zelkowitz allowed that the IG has the authority, under county code, with respect to the same city commissioners in their city functions – but not those concerning the CRA. He also stated that the IG may have the authority to review any goods and services that CRA provides to the city. However, Zelkowitz, stated, "In such case, the Inspector General would have authority, but solely with respect to the provisions of such goods and services." Zelkowitz declined comment.

City Attorney **Whitfield** also declined comment. In her June 13 letter to the IG, she said her office wants to know whether the probe is targeted at commissioners as a whole or to actions of individual commissioners to determine what type of legal representation they may require. The IG is a watchdog agency established in the wake of recent county scandals. It can investigate, but not arrest. It is a member of Broward's Public Corruption Task Force – a specialized group of federal, state and local investigators and prosecutors – that in April was designated as a "criminal justice agency" by the Federal Bureau of Investigation.

CITY WANTS MORE INFO
Renee Crichton, Hallandale's newly appointed city manager, said when the office received a call from the IG it contacted the city attorney and the CRA attorney to discuss the IG's request to interview commissioners. She declined to comment on whether any member of the city commission was involved in the discussion at some point. "The CRA and the city commission has not taken any position" on the dispute, Crichton said. "On our part, we need more information as to why the Inspector General wants to interview commissioners. There needs to be some structure; what do they want to discuss." "We are not saying we will not cooperate," Crichton said, adding the city has done so by providing many of the documents requested by the IG.

A call to Broward County Attorney Joni Armstrong Coffey resulted in a callback from Assistant County Attorney Anthony Myers. Asked about the IG's authority in the matter under county law, Myers said he does not have "sufficient knowledge" to comment. He added it is possible the matter could end up in a court of law. At least one city commissioner disagrees with the CRA's position. "The IG does have jurisdiction," said London, who is running for mayor against incumbent Joy Cooper. A part of the state law, he said, speaks to the mingling of city and state funds and that would give the investigators authority.

If called by the IG, London said, "I'll go; I look forward to it." Commission members Dorothy Ross and Anthony Sanders both said they would be guided by the city legal counsel on whether to be interviewed. As Broward Bulldog reported last week, the IG has requested city documents about several community-based groups associated with Sanders or his wife Jessica. The complaints made to the IG, Sanders said, are "coming from the negativity of people. I'm not saying who specifically. It is what it is; it's a part of the politics." When and if he speaks to investigators, Sanders said, "I'll be glad to talk to them in any capacity, as a city commissioner

or a CRA director." Mayor Joy Cooper and Commissioner Alexander Lewy could not be reached for comment.

In his letter, Zelkowitz asked the IG to restrict his questioning of city commissioners "to their actions as city commissioners and not as HBCRA Board Members. In this regard, we defer to the City Attorney as to the direction of your investigation with respect to the City and Commissioners. "Notwithstanding the foregoing, the HBCRA is ready, willing and able to comply with all public records requests of the Inspector General as the records of the HBCRA constitute public records under Chapter 119, Florida Statutes."

The Miami Herald
November 2, 2011

Hallandale Beach hires North Miami's city attorney
Author: Carli Teproff

Hallandale Beach will soon have a new city attorney. On Wednesday, the commission unanimously agreed to hire **Lynn Whitfield**, who currently serves as North Miami's city attorney. **Whitfield**, who was with North Miami for nearly six years, will make $180,000 and begin Dec. 5. Her last day in North Miami is Dec. 2. **Whitfield** will fill a spot that was left vacant when former attorney David Jove resigned in July.

She's leaving North Miami at a time when the city is negotiating with Michael Swerdlow over Biscayne Landing, a massive development near Florida International University. She also leaves at time when several longtime department heads lost their jobs at the hands of the Interim City Manager Steve Johnson. Also, last month, North Miami Mayor Andre Pierre made a motion to fire **Whitfield**, saying only that he had no confidence in her. The motion was shot down.

The Miami Herald
October 25, 2011

North Miami fires two department heads; city lawyer may leave, too
The city manager fired the city's information technology and finance directors Monday for what the mayor called "performance reasons."
Author: Perry Stein

North Miami's newly appointed interim city manager unexpectedly fired two department heads this week, citing "performance reasons." But both were longtime city employee who said they have consistently earned outstanding marks on their evaluations. "It was totally unexpected," said former information technology director Hortensia Machado, who was fired on Monday. "My last performance evaluation was outstanding — in all the categories it was outstanding." Machado, who has worked with the city for more than 13 years, was fired along with Finance Director Carlos Perez, a 22-year veteran of the city.

Interim City Manager Stephen Johnson said he would not comment on personnel matters, but Mayor Andre Pierre said Johnson told him it was because of "performance reasons." Johnson, the city's former police chief, has been on the job for less than two months, prompting Perez to question how the manager even had enough time to judge his performance as finance director. "It makes no sense. I don't understand how he can judge performance in that short period of time," Perez said. "I gave my heart and soul to the city for 22 years and I think everyone knows that." The two employees did not receive a severance package but will be able to cash in their unused sick and vacation days.

City Councilman Scott Galvin said the firings were unexpected, and said he had heard no word of the employees' poor performances until Monday. "Perez surprised me the most because he has been such a highly regarded member of the staff for so long," Galvin said. Johnson also fired the building and zoning director, Jacqueline Gonzalez, two weeks ago to consolidate her department with the community planning and development department. The city may also lose its lawyer if city attorney **Lynn Whitfield** accepts another position at the city of Hallandale Beach, a departure that would likely not upset the mayor.

In September, the mayor tried to oust **Whitfield**, saying he had no confidence in her. He received no backing from the City Council. But the city of Hallandale Beach said it is negotiating a contract for **Whitfield** to serve as its city attorney. George Amiraian, the personnel director for Hallandale Beach, said the City Commission approved **Whitfield** as the city attorney, and that she is expected to accept the contract. **Whitfield** would not comment on the matter.

The Miami Herald
February 15, 2009

NORTH MIAMI Disruptive behavior may be banned from North Miami meetings
Anyone who disrupts a public meeting in North Miami soon might be escorted out after the council gave preliminary approval to a civility and decorum ordinance.
Author: Carly Teproff

Like children in a classroom, anyone who goes to a North Miami public meeting soon might have to follow some basic rules -- no stomping your feet, screaming or speaking out of turn. North Miami City Attorney **Lynn Whitfield** said she believes that public meetings need order, so she proposed a decorum and civility ordinance. The council Tuesday unanimously approved it on first reading. Final approval will come later this month. "There is a way to express anger without being disruptive," **Whitfield** told the council and a handful of residents and staff who were left at the end of a long meeting. "This ordinance doesn't prohibit you from saying anything; it's how it's said."

The ordinance prohibits anyone who attends a meeting or the board or council to disrupt the proceedings. If a person does disrupt a meeting, they can be removed, after a warning, by the police chief or his designee. The ordinance applies to council or board members and the audience.
Though **Whitfield** didn't cite a specific incident that sparked the new law, the proposal came weeks after David Levin, a frequent critic of North Miami government, spoke out of turn at a meeting. Late last year, Levin told the council he felt that a meeting should be canceled because he believed it wasn't properly advertised. Mayor Kevin Burns asked him to sit down several times, but Levin continued.

Levin and several other residents say the law is an infringement on First Amendment rights. "I have never, ever, threatened anyone," said Levin, who acknowledges he often speaks passionately about city issues. "But I have said what you've done wrong and I've called you to task." Resident Judy Feldman says she is not comfortable with being told how she must act when she goes to a council meeting. "I think it's a reaction to some of us that are loud mouthed," Feldman said. "It's subject to tremendous abuse by you all, not us."

Whitfield used a PowerPoint presentation to explain her proposal. Citing case law and other local cities with similar ordinances, **Whitfield** said her proposal is nothing new. At Miami-Dade County meetings, those attending cannot clap; they must wave. Coral Gables, Surfside, Sweetwater and Palmetto Bay also have civility ordinances. "Coral Gables will arrest you if you fail to relinquish the podium," **Whitfield** said. At least one resident agreed with needing order in council meetings. "I don't think this council which governs my city should have to put up with insults at the time of a meeting," said James Tracton. "I think perhaps maybe we do need this ordinance."

Florida Bar News
September 15, 2006

Florida will be well.(Appointments of personnel to National Bar Association)(Brief article)

FLORIDA WILL BE WELL represented in the National Bar Association this year. Along with newly sworn-in NBA President Linnes Finney of Port St. Lucie, **V. Lynn Whitfield** of West Palm Beach will serve as an at-large member of the NBA board; Cynthia Everett of Coral Gables will serve as Regional XI director; Justice Peggy Quince and Judge Sheree Cunningham of West Palm Beach will sit on the NBA Judicial Council's executive board; Detra Shaw-Wilder of Miami is the corresponding secretary of Women Law Division's executive board; June C. McKinney Bartelle of Tallahassee will serve as the recording secretary of the Women Law Division board; and Edrick Barnes of West Palm Beach was elected treasurer for the Young Lawyers' Division of the NBA. Pictured at the NBA convention, top row from the left, are Judge Cunningham, Justice Quince, and Evett Simmons of Port St. Lucie, a past president of NBA. Sitting from the left are Bartelle and **Whitfield** at the Detroit Gala where Finney was sworn in as NBA president.

Jet
September 11, 2006

V. Lynn Whitfield.(People)(appointed as city attorney)(Brief article)

V. Lynn Whitfield, North Miami's deputy city attorney, has been sworn as city attorney for the city of North Miami. **Whitfield** is past president of the Craig S. Barnard American Inns of Court. She earned her juris doctorate from the University of Miami School of Law and specializes in municipal law, civil litigation and criminal defense.

Westside Gazette
July 20, 2006

V. Lynn Whitfield takes oath as City Attorney in North Miami

[CB&A Note: Only the information relevant to **V. Lynn Whitfield** is listed below]

NORTH MIAMI, FL- **V. Lynn Whitfield** was sworn in as the new City Attorney for the City of North Miami on Tuesday, June 27, 2006 after serving as the city's Deputy City Attorney for six months. **Whitfield**'s first boss as a young lawyer, former US Attorney General, Janet Reno, administered the oath of office. "Having Janet Reno administer the oath of office was very special to me. It afforded me an opportunity to publicly thank her for giving me my start as a lawyer," described **Whitfield** after the meeting. "Working for her is the foundation which led to me being the attorney I am today."

Whitfield began her legal career as an Assistant State Attorney in Miami-Dade County in 1978. Her background also includes serving as an Assistant Public Defender in Palm Beach County, Deputy City Attorney for the City of West Palm Beach, City Attorney for the City of Pahokee and many years of private practice with specialization in municipal law, civil litigation and criminal defense. **Lynn Whitfield** earned her Juris Doctorate degree from the University of Miami School of Law. She is a member of the Florida Bar and many professional organizations, including her most current post as president of the Craig S. Barnard American Inns of Court.

[Sidebar] **Whitfield**'s first boss as a young lawyer, former US Attorney General, Janet Reno, administered the oath of office.

Sun Sentinel
October 1, 2005

Minority students intern at law firms
Author: Missy Stoddard

When Cesar Alvarez first became a lawyer in the 1970s, he said, minorities and women were not considered equal to their white counterparts. And though **V. Lynn Whitfield** gained valuable experience as a prosecutor in Miami-Dade County fresh out of law school 25 years ago, she was greeted less than warmly when applying to private law firms afterward. "I can recall interviewing with a large firm in Palm Beach County after being referred there by a judge, and I was just totally blown off," **Whitfield** said. "This was after years of practice. I wasn't a new lawyer."

Today Alvarez, who is Cuban, is the president and chief executive officer of Greenberg Traurig, the country's eighth largest law firm. He said he never let others' opinions or expectations affect his goals. "I may not have been born here and I didn't speak the language perfectly. I just worked very hard," he said. "It just evolved along the way." **Whitfield** is a senior associate in municipal law and criminal defense in the Palm Beach County office of Walton, Lantaff, Schroeder & Carson, a statewide firm. Both Alvarez's and **Whitfield**'s firms are participating in a Palm Beach County Bar Association program offering internships to South Florida minority law students at firms and agencies historically recognized as prestigious. Eight students from schools including the University of Miami, Nova Southeastern and St. Thomas universities are the recipients.

"These are the cream of the crop, silk-stocking law firms which only take a very limited number of students," said Meenu Sasser, a shareholder at the Gunster Yoakley firm in West Palm Beach. "These are most highly sought-out positions." The goal is to provide minority students a mentoring atmosphere as well as exposure to the legal community they might not otherwise get. The hope is that the experience will increase the students' chances for success in the real world. "If you bring people in and don't have anyone who's going to mentor them as they would their white counterparts, the chance of them staying and remaining in the firm is less," **Whitfield** said. "It's important when they come in to be paired with someone who is going to nurture them and take them under their wing and explain how it works. How you do billing to get your hours, how you make contacts to get clients, how to do client development."

Whitfield's protM-igM-i is Patrick Johns, a second-year law student at the University of Miami. The 23-year-old from Richmond, Va., hopes to one day do criminal defense work. He has already been struck by the dearth of black lawyers. "This program helps you get your foot in the door in places that are difficult," Johns said. "It's tough to get interviews when you're an unconnected person not at the top of the class, but you still have skills." The youngest of six children raised by a single mom who supported the family by babysitting other children, Shelly Springer is a Cornell University grad and a second-year law student at the University of Miami. Though her family may not always have known where the next meal was coming from, the children were always expected to attend school and study hard. "My mom instilled good values in us," said Springer, 23, who is working 10 hours a week at Gunster Yoakley.

Judge Matthew Stevenson of the 4th District Court of Appeal in West Palm Beach hopes the program will broaden the talent pool and attract more minority recruits to the area. Since beginning his law career decades ago, Stevenson said he has tried to offer a helping hand to other minority lawyers. "I think the worst thing anybody can do is shut the door behind them," he said. "I feel an obligation to assist those young lawyers that are coming up. It takes a village and it takes everyone involved in the process to make sure doors are opened. It's an important part of me being in the position I am."

Florida Bar News
July 1, 2005

Leopold to lead PBCBA.(Legal Roundup)

Leopold to Lead PBCBA: Theodore (Ted) J. Leopold was recently named president of the Palm Beach County Bar Association. Other new officers and board members include Manuel Farach, president-elect: Scott Murray; Bryan Poulton; Richard Schuler: Meenu Sasser; Michelle Suskauer; **V. Lynn Whitfield**; North County Section President William Fleck; Young Lawyers Section President Wade Bowden; and South Palm Beach County Bar Association President Jeffrey Mark,

Florida Trend
April 1, 2005

Turning point: will Henry Latimer's death be another setback to integrating the Bar's leadership ranks--or will it spur African-American attorneys to step into the void he leaves?(Florida Bar)(Biography)
Author: Pat Dunnigan

When Fort Lauderdale lawyer Henry Latimer died after a car crash Jan. 24, an opportunity that black lawyers throughout the state had awaited for decades died with him. Latimer, a widely respected former circuit court judge who joined the elite rank of partner at the Greenberg Traurig law firm, was positioned to become the first black president of the Florida Bar. Leadership roles at the Bar have consistently eluded black lawyers. Latimer got there, according to friends and colleagues, by building a career of accomplishments while quietly mentoring black lawyers and prodding the legal establishment to expand opportunities for African-Americans.

"His biggest accomplishment was to have been able to achieve distinction and prominence in the law and in the judiciary according to the rules of engagement or whatever the rules of the game are," says Miami lawyer George Knox, a former city attorney and law school classmate of Latimer's at the University of Miami, where they were members of the school's first class of black law students in 1973. Latimer agreed to run for the Bar presidency only reluctantly, Knox says. "He was not ambitious in that way."

But after years of pushing for greater representation in the Bar, black lawyers saw real prospects for change in Latimer, who had established respect and credibility on both sides of the color line. A brokered deal within the Bar put Latimer in line to run unopposed for the position in 2007, his colleagues say. "I don't think it had been settled, but the greatest chance for them (Bar members) to demonstrate that kind of openness and inclusion would have been Henry Latimer," says Knox.

History of frustration
Such optimism stands in sharp contrast to the frustration among black lawyers eight years ago. Then, the state's most prominent black lawyers group, the Florida chapter of the National Bar Association, resigned its seat on the Florida Bar's board of governors after 17 years of occupying a special, non-voting seat. The decision followed months of dissension within the Bar over a proposal to designate a black-lawyer seat on the board with voting power. The Bar's decision to reject the proposal particularly rankled black members because the Bar had just voted to create a fourth seat on the board for out-of-state members. "As long as we are second-class citizens, we don't want to sit at the table," said **Lynn Whitfield**, the chapter's then immediate past president.

The frustration was compounded by a pattern of black board members and candidates losing seats to white opponents in contested elections. Last year, the pattern repeated itself when Don Horn, a Miami prosecutor whose success had earned him a job offer and partnership at one of the city's most prestigious firms, lost his seat after one term. This year, both **Whitfield** and her successor at the National Bar, Allison K. Bethel, were seeking election to the board of governors.

At press time **Whitfield** was running in a contested race for a board seat in Palm Beach County. Bethel, director of civil fights prosecution for the Florida Attorney General's office, is running to fill the vacancy left by Latimer in Broward County. Plantation trial lawyer Bradley Winston had also qualified to run for the seat. Voting closes April 21.

Depending on the outcome of those two races, Latimer's death could leave the board of governors with no black lawyers among its members. A seat reserved for public members is held by a retired African-American educator. It also leaves the state's black law association leaders with an opportunity--and a quandary. Does it honor or dishonor Latimer to suggest that this is an opportunity for the Bar to make room for more black lawyers in its leadership? "Whether or not (Latimer's) position is vested or designated or a position of entitlement ... that's subject to debate," Knox says. Latimer, says Knox, "would want to ensure that no rules were broken ... no preferences to the exclusion of others in an unfair way."

At the same time, Knox says many African-American leaders have a sense that the rules have not always been applied in their favor. The last time this issue was debated before the Bar, "the Bar pulled out the rule book, and it was absolutely impossible for an African-American to win a seat in a contested election," Knox says.

Creating a buzz
If nothing else, Latimer's death has reignited interest in the Florida Bar among black lawyers. "Many African-American lawyers like myself have been inspired by the void that he leaves to get more involved in the Florida Bar," Knox says. Now, he says, there's "a sort of buzz" about who might be recruited to run for open seats in future elections. Whatever happens, Knox says the acknowledgement that Latimer was in line to become Bar president is a huge step forward. "I think the discussions will get more and more serious," he says. "The pressure to recognize that this is a person who is first among equals is a major breakthrough--a stereotype buster."

Miami lawyer H.T. Smith, a past president of the National Bar Association and another member of the UM law school class of 1973, says Latimer would have made a huge impact as Bar president, particularly in improving the Bar's credibility with its black members. "For the past five years, the Bar has been really reaching out to minority lawyers, but minority lawyers have not been responding," Smith says. Smith, a sharp-tongued advocate for racial equality who helped lead a two-year tourism boycott of Miami-Dade County to protest inequality in the tourism industry, says Latimer also had the ear of the state's big law firms in a way that could have been very effective in pressing for more opportunities. "It took me a long time to realize," Smith says, "you really need a person on the inside for the person outside to be effective."

The Palm Beach Post
December 12, 2002

Justice differs for mothers in sons' deaths
Author: Emily J. Minor

Lynn Whitfield has been making her living lately as a defense attorney - a black, female defense attorney - which means she sees the world from a different perch. Like that time in court not so long ago. The judge went on and on about how well-spoken she is. "He kept saying, 'Oh, you're so articulate,' " says **Whitfield**, who most recently represented accused lookout Otto Wright in the Nicholas Megrath murder case. "Whites just don't have those experiences. They don't understand why blacks tend to think that everything has to do with race. If you live through it all the time, after a while, you get the point."

The point? Two women have been in the news recently - mothers who were in court because their actions endangered their children. Neither mother beat her child. Or drove the car drunk. Indeed, by all accounts, each mother loved her son deeply. In the case of Dora Chong, she left her sleeping toddler and went shopping. In the case of Marguerite Saccone, she left her toddler son with a boyfriend she knew was abusive. Chong's son drowned in the pool while she was gone. Saccone's son was beaten to death while she was gone. The Asian woman's staying home. The black woman's going to prison. More than race at play

I called **Whitfield** this week because something was bothering me. Mainly, did the Asian woman get off because her skin is white? Is Saccone going to prison for three years because she's black? In **Whitfield**'s mind: Yes, and no. In **Whitfield**'s mind: It has more to do with money and influence than race alone. After her son's brutal murder, Saccone gave up her job as a hospice aide and moved in with her mother in a small apartment along 45th Street in Riviera Beach. The places she haunted before her son's death were Jamaican nightclubs along the railroad tracks in a section of the city I wouldn't party in at night. For that matter, **Whitfield** probably wouldn't either.

Chong, on the other hand, lives in a big home along Flagler Drive in West Palm Beach. Her front yard looks out at the water. Her neighbors are white. The baby's father, Chong's married former lover, is a prominent Palm Beach businessman. In court, Chong's supporters wore expensive suits and nice jewelry. During Saccone's trial, the supporters wore long skirts, kept their hair in braids and skipped lunch to save money. Dora Chong's sentencing hearing wasn't even on the docket, suggesting someone wanted it hush-hush. But we found out about it, and the Chong story appeared across the top of the front page in The Post the next day. Saccone's sentencing was on the docket, and her story was printed in the Local section. Both mothers left their children

Whitfield said all these incongruities occurred to her before I called - of course. "One of the things that's interesting is that both of them actually did the same thing," says **Whitfield**. "They left their children. If you're going to give one probation, why wouldn't you give the other probation?" It's the kind of question **Lynn Whitfield** has asked herself all her life.

The Florida Bar News
August 15, 2002

Dade Bar elects Pennekamp

Tom Pennekamp, Jr., was recently installed as the president of the more than 4,000 member Dade County Bar Association. "The Dade County Bar has much to celebrate and much more to be proud of as we enter our 84th year as the leading voluntary local bar association in Florida and I am honored to serve this tremendous organization," Pennekamp said. Pennekamp is a member of the ABA, the Cuban American Bar Association, the Academy of Florida Trial Lawyers, the Association of Trial Lawyers of America, the Broward County Trial Lawyers Association, and he is a volunteer special assistant state attorney in Dade County. Pennekamp lives in Coral Gables and has been a resident for the past 38 years. He received his undergraduate degree from Dartmouth University and graduated with honors from the University of Florida Levin College of Law in 1990. The association also recently swore in John H. (Jack) Hickey as its president-elect. Hickey is a Board Certified Civil Trial Lawyer and has practiced in Miami for over 22 years.

GREGORY COLEMAN was recently installed as the 80th president of the Palm Beach County Bar Association. Coleman joined the association in 1990, and is also currently a member of the Supreme Court Commission on Professionalism, The Florida Bar Standing Committee on Professionalism, The Florida Bar Council of Sections, Student Education and Admissions to the Bar, and Speakers Bureau committees. He previously served as president of The Florida Bar's Young Lawyers Division. Lisa Small will serve as president-elect. Additional Board members serving two-year terms are: Ted Leopold, **Lynn Whitfield**, and JoAnn Kotzen. Board members serving a one-year term are: Manny Farach, Stanley Klett, Darryl Kogan, Scott Murray, Meenu Sasser, and Scott Zappolo. Amy Smith will serve as immediate past president. Seated from the left are Sasser, Small, Justice Major Harding, JoAnn Kotzen, and **Lynn Whitfield**. Standing from the left are Klett, Kogan, Zappolo, Smith, Coleman, Murray, and Farach.

Florida Bar News
July 15, 2001

Smith to lead Palm Beach Bar.

The Palm Beach County Bar recently installed Amy Smith as its new president. Smith, a resident partner in the West Palm Beach office of Walton Lantaff Schroeder and Carson, is a graduate of Nova University School of Law. Other new officers include Greg Coleman, president-elect, and board members Manny Farach, Stanley Klett, Lisa Small, Jo Ann Kotzeno, Yvette Trelles, and **Lynn Whitfield.** The Palm Beach County Bar Association currently has 2,460 members. For more information about the PBCBA log onto www.palmbeachbar.org.

The Palm Beach Post
February 2, 2001

Court: Parents can sue over burial of son
Author: S.V. Date

The parents who were not notified that their 23-year-old son had died in West Palm Beach and had been buried by city and county officials will have an opportunity to sue after all, thanks to a Florida Supreme Court ruling Thursday. "I'm ecstatic," said **V. Lynn Whitfield,** the West Palm Beach lawyer for John and Betty Crocker. "They've given us another shot." Jay Crocker was found dead without any identification in a city alley in December 1995. A few days later, investigating officers from West Palm Beach police found his personal belongings and tracked down his parents in Miami Shores but made little attempt to contact them beyond an initial call to the Miami Shores police.

The body was later released to Palm Beach County for burial in a pauper's grave - even as the still-unaware Crockers started a search for their missing son, which included filing a missing person's report with police in West Palm Beach. The couple learned of their son's death six months later, at which time they had him exhumed for burial in Miami and began legal proceedings against the city and Palm Beach County. The lawsuit was thrown out by a trial judge, a decision upheld by an appeals court. But the state's highest court decided that both lower courts had erroneously applied an earlier case involving the removal of eye tissue for organ donation. "Florida case law has long recognized the right to possess a loved one's remains for purposes of burial or other appropriate disposition," wrote Justice Barbara Pariente.

She and five of her colleagues wrote they did not know whether the Crockers, having conceded that they haven't been able to show malice on the part of the police, can successfully pursue a claim that their civil rights were violated. The seventh justice, Chief Justice Charles Wells, wrote in a separate opinion that he believed the Crockers would not be able to win a civil-rights claim. **Whitfield**, though, said she was undeterred by the court's language. In any event, the case must first return to the 4th District Court of Appeal in West Palm Beach and then back to the trial level before it can be decided.

February 1, 2001

Supreme Court of Florida.

John CROCKER, et al., Petitioners, v. Richard PLEASANT, etc., et al., Respondents.

No. SC95148.

Decided: February 01, 2001

V. Lynn Whitfield of **Whitfield** & Mosley, West Palm Beach, Florida; and Dea Abramschmitt, West Palm Beach, FL, for Petitioners. Patrick N. Brown, City Attorney, Claudia M. McKenna, Deputy City Attorney, and Mayra I. Rivera-Delgado, Assistant City Attorney, and Leonard Berger, Assistant County Attorney, West Palm Beach, FL, for Respondents. Carl E. Brody, Jr., Assistant County Attorney, Clearwater, FL, for The Florida Association of County Attorneys, Amicus Curiae.

We have for review a decision of the Fourth District Court of Appeal, which certified the following question certified to be of great public importance:

DOES [STATE V.] POWELL [497 So.2d 1188 (Fla.1986)] PRECLUDE ALL SECTION 1983 CLAIMS GROUNDED ON INTERFERENCE WITH AN INTEREST IN A DEAD BODY?

[CB&A Note: The remainder of the case can be read here:
https://caselaw.findlaw.com/fl-supreme-court/1489244.html

The Stuart News
March 28, 2000

Ex- Deputy's sex case dropped
Randy Toombs had been accused of asking for sex from a 14-year-old.
Author: Suzanne Latshaw

STUART - The state attorney's office dropped all charges against an ex-Martin County deputy who was accused of asking a 14-year-old girl to perform oral sex on him on the night of Sept. 5, 1998. Randy Toombs, 43, of Fort Pierce, who was scheduled to have a hearing Monday morning, will not have to face Judge Stewart Hershey on charges of solicitation to commit a lewd act. "He's ecstatic, not that this is something we didn't expect," said **Lynn Whitfield,** Toomb's attorney. "This is over for him now. He has no charges pending." She said Assistant State Attorney Lev Evans called her late Friday and told her she and her client would not have to show up for Monday's hearing. He did not explain why the charges were dropped, but another prosecutor said it was because the alleged victim wouldn't be available to testify.

"The victim in the case is 15 years old and she ran away from home a few months before the trial was to begin," said Assistant State Attorney Ryan Butler, who also worked on the case. "The case simply could not proceed without her." Prosecutors alleged that in 1998, Toombs, in uniform, approached the girl and a 22-year-old man in a car parked at a beach access along Hutchinson Island. According to police reports in 1998, Toombs ordered the man to walk down a boardwalk out of sight from the car. Then he allegedly asked the girl to perform oral sex on him or he would tell her mother that she was with the man. When she refused, he asked her to show her breasts, which she did, the report stated. Toombs then reportedly said, "Damn, look at you!" When she put her shirt back down, Toombs told her "I didn't tell you to put it down," the report stated.

The state also dropped charges of battery against Toombs stemming from a separate incident on Jan. 25, 1998, when he allegedly grabbed another woman and pulled her shirt aside to look at her breasts, according to the state attorney's office. The battery charge was "inextricably intertwined" with the solicitation charge, Butler said. The victim's mother told The Stuart News/Port St. Lucie News at an earlier hearing that her daughter was scared to testify against the 6-foot-1-inch, 280-pound ex-deputy. "She's scared to death. She's telling the truth," her mother said in the Martin County Court house three weeks ago. "Little kids just do what they're told." The Martin County Sheriff's Office fired Toombs in September 1998 after an investigation accused him of lying about the incident and failing to follow procedures, as he did not check the license plate or the names of the alleged victim or the man she was with.

He was fired by the St. Lucie County Sheriff's Office in 1994 after he was arrested on charges of shoving his girlfriend's friend and hitting his wife, according to his personnel report. "Deputy Toombs does good work, knows the job well and gets along well with fellow workers, supervisors and the general public," Sgt. Harvey Sharpe wrote in Toombs' 1993 evaluation. "Deputy Toombs' weakness seems to be in his personal life." In St. Lucie County, he worked as a

school resource officer for several years before receiving a written reprimand in 1993 after two girls at Port St. Lucie High School said Toombs asked them to "pop" their bras to show whether any marijuana cigarettes fell out. He is still certified to practice law enforcement in Florida, according to the state Department of Law Enforcement.

Whitfield said she and Toombs will discuss his future employment options later this week. Toombs must be employed in the law enforcement field by Sept. 14, 2002 to be able to stay certified. A discipline case was opened against him after he was fired from St. Lucie County, but not after he was fired from Martin County, said Danny Quick, a training and research manager for the FDLE. There was no record in his Martin County personnel file that the sheriff's office reported the 1998 incident to the state, even though an internal investigation concluded the girl's allegations to be "sustained." The sheriff's office is required by law to report any action that would concern his moral character standards, Quick said. Butler said the state could refile the charges when the girl returns home. Ray Martinez and Gabriel Margasak of the News staff contributed to this report.

March 3, 1999

CROCKER v. PLEASANT

No. 98-0633.

727 So.2d 1087 (1999)

John CROCKER and Betty Crocker, Appellants, v. Richard PLEASANT, individually, City of West Palm Beach, a municipal corporation, and Palm Beach County, a subdivision of the State of Florida, Appellees.

District Court of Appeal of Florida, Fourth District.

March 3, 1999.

Attorney(s) appearing for the Case
V. Lynn Whitfield of Whitfield & Mosley, West Palm Beach, for appellant.

Leonard Berger, West Palm Beach, for Appellee-Palm Beach County.

Patrick N. Brown, City Attorney, and Mayra I. Rivera-Delgado, Assistant City Attorney, West Palm Beach, for Appellee-City of West Palm Beach.

[CB&A Note: The remainder of the case can be read here:
https://www.leagle.com/decision/19991814727so2d108711648

Sun Sentinel
January 26, 1998

Dedication gets attorney to top post among peers
Author: Scott Gold

Lynn Whitfield is a minority in a minority. The West Palm Beach defense attorney is one about 15,000 female attorneys in Florida _ compared to the state's 42,000 male attorneys. And she is one of an estimated 1,000 to 1,500 black attorneys in Florida _ a number that pales in comparison to the percentage of the population that blacks encompass. "I am a product of the affirmative action movement in this country," **Whitfield**, 43, said in her office high above Clematis Street last week. "I am cognitively aware of that. It got me in the door. But it didn't keep me there."

What kept her there was hard work _ routinely as much as 75 hours a week. It has paid off with a successful private law practice, a series of high-profile clients and an identity that rests far more on legal skills than race or gender. And now it has paid off with her election as president of the Palm Beach County Association of Criminal Defense Lawyers. She will take over in November as the association's first black president. Most of the public hasn't heard of the association, but its monthly gatherings, as well as **Whitfield**'s imminent presidency, will likely produce some tangible results with a potential impact on thousands of county residents.

For example, Palm Beach County Circuit Court Judge Edward A. Garrison recently suggested handing out first-degree murder cases to attorneys who submitted the lowest bids. He hoped it would cut down on litigation costs paid by the county _ but defense attorneys saw the plan as a drastic affront to their clients' rights to a fair trial. No one submitted a bid, and Garrison eventually abandoned the idea, partly, **Whitfield** said, because of the criminal defense association's lobbying. Also, court officials are now considering dedicating a single judge to hear domestic violence cases. Though it is part of a proposal to help slow family violence, many defense attorneys _ joined by several judges _ fear it could hamper defendants' rights. "It's very dangerous," **Whitfield** said.

Whitfield, a Cleveland native and a 1980 law school graduate from the University of Miami, is well aware that the public is not always enamored with her choice of career. With varying degrees of success, she has represented her share of questionable characters during the years. She has represented Ronald Knight, who is awaiting trial in the second killing of a gay man he allegedly lured from a bar near West Palm Beach. There was Maceo Wright, a West Palm Beach man convicted in 1996 of killing ex-girlfriend Tasha Richard. There was Bryant Patrick, one of four men accused in the kidnapping, robbery and rape of a West Palm Beach student, who was left naked and stranded on a crime-ridden street.

Most recently, there was murder accomplice Anthony Thompson _ the lookout man in a botched robbery that led to the May 1996 slaying of Delray Beach convenience store owner Mohammad Rashed Karim _ who was sentenced to life in prison without parole. But she said she believes in

an idea instilled by a former boss _ Janet Reno, now the U.S. attorney general. When **Whitfield** started out of school as a prosecutor in Miami-Dade County, Reno _ then the county's state attorney _ told **Whitfield** that she firmly believed it better that 10 guilty people go free than one innocent person be wrongly convicted. "That's what keeps me doing it," **Whitfield** said. "When you have a client who is wrongfully charged, and when you get a not guilty in a case like that, it's worth everything else."

Whitfield acknowledges getting close to some of her clients _ and frustrated when she sees them re-arrested. Active in church and her community, **Whitfield** speaks in schools and mentors children. She has assisted a prison ministry and has gone into jails to act as a liaison between inmates and family members who have been left behind in dire need. Most of her community work takes place in inner-city West Palm Beach. She has been known to pull her car over to warn former clients that they should be home rather than hanging out with the wrong crowd. "People think that defense lawyers don't care about the revolving door," **Whitfield** said. "We do."

The Palm Beach Post
December 19, 1996

Boynton Oks settlement of traffic-stop lawsuit
Author: Chuck McGinness

City commissioners have agreed to pay $10,000 to settle a lawsuit by a Coral Springs man who claimed he was wrongly arrested and beaten by police during a traffic stop. Daniel Maxime, 33, claimed five officers pulled him out of his car, threw him to the ground and beat him with their batons. The incident occurred in June 1991, two months after he came to Florida from Haiti. He received injuries to his face, knee and back. He now has a job as a lawn maintenance worker, his attorney, **V. Lynn Whitfield**, said Wednesday.

A police report said officers pulled Maxime over after he stopped in the middle of Northeast 11th Avenue, blocking traffic, then ran a red light. Officers twice ordered Maxime to put his hands outside the car window, but he did not comply - which Maxime contended was because he did not understand English. When Maxime rolled up his window and reached for something under the seat, officers tried to "escort him" out of the car, the report said. A police spokesman at the time said officers used proper procedure. Commissioners approved the settlement Tuesday night. The city spent about $3,500 to defend the case. Legal costs could have topped $30,000 if it had gone to trial, said Wilfred Hawkins, assistant to the city manager.

The Palm Beach Post
October 25, 1995

Lawyer decrying O.J. 'bias" should reread her law books
Author: William R. Osterman

The Palm Beach Post recently published an article, ``Coverage of Simpson trial was biased from the start," by **V. Lynn Whitfield**, decrying the paper's coverage of the O.J. Simpson verdict. She accuses the editors of bias in their coverage of the Simpson trial and verdict. She feels that the editors should have printed the reactions of local black attorneys and further alleges that perhaps the editors were afraid of what they would say. When I think about lawyers in the criminal justice system, I automatically think of two types: defenders and prosecutors. Why would the color, gender, nationality, religion or sexual orientation of the lawyers be important in a society that claims a longing desire to be an inclusive society? Ms. **Whitfield** entifies herself as a black attorney. Would it be in bad form if I called her firm and asked to speak to a white, Hispanic, Jewish or Asian attorney? I would think it racist to do so. Ms. **Whitfield** states that for 200 years, this country has maintained a criminal justice system grounded in the Constitution. Ms. **Whitfield** must have missed a few classes in law school. U.S. criminal law is based on English common law. She states that the Constitution did not apply to blacks for 100 years. Actually, it was 81 years, but women had to wait 131 years for the constitutional amendment giving them the right to vote, and they are still waiting for the equal rights amendment.

Ms. **Whitfield** also makes remarks about the ability of an indigent defendant to get a fair trial. She is right on the money here, but let's leave race out of the debate. The powerless and poor are at a definite disadvantage and always have been. This is also true in the cases of police brutality. It is not a race thing. It is a class issue. Had Rodney King been driving a Mercedes and wearing an Armani suit, I doubt we would recognize his name today. Ms. **Whitfield** claims that Mr. Simpson was not given special treatment. But, can you imagine Mr. Doe, fugitive from justice, riding on the freeway with a gun, wanted for murder, being allowed to set the pace for a parade of policemen for hours? I am afraid Mr. Doe would have had so much lead in him that it would have taken a wrecker to lift him from the car.

This article is a prime example of the divisive attitudes that are alive and moving in areas of our society today, and it is unfair and unjust to all races of people. Ms. **Whitfield** must realize that O.J. was the celebrity in this case, and the race of the victims is really not relevant. They were humans, and they were murdered. Ms. **Whitfield**, please believe me when I tell you that the majority of the people of this country would have been overjoyed if the trial had had a Perry Mason ending with someone identifying the real killer. You must realize that O.J. was a superstar to almost everybody, and we have all been traumatized by seeing one of our superstars fall from the sky. Perhaps it is time to go to the library and restudy the works of the Rev. Dr. Martin Luther King Jr. and the civil rights movement. Has the movement that Dr. King led changed from a straight line of progress heading to the fulfillment of dreams into an unending circle that goes nowhere? William R. Osterman is a resident of Okeechobee, where he owns a car dealership. He wrote this article for The Palm Beach Post.

The Miami Herald
July 14, 1995

South Florida Psychiatric Society installs new officers
Author: Herald Staff

The South Florida Psychiatric Society, a district branch of the American Psychiatric Association, recently installed its new officers. They are: Dr. Richard L. Rubin, president; Dr. Ana E. Campo-Bowen, president-elect; Dr. Angel E. Garrido and Dr. Richard M. Steinbook, vice presidents; Dr. Ramona Abed, secretary; and Dr. Fernando Pino, treasurer.

National Bar's state officers announced
The Florida Chapter of the National Bar Association, an organization of black legal professionals, recently announced its newly elected officers. They are: Monique M. Edwards of Orlando, president; **V. Lynn Whitfield** of West Palm Beach, president-elect; Allison K. Bethel of Hollywood, vice president; Lansing C. Scriven of Tampa, secretary; Cynthia A. Everett of Miami, treasurer; Daryl E. Trawick of Miami, loan officer; and Michael A. Robinson of Fort Lauderdale, student liaison.

Palm Beach Post
December 20, 1993

Man seeks damages, says officers beat him in ’91
Author: Jounice L. Nealy

Daniel Maxime says he has shooting pains in his face. Looking at his left eye, it almost seems as if he is being hypnotized. The top eyelid hangs lower over the left eye than the one on the right. And Maxime said he still needs treatment for knee and back injuries he received almost 2 1/2 years ago. Maxime, 30, claims that five Boynton Beach police officers snatched him out of his car, threw him to the ground and beat him in June 1991, two months after he left Haiti.
And Maxime intends to sue the city and the officers he claims violated his civil rights while making a traffic stop. **V. Lynn Whitfield**, his attorney, filed a notice in October. Last month, she filed against each officer. ``It's not unusual that we are sued in these types of situations," spokesman Lt. William Galbraith II said.

Officers Richard Root, James Prestinari and Scott Vash, who is no longer with the department, are named in the suit. Lt. Patrick Smith and Sgt. Frank Ranzie also are named. The officers were advised by the department not to comment. Maxime said the officers beat him with their batons and kicked his head ``like a soccer ball." ``They grabbed me and walked on my body," Maxime said through an interpreter. Holding photographs of Maxime's injuries, **Whitfield** said he had stitches on his elbow and knee, in his mouth, around his eye and nose. ``I think sometimes they (officers) just don't take the time to truly assess the situation," **Whitfield** said. ``At best they say this was a traffic stop . . . and it ended up with five officers on the scene with guns drawn."

Maxime was stopped June 17, 1991, in the 100 block of Northeast 11th Avenue after police said he stopped in the middle of the road, blocking traffic, and then ran a red light. When he came to a stop, Maxime started to get out of the car, but police told him to get back in and he did, according to police reports. Officers ordered Maxime twice to put his hands outside the window. They said he did not comply. Maxime said he told the officers that he was Haitian and did not understand English, but he said they did not listen. Backup units soon arrived and shined a light that penetrated the tinted windows, police said, and they saw three occupants making ``furtive" movements.

They were ordered out of the car, but none of the occupants would comply, Root wrote in his report. ``We made the decision to approach the vehicle and remove all occupants. All officers had their weapons drawn due to the occupants' furtive movements," he wrote. Officers said Maxime rolled up his window when officers again ordered him out of the car and reached for something under his seat. ``At this time, I opened the door and attempted to escort the driver, Maxime, from the vehicle," Root wrote. He also said Maxime began throwing punches, and officers ``were only able to escort him to the ground." Galbraith said the officers followed proper procedure. Maxime was subdued and officers said he received ``minor injuries to the left side of his face."

Sun Sentinel
April 26, 1993

More black lawyers going it alone Many shed security of large firms
Author: Lois Frimet Perdue

Gwendolyn Key says she had no fears about leaving the safety of a large law firm to go out on her own and establish a law practice -- even in the competitive Palm Beach County market. Key, the president of S. Malcolm Cunningham Sr. Bar Association -- the 75- member black bar association in Palm Beach County -- said at least half a dozen of her colleagues have opened their own small or solo practices within the past year or so. Key and the other African-American lawyers who have abandoned the security of a paycheck from an established law firm or the public sector to start their own businesses said it is working out well. In fact, Key said business is going exceptionally well for her. "Society doesn't expect the African-American community to be able to support its own professionals," said Key, a Howard University Law School graduate. "But, I am earning more now than I could ever make working with a large law firm."

Black lawyers, like many who have left large law firms or the public sector to establish their own firms, have found that a successful solo practice requires building a variety of connections with the business and governmental communities, balancing business needs with community service, and building referrals through good work. Key and her partner, LeRonnie Mason, opened their practice about eight months ago in West Palm Beach, handling civil, criminal and litigation matters. New business comes from established contacts in the community and referrals from other attorneys. Key was an assistant state attorney for four years in Palm Beach County and an associate for two years at Gunster Yoakley in West Palm Beach.

Linda Mitchell is a name partner in the year-old practice of Hanna Mitchell & Associates in Lake Park. She and her partner, Harlington L. Hanna, have a general law practice and handle commercial, labor, entertainment and sports law matters, as well. Before opening her practice, the Tulane Law School graduate worked for two years at mid-sized Coogler, Adams, Watson & Merkel, P.A. in West Palm Beach. Mitchell said most young lawyers want to join a large law firm, reap the benefits of a good work product and then maneuver into the partnership track. But, she said, the opposite seems to be happening. "The trend seems to be that there are less attorneys being made partner and that large firms don't offer security any longer," Mitchell said.

By opening her own practice, Mitchell is creating her own security. To attract business, Mitchell believes in practicing the age-old lawyers' credo of doing good work to bring in clients. "If you have established a reputation and do quality work, clients will return and also refer others," she said. So far, it seems to be working. Mitchell said there are plans to expand the firm into the Belle Glade area, "where more attorneys are needed." Lawyer **V. Lynn Whitfield** has been in her solo practice for nine months in West Palm Beach. Her practice includes criminal and civil litigation, along with some personal injury work. With a background in government work for 12 years, eight in Palm Beach County, she says she is generating consistent business referrals. By

continuing to work for the public sector as she establishes her new practice, **Whitfield** is able to develop and maintain her practice.

The University of Miami Law School graduate is, for example, part of a conflict team with the Palm Beach County court system on a yearly contract. When the Public Defender's Office has a conflict in a case, **Whitfield** can receive the matter -- with the county paying the fees for the work. “It's a good source of income," **Whitfield** said. **Whitfield** also works part-time for West Palm Beach doing legal work at half the original salary she received when she worked there full-time as deputy city attorney. She also does legal work for Riviera Beach's civil service board. **Whitfield** has learned about negotiating fees in the few months she has been in practice. "Some prospective clients will try to negotiate fees with you. Young lawyers may tend to fall for lowering their fees, but if you sell yourself short, you may end up not getting the case at all."

Michael D. Brown was a lawyer on the partnership track. He had been with the Department of Justice's Executive Office of the U.S. Attorney in Washington, D.C., for about two years after graduating from Howard Law School. But he wanted to return to his hometown of West Palm Beach. Five years ago, he went to work at one of West Palm Beach's oldest law firms -- Jones, Foster, Johnston & Stubbs, Pa. Brown said he was the first black hired and, to date, the only one. But he gave it all up six months ago to open a solo practice in West Palm Beach. Brown said that practicing at the firm was a "wonderful experience" and an educational one. It particularly taught him about fitting in -- a vital skill now in managing and marketing his own practice.

"Working at a law firm or a large corporation is not any different," said Brown, who was on the law firm's recruitment committee for two years. "Both organizations are looking for a certain type of individual -- one who won't upset the hierarchy and is flexible." Brown seems to have learned his lessons well. He is involved in numerous community organizations and maintains his contacts at Jones, Foster. Brown is also involved in the black community, from which he receives referrals from relatives and friends. Brown thinks that all people need to interact more with different groups, particularly if they want to develop their careers. "It's a two-way street," he said. "Black attorneys. Hispanic attorneys. They need to get involved in groups other than in their own communities -- like the Rotary or Kiwanis."

For his efforts, Brown said he has generated a consistent flow of business and a steady cash flow. Mitchell is working hard to establish a referral base for practice -- a practice she said includes all colors and nationalities of clients. In addition to the referrals Mitchell receives from other attorneys and clients, she also receives referrals from Louisiana, where she also holds a license to practice law. Mitchell said a law firm, especially a new one, has to balance goodwill with good business practice. "If our clients are in need of services and don't have lump sums for fees, we will make financial arrangements for them," Mitchell said.

Brown, too, said that while he has office expenses to meet, he also provides additional services particularly to those in the black community in need of legal representation. "I provide discounts and other favors in certain situations at affordable rates," he said. Wilbur Chaney opened his solo practice in Delray Beach a few years ago after moving from Orlando, where he had been in

private practice for six years and was an assistant U.S. attorney. Chaney says it was difficult starting over with a new practice. He is handling criminal and civil litigation, but sees heavy competition from other lawyers in another area in which he practices: personal injury work. Chaney said he is considering advertising to generate more business.

Chaney does not depend only on Palm Beach County to generate business; he travels to do business with clients in Lee, Orange, Dade and Broward counties. To generate additional revenue, he has a contract with the Resolution Trust Corp. on a per project basis. Chaney also volunteers his time as a magistrate, hearing civil traffic cases once a month. From this, he says he also receives occasional referrals. Chaney expressed surprise that some blacks were leaving the haven of large law firms to go out on their own. "This is not an easy time to open a law practice because of the economy," he said.

Key, though, summed up her reasoning for forging ahead with her plans to run her own practice. "As an African-American, if you have survived passing the Florida Bar and working in a large law firm, you're not afraid to go out on your own."

November 18, 1992

Fazzolari v. City of West Palm Beach, 608 So. 2d 927 (Fla. Dist. Ct. App. 1992)
District Court of Appeal of Florida
Filed: November 18th, 1992

Precedential Status: Precedential

Citations: 608 So. 2d 927

Docket Number: 90-3425

Judges: Dimitrouleas

608 So. 2d 927 (1992)
Frank FAZZOLARI, Appellant,
v.
The CITY OF WEST PALM BEACH, Appellee.
No. 90-3425.
District Court of Appeal of Florida, Fourth District.

November 18, 1992.
Rehearing Denied December 29, 1992.
*928 Schuler, Wilkerson & Halvorson, P.A., and Philip M. Burlington of Edna L. Caruso, P.A., West Palm Beach, for appellant.

Kelley B. Gelb of Krupnick, Campbell, Malone and Roselli, P.A., Fort Lauderdale, Amicus Curiae, for Florida Academy of Trial Lawyers.

V. Lynn Whitfield, Asst. City Atty., and John J. Bulfin of Wiederhold, Moses, Bulfin & Rubin, P.A., West Palm Beach, for appellee.

DIMITROULEAS, WILLIAM P., Associate Judge.

[CB&A Note: The remainder of the case can be read here:
https://www.courtlistener.com/opinion/1843251/fazzolari-v-city-of-west-palm-beach/

The Palm Beach Post
June 17, 1992

West Palm deputy city attorney quits

Deputy City Attorney **Lynn Whitfield** announced her resignation recently. She plans to enter private practice. **Whitfield's** resignation will take effect July 31 and will follow the July 3 departure of City Attorney Carl Coffin. It leaves the city with three attorneys. Coffin's replacement is to be named June 26. **Whitfield**, who earned $62,545, filled in for Coffin until April, when she gave up the temporary post after clashing with Mayor Nancy Graham. Graham questioned **Whitfield's** friendship with a principal in a company that received an $18 million contract to build a police station.

The Palm Beach Post
April 17, 1992

West Palm counsel steps down
Lawyer dropped from station suit
Author: Joel Engelhardt

Acting City Attorney **Lynn Whitfield** resigned her post Monday after being relieved of legal responsibility for construction of a new city police station. Mayor Nancy Graham said she hired outside counsel to oversee litigation over the police station contract because **Whitfield** is a close friend of Ann McNeill, a partner in the joint venture that won the $18.6 million job. McNeill is chief executive officer of MCO Construction of Miami, which is a 25 percent partner in the project with Federal Construction of St. Petersburg. **Whitfield**, who was promoted to deputy city attorney in October, said Thursday that she would have removed herself from the case at any point that she felt her friendship with McNeill impaired her decision-making ability. In resigning the post, **Whitfield** gives up a $3,141 pay raise. She returns to the position of deputy city attorney at an annual salary of $62,545.

Graham said she is still committed to reducing city payments to outside counsel. But she said she had no other choice because without **Whitfield**, the city's legal staff could not handle the case. **Whitfield**'s decision leaves the City Attorney's Office without a director. The job will rotate among four of the office's five lawyers. Former City Attorney Carl Coffin will not be part of the rotation. Coffin resigned under pressure on Feb. 11 after 13 years as city attorney. He works in an undefined capacity roughly equivalent to an assistant city attorney. He retains his $81,993 salary. Graham sought Coffin's resignation, linking it to the city's mishandling of instructions to bidders on the police station contract.

The City Commission awarded the contract Feb. 3 to Federal/MCO, the sixth- highest bidder, based on its level of minority business involvement. Centex Rooney Construction, the low bidder at $17.77 million, sued the city over the award. Until last week, **Whitfield** oversaw the city's legal defense. On April 10, Graham hired the law firm Steel Hector & Davis to handle the litigation. The firm also will review contracts with subcontractors and monitor construction, reporting to the mayor and city manager. Graham is considering six candidates for the city attorney job. She plans to narrow the list to three on May 1 and select someone by May 15, said her assistant, Susan Olson.

None of the candidates is from Palm Beach County, Graham said. Some were among candidates identified by an executive search firm for a recent opening for county attorney. The county paid the firm about $11,000. The county selected Tampa lawyer Joe Mount on April 2. The other two finalists were assistant Palm Beach County attorneys. They will not be considered, Graham said. While the city's five attorneys will continue dividing the office work, no attorney is yet assigned to counsel the City Commission at its Monday meeting, Graham said. The duty will rotate among **Whitfield** and the three assistant city attorneys: Saul Smolar, Elizabeth McBride and Amy Diem.

October 10, 1991

Department of Transp. v. Konney

Annotate this Case
587 So. 2d 1292 (1991)

DEPARTMENT OF TRANSPORTATION, Petitioner, v. Loretta KONNEY, etc., et al., Respondents. PALM BEACH COUNTY, Petitioner, v. Loretta KONNEY, etc., et al., Respondents.

Nos. 75180, 75241.
Supreme Court of Florida.

October 10, 1991.

Michael B. Davis, of Davis Hoy Carroll & Isaacs, P.A., West Palm Beach, for petitioner, State of Florida Dept. of Transp.
Christopher D. Mauriello, Asst. County Atty., West Palm Beach, for petitioner, Palm Beach County.
Richard L. Martens and Fletcher N. Baldwin, III of Boose Casey Ciklin Lubitz Martens McBane & O'Connell, West Palm Beach, for respondents.

Robert A. Butterworth, Atty. Gen. and Franz Eric Dorn, Deputy Asst. Atty. Gen., Tallahassee, amicus curiae for The Office of Atty. Gen.
Susan H. Churuti, County Atty., Clearwater, amicus curiae for Pinellas County.
John J. Copelan, Jr., County Atty., Alexander Cocalis, Chief Trial Counsel and Stephanie W. Werner, Asst. County Atty., Fort Lauderdale, amicus curiae for Broward County.
Robert R. Warchola, Asst. County Atty., Tampa, amicus curiae for Hillsborough County.

*1293 Charlene V. Edwards, Asst. City Atty., Tampa, amicus curiae for City of Tampa.
V. Lynn Whitfield, West Palm Beach, amicus curiae for City of West Palm Beach.
Phillip C. Gildan of Nason, Gildan, Yeager, Gerson & White, P.A., West Palm Beach, amicus curiae for The Academy of Florida Trial Lawyers.
OVERTON, Justice.

[CB&A Note: The remainder of the case can be read here:
https://law.justia.com/cases/florida/supreme-court/1991/75180-0.html

The Palm Beach Post
December 7, 1990

West Palm may strengthen loitering law to fight drug sales
Author: Angela Bradbery

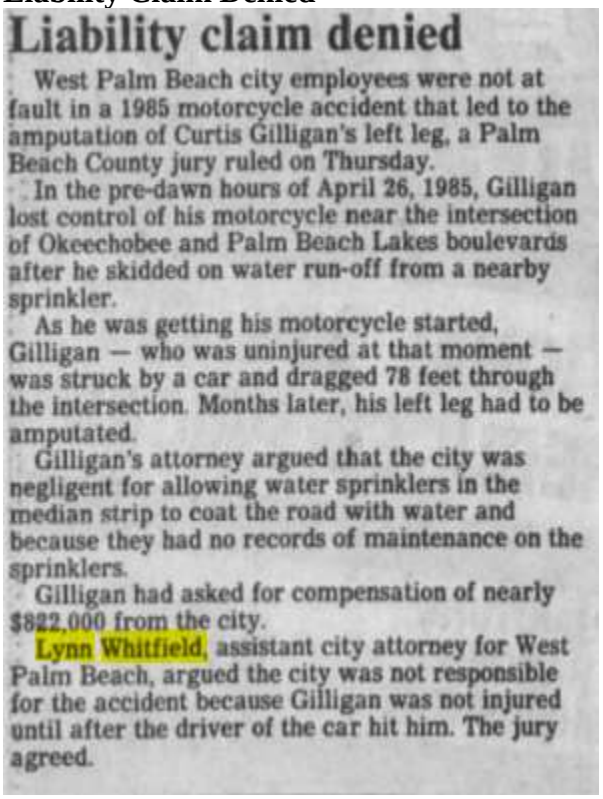
City officials are considering adopting a law identical to a controversial Tampa measure that allows police to arrest people for loitering if they appear to be selling or using drugs. The ordinance, to be considered Monday by the West Palm Beach City Commission, would beef up the city's present loitering law and allow police to arrest anyone who loiters "in a manner . . . manifesting the purpose of illegally using, possessing, transferring or selling" drugs. The law says police should consider someone a suspect if the person is a known drug dealer and if the person repeatedly beckons to and stops passers-by as if to offer them drugs.

The American Civil Liberties Union questioned the law in Tampa. "The mere fact of standing on a street corner and approaching a vehicle does not mean you are manifesting the intent to deliver drugs," said Robyn Blumner, executive director of the ACLU of Florida. "You don't have to justify your presence in America." City officials say the law is not an excuse for police to harass people but a tool to clear dealers from the streets. Tampa adopted the ordinance in April 1989 because residents in drug- infested neighborhoods "were screaming and yelling, `Why can't you get these people off the street corners?' " Tampa police spokesman Steve Cole said. Now, confidence in the police has been restored in some drug-ridden communities, he said.

The law has been unsuccessfully challenged in Tampa several times and is now being considered by an appellate court, Tampa's Assistant City Attorney Ty Brown said. Opponents argue that the law invites arbitrary enforcement and that it gives police officers too much discretion in deciding who might be dealing drugs, Brown said. Courts upheld the law because it detailed specific circumstances that would give police cause to question someone, Brown said. West Palm Beach Assistant City Attorney **Lynn Whitfield** said the law guards against violating people's rights because officers are required to give suspects a chance to explain themselves. West Palm Beach now has a similar law prohibiting loitering for the purposes of prostitution, she said. Violating the law would constitute a misdemeanor punishable by a fine of up to $500 and a jail term of up to 60 days.

Sun Sentinel
December 11, 1987

Liability Claim Denied



Liability claim denied

West Palm Beach city employees were not at fault in a 1985 motorcycle accident that led to the amputation of Curtis Gilligan's left leg, a Palm Beach County jury ruled on Thursday.

In the pre-dawn hours of April 26, 1985, Gilligan lost control of his motorcycle near the intersection of Okeechobee and Palm Beach Lakes boulevards after he skidded on water run-off from a nearby sprinkler.

As he was getting his motorcycle started, Gilligan — who was uninjured at that moment — was struck by a car and dragged 78 feet through the intersection. Months later, his left leg had to be amputated.

Gilligan's attorney argued that the city was negligent for allowing water sprinklers in the median strip to coat the road with water and because they had no records of maintenance on the sprinklers.

Gilligan had asked for compensation of nearly $822,000 from the city.

Lynn Whitfield, assistant city attorney for West Palm Beach, argued the city was not responsible for the accident because Gilligan was not injured until after the driver of the car hit him. The jury agreed.

The Miami Herald
October 27, 1987

Legal meeting recalls fight for civil rights
Author: Mark Kriegel

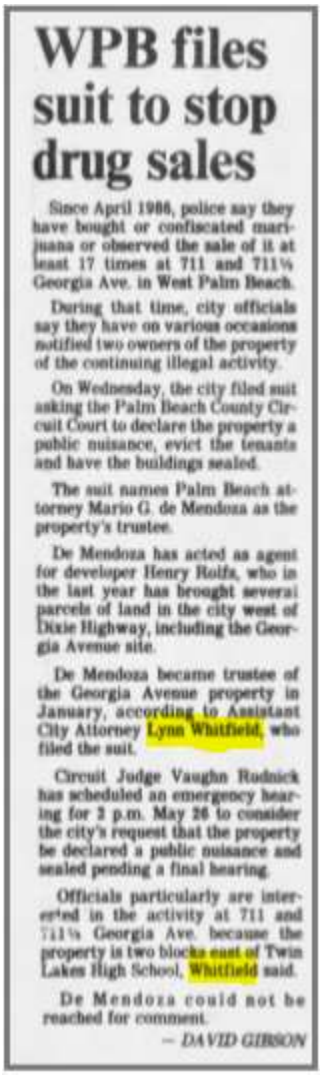
Members of two county lawyers' groups -- one black, the other Jewish -- met Monday evening in the hope of re- establishing ties that proved vital to the civil rights movement two decades ago. "There was too much headway made in the late '60s and early '70s for us to let (racism) creep back into our society," said **Lynn Whitfield**, assistant city attorney for West Palm Beach and president of the F. Malcolm Cunningham Sr. Bar Association, an organization of black lawyers in Palm Beach County. Monday's dinner meeting at the Airport Hilton in West Palm Beach, attended by about 150 local lawyers and judges, could be the first in a series of meetings sponsored by the Cunningham group and the B'nai B'rith's Norman J. Kapner Legal Unit, said Arlyne Warshall, the Kapner board member who organized the meeting.

Warshall, a civil rights lawyer, said she saw the need for such a meeting after listening to her own clients. "I've witnessed anti-Semitism and racism on the part of my own clients," she said. The meeting was not organized "to address any particular pressing problem," she said. One of the future issues the two groups might address is membership policies of the Kapner Unit itself. As a part of the B'nai B'rith, it is open only to Jews. Hugh Glickstein, the Kapner unit's president and a judge on the Fourth District Court of Appeal, tried to challenge the national policy and lost. In an interview before the meeting, Pat Clark, executive director of Klanwatch and the meeting's keynote speaker, gave an example of how the two lawyers' groups could work together.

B'nai B'rith lawyers, she said, came up with a key piece of evidence needed to win a $7 million settlement from the Ku Klux Klan in Alabama last February. The Southern Poverty Law Center filed suit against the Klan on behalf of Beulah Mae Donald, whose son, Michael, was lynched in 1981. Attorneys for Donald had to prove that Klan policy approved of lynching and murder. Lawyers from the B'nai B'rith's Anti-Defamation League uncovered a cartoon from a Klan periodical that depicted a black with his head in a noose. Clark said the effort by the law center and the Anti- Defamation League was "an example of what can be done" when civil rights groups work together.

Sun Sentinel
May 21, 1987

WBP files suit to stop drug sales



WPB files suit to stop drug sales

Since April 1986, police say they have bought or confiscated marijuana or observed the sale of it at least 17 times at 711 and 711½ Georgia Ave. in West Palm Beach.

During that time, city officials say they have on various occasions notified two owners of the property of the continuing illegal activity.

On Wednesday, the city filed suit asking the Palm Beach County Circuit Court to declare the property a public nuisance, evict the tenants and have the buildings sealed.

The suit names Palm Beach attorney Mario G. de Mendoza as the property's trustee.

De Mendoza has acted as agent for developer Henry Rolfs, who in the last year has brought several parcels of land in the city west of Dixie Highway, including the Georgia Avenue site.

De Mendoza became trustee of the Georgia Avenue property in January, according to Assistant City Attorney Lynn Whitfield, who filed the suit.

Circuit Judge Vaughn Rudnick has scheduled an emergency hearing for 2 p.m. May 26 to consider the city's request that the property be declared a public nuisance and sealed pending a final hearing.

Officials particularly are interested in the activity at 711 and 711½ Georgia Ave. because the property is two blocks east of Twin Lakes High School, Whitfield said.

De Mendoza could not be reached for comment.

— *DAVID GIBSON*

Fort Walton Beach Playground Daily News
July 22, 1983

Pensacola lawyer given 3 year suspension

Pensacola lawyer given 3-year suspension

From Staff and Wire Reports

TALLAHASSEE – The Florida Supreme Court on Thursday suspended a Pensacola lawyer from practicing law in the state for three years, saying the attorney improperly used trust funds.

The court also disbarred a North Palm Beach lawyer for allegedly importing marijuana.

The court said that Pensacola tax lawyer Daniel C. Perri operated several investment ventures for clients. He placed their funds in his firm's trust account. When some of the ventures suffered financial losses, Perri borrowed $127,446 from other trust accounts to cover the deficits, the court said.

In a separate case, the justices disbarred James E. Travelstead of North Palm Beach. Travelstead was charged with conspiring to import a large amount of marijuana. He was freed on bond and then failed to appear for a bond hearing, the justices said.

Travelstead also failed to appear at his disciplinary hearing, the court said, suggesting he has fled to escape prosecution.

The court also suspended Vennie Lynn Whitfield, a Miami lawyer, from the practice of law for six months.

While working as an assistant state attorney, Whitfield allegedly informed someone under criminal investigation about the probe. She also allegedly made false statements to an undercover agent about cocaine.

Research Compiled by: Tammie Browder
Colin Baenziger & Associates