

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

Section 9

Gary K. Oldehoff

*Fort Pierce City Attorney
Candidate Report*

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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.

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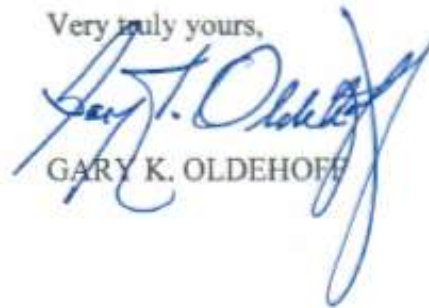
Honorable Mayor and Commissioners
October 17, 2018
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I have lived on the Treasure Coast in Stuart since 1989. My firm's senior partner recently passed away after a brief illness. This event has prompted me to relocate closer to home.

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 Attorney 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

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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

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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.

GARY K. OLDEHOFF

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

GARY K. OLDEHOFF

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.

GARY K. OLDEHOFF

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 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

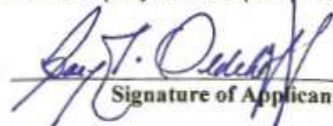
Name of Applicant: GARY K. OLDEHOFF

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
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 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
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 SEE ATTACHED
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

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

**Reference Notes
Gary K. Oldehoff**

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.

**Reference Notes
Gary K. Oldehoff**

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.

Reference Notes
Gary K. Oldehoff

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.

**Reference Notes
Gary K. Oldehoff**

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.

**Reference Notes
Gary K. Oldehoff**

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.

**Reference Notes
Gary K. Oldehoff**

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.

Reference Notes
Gary K. Oldehoff

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.

Reference Notes
Gary K. Oldehoff

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.

**Reference Notes
Gary K. Oldehoff**

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

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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

Internet – Newspaper Archives Searches**Gary K. Oldehoff***(Articles are in reverse chronological order)*

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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 Culverhouse'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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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 Culverhouse, 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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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, Culverhouse'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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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 Ayeck'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 Ayeck 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

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches**Gary K. Oldehoff***(Articles are in reverse chronological order)*

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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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?"

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Gary K. Oldehoff

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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

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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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

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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

Internet – Newspaper Archives Searches**Gary K. Oldehoff***(Articles are in reverse chronological order)*

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.

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Gary K. Oldehoff

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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

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Gary K. Oldehoff

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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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

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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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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."

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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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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,

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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."

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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:

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Gary K. Oldehoff

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*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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

"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."

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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

Internet – Newspaper Archives Searches**Gary K. Oldehoff***(Articles are in reverse chronological order)*

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." Armstrong 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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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."

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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."

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

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Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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. Guthrie'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.

Internet – Newspaper Archives Searches

Gary K. Oldehoff

(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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.

Internet – Newspaper Archives Searches
Gary K. Oldehoff
(Articles are in reverse chronological order)

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

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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.

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