

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

August 17, 2017

Donna Malphurs, Agency Clerk  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(eServed)

Re: LINDA YATES vs. KATHY SCHURE, DOAH Case No. 17-1593F

Dear Ms. Malphurs:

On August 11, 2017, Linda Yates filed Petitioner's Request of Correction to Petitioner's Exhibits Admitted into Evidence. The request filed by Ms. Yates notes that her Exhibit 5 was misidentified in the record as Exhibit 15, and she requests that the record reflect that her Exhibit 5 was admitted into evidence. Ms. Yates is correct that Exhibit 5 was misidentified and that Exhibit 5 was indeed admitted into evidence. Petitioner's Exhibit 15 was not admitted into evidence. Please ensure that the record reflects the above.

Sincerely,

LINZIE F. BOGAN  
Administrative Law Judge

LFB/ld

cc: Kathy Schure (eServed)  
Linda M. Yates (eServed)  
Amy McKeever Toman, Executive Director (eServed)

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

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**PETITIONER'S REQUEST OF CORRECTION TO PETITIONER'S  
EXHIBITS ADMITTED INTO EVIDENCE**

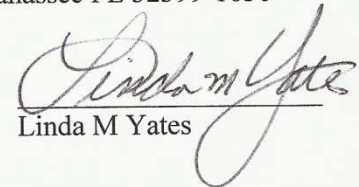
On August 10, 2017 I received by U.S. mail from Claudia LLado, Clerk of the Division, a letter regarding petitioner's exhibits which were not admitted into evidence with enclosure of such exhibits. In error Exhibit # 5, the meeting minutes of October 25, 2016, was enclosed however this exhibit was in fact admitted. It is stated in the official transcript on page 187 lines 13-25 and page 188 lines 1-9 that Judge Bogan erroneously stated that he was admitting Exhibit 15 but the Exhibit being offered and admitted was Exhibit 5. Petitioner, Linda Yates, hereby submits this request to the Division of Administrative Hearings to correct the record of Petitioner's Exhibit #5 as admitted into evidence which is attached hereto.



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

CERTIFICATE OF SERVICE

I, Linda M. Yates hereby certify that a copy of this Petitioner's request of correction to Petitioner's exhibits admitted into evidence is being furnished this 11th day of August, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Florida Elections Commission, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates



## City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

- EXHIBIT 5

### Meeting Minutes - Final City Commission Regular Meeting

#### CITY COMMISSIONERS

*Jacqueline Moore, Mayor*  
*Rhonda Y. DiFranco, Vice-Mayor*  
*Cheryl Cook, Commissioner*  
*Tom Jones, Commissioner*  
*Linda M. Yates, Commissioner*

#### APPOINTED OFFICIALS

*Jonathan R. Lewis, City Manager*  
*Mark Moriarty, City Attorney*  
*Patsy Adkins, City Clerk*

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Tuesday, October 25, 2016

10:00 AM

CITY COMMISSION CHAMBERS

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### MINUTES APPROVED AT THE 11-22-2016 MEETING.

#### CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 10:00 a.m. in City Chambers by Mayor Moore.

Present: Mayor Moore; Vice-Mayor DiFranco; Commissioner Cook; Commissioner Jones; Commissioner Yates; City Manager Lewis; Assistant City Manager Schult; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale; and Police Chief Vespia.

**A moment of silence was observed followed by the Pledge of Allegiance led by the Commission.**

#### APPROVAL OF AGENDA – COMMISSION

Vice-Mayor DiFranco requested removing Agenda Item 6.F., from the agenda because direction was provided at the last Commission Meeting and further discussion is not needed. Commissioner Cook did not provide a reason for pulling Agenda Item 6.G., but agreed that Item 6.F., should be pulled from the agenda.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve the Agenda, pulling item 6.F., and 6.G.***

Discussion ensued: (1) after Commissioner Yates stated that item 6.F. should not be pulled from the agenda because it requires Commission action to insure that the Unified Land Development Code (ULDC) Section 29-7(o) is executed properly, City Attorney Moriarty stated that actions by the Commission should be in writing and it was unknown whether the minutes reflecting that direction would be prepared in time. As a precaution to comply with the Unified Land Development Code (ULDC) Section 29-7(o), the City Manager placed the item on the agenda due to potential technicalities being raised defining the "polling place" and it was determined that it was cleaner to put the direction in writing to be 100% consistent with the ULDC so no one could dispute the Commission's intent; (2) as a point of order, it was requested to not allow debate about

the item.

*A motion was made by Commissioner Yates, to amend the motion to not remove Agenda Item 6.F.*

As a point of order, Vice-Mayor DiFranco stated that according to Parliamentary Procedures, the motion was hostile to the main motion and cannot not be allowed.

*A vote was taken on the motion to approve the Agenda, pulling item 6.F., and 6.G. The motion failed by the following vote with Mayor Moore, Commissioner Jones, and Commissioner Yates dissenting. Only Commissioner Yates provided reasons for dissenting:*

**Yes:** 2 - Vice-Mayor DiFranco and Commissioner Cook

**No:** 3 - Mayor Moore, Commissioner Jones and Mayor Yates

*A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to remove Agenda Item 6.G. The motion carried by the following vote with Commissioner Cook dissenting for reasons previously stated:*

**Yes:** 4 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Jones and Mayor Yates

**No:** 1 - Commissioner Cook

## **1. ANNOUNCEMENTS**

**A. 16-0610** Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record.

**B. 16-0611** Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expirations for Boards and Committees into the record.

## **2. PUBLIC COMMENT:**

Public comment was held 10:14 a.m. -- 10:25 a.m.

## **3. CONSENT AGENDA:**

*A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve the Consent Agenda as presented.*

Commissioner Yates requested to pull Consent Agenda Item 3.B. for discussion.

*A motion was made by Commissioner Yates, seconded by Mayor Moore, to amend the motion, pulling Consent Agenda Item 3.B. for discussion. The motion*

*carried by the following vote, with Commissioner Cook and Commissioner Jones dissenting. Neither provided reasons for dissenting:*

- Yes:** 3 - Mayor Moore, Vice-Mayor DiFranco and Mayor Yates  
**No:** 2 - Commissioner Cook and Commissioner Jones

Commissioner Jones stated the City could have built a nice pool for the money that is allocated for the Spring Haven Drive improvements.

*A vote was taken on the main motion as amended, to approve the Consent Agenda, pulling item 3.B. for discussion. The motion carried by the following vote with Commissioner Cook and Commissioner Jones dissenting but did not provide reasons for dissenting:*

- Yes:** 3 - Mayor Moore, Vice-Mayor DiFranco and Mayor Yates  
**No:** 2 - Commissioner Cook and Commissioner Jones

- A. 16-0612 Approval of Minutes for the September 8, 2016 Commission Special Meeting Budget Hearing; September 22, 2016 Commission Special Meeting Budget Hearing.
- B. 16-0452 Contract for Transfers of Dog Template  
City Manager Lewis provided a review of the template agreement for transfer of ownership when a canine member of the Police Department retires: [a] any changes in the agreement would require Commission approval; [b] the surplus position will have to come to Commission according to the City's Fixed Asset Policy; [c] the process includes Commission approval of the canine retirement, and then the template is used to execute the Agreement. There was no public comment and no questions from the Commission.  
*A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Yates, to approve the Contract for Transfers of Dog Template. The motion carried by the following vote:*  
**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates
- C. 16-0480 Supplemental Agreement No. 1 to Contract 2016-02 with Charlotte Engineering & Surveying, Inc. for the Spring Haven Boulevard, Pan American Boulevard to Butler Park Access Drive Professional Services Agreement in the amount of \$23,033.00.
- D. 16-0581 Utilize other agency's agreements for the procurement of twenty-two (22) replacement and three (3) new vehicles for the Police Department in the amount of \$692,896.88.
- E. 16-0585 Memorandum of Agreement between the Florida Bureau of Federal Property Assistance and the North Port Police Department and the State Plan of Operations between the State of Florida and the North Port Police Department.

- F. 16-0586 Utilize Ad-Vance Recruiting, LLC for temporary employment services for a total estimated amount of \$483,650 in FY 2016-2017

#### **4. PUBLIC HEARINGS:**

- A. 16-0595 Ordinance No. 2016-35, second reading, amending the Fiscal Year 2015-2016 Non-District Budget.

City Clerk Adkins read Ordinance No. 2016-35 into the record by title only and City Manager Lewis provided a brief review of the projects requiring funding: (1) \$15,000 from the Tree Fund, Undesignated Reserve, for trees relating to the Sumter Boulevard project; and (2) \$31,568 from the Fund Balance, Warm Mineral Spring Funds, to be allocated for the Pilot Project extending the evening hours this past summer. There was no public comment.

Following a comment, City Manager Lewis confirmed that the proposed \$31,568 funding was generated from Warm Mineral Springs revenue for use toward Warm Mineral Springs projects.

*A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Ordinance No. 2016-35. The motion carried by the following vote:*

- Yes: 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

#### **5. RESOLUTIONS**

- A. 16-0567 Resolution 2016-R-27, North Port Library Parking Easement, granting an easement within City of North Port right-of-way to Sarasota County for the use of parking for the North Port Public Library along US 41.

City Clerk Adkins read Resolution No. 2016-R-27 into the record by title only and City Manager Lewis introduced Ms. Sara Beth Kalajian, Director of Sarasota County Libraries & Historical Resources, who provided a PowerPoint overview of the request for approval of the easement needed for the expanded parking at the North Port branch of the Sarasota County Public Library, to allow for 23 parking spaces along the frontage road. Ms. Kim Humphrey, Manager, Sarasota County Capital Projects, and Mr. Kevin Rainey, Southwest Engineering and Design, were present to answer questions. There was no public comment.

Questions ensued: (1) Ms. Kalajian reported that, currently, the project is being bid, with an anticipated contract in two months. Thereafter, construction will take 150 days; (2) Mr. Rainey confirmed that the angled parking location is next to the access road; (3) City Manager Lewis stated that this project is not connected with other on-going City angled parking improvements along U.S. 41. The City's project is also ready to go out for bids and will not conflict with the library parking enhancements; (4) Mr. Rainey stated that the lower parking lot experiences standing water issues during the rainy season and will necessitate closure of parking for a short duration; (5) it was reported that a letter was received correcting the lease from a 5-year Agreement to a 25-year Agreement; and Sarasota County will maintain the parking area, lights and sidewalks. Commissioners expressed appreciation for the project.

*A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve Resolution No. 2016-R-27. The motion carried by the following vote:*

- Yes: 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

**6. GENERAL BUSINESS:****A. 16-0589 Amended and Restated Tenant Lease Agreement for Sarasota County Health Department**

City Manager Lewis reported this is a new document that incorporates the changes Commission direction from the September 27, 2016 Meeting, that in the event an Agreement is changed and requires Commission review and approval, it will include the breakdown of cost per square foot and the total annual lease amount, listing monthly payments. General Services Director Carmichael was present to answer questions. There was no public comment and no questions from the Commission.

*A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve the first amended and restated Tenant Agreement with the Sarasota County Health Department. The motion carried by the following vote:*

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

**B. 16-0583 Discussion and possible action regarding awarding funds from the Special Event Assistance Program to the American Cancer Society Relay for Life, North Port in the amount of \$1,000.00 to cover the cost of renting the City Center Green.**

City Manager Lewis provided a brief review of the City's policy concerning sponsorship of special events, and introduced Zoning Coordinator Willette-Grondin, who provided an overview of the current application, correcting the event date as April 29, 2017, and noted the Certificate of Liability was updated and added to the record. Mr. Sean Duade, Community Manager for American Cancer Society's the Relay of Life for North Port, Myakka City and Venice, was present to answer questions. There was no public comment.

Questions ensued: (1) Ms. Willette-Grondin clarified that the \$1,000 is for City services and offsets the cost of renting the City Center Green; (2) City Manager Lewis stated that the Special Event Assistance Program Fund is replenished at the first of every fiscal year and the Commission could choose to allocate less funding; (3) Mr. Duade stated the Relay for Life has similar arrangements with other communities and in exchange for the funds awarded, a \$1,500 Sponsorship Package is given to the City, as stated in the backup material; (4) the event is from 3:00 p.m. to 11:00 p.m.; (5) Commissioner Cook agreed with the event but favored awarding half the amount because the budget year has just begun.

*A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the American Cancer Society Relay for Life North Port request for funding assistance through the Special Event Assistance Program in the amount of \$1,000. The motion carried by the following vote with Commissioner Cook dissenting for reasons previously stated:*

**Yes:** 4 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Jones and Mayor Yates

**No:** 1 - Commissioner Cook

**C. 16-0603 Myakkahatchee Creek Environmental Park Connector Bridge Painting**

City Manager Lewis provided a brief request for direction from the Commission, stating the original project did not include painting. Because the project's final expenditures were under budget, there is funding available if approved by the Commission. There

was no public comment.

Questions ensued: (1) the total cost to paint the bridge is \$14,800 and may be allocated from the original contingency amount; (2) the last coat of paint is a clear anti-graffiti sealer because it is easier to clean; (3) Neighborhood Development Services Project Manager Spurduto stated that it is possible to allow murals painted on the bridge by following the same process with the last coat being the sealer; (4) for the record, painting the bridge to replicate a wooden-type structure would exceed the funding amount in the existing contract, but future community-funded sources might explore such a course; (5) a painted floor does not provide good traction and was not recommended as part of the project.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Jones, to approve the recommendation to paint the Myakkahatchee Creek Environmental Park Connector Bridge. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

**D. 16-0600** Discussion, and possible action regarding appointment of one Member to the Fire Fighters Pension Board of Trustees.

City Clerk Adkins provided a review of the current vacancy on the North Port Firefighters' Pension Board of Trustees, and requested Commission consideration of the appointment. There was no public comment and no questions from the Commission.

***A motion was made by Commissioner Yates, seconded by Commissioner Cook, to approve the appointment of James Mello, Jr., as the North Port Resident appointed by the Commission to the Firefighters' Pension Board of Trustees. The motion carried by the following vote with Mayor Moore dissenting due to the Board's difficulty in filling vacated spaces and stated that firefighters tend to be more consistent in their attendance at meetings.***

**Yes:** 4 - Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

**No:** 1 - Mayor Moore

**E. 16-0601** Discussion and possible action regarding appointment of two Youth members to the Art Advisory Board.

City Clerk Adkins provided a brief review of the vacancies and applicants for the Art Advisory Board for Commission consideration. There was no public comment. There were no questions from the Commission.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Mr. Melron and Mr. Matthews as the Youth Members of the Art Advisory Board for a second term. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Mayor Yates

**F. 16-0607** Direction to City Manager regarding Section 29-7 (o), Unified Land Development Code for November 8, 2016, signs at City Hall Complex and the Butler Park/Morgan Center Complex

City Manager Lewis presented a brief review, that on Election Day, November 8, 2016, all sign regulations found in the City's Unified Land Development Code will not be enforced by staff at the City Hall complex and the Butler Park/Morgan Center complex.



Thereafter, on November 9, 2016, staff will resume enforcing those sign regulations. There was no public comment.

Questions ensued: (1) City Manager Lewis confirmed that this action satisfies the requirements ULDC Section 29-7(o) and is consistent with Commission direction; (2) Commissioner Cook will not support a motion to suspend this Code Enforcement action because this is specific to Election Day, and voiced concerns that it sets precedence where the Commission cannot deny future requests from individuals or entities to suspend regulations at any time.

*A motion was made by Commissioner Yates, seconded by Mayor Moore, to approve the written plan pursuant to Section 29-7 (o) of the Unified Land Development Code. The motion carried by the following vote with Commissioner Cook dissenting for reasons stated:*

**Yes:** 4 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Jones and Mayor Yates

**No:** 1 - Commissioner Cook

- G. 16-0605** Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 16, 2016.

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

#### **7. PUBLIC COMMENT:**

Public comment was held from 11:20 a.m. -- 11:27 a.m.

#### **8. SCHEDULING OF WORKSHOPS:**

There were no workshops requested.

#### **9. COMMISSION REPORTS:**

Mayor Moore attended: (1) the Careers Edge Funders' Collaborative Update on October 21, 2016, sponsored by the United Way; (2) the Council of Governments meeting on October 13, 2016; (3) the Sarasota County Economic Development Corporation meeting on October 20, 2016; and (4) the Sarasota/Manatee Metropolitan Planning Organization meeting on October 24, 2016.

Commissioner Yates attended: (1) the National School Lunch Week at Cranberry Elementary on October 14, 2016; (2) the Mock Commission Meeting on October 18, 2016; (3) a National League of Cities Webinar; (4) the North Port Chamber of Commerce luncheon for departing County Commissioners and City Commissioners; (5) the Sarasota/Manatee Metropolitan Planning Organization meeting on October 24, 2016;

Mayor Moore requested but did not receive a consensus to reschedule the November 8, 2016 Commission Regular Meeting, due to it being on Election Day.

Mayor Moore will officially communicate her last day to serve as a Commissioner.

#### **10. ADMINISTRATIVE AND LEGAL REPORTS:**

City Manager Lewis announced: (1) staff scheduled October as Cyber Security Month

and scheduled a general Cyber Security Information Session on Wednesday, October 26, 2016 at City Hall at 11:00 a.m. and 6:00 p.m.; (2) City Hall's annual Halloween Trick or Treat event Friday, October 28, 2016 from 5:00 p.m. to 8:00 p.m.; (3) referencing two public comments, City Manager Lewis reported that staff does not govern the Commission. A 2011 Workshop was cited, where the governing body adopted a Governance Guide, stating it is the procedure of the Commission that if a Commissioner wanted an item on the agenda, it would be added to the agenda. In subsequent Commission meetings, it was stated that "the City Manager sets the agenda and any Commissioner may place an item on the agenda when submitted in writing with backup material." The Commission may amend the process or Ordinance on meeting procedures, but that has been the practice before City Manager Lewis was hired and has been the practice since then; (4) clarification was provided that the quotations were from a verbatim of the 2011 Commission Workshop and that the Governance Guide was adopted as a work product.

**11. ADJOURNMENT:**

Mayor Moore adjourned the North Port City Commission Regular Meeting at 11:51 a.m.

City of North Port, Florida

By: \_\_\_\_\_  
Linda M. Yates, Mayor

Attest: \_\_\_\_\_  
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2016.

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

August 08, 2017

Kathy Schure  
3720 West Price Boulevard  
North Point, Florida 34286

Re: LINDA YATES vs. KATHY SCHURE, DOAH Case No. 17-1593F

Dear Ms. Schure:

Enclosed please find Respondent's Exhibits, which were not admitted into evidence, in the above-referenced closed case, and should be filed with your records.

If you have any questions, please feel free to contact me.

Sincerely,

CLAUDIA LLADÓ  
Clerk of the Division

/cl

Enclosures

cc: Linda M. Yates (w/o Encs.)

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
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**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
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Judges of Compensation Claims

August 08, 2017

Linda M. Yates  
6475 Munsing Avenue  
North Port, Florida 34291

Re: LINDA YATES vs. KATHY SCHURE, DOAH Case No. 17-1593F

Dear Ms. Yates:

Enclosed please find Petitioner's Exhibits, which were not admitted into evidence, in the above-referenced closed case, and should be filed with your records.

If you have any questions, please feel free to contact me.

Sincerely,

CLAUDIA LLADÓ  
Clerk of the Division

/cl

Enclosures

cc: Kathy Schure (w/o Encs.)

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

Case No. 17-1593F

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

RECOMMENDED ORDER

Pursuant to notice, a final hearing in this cause was held by video teleconference between sites in Sarasota and Tallahassee, Florida, on June 14, 2017, before Linzie F. Bogan, Administrative Law Judge of the Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioner: Linda M. Yates, pro se  
6475 Munsing Avenue  
North Port, Florida 34291

For Respondent: Kathy Schure, pro se  
3720 West Price Boulevard  
North Port, Florida 34286

STATEMENT OF THE ISSUE

Whether Petitioner is entitled to costs and reasonable attorney's fees pursuant to section 106.265(6), Florida Statutes (2016),<sup>1/</sup> and Florida Administrative Code Rule 2B-1.0045.

PRELIMINARY STATEMENT

On August 22, 2016, Kathy Schure filed a complaint (Complaint) with the Florida Elections Commission (Elections Commission) against Linda M. Yates, who serves as an elected member of the North Port, Florida, city commission. The Complaint alleges that Ms. Yates committed "Sunshine Law and Ethics Violations." The Elections Commission dismissed the Complaint on the grounds that the Complaint alleges matters that are not within the jurisdiction of the Elections Commission. Following dismissal of the Complaint, Ms. Yates filed with the Elections Commission a Petition for Costs and Attorney's Fees wherein, pursuant to section 106.265 and rule 2B-1.0045(1), she seeks reimbursement of her expenses from Ms. Schure. Ms. Schure disputed the Petition for Costs and Attorney's Fees and the matter was forwarded to DOAH for formal hearing.

At the hearing, Ms. Yates testified and presented the testimony of six witnesses (including the testimony of Ms. Schure). Ms. Schure testified on her own behalf and called no other witnesses. Ms. Yates' Exhibits 2 through 4, 6, 7, 9, 10, 12 through 15, and 17 through 19 were admitted into evidence. Ms. Schure's Exhibits A through F, and I were admitted into evidence.

A Transcript of the formal hearing was filed on July 10, 2017. Ms. Yates filed a Proposed Recommended Order on July 20,

2017, and Ms. Schure filed what is titled "Final Argument" on July 17, 2017.

FINDINGS OF FACT

1. Linda Yates is an elected member of the city commission for North Port, Florida. Ms. Yates was first elected to the North Port city commission in 2010, and was re-elected to the same office in 2014.

2. On August 22, 2016, Kathy Schure, who at all times relevant hereto was a resident of the City of North Port, filed a Complaint with the Elections Commission alleging, in material part, the following:

Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.

\* \* \*

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use [of] personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 - Open Meetings Law and FL 119 - Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in "secret meetings and communications" with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

3. On the complaint form, Ms. Schure identified Ms. Yates as a "candidate" for the city commission for the City of North

Port. Although Ms. Yates was a member of the city commission on August 22, 2016, she was not a candidate for this office as noted by Ms. Schure in the Complaint.

4. The complaint form used by Ms. Schure to assert her allegations against Ms. Yates directs the complainant (Ms. Schure) to “[p]lease list the provisions The Florida Elections Code that you believe the person named above may have violated [and that] [t]he Commission has jurisdiction only to investigation [sic] . . . **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes.**”

5. The Complaint filed by Ms. Schure makes no reference to chapter 104, chapter 106 or section 105.071. The Complaint does, however, reference chapters 286 and 119, Florida Statutes, and case law dealing with Florida’s open government laws.<sup>2/</sup>

6. By correspondence dated August 25, 2016, the Elections Commission informed Ms. Yates that Ms. Schure filed a complaint against her and that she had “14 days after receipt of the complaint to file an initial response,” and that the Elections Commission would “not determine the legal sufficiency of the complaint” until expiration of the referenced 14-day response period.

7. On August 28, 2016, Ms. Yates hired Douglas A. Daniels, Esquire, an attorney in good standing with The Florida Bar, to represent her before the Elections Commission. Mr. Daniels



charged Ms. Yates \$400.00 per hour for work related to the Complaint filed by Ms. Schure.

8. By correspondence dated October 20, 2016, the Elections Commission informed Ms. Schure of the following:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. I have reviewed your complaint and find it to be legally insufficient.

This complaint was received by the Florida Elections Commission on August 22, 2016. The cover page, which was an FEC complaint form, named Linda Yates as the Respondent. Attached to the complaint form was [a] second complaint form indicating a different Respondent (Jacqueline Moore), as well as a narrative of the allegations against Ms. Yates. You did not indicate anywhere in the documents that you intended to file two complaints, so the Commission accepted the entire document as a complaint against Respondent Linda Yates.

The essential allegations of your complaint are that Respondent violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient.

If you have additional information to correct the stated grounds(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an

additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

9. Ms. Schure offered no additional information in support of her allegations and the Elections Commission, by correspondence dated December 30, 2016, informed Ms. Yates that the Complaint was dismissed due to legal insufficiency.

#### CONCLUSIONS OF LAW

10. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. §§ 120.569 and 120.57(1), Fla. Stat.

11. As the party asserting entitlement, Petitioner has the burden to prove "by clear and convincing evidence" that an award of attorney's fees and costs is appropriate pursuant to section 106.265(6). See Dep't of Banking & Fin. v. Osborne Stern & Co., 670 So. 2d 932, 934 (Fla. 1996); Dep't of Transp. v. J.W.C. Co., 396 So. 2d 778, 787 (Fla. 1st DCA 1981).

12. Section 106.265(6) and rule 2B-1.0045 provide for an award of attorney's fees and costs in certain actions brought before the Elections Commission. Section 106.265(6) provides, in part, as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of

the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

13. Further, rule 2B-1.0045(1) provides:

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapter 104 or 106, F.S., the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the complaint, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

14. In Brown v. Commission on Ethics, 969 So. 2d 553 (Fla. 1st DCA 2007), the court interpreted section 112.317(8), Florida Statutes (current version at section 112.317(7)), which contains language that is in material part identical to that found in section 106.265(6). As an initial matter, the opinion holds that the person seeking attorney's fees does not have to prove that the complainant acted with actual malice when filing the

complainant. Next, the court established that the elements of a claim by a public official for attorney's fees are: (a) the complaint was made with a malicious intent to injure the official's reputation; (b) the person filing the complaint knew that the statements about the official were false or made the statements about the official with reckless disregard for the truth; and (c) the statements were material.

15. In Hadeed v. State, 208 So. 3d 782 (Fla. 1st DCA 2016), Al Hadeed, in his capacity as attorney for the Flagler County Board of County Commissioners, and Dennis McDonald, in his capacity as a Flagler County commissioner, each sought costs and attorney's fees under section 112.317(7) after the Ethics Commission dismissed as "legally insufficient" complaints filed against them by concerned citizens. Specifically, the Ethics Commission rejected the complaints as legally insufficient because "neither established grounds for an ethics violation." Id. at 783. On appeal, the court affirmed the dismissal of the claim for costs and attorney's fees, in part, on the grounds that recovery is not allowed "where knowingly false allegations are maliciously made to injure a public official's reputation on matters *immaterial* to an ethics violation." Id. at 785. In other words, section 112.313(7) "requires that the false allegations be 'material' to an ethics violation to be actionable for costs and fees." As the court noted, "[f]alsely calling

someone a terrorist or child abuser is of no moment under section 112.317(7) unless the false allegation is 'material' to violation of Florida's Code of Ethics." Id. at 784. Hadeed is persuasive, if not controlling, in resolving the instant dispute.

16. In correspondence dated October 20, 2016, from the Elections Commission to Ms. Schure, the Elections Commission noted that,

The essential allegations of [the] complaint are that [Ms. Yates] violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient."

17. Having reviewed the allegations of the underlying Complaint that Ms. Schure filed against Ms. Yates with the Elections Commission, it is not necessary to address the veracity of the allegations because they are framed exclusively within the context of chapters 119 and 286, neither of which falls within the jurisdiction of the Elections Commission.<sup>3/</sup> Ms. Schure's allegations that Ms. Yates violated chapters 286 and 119 are immaterial to whether Ms. Yates violated chapters 104 and 106, which respectively deal with elections requirements and matters related to campaign finance. Therefore, in accordance with Hadeed, Ms. Yates is not entitled to recover her fees and costs

because Ms. Schure's allegations against her are immaterial to any purported violation of either chapter 104 or 106.<sup>4/</sup>

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Elections Commission enter a final order denying the Petition for Costs and Attorney's Fees.

DONE AND ENTERED this 7th day of August, 2017, in Tallahassee, Leon County, Florida.



---

LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 7th day of August, 2017.

ENDNOTES

<sup>1/</sup> All statutory references are to 2016 Florida Statutes, unless otherwise indicated.

<sup>2/</sup> The Complaint includes the following paragraph:

The complaint also relies on a significant body of Florida case law that has firmly established that "The clear policy the legislature has established for Florida is

simple to understand: to have the public's business carried out in public." City of Fort Myers v. News-Press Publishing Co., Inc., 514 So. 2d 408 (Fla. 2nd DCA 1987). The case law also establishes that "The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government.["] Krause v. Reno, 366 So. 2d 1244, 1250 (Fla. 1979), see also Zore v. City of Vero Beach, 722 So. 2d 891 (Fla. 4th DCA 1998); and the law is directed to: "frustrate all evasive devices["] Toen of Palm Beach v. Gradison, 296 So. 2d 473, 477 (Fla. 1974). And in part, "Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim." Gangloff v. Taylor, 758 So. 2d 1159 (Fla. 4th DCA 2000).

<sup>3/</sup> The court in Hadeed noted that the Ethics Commission found three allegations in the "hundreds of pages of inflammatory, disparaging, and conclusory allegations in the complaints" that "were material to possible ethics violations." Because of these material allegations, it was necessary for the court to determine "whether these factual allegations—stripped of the tacked-on hyperbolic legal conclusions that accompany them in the complaints—are false." No such analysis is necessary in the instant case because the complaint filed by Ms. Schure contains no factual allegations that are material to a possible violation of matters within the jurisdiction of the Elections Commission.

<sup>4/</sup> Ms. Yates argues that because Ms. Schure erroneously identified her on the complaint form as a "candidate," that this constitutes a material allegation with respect to either chapter 104 or 106. This assertion is not persuasive given that the substance of Ms. Schure's Complaint, as set forth in the "alleged violations" portion of the Complaint, clearly indicates that Ms. Schure is complaining about "Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012, to July 20, 2016." The fact that Ms. Schure erroneously identified Ms. Yates as a "candidate" for city commission is insufficient, in itself, to convert what is clearly a complaint about alleged "secret meetings and communication" into a complaint about violations of chapters 104 and 106.

COPIES FURNISHED:

Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286  
(eServed)

Linda M. Yates  
6475 Munsing Avenue  
North Port, Florida 34291  
(eServed)

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(eServed)

Donna Malphurs, Agency Clerk  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(eServed)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.



State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

August 7, 2017

Donna Malphurs, Agency Clerk  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(eServed)

Re: LINDA YATES vs. KATHY SCHURE, DOAH Case No. 17-1593F

Dear Ms. Malphurs:

The Recommended Order has been transmitted in electronic format to the registered eALJ users. Also, enclosed is the two-volume Transcript, together with the Petitioner's Exhibits numbered 2-4, 6, 7, 9, 10, 12-15, and 17-19 and the Respondent's Exhibits lettered A-F, and I. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by section 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order within 15 days of its rendition. Any exceptions to the Recommended Order filed with the agency shall be forwarded to the Division of Administrative Hearings with the Final Order.

Sincerely,

LINZIE F. BOGAN  
Administrative Law Judge

LFB/ld

Enclosures

cc: Kathy Schure (eServed)  
Linda M. Yates (eServed)  
Amy McKeever Toman, Executive Director (eServed)

Linzie F. Bogan  
Administrative Law Judge  
DOAH  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Re: Yates vs. Schure  
Case No. 17-001593F

July 31<sup>st</sup>, 2017

Dear Judge Bogan,  
I was a witness in the above case. I gave testimony on the date of the hearing.

On July 13<sup>th</sup>, 2017, during a recorded episode of Cheryl Cook's radio show, City Matters, broadcast on WKDW Radio 97.5 F.M., Cheryl Cook suggested that I, Cory Hutchinson, may have lied under oath during the hearing regarding case # 17-1593, Linda Yates v. Kathy Schure. She made specific mention of my involvement with social media, and accused myself of conspiring against her with another commissioner, and a commission candidate, at the time. I would like to have this on the docket, if possible, just to make sure that everyone is aware of the actions she took. I am not sure as to whether or not Ms. Cook is allowed to broadcast information about the hearing on her radio program, but regardless, I believe I have to right to defend myself against her accusations, and wish to submit this report so all parties are notified of Ms. Cook's actions.

Thank you for your attention.

Best regards,



Cory Hutchinson  
4168 Corydon Avenue,  
North Port, FL, 34286  
941-426-2672

July 20, 2017

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DIVISION OF  
ADMINISTRATIVE HEARINGS

Linzie F. Bogan  
Administrative Law Judge  
DOAH  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Re: Yates vs. Schure  
Case No.17-001593F

Dear Judge Bogan:

On June 14, 2017 I appeared as a witness in the above proceeding. At the time of my testimony you gave instruction for me not to discuss the case with anyone. As a result, I am writing to you to make you aware of a situation relating to my appearance on June 14.

Former Commissioner Cheryl Cook, who sat in with Kathy Schure that day, made several misleading and derogatory statements and accusations against myself and another witness, relating to our testimony in the matter, during her July 13, 2017 "City Matters" radio show she has on WKDW 97.5 FM in North Port, Florida. Ms. Cook does not record her shows (to my knowledge) unlike some of the hosts, however, I have preserved it should it be needed.

Thank you, in advance, for you attention.

Respectfully,

*Kathryn Lanza*

Kathryn Lanza  
2061 Brubeck Road  
North Port, Florida 34287  
518-225-3315

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

PETITIONER'S PROPOSED RECOMMENDED ORDER

Pursuant to notice, a final hearing was held in this matter before the Honorable Linzie F. Bogan, the assigned Administrative Law Judge of the Division of Administrative Hearings, on June 14, 2017 by video teleconference at sites in Sarasota and Tallahassee, Florida.

APPEARANCES

For Petitioner: Linda Yates  
6475 Munsing Avenue  
North Port, Florida 34286

For Respondent: Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286

STATEMENT OF THE ISSUE(S)

The issue in this proceeding is whether the Petitioner, Linda Yates is entitled to recover her attorney's fees and costs from Kathy Schure pursuant to Florida Statute Section 106.265 and Florida Administrative Code Rule 2B-1.0045 as a result of the complaint Ms. Kathy Schure filed with the Florida Elections Commission against Mrs. Linda Yates in August of 2016, and, if so, the amount of such attorney fees and costs.

## PRELIMINARY STATEMENT

On August 17, 2016, Complainant, Kathy Schure, executed a sworn Florida Elections Complaint form alleging Respondent Linda Yates was a candidate seeking the office of City Commissioner and had violated Florida's Election laws. That complaint was received by the Florida Elections Commission on August 22, 2016 with attachments of a second complaint form indicating a different respondent, Jacqueline Moore, as well as a narrative asserting violations of Sunshine and Ethics Laws. Without any indication by Schure that she intended to file two separate complaints the FEC accepted the entire document as an elections complaint against Linda Yates.

Schure's sworn complaint alleged Yates had violated election law chapters 104 or 106 and in the narrative attached to her complaint she did not address election law nor did she assert that any activities were in violation of election law. Rather, Schure specifically referenced the narrative in regards to Sunshine Law and Ethics Violations. The contents of Schure's narrative described activities she specifically cited violate F.S. 286 and F.S. 119 alleging that Yates since 2012 and Moore since 2015, both sitting commissioners, violated ethics laws, sunshine laws and public records laws. Schure took issue with Yates' KYI emails going so far as calling them "hidden messages" and "secret meetings" in violation of public records and sunshine laws. Schure's attached narrative totally focused on sections of law wholly outside of the FEC's jurisdiction; Schure knew this based on the notice on page 1 of her elections complaint form that she signed. Schure has a long standing hostility toward Yates. During Yates' reelection campaign in 2014 Schure disseminated Yates' foreclosure papers to bring discredit upon Yates' reputation.

Due to the potential implications of Schure's statements in order to protect her professional, political, and personal reputation, Yates was compelled to hire legal counsel to defend herself in light of Schure not only using a legal proceeding under the FEC to publish her accusations of Yates being a candidate that had violated election law but also due to Schure making allegations in her elections complaint that Yates was violating ethics laws, sunshine laws and public records laws.

Yates, through legal counsel, filed a response to the FEC complaint. Prior to the FEC's initial review for determination of legal sufficiency, on September 9, 2016 Schure delivered an altered copy of the complaint she had filed with the FEC to the North Port City Clerk for distribution to City Commissioners as a public record. A week later, since the document had not been distributed to City Commissioners yet, Schure called the City Clerk demanding that she do so. The City has no local laws providing the City Commission any authority over complaints filed alleging violations of state laws pertaining to elections, ethics, public records or sunshine. On October 18, 2016 Schure's altered FEC complaint that she delivered to the City was published by the City of North Port as an agenda item for discussion by the North Port City Commission as requested by Cheryl Cook, a longtime friend of Schure and an incumbent Commissioner who had lost her reelection in the City's primary election held on August 30, 2016. Cook's opponent, Mayor Jacqueline Moore, prevailed in that election. Yates incurred significantly more legal fees when Schure pushed for publicity of her FEC complaint and as a result, the placement of it on the City Commission's agenda all before the FEC had even completed its preliminary review of the complaint. Subsequent to the City publishing Schure's altered version of her FEC Complaint on the City's website, the Sarasota Herald Tribune published an article in print and on social media with attachment of Schure's altered FEC Complaint from the City's website. The subject generated public conversation and additional newspaper articles. The timing and placement

of Schure's altered FEC Complaint on the City Commission agenda served as a political ploy in October just weeks before the City's November election to erode voter confidence in the integrity of candidate Moore and to discredit Yates.

On October 20, 2016 the FEC sent a letter to Schure that her complaint against Yates alleging violations of Florida election law was found to be legally insufficient because the essential allegations in her complaint were that Yates had violated Chapter 286 open meetings law and Chapter 119 public records law, both of which are outside the Florida Elections Commission's jurisdiction that is limited to Chapters 104 and 106. Again that was known to Schure as stated right on the FEC Complaint form that she filled out. Schure had 14 days to provide the FEC additional information including the specific provisions of the Florida election code she believed to have been violated, copies of political advertisements or any other evidence to support her claim of election law violations, except hearsay. However, Schure provided nothing; no response, no documents and no request for more time. On December 30, 2016 the FEC closed the case.

After consultation with her attorney in regards to the closing of the case and options, considering the anticipated additional costs in having the attorney file a Petition for costs and attorney's fees pursuant to Florida Statue 106.265 and Florida Administrative Code Rule 2B-1.0045, on January 27, 2017 Yates released her counsel and filed the Petition pro-se. The Petition for costs and attorney's fees was considered by Florida Elections Commission at its regularly scheduled meeting on February 28, 2017 (FEC hearing).

At the FEC hearing Schure disputed Yates' Petition for Attorney Fees and Costs. Despite Schure being fully aware of the FEC's jurisdiction limited to election laws as stated in plain language on the form, Schure filed an FEC Complaint under oath alleging Yates had violated election law chapters 104 or 106, though her purported issues had nothing to do with election law. In fact at the FEC hearing Schure adamantly asserted to the FEC in her own words "The complaint was actually on her KYIs. It had nothing to do with the election if you read my complaint". She further stated "I filed on the Sunshine law." At the FEC hearing Schure also explained that when she received the letter from FEC with a finding of legal insufficiency she accepted the FEC's ruling. There is no doubt Schure knew when she filed her complaint that the result would be that the FEC did not have jurisdiction of the issues she described in her complaint. All Schure wanted was to publicly discredit Yates by using an official sworn complaint form to lend credibility to her false accusations; Schure filed in bad faith.

When the administrative complaint process is used with malicious intent for nothing more than a means to a political end, the public is deprived of the FEC's vital role for the public good. To preserve the integrity of the resources available to the public, the FEC process and that of any other government agency must not be thwarted and utilized for illegitimate reasons merely to inflict harm to elected officials and candidates. This case is a textbook example of conscious disregard of the FEC's true purpose as a means for someone to bring disrepute upon an elected official they do not support. If Schure's abuse of the FEC is tolerated without accountability, that would enable others to exploit the FEC and agencies like it, by maliciously filing sham complaints, thereby draining the agency resources that would otherwise be used for legitimate complaints. The legislature's adoption of section 106.265(6) serves to ensure responsibility and accountability of unscrupulous individuals that use the process to harm state, local and judicial elected officials.

At the FEC hearing the FEC voted unanimously finding that Yates' Petition makes a prima facie showing of entitlement to costs and attorney fees and referred the matter to the Department of Administrative Hearings for a hearing involving disputed issues of material fact and for the entry of a Recommended Order determining whether the Petitioner is entitled to an award of attorney's fees and costs and if so what amount is due.

On March 13, 2017 the FEC transmitted the records of FEC case 16-362 for assignment of an administrative law judge. On March 17, 2017 the case was assigned to Honorable Judge Linzie F. Bogan. A final hearing was scheduled and held on June 14, 2017 by video teleconference at sites in Sarasota and Tallahassee, Florida. At the hearing Petitioner objected to the admission of Schure's exhibits stating they were not received timely per the judge's order and were immaterial to the case. The Judge denied the motion to exclude.

Yates testified on her own behalf and called the following witnesses: Kathy Lanza, Cory Hutchinson, Patsy Adkins, Joy Lynn Crowley and Stephen Slepik PA as an expert witness. Mr. Slepik was qualified as an expert however his testimony was limited to testifying only as it pertained to Yates' attorney fees and not as to an opinion of Yates' Petition. Cheryl Cook was on Yates' witness list however she was not subpoenaed and therefore Cook refused to testify. Schure objected to witness Joy Crowley testifying because she was subpoenaed on June 9. The subpoena was timely in accordance with the Judge's order and the Judge allowed for Ms. Crowley to testify. Yates' exhibits entered into evidence were 2-7, 9, 10, 12-14, 17-19. Schure testified on her own behalf and did not call any witnesses. Schure's exhibits entered into evidence were A-E, I and F. Schure's list of proposed exhibits, which remain on the docket, publicly accessible, included selective descriptions of items J, K and L that pertained to Yates' personal financial hardship many years ago and demonstrates Schure's continuing personal aspirations to injure Yates' reputation in any way she can.

On May 18, 2017 Yates timely submitted an itemized statement of costs and reasonable attorney fees per the Judge's order. Schure had not submitted any objection to any amount stated for the cost's and attorney fee's 10 days prior to the hearing per the Judge's order nor at any time prior to the hearing. However at the hearing she disputed the total amount as stated in the FEC hearing transcript for attorney fees of \$4,090 and suggested that the fees were \$2,810. Schure also contested the amount charged on August 28, 2016 by Yates' attorney of \$1,200, stating "Any licensed attorney should quickly recognize that a complaint about violations of the Sunshine Law is outside the jurisdiction of the Florida election commission and that little work is required. The only thing the attorney has to do, if anything, is notify the elections committee the complaint was beyond its jurisdiction and this should not cost \$1,200." That pronouncement by Schure is further testament that at the time she filed her elections complaint Schure knew alleged violations of Sunshine law was out of the FEC's jurisdiction. Yates clarified at the time of filing the Petition on January 27, 2017 the bill submitted was for \$2,810 and that was for fees as of December 1, 2016. Subsequently the FEC closed the case on December 30 and Yates had consultations with her attorney incurring additional fees up through January 27, 2017 which is the date when she released her attorney. At the FEC

hearing on February 28, 2017 Yates had received the attorney's final bill of \$4,090, which was for fees through the release of counsel on January 27, 2017.

Prior to the DOAH hearing, on June 5, 2017 Yates filed an Affidavit of Doug A. Daniels for Attorney's Time and Fees and an Affidavit of Linda M Yates as to Expenses incurred from August 27, 2017 through June 2, 2017. Yates has incurred additional costs since that date and will continue to incur costs through the conclusion of this matter. On July 20, 2017 Yates filed a Post-Hearing Updated Itemized Statement of Costs and Reasonable Attorney Fees through July 19, 2017, to be included per F.S. 106.265(6). Yates' costs subsequent to her release of counsel pertain to witness costs, expert witness fee, transcript costs, copy costs, notary fees, mailing of documents for the proceedings and reasonable travel expenditures for travel to attend the hearings on this matter.

On June 16, 2017 witness Joy Crowley submitted a letter to Judge Bogan requesting protection from Kathy Schure arising from an incident on June 15, 2017 in which Crowley filed a police report as result of Kathy Schure's abusive behavior and verbal and written threats to Crowley's business the day after the DOAH hearing on this matter. Intimidation or harassment of witnesses appears to be a violation of FS 914.22

The DOAH proceeding was recorded and transcribed by Julie Harvey of A-1 court reporting. The transcript was filed with the Honorable Judge Linzie F. Bogan on July 10, 2017

The facts support that Schure filed her complaint with a malicious intent to injure the reputation of Yates. During Yates' campaign for reelection in 2014, Schure promulgated Yates' financial hardships. Schure never researched the financial background of other commissioners or candidates, just Yates. Though she knew of other commissioners or candidates with financial issues, she only disseminated financial information about Yates. Schure was distressed in 2014 when Yates won her reelection and still today harbors ill will toward Yates. To tarnish Yates' reputation, Schure strategically orchestrated a tactic of using official government agency forms and proceedings, both the FEC and the City, to garner credibility and widespread publicity of her unfounded and fabricated proclamation that Yates had violated Florida election law chapters 104, 106 or 105.071 as well as open meetings law chapter 286, public records law chapter 119 and ethics laws. This afforded Schure the ability to cast doubt of Yates in the minds of the public, while circumventing legal costs she would have incurred to accuse Yates of sunshine and public records law violations through the proper venue; civil court. Schure's actions and motivations clearly demonstrate her dishonesty and recklessness with malicious intent to harm Yates' reputation.

Schure filed her complaint with knowledge that her complaint contained one or more false allegations. The evidence shows Schure knew at the time she filed her complaint that Yates was not candidate and in her testimony she affirmed that she knew Yates was not a candidate and explained she put that Yates was a candidate because she assumed that any complaint to the elections commission must involve a candidate, essentially stating she said whatever she needed to on her complaint form just so she could file a complaint. Schure also alleged on her sworn complaint form



that Yates violated election law chapters 104 or 106 yet she stated to the FEC that her elections complaint had nothing to do with elections, that she had filed on Sunshine law. Schure knew her complaint would be found legally insufficient, but filed it anyway.

Schure filed her complaint with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapter 104 or 106. Also Schure did not have personal knowledge of statements in her narrative nor did she research the information which she testified was written and provided to her by a friend. Schure's own testimony contradicted her complaint and contents in her attached narrative. Schure testified she just "wanted to file a complaint" so she did without exercising reasonable care.

Based on the competent substantial evidence and in accordance with F.S. 106.265(6) and F.A.C. Rule 2B-100.45(1) Petitioner Yates has proven entitlement to an award for costs and reasonable attorney's fees incurred in defense of Schure's complaint, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

#### FINDINGS OF FACT

1. The Petitioner, Linda Yates, is now and has been a North Port City Commissioner since first elected in November 2010 and reelected in November 2014. Yates was not a candidate in the 2016 Election.
2. The Respondent, Kathy Schure is now and has been a resident of North Port for 17 years. Schure has a long standing hostility toward Yates as evident by her testimony and demeanor at the DOAH hearing as well as in the testimony of witnesses Lanza and Hutchinson. Schure's animosity toward Yates is also evident by Schure's own admission of ill will toward Yates dating back to 2014 when Schure had broadcast Yates' foreclosure papers to supporters of Yates canvassing for her reelection campaign. Schure listed foreclosure documents in detail on her proposed exhibits list in the public docket for this hearing and testified "I was making these so important, this one foreclosure is for \$233,000. We're not talking a \$50,000 house. .... And there's another one --"(DOAH transcript pg 244 ln 8-13). When Schure was asked if she had looked into the personal finances of any other commissioner or candidate, she stated "Well, I didn't look in their personal finances..." (DOAH transcript pg 49 ln 3-4) and Schure admitted that the only person she had looked at the financial background, was Yates (DOAH pg 53 ln15-18). When asked if she had publicized any information on others Schure's response was no, because it wasn't important (DOAH transcript pg 55). Schure's enmity of Yates is revealed on other pages of the DOAH transcript including but not limited to page 44, 48, 51, 53-55, 57, 64, 65.
3. Jacqueline Moore was a North Port City Commissioner elected in 2014. In 2016 she resigned from her at-large seat to run for the District 2 seat where she resided. This meant Moore was running for the same District 2 seat which then Commissioner Cheryl Cook was a candidate and

running for re-election (exhibit 14 pg LY112). Cheryl Cook ran for election in 2012 and Schure was the 1<sup>st</sup> signer on her petition for nomination (exhibit 13LY108). Schure testified that she and Cook were personal friends for 15 years. At the DOAH hearing testimony of witness Lanza confirmed Schure's unwavering support of Cook even when she was not running for election in 2014 (DOAH transcript pg 55).

4. A City of North Port General Election was held on November 8, 2016 with a Primary Election that took place on August 30, 2016 (exhibit 14 LY110-114).
5. Schure executed a notarized Ethics Complaint against Moore which was received by the Ethics Commission on June 15, 2016 (exhibit 10 LY 90-96). The complaint included an attached narrative along with documents directly related to the allegations of ethics violations. Schure's attachment to her complaint cited reasons she believed Moore "violated ethics laws" (exhibit 10 LY92).
6. On June 27, 2016 the Florida Commission on Ethics mailed a copy of the draft Public Report and Order Dismissing Complaint to Schure and Moore stating, Schure's Complaint was found to be "legally insufficient" for Ethics violations (exhibit 10 LY98). The Draft Order was ultimately adopted by vote of the Ethics Commission on July 29, 2016 and signed by its chair on August 3, 2016. Schure testified at the DOAH hearing that she never delivered this Ethics Complaint against Moore to the City Clerk as a public record for distribution. Although the Ethics commission found the case legally insufficient, Schure testified at the DOAH hearing that she had won this case (DOAH transcript pg 77 ln14-20).
7. On July 22, 2016, Schure executed a notarized Elections Complaint against Moore-(exhibit 9 LY82-88). The handwriting on the envelope in which the complaint was mailed to the FEC does not match Schure's handwriting on the complaint form (exhibit 9 LY89). At the DOAH hearing Schure testified that she did not mail this complaint, that it was her daughter's handwriting on the envelope and her daughter had mailed it (DOAH transcript pg 98 ln 11-17) . However, subsequently Schure contradicted herself testifying that she personally had mailed all the complaints she had filed at the same establishment, Going Postal.
8. Schure testified she had filed the same complaint against Moore with both the Ethics commission and the Elections commission because she wasn't sure which one to file it with but subsequently contradicted herself stating "They said it wasn't anything. Then I filed it here..." (DOAH transcript pg 84 ln 8, 9, 14-16). As indicated by the dates on exhibits 9 and 10, Schure did not submit her complaint to both agencies at the same time. Before filing her complaint against Moore with the Elections commission, on June 27 Schure had been sent the draft order of dismissal from the Ethics commission. Furthermore her elections complaint against Moore submitted in July was different than what she had sent to the Ethics commission in June. Her elections complaint included an attached narrative that begins with "This writing pertains to the 'legal sufficiency' requirement of a complaint presented to this Commission". The narrative also included five "counts" (allegations) of violations of Elections law with specific citation of Election law. Also attached were supportive documents pertaining to those alleged Election law violations. Ultimately a Consent Final Order was voted upon by FEC on February 28, 2017.

Schure testified that she never provided a copy of this complaint against Moore to the City Clerk as a public record for distribution.

9. On August 10, 2016 sample ballots were mailed by the Sarasota Supervisor of Elections for the North Port Primary taking place on August 30, 2016 (exhibit 14 LY110). Schure's voting record shows she voted in the 2016 primary and general elections during early voting. Schure knew that Yates was not a candidate on the ballot. (exhibit 12 LY104-105)
10. On August 17, 2016 Schure executed a notarized Elections Complaint against Yates alleging Yates was a candidate seeking the office of City Commissioner and had violated Florida's Election laws Chapters 104, 105 or Section 105.071 (exhibit 3 pg 34-40). That complaint was received by the Florida Elections Commission on August 22, 2016 with attachment of a second complaint form indicating a different respondent, Jacqueline Moore. Without any indication by Schure that she intended to file two separate elections complaints, the FEC accepted the entire document as an elections complaint alleging Yates violated the Florida Elections Code.
11. On page 2 of this complaint form naming Jacqueline Moore (exhibit 3 LY37) the year of Schure's notarized sworn oath was written over. Notary Joy Crowley testified that if there were an error on a document "she would redo it" (DOAH transcript pg 155 ln 3-6).
12. Schure submitted two notarized pages dated August 17 in this complaint submitted to the FEC (exhibit 3 LY 35 & LY 37). Ms. Crowley testified that her records show that she had no customer transaction on August 17, 2016 for two notary signatures. (DOAH transcript pg 155 ln 7-14).
13. On page 1 section 2 of her sworn complaint, Schure stated Yates was a candidate for City Commissioner in response to the question "Is the person a candidate and if so indicate the position sought." On page 2 Schure attested under oath that the information contained in her Complaint was "true and correct". Schure testified at the DOAH hearing several times that she knew "full well" Yates was not a candidate (DOAH transcript pg 102 ln 13; pg 143 ln 4-5; 212 ln 19-21). Schure gave contradictory statements when asked why she did that, including: I thought they were asking me for what seat you held; I was a layperson; I made a mistake; I misunderstood; because Moore was a candidate; I'm only human; I assumed that any complaint to the elections commission must involve a candidate.
14. Schure asserted on page 1 in section 3 of her sworn complaint that the specific provisions of the Florida Election Code violated by Yates were provided in her attachment (exhibit 3 LY 38). Schure's attachment was a narrative, dated August 1, 2016, that did not assert violations of election law nor did she provide any documents to support such allegation. Instead, the content of her narrative asserted violations of Sunshine, Ethics and Public Records law to which she also did not provide supportive documents. Schure testified she was aware of the FEC's jurisdiction as provided on page 1 of the complaint (DOAH pg 95 ln 17-20) yet her narrative attachment made no reference to the elections laws she believed Yates violated as she had done in the complaint she filed against Moore just one month prior to where not only did she start her narrative with "This writing pertains to the 'legal sufficiency' requirement of a complaint presented to this Commission", but also included specific provisions of "election

law". Her narrative in her complaint against Yates begins with:

"IN RE:" "Sunshine Law and Ethics Violations by City of North Port Commissioner  
Linda M. Yates covering the period June 1, 2012 to July 20, 2016."

15. Schure testified her narrative was written and provided to her by a friend (DOAH transcript pg 114 ln 19). She also testified that she filled out her complaint but had someone with a legal background fill it out and do the other work for her (DOAH transcript pg 103 ln 18-20). Schure affirmed she did not have firsthand knowledge of information within her complaint (DOAH transcript pg 114 ln 21-24). She testified she does not know what List or Tor servers are (DOAH transcript pg 42 ln 11-15). In her narrative she asserted Yates' KYI emails "were not recorded or achieved within the control of the city or accessible to the general public" and that "at some point the city clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format" (Exhibit 3 LY38 paragraph 5). However, contrary to statements in her narrative, Schure testified that she had requested all Yates' KYI's and received them (DOAH transcript pg 254 ln 1-3).
16. At the DOAH hearing, Schure testified that she "assumed" the Elections commission might have jurisdiction over her complaint citing Sunshine law violations because she asserted Yates used emails addresses gathered in her campaign to send emails relating to city business. However, Schure never asserted that to the FEC. To the contrary at the FEC hearing, Schure stated "The complaint actually was on her KYIs. It had nothing to do with the election, if you read my complaint" (exhibit 2 LY8 ln 16-18) and asserted "I filed on the Sunshine Law" (exhibit 2 LY 14 ln 2-3). Also at the DOAH hearing Schure repeatedly asserted violation of Sunshine law not election law including statements: I know she's breaking the Sunshine Law; I filed this because you're breaking the Sunshine Law.
17. At the DOAH hearing when Schure was asked if she had assistance in filling out the Elections Complaint form she had filed July 22 against Moore she stated "No. It's pretty self-explanatory. I don't need assistance for that." She also confirmed she fully understood section number three on the complaint form (DOAH 95 ln 13-20). However, she then said she read it but didn't understand it. When she was asked about the elections complaint filed against Yates on August 17, she confirmed she understood she was filing a Florida Elections Commission Complaint and also stated "I have said I knew what the laws were. I signed the paper, yes, I did" (DOAH pg 144 ln 11-17). Schure then stated, "I did not fully know what they were. I did not look them up and know exactly what they were, no, ma'am. I was filing this Complaint. I just -- I'm sorry. No. How is that? No. I mean, I know it was elections on an elections thing. I knew I wanted to file a Complaint. I'm a layperson. I filed the Complaint. When asked if she had researched Sunshine law, Schure's response was quite different, she did not state "I am not a lawyer" nor state "I'm a layperson". Instead she testified that she had researched Sunshine law and stated authoritatively her understanding of Sunshine law. She was asked if she anybody provided her information or guidance on what the Sunshine Law is and she said "no" (DOAH pg 58 ln 9-23).
18. On August 25, 2016 the FEC mailed a letter to Yates stating "on August 22, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's elections laws." Receiving Schure's sworn complaint the FEC was required to execute its rules

and proceedings in processing an elections complaint and in proceeding with its review on its face based on Schure's assertion in her complaint, Yates was a candidate seeking the office of Commissioner and had violated Chapters 104, 106 or 105.071. Having received the letter from FEC and copy of the complaint, Yates retained attorney Doug Daniels to research and defend against Schure's complaint.

19. Schure testified at the hearing that the "FEC relies on its ordinary citizens reporting violations of campaign laws. There is nothing shocking or unusual about a lay person's failure to properly understand the jurisdiction of a state agency." (DOAH page 230 ln 22-25 and pg 231 ln 1-3). The FEC complaint form specifically states in section 3 the FEC's jurisdiction. When asked if she fully understood section number three, Schure testified, "Yes, ma'am" (DOAH pg 95 ln 17-20). Furthermore she stated at the FEC meeting her complaint had nothing to do with the election, she filed on the Sunshine law (exhibit 2 pg 13 ln 25 & pg 14 ln 1-3).
20. On August 30, 2016 the City of North Port Primary Election was held. Jacqueline Moore defeated Cheryl Cook and advanced into the November general election. (exhibit 14 LY113)
21. On September 9, 2016, before the FEC completed its most basic legal sufficiency review, and just 10 days after Schure's friend, Cook, lost in the primary election and her opponent Moore prevailed to move on to the November election, Schure delivered a copy of her alleged Florida Elections Complaint she had filed with the FEC alleging Yates had violated election law. Schure requested that the City Clerk submit her alleged FEC complaint into the public record and distribute it to all City Commissioners (exhibit 3 LY 43-49). The content was identical to the complaint sent to the FEC except for the two pages with the notarized sworn oath and the first page of her attachment. Schure had whited out the date of August 1, 2016 on the narrative page (exhibit 3 LY47) and switched the two notarized pages that were dated August 17, 2016 with two notarized pages showing July 22, 2016 (exhibit 3 LY44 & LY46). These two notarized pages were identical with the notary stamp in the exact same place and all text and markings in exactly the same. Furthermore these two pages were also identical to the July 22, 2016 notarized page from Schure's separate complaint that she had submitted to the FEC in July against Moore (exhibit 3 LY83). According to notary Joy Crowley's testimony her records for July 22, 2016 show no customer transaction with three notary signature fees that day (DOAH transcript pg 153 ln 14-19).
22. Schure delivered an altered version of her FEC Complaint misrepresenting to the City and the public that her FEC complaint was filed in July rather than the true date of August which was less than two weeks prior to the general election in which Moore was a candidate.
23. City Clerk Adkins testified that a week after Schure had delivered her alleged FEC Complaint to the City, Schure called Adkins wanting to know why Adkins had not yet distributed Schure's FEC complaint to all Commissioners as she had requested. Schure stated to Adkins that she had spoken to some commissioners and learned they had not received it (DOAH page 185 lines 1-8). Adkins explained her concerns with distributing the document was because it was clearly entitled CONFIDENTIAL. After conferring with City Attorney and FEC, Adkins distributed Schure's document to all City Commissioners as a public record.

24. On October 17, 2016 Schure's friend, then Commissioner Cook, emailed Clerk Adkins to request an agenda item for "Discussion and possible action regarding contents of Complaint filed with the State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 16 (sic), 2016" and "Please include a copy of the Complaint previously provided to commissioners as a backup document." As requested, Adkins prepared agenda item, file #16-0605, and provided the request to City Manager Jonathan Lewis (exhibit 3 LY50).
25. The Herald Tribune newspaper posted an article online on October 20, 2016 with the headline, "Commission to discuss alleged Sunshine Law violation." The article published Schure's allegations and raised questions of Yates and Moore. The article also noted that the complaint was filed with the Florida Elections Commission on July 22 which was not true however the date was based on the notarized page in the document Schure provided to the city which Schure had switched the actual notarized page that was dated August 17 (exhibit 3 pg LY59-61)
26. On October 18, 2016, three weeks before Moore's runoff in the November election, the City Commission Meeting Agenda and backup materials for the October 25, 2016 meeting were publicly posted. The item requested by Cook pertaining to Schure's alleged FEC Complaint was listed as item 6G (exhibit 3 LY51-58).
27. On October 20, 2016 the FEC sent a letter to Schure finding her complaint to be "legally insufficient." The letter instructed, "If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days..." (exhibit 7 LY78-80). At the DOAH hearing Schure was asked why she did not submit any documents with the initial filing of her complaint nor within the 14 days after she received the letter. Schure testimony was: "No, I did not. I read the front, it said legally insufficient. My mother-in-law just died, and I had more on my mind than this paper. I had to deal with that. And when it said legally insufficient, I said, "Why should I send anything else in?" And then I just put it away because it's not really -- it wasn't that important to me, to be honest with you. I had a death in the family. My husband's mother died. We had selling the house. We had too much going on for me to get more into this. I laid it down, and I never looked at it again" (DOAH pg 124 ln 4-15); "Because, again, I didn't realize I had to do that. And then when they sent me the thing -- the letter stating I needed to do that, my mother-in-law died. I was in the middle of trying to take care of her estate. I did not have time for you" (DOAH pg 251 ln 4-8); "Because I would have had to send this whole box to them. I didn't have the money to send this whole box to the Elections Commission. And then when they wrote me back, like I said, I was in the midst of my mother-in-law's death. Okay? So that's why I didn't. I'm sorry I didn't. I sent the letter. I thought that was sufficient" (DOAH pg 252 ln 8-15); "I told you I sent the initial Complaint. I didn't realize, with the initial Complaint, that I needed to send these. When I sent in the ones for Jacqueline Moore, it was two small things. I didn't want to pay for all of this, unless need be, Ms. Yates. I had spent enough money with all of this that -- they charged me at North Port to get all your KYIs. Okay? That's my answer to you. And then my mother-in-law died, and I just did not have time for you. But I'm going to make time, your Honor" (DOAH pg 253 ln22-25; pg 254 ln 1-7). However, all of those statements were contrary to what Schure stated to the FEC on February 28, "I wanted a ruling. The ruling said there was nothing wrong. I just did not -- it just did not

rise to the level to be legally sufficient. After the commission made their decision, I accepted the decision."

28. On October 25, 2016, just 15 days prior to the upcoming election, the North Port Sun newspaper published an article with the headline, "Commission to discuss thrown-out elections complaint." The Commission meeting took place at 6 pm at which time the meeting agenda was approved with the removal of item 6G for discussion of Schure's alleged FEC Complaint. Though the City Commission did not discuss the item, Clerk Adkins testified that the meeting minutes are a permanent record and Schure's alleged FEC complaint stays in the meeting file and will remain accessible on the city's website for a long time (DOAH transcript pg 189 ln 2-5)
29. On November 8, 2016 Jacqueline Moore lost in the City of North Port November general election.
30. On December 30, 2016 the FEC sent a letter to Yates regarding the elections complaint filed by Schure, "Since the Commission did not receive any additional information that corrected the grounds of insufficiency, this case is closed." (exhibit 3 LY63)
31. On January 27, 2017 Yates notified the FEC she could no longer afford an attorney and released her attorney (exhibit 4 LY68). The same day a Petition for Costs and Attorney Fees was filed with the FEC by Linda Yates pro-se (exhibit 3 LY64-65).
32. On February 28, 2017 at the Florida Elections Commission meeting in Tallahassee, Yates' Petition for Costs and Attorney Fees was heard. Both Yates and Schure appeared pro-se and each made statements. After careful consideration, the FEC voted 7-0 in finding the Petition makes a prima facie showing of entitlement to costs and attorney fees in connection with the matter and also voted unanimously to refer the matter to DOAH for a hearing involving disputed issues of material fact and for entry of a recommended order determining whether Petitioner is entitled to an award of attorney fees and costs and if so, what amount.
33. Due to Schure filing a Complaint against Yates with the Florida Elections Commission, Yates hired the services of attorney Doug A. Daniels. As result of the substance of Schure's complaint not only alleging violation of election law chapters 104 or 106 but also alleged violation of Sunshine, public records and ethics laws combined with Shure's subsequent actions in pushing for the distribution and publicity of her FEC Complaint of which she intentionally altered, Yates incurred fees for ongoing consult, further research of elections law, ethics law and case law until Yates could no longer afford legal counsel. Yates released Daniels from the matter on January 27, 2017. As attested to in the affidavits of both Yates and Daniels, the total billable hours for time spent on this matter was 10.7 hours. The hourly fee for 8.8 hours was \$400 per hour and for 1.9 hours of counsel was at \$300 per hour. The total for attorney fees was \$4,090.
34. On May 18, 2017 Yates timely submitted an itemized statement of costs and reasonable attorney fees per the Judge's order. Schure had not submitted any objection to any amount stated for the cost's and attorney fee's 10 days prior to the hearing per the Judge's order nor at

any time prior to the hearing. However at the hearing she disputed the total amount as stated in the FEC hearing transcript for attorney fees of \$4,090 and suggested that the fees were \$2,810. Schure also contested the amount charged on August 28, 2016 by Yates' attorney of \$1,200, stating "Any licensed attorney should quickly recognize that a complaint about violations of the Sunshine Law is outside the jurisdiction of the Florida election commission and that little work is required. The only thing the attorney has to do, if anything, is notify the elections committee the complaint was beyond its jurisdiction and this should not cost \$1,200." Schure's conscious choice to use a complaint process of a state agency that has no jurisdiction in order to allege Yates violated Sunshine law does not negate the seriousness of proclaiming and promulgating such violations in that manner. At the hearing Yates clarified at the time of filing the Petition on January 27 the bill submitted was for \$2,810 and that was for fees as of December 1, 2016. Subsequently FEC closed the case on December 30 and Yates had consultations with her attorney incurring additional fees up through January 27 which is the date when she released her attorney. At the FEC hearing on February 28, Yates had received the attorney's final bill of \$4,090, which was for fees through the release of counsel on January 27, 2017.

35. On May 18, 2017 Yates filed the itemized statement of costs and attorney fees through May 18 equaling a total of \$4,387.08
36. On June 5, 2017 Yates filed an affidavit of costs and attorney fees through June 2, 2017 equaling a total of \$4,970.49
37. On July 20, 2017 Yates filed an updated statement of costs and attorney fees incurred thus far in this matter equaling \$6,681.98.

#### **CONCLUSIONS OF LAW**

38. At the DOAH hearing Mr. Stephen Slepik PA was called upon by Yates as an expert witness. Mr. Slepik was qualified by Judge Bogan as an expert however his testimony was limited to testifying only as it pertained to Yates' attorney fees and not as to an opinion of Yates' Petition. Slepik testified the hours expended and rate billed by Daniels were reasonable.
39. The Division of Administrative Hearings has jurisdiction over the subject matter of and the parties hereto pursuant to section 120.57(1), Florida Statutes.
40. Section 106.265(6), Florida Statutes and Florida Administrative Code Rule 2B-1.0045 provide for an award of attorney's fees and costs in certain FEC actions. Section 106.265(6) provides in part:

(6) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of



this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

41. Florida Administrative Code Rule 2B-1.0045(1) provides:

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapter 104 or 106, F.S., the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the complaint, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

42. Petitioner Yates has the burden of proving entitlement to an award of attorney's fees and costs.

43. The facts in this case are unique in comparison to others in the past under the Elections Commission and similarly the Ethics Commission. Here the complainant, Schure, consciously chose to file a complaint with the Elections Commission alleging the respondent, Yates, violated Election law chapters 104, 106 or 105.071 referencing an attachment. The attachment asserts only violations of chapters 286 and 119 which clearly are outside the FEC's jurisdiction, which Schure knew or should have known from filling out section three of her complaint. Her statement to the FEC at the February 28, 2017 hearing that her complaint had nothing to do with elections and that she filed on Sunshine law, confirms she knew her allegation that Yates violated election law chapters 104 or 106 was not true.

44. Schure testified she researched Sunshine law and knew what that law is but did not research election law and did not know what those laws were. However having filed an elections complaint against Ms. Moore with details and citation of election law just one month prior to filing her complaint against Yates, Schure demonstrated she had at least some knowledge of election law and her ability to reference it. In addition Schure had the benefit of her experience with having filed an ethics complaint against Moore in June and being aware of a finding of legal insufficiency prior to filing her elections complaint against Moore in July and her elections complaint against Yates on August 17. She also testified she had the benefit of someone with a legal background assisting her with filling out her elections complaint against Yates. Schure admitted someone else wrote the narrative attached to her complaint and there was information contained in it that she did not know or understand. In *Brown v. Florida Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007), the complainant had filed an ethics complaint without checking into the facts, and admitted that he conducted no investigation prior to filing the ethics complaint. In examining the phrase "reckless disregard for the truth," the *Brown* court defined it as a conscious indifference to the truth. *Id.* In this case, the evidence, including Schure's contradictory testimony, shows that Schure maintained a conscious indifference to the truth or falsity of her allegation that Yates violated election law

chapters 104 or 106 by recklessly ignoring her knowledge that her concerns did not pertain to election laws. Furthermore, Schure failed to reasonably research or verify whether the statements provided to her by a friend were not only germane but true and accurate to Schure's own knowledge and was not hearsay.

45. By submitting an FEC Complaint asserting Yates was a candidate when she knew that was not true, alleging Yates had violated election law chapters 104 and 106 when she knew that she was filing on Sunshine law violations and by altering her FEC Complaint documents and then distributing it for public accessibility to bring widespread publicity to her complaint establishes a malicious intent to discredit Yates. Schure's malicious intent is confirmed in her testimony of ill will towards Yates with emphasis on Yates' past financial matters, distress when Yates was reelected in 2014 and desire to file a complaint against Yates, as she testified "I just wanted to file a complaint". The Brown case, determined that the actual malice standard of New York Times Co. v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964) does not apply to fees sought pursuant to section 112.317. Id. at 559. (112.317 is nearly identical to 106.265(6)). In this case, the evidence demonstrates that Schure, with conscious indifference to the truth, maliciously intended to injure Yates' personal and professional reputation.
46. The competent substantial evidence shows Schure's strategically orchestrated filing of a Florida Elections Complaint was with an underlining motive to inflict shame on Yates' reputation and inflict financial harm. Schure's calculated and willful actions sets a precedent in the most egregious example of misuse of the Florida Elections Complaint process and deceit to not only a State agency but the City of North Port and public with a malicious intent to harm an elected official whom she did not support. Schure's complaint is blatantly political and shameful without merit and was filed in bad faith.
47. While public officials are subjected to public opinion that may be vehement, caustic, and unpleasant, the right to freely express opinions does not give right to use it as a sword to justify baseless legal proceedings. Had Schure made her false accusations and defamatory statements verbally or in communications materials, certainly Yates could have ignored Schure's comments, responded with her own statements or voluntarily pursued legal action. However when Schure willfully filed her sworn complaint utilizing the Florida Elections Commission, she drew Yates into legal proceedings involuntarily leaving Yates with no choice but to defend herself. Here in this proceeding Yates is not seeking damages for slander or defamation, she is merely trying to recover the expenses she incurred in defending herself pertaining to the complaint filed by Schure. This distinction is critical as to its implications upon any public servant if irresponsible actions with reliance upon ignorance and freedom of expression were to be used as a shield for initiating a legal proceeding without merit or with conscious disregard of an agency's jurisdiction or based on false allegations and or hearsay. A person who initiates a legal proceeding based on false statements or disregard for whether accusations are false is not entitled to the same protection that is afforded to a person who merely publishes false information.
48. Petitioner has proven by clear and convincing evidence entitlement to costs and attorney fees in accordance with Section 106.265(6), Florida Statutes and Florida Administrative Code Rule 2B-1.0045. Based on the expert testimony, a fee of \$300-\$400 per hour is a reasonable hourly

fee for the services of Mr. Doug Daniels under the circumstances of this case. Further the amount of 10.7 hours of time expended by Mr. Daniels in this matter is reasonable. Finally, the evidence demonstrates that reasonable costs in the amount of \$2,591.98 were incurred by Yates in pursuing the petition in this matter. Therefore, Yates is entitled to an award of \$4,090.00 in attorney's fees and \$2,591.98 in costs that were incurred thus far in this matter and any additional amount through the conclusion of the matter.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that a final order be entered granting the Petition for Fees and awarding attorney's fees and costs in the amounts noted above. DONE AND ENTERED this \_\_\_\_ day of July, 2017, in Tallahassee, Leon County, Florida.

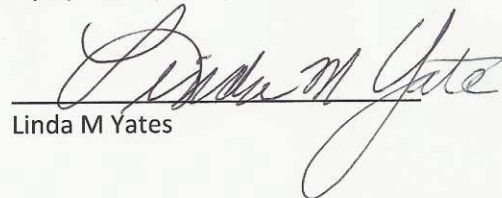
Respectfully submitted,



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

#### CERTIFICATE OF SERVICE

I, hereby certify that a copy of the foregoing PETITIONER'S Proposed Recommended Order is being furnished this 20 day of July, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates

Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

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**PETITIONER'S POST-HEARING UPDATED ITEMIZED  
STATEMENT OF COSTS AND REASONABLE ATTORNEYS' FEES**

Petitioner, LINDA M YATES, respectfully submits the following itemized statement of costs and reasonable attorney's fees thus far:

Attorney Fees: August 28, 2016 through January 27, 2017

From August 28, 2016 through end of service date of February 27, 2017:

8.8 hours at billing rate of \$400 per hour = \$3,520

1.9 hours at billing rate of \$300 per hour = \$570

Total Attorney Fees = \$4,090

(Already on the docket is Affidavit of Doug A. Daniels, Esq. as to time and fees)

Costs: August 27, 2016 through June 2, 2017

January 27, 2017 - Notary Fee = \$10.00

January 28, 2017 - USPS Document mailing to FEC = \$6.65

February 27 & 28, 2017 - FEC Hearing in Tallahassee- Travel = \$200.43

(one night hotel stay = \$122.98; Gas = \$74.45; Parking = \$3)

April 13, 2017 Imperial Court Reporting 2-28-17 FEC Hearing = \$112

April 19, 2017 Supervisor of Elections - Copies = \$5.10

May 18, 2017 - U.S. Mail Priority = \$13.30

May 20, 2017 - Expert Witness Fee = \$500.00

May 29 & 31, 2017 - Witness fees/notary fees/copies = \$33.01

Total Costs: \$880.49 (8/27/16-6/2/17)

Costs: June 3, 2017 through July 19, 2017

June 5, 2017 – U.S. Mail Priority Express = \$84.65

June 9, 2017 - Witness fees/notary fees = \$20.83

June 13-15, 2017 – DOAH Hearing in Tallahassee - Travel = \$275.26

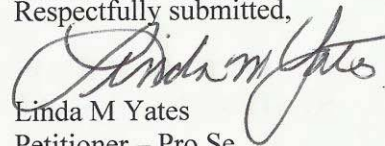
(two nights hotel stay = \$220.64; Gas = \$54.72)

June 29, 2017 – A-1 Court Reporting 6-14-17 DOAH hearing = \$1,330.75

Total Costs: \$1,711.49 (6/3/17-7/19/17)

TOTAL OF COSTS AND REASONABLE ATTORNEY'S FEES THUS FAR = \$6,681.98

Respectfully submitted,



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941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of the foregoing POST-HEARING UPDATED ITEMIZED STATEMENT OF COSTS AND REASONABLE ATTORNEYS' FEES is being furnished this 20<sup>th</sup> day of July, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



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business and had her copy all of them, which I paid her business for, I would have never put a complaint on Yelp. I certainly did not scream at anyone I was in their business 15 seconds telling her husband that she lied to an Administrative Judge. This is the tactic's Ms Yates friends do to the people of North Port there are many false complaints filed yearly.

I would like to thank you for your time and patience.

A handwritten signature in black ink, appearing to read 'Kathy Schure', written in a cursive style. The signature is positioned above the typed name and contact information.

Kathy Schure

July 14, 2017

3720 W. Price Blvd.

North Port, FL 34286

941-426-2643

retired\_in\_fl@yahoo.com

3 Ms. Yates' rationale for imposing liability in this situation does not make any sense. The Florida Election Commission relies on ordinary citizens reporting violations of campaign law. There is nothing shocking or unusual about a lay person's failure to properly understand the jurisdiction of a state agency. If all complaints that lack jurisdiction were considered to be false and malicious, very few ordinary citizens would dare file complaints.

4 Ms. Yates' assertion regarding any intent to injure her reputation is puzzling. The fact that she widely distributes emails regarding city business from a private email address is certainly no secret. That such actions may violate public records laws and cause the city to incur liability is likewise no secret to anyone that reads a newspaper in Sarasota County. I do not understand how disclosing such commonly known facts would injure someone's reputation.

5 Ms. Yates is trying to get me to pay her attorney's fees that are over inflated and irrelevant to this situation. The cost of legal services performed on 8/28/16 is excessive. Any licensed attorney should quickly recognize that a complaint about violations of the Sunshine Law is outside the jurisdiction of the Florida Election Commission and that little work is required. The only thing the attorney has to do, if anything, is notify the Election Commission the complaint was beyond its jurisdiction and this should not cost \$1,200. In addition, much of the legal work Ms. Yates is trying to get me to pay for is related to other matters (records and ethics, strategy for a North Port Commission meeting, insurance policy, results of the North Port meeting, lodging and gas expenses). Since Ms. Yates learned that the Election Commission rejected the complaint for lack of jurisdiction on 10-27-16, I should certainly not have to pay for any legal work or expenses that occurred after this date.

6 I did not file this complaint in malice just with the wrong committee. Ms. Yates witnesses only proved my opinion of her, not malice. I never lied about Ms. Yates but her witnesses did plenty of lying for her. Even filing the complaint with City Hall has been said to happen before. What I do outside of this case has no legal significance. Ms Crowley as a Notary is held to standards within that position. Testifying and lying against customers should be known to all who frequent Going Postal. If Ms Crowley would have told the truth that I mailed every complaint from her

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CASE NO. 17-1593F

LINDA YATES,

Petitioner,

v.

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

FINAL ARGUMENT

1 There is absolutely no evidence of malicious intent as required by FS 106.265. The fact that private citizen attempted to put the question of whether an elected official is complying with the public records/sunshine laws by sending newsletters from a personal email account cannot be evidence of malice. Such an inquiry is to be expected after high visibility public records litigation regarding city officials in other parts of Sarasota County. Moreover, all city officials are extensively trained in public records/sunshine law and are aware that even the appearance of a violation can result in expensive litigation.

2 I did not knowingly make any false allegations. In fact, the body of my complaint (Ms. Yates' use of private email for city business) is absolutely true and has not been contested by Ms. Yates. Moreover, my designation of Ms. Yates as a "current candidate" was entirely a mistake. I assumed that any complaint to the Elections Commission must involve a candidate and I thought I was required to specify the office Ms. Yates held. Lastly, I assumed that the Florida Election Commission might have jurisdiction because Ms. Yates gathered the email addresses she used during her campaign and used the same private email during her campaigns.. (see exhibits admitted into evidence.



STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

Case No. 17-1593F

KATHY SCHURE,


Respondent.

\_\_\_\_\_ /

NOTICE OF FILING TRANSCRIPT

The parties of record are advised that the Transcript of the final hearing in this cause was filed with the Division of Administrative Hearings on July 10, 2017. Therefore, proposed orders in this matter must be filed with the Division of Administrative Hearings on or before July 20, 2017.

July 10, 2017



\_\_\_\_\_  
LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

COPIES FURNISHED:

Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286  
(eServed)

Linda M. Yates  
6475 Munsing Avenue  
North Port, Florida 34291  
(eServed)

Amy McKeever Toman, Esquire  
Florida Elections Commission  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(eServed)

Joy Crowley

June 15, 2017

13624 Tamiami Trail

North Port, FL 34287

**Statement of facts for police report of incident 6/15/17 with Ms. Kathy Shure:**

At approximately 2:55 pm, Kathy Schure entered our business, Goin' Postal in North Port on 6/15/17. She spoke to my husband, Dan, asking if he is the owner of the business. When he said yes, she immediately yelled, "Well, your notary is a liar." My husband replied, "That notary is my WIFE." Ms. Schure hollered at him, "She lied!"

I was present, but sitting down. I stood up at this point in the incident, and stated to Ms. Schure that I did not lie, and what did she think that I lied about? I testified truthfully, and I only stated facts based on my financial documents. Ms. Schure continued her tirade, "I mailed all that stuff here." As I said in the hearing to her on 6/14/17, if she had a receipt, I would look it up. I had my records with me at the hearing and on the day of this incident. She did not produce any receipt and I don't think where the items were mailed had anything to do with the case or my testimony.

Ms. Schure went to the door to leave, but she turned back to us and threatened our livelihood stating, "This is a small town, and I know a lot of people. I am going to make sure people know about you and your business."

I was very upset by Ms. Schure's behavior and her threats to our business. This is our livelihood, and I only testified to the facts. I don't feel that my business should be destroyed because of her vindictive activities. I called Linda Yates because she subpoenaed me for the hearing that caused Ms. Schure's hurtful attack on me. I didn't know what else to do.

I then called the police, and I plan to let the judge know what happened because I don't want any trouble, and I need protection from Ms. Schure's threats. The Police officer who took my report gave me case #2017-06-0684.



Joy Crowley

(941) 662-6993

6/16/2017

Goin' Postal | Reviews | Yelp for Business Owners

for Business Owners (977) 767-9367

**Goin' Postal**

13624 Tamiami Trl  
North Port, FL 34287

North Port, FL

0 friends

1 review

> Kathy S.'s 1 Star Review of Goin' Postal

You may message 20 more customers today, and your business may make up to 20 more public comments.

6/15/2017

do not go here the notery will testify against you in court and lie. Joy Crowley is her name and she is the owner!!!! :(

Language

Go mobile with the for iOS and Android.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

Case No. 17-1593F

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

NOTICE OF HEARING BY VIDEO TELECONFERENCE

A hearing will be held in this case on June 14, 2017, at 9:30 a.m., or as soon thereafter as can be heard by video teleconference at sites in Sarasota and Tallahassee, Florida. The Sarasota site will be at the Office of the Judges of Compensation Claims, Video Teleconferencing Room, 6497 Parkland Drive, Suite M. The Tallahassee site will be at the Division of Administrative Hearings, (check the reception area for hearing room assignment), the DeSoto Building, 1230 Apalachee Parkway. Witnesses, parties, representatives, and/or attorneys may report to either site. The Administrative Law Judge will be at the Tallahassee site. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ISSUE: As alleged in the Petition for Costs and Attorney's Fees.

AUTHORITY: Chapter 120, Florida Statutes; and Florida Administrative Code Chapter 28-106, Parts I and II.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. Registered e-filers shall request subpoenas through eALJ. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Florida Administrative Code Rule 28-106.106. Failure to appear at this hearing may be grounds for closure of the file without further proceedings.

On or before June 7, 2017, the parties shall provide the Administrative Law Judge with copies of all of the proposed exhibits. A notice of filing the proposed exhibits shall be filed electronically through the eALJ system and shall be served on all parties. The proposed exhibits, along with a copy of the electronically filed notice of filing, shall be submitted by mail or hand-delivery to the Division of Administrative Hearings and shall be served on all parties. The exhibits will not be considered until they are admitted into evidence during the final hearing.

The agency shall be responsible for preserving the testimony at the final hearing. The court reporter, if one is used, will be at the Sarasota site. If a court reporter is not used, the agency shall arrange for a notary public to be at the Sarasota site, and all witnesses who testify at the Sarasota site shall be sworn in by a notary public with a written confirmation of the oath filed after the hearing. Fla. Admin. Code R. 28-106.213(5)(b).

April 13, 2017



---

LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

COPIES FURNISHED:

Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286

Linda Yates  
6475 Munsing Avenue  
North Port, Florida 34286

ROOM CONFIRMATION COPY:

Laure Carnes  
Office of the Judges of Compensation Claims  
6497 Parkland Drive, Suite M  
Sarasota, Florida 34243  
(941) 753-0900  
(eServed)

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's secretary no later than seven days prior to the hearing. The Judge's secretary may be contacted at (850) 488-9675, via 1-800-955-8771 (TDD), or 1-800-955-8770 (Voice) Florida Relay Service.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent

---

**PETITIONER'S LETTER TO HONORABLE JUDGE LINZIE F. BOGAN  
IN FOLLOW UP TO SEEKING RESPONDENTS COPIES OF EXHIBITS  
AND NOW SEEK TO EXCLUDE RESPONDENTS EXHIBITS**

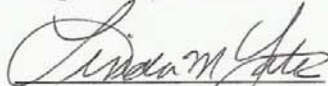
Petitioner, LINDA M YATES, hereby submits this follow up letter to the Honorable Judge Linzie F. Bogan, in regards to the Respondent's Notice of Filing of Exhibits to which I received notice through the eALJ System on June 6, 2017 and now seek to exclude Respondent's Exhibits.

1. Contrary to the Respondent's Notice of Filing of Exhibits signed and dated June 3, 2017, and filed with DOAH on June 6, 2017 through the eALJ system at 2:38 p.m. to which the Respondent stated in her Notice that copies were furnished to Linda Yates "Sent certified mail", the Respondent actually did not send copies to me certified mail until June 7, 2017 as demonstrated by the copies of the envelope and USPS tracking attached herewith.
2. In addition, contrary to the Judge's order to submit a copy of the notice of filing along with the proposed exhibits to the Division of Administrative Hearings by mail or hand-delivery, the Respondent instead Faxed her Notice of Filing of Exhibits along with the Exhibits to the Division of Administrative Hearings on June 6 at 3:25 p.m.



3. On June 9, 2017 at 10:30 a.m. I received by Certified Mail the Respondent's Notice of Filing of Exhibits along with her exhibits.
4. The Respondent's Exhibits A through E, and G through M, are irrelevant and immaterial to the matter before this tribunal for a hearing solely on the Petitioner's entitlement to Costs and Attorney Fees and therefore should be excluded from introduction into evidence.
5. Subsequent to the Respondent having received the Petitioner's Notice of Filing of Proposed Exhibits with the description of contents for each exhibit, the Respondent's Notice of Filing of Exhibits filed was generic with the absence of the description of contents for exhibits A through E, G through I and M and notably only the contents of exhibits J, K and L pertaining to personal financial hardship of Petitioner where described for each of those exhibits.
6. The Respondent in her Notice of Filing of Exhibits misrepresented to this tribunal and to Petitioner that she had either on June 3 or at the latest June 6 "Sent certified mail" copies to Linda Yates, which she clearly did not.
7. I am seeking for the Honorable Judge Linzie F. Bogan to consider that the Respondent's Exhibits A through E, and G through M do not pertain to material facts in the sole matter before this tribunal which is for a hearing only on the Petitioner's entitlement to Costs and Attorney Fees and therefore exclude these exhibits from introduction into evidence.
8. Furthermore considering the misleading statements of Respondent in her Notice Filing of Exhibits, Petitioner seeks for the Honorable Judge Linzie F. Bogan to exclude all Respondent's exhibits from introduction into evidence.

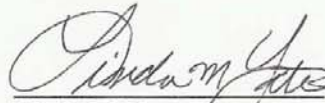
Respectfully Submitted,



Linda M Yates  
Petitioner – Pro-Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M. YATES, HEREBY CERTIFY that a copy of this Petitioner's Letter together with the copies of the envelope and USPS tracking attached herewith are being furnished this 10th day of June 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Florida Elections Commission, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates  
Petitioner – Pro-Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

Schure  
3720 W. Price Blvd.  
N Port, FL 34286

**CERTIFIED MAIL**



7016 1970 0000 5445 7093



1000



34291

U.S. POSTAGE  
PAID  
VENICE, FL  
34286  
JUN 07 17  
AMOUNT  
**\$5.38**  
R2304E105859-10

Linda Yates  
6475 Mansing Ave.  
North Port, FL  
342~~86~~  
91

# USPS Tracking® Results

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

[Track Another Package +](#)

[Remove X](#)

**Tracking Number:** 70161970000054457093



**Expected Delivery Day:** Friday, June 9, 2017 ⓘ

## Product & Tracking Information

[See Available Actions](#)

**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
June 9, 2017, 10:30 am	Delivered, Left with Individual	NORTH PORT, FL 34291
<p>Your item was delivered to an individual at the address at 10:30 am on June 9, 2017 in NORTH PORT, FL 34291.</p>		
June 9, 2017, 4:07 am	Departed USPS Facility	SARASOTA, FL 34260
June 8, 2017, 1:51 pm	Arrived at USPS Facility	SARASOTA, FL 34260
June 7, 2017, 10:13 pm	Departed USPS Facility	TAMPA, FL 33630
June 7, 2017, 10:12 pm	Arrived at USPS Facility	TAMPA, FL 33630
June 7, 2017, 5:00 pm	Departed Post Office	VENICE, FL 34285

<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tL...> 6/9/2017

DATE & TIME	STATUS OF ITEM	LOCATION
June 7, 2017, 2:20 pm	Acceptance	VENICE, FL 34285

See Less ^

### Available Actions

Text Updates	v
Email Updates	v

See Less ^

### Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

[FAQs \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

**PETITIONER'S WITNESS AND EXHIBIT LISTS**

Petitioner, LINDA M YATES, pursuant to the order of Honorable Administrative Law Judge Linzie F. Bogan, respectfully submit the following witness and exhibit lists:

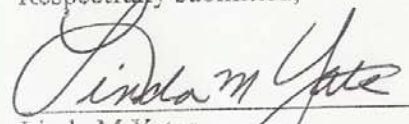
Exhibit List:

EXHIBIT #	DESCRIPTION
1	March 13, 2017 Order from Florida Elections Commission
2	February 28, 2017 FEC Hearing - Transcript
3	January 27, 2017 Petition For Costs and Attorney Fees with Exhibits A-I
4	January 27, 2017 Notice of Release of Counsel
5	October 25, 2016 City of North Port Commission Meeting Minutes
6	October 23, 2016 Waiver of Confidentiality by Respondent Linda Yates
7	October 20, 2016 Letter of Legal Insufficiency from FEC
8	August 28, 2016 Response to FEC Complaint from Respondent Linda Yates
9	July 26, 2016 Elections Complaint filed by Kathy Schure against J Moore
10	June 15, 2016 Ethics Complaint filed by Kathy Schure against J Moore
11	June 8, 2016 Resignation Letter of Jacqueline Moore
12	Kathy Schure Voter Registration and Voter history
13	Cheryl Cook 2012 Candidate Petition
14	City of North Port 2016 Primary Election Sample Ballot and Results
15	City of North Port 2016 General Election Sample Ballot and Results
16	Street view photograph of 3720 West Price Blvd North Port Florida
17	Expert Witness Stephen Slepik, PA. Resume
18	Affidavit of Douglas A. Daniels, ESQ.
19	Linda Yates Affidavit of Expenses Incurred through June 2, 2017

Witness List:

1	Linda Yates 6475 Munsing Avenue North Port, FL 34291
2	Kathy Schure 3720 West Price Boulevard, North Port Florida 34286
3	Cheryl Cook 1712 LaFleur Street North Port, Florida 34288
4	Kathryn L. Lanza 2061 Brubeck Road North Port, Florida 34287
5	Patsy Adkins, City Clerk, 4970 City Hall Blvd North Port, FL 34286
6	Cory Hutchinson 4168 Corydon Avenue North Port, FL 34286
7	Stephen Slepik, PA, Expert witness, 502 North Adams Street Tallahassee, FL 32301
8	Joy Lynn Crowley 13624 Tamiami Trail North Port, FL 34287

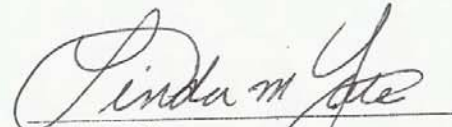
Respectfully submitted,



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of the foregoing PETITIONER'S FILING OF WITNESS AND EXHIBIT LISTS is being furnished this 9th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
IN RE: LINDA YATES, PETITIONER VS  
KATHY SCHURE, RESPONDENT  
CASE NO. 17-1592F  
PETITIONER'S WITNESS AND EXHIBIT LISTS

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

**PETITIONER'S NOTICE OF FILING OF COPY OF  
SUBPOENA AD TESTIFICANDUM SERVED**

Petitioner, LINDA M YATES, hereby submits this notice of filing of copy of Subpoena Ad Testificandum served upon the following of which copy is attached herewith:

1. Joy Lynn Crowley

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of this Notice of Filing of Copy of Subpoena Ad Testificandum Served together with copy thereof is being furnished this 9th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444



STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner(s),

vs.

17-1593F

KATHY SCHURE,

Respondent(s).

SUBPOENA AD TESTIFICANDUM

TO: *Joy Lynn Crowley*  
*13624 TAMAMI TRAIL*  
*NORTH PORT FL 34287*

YOU ARE COMMANDED to appear at THE OFFICE OF THE JUDGE OF COMPENSATION  
CLAIMS VIDEO TELECONFERENCING ROOM, 6497 PARKLAND DRIVE, SUITE M  
SARASOTA, FL 34243 to testify at a ~~pre-hearing~~/final hearing (strike  
one) at 9:30 o'clock A.M., on the 14<sup>th</sup> day of JUNE, 2017.

YOU SHALL RESPOND to this Subpoena as directed unless excused by the party who requested issuance of the Subpoena or by order of the Division of Administrative Hearings.

ISSUED this 25th day of May, 2017, in Tallahassee, Leon County, Florida.



LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 438-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

THIS SUBPOENA HAS BEEN ISSUED AT THE REQUEST OF:  
Linda Yates (941)423-0444

Section 120.569(2)(k), Florida Statutes

(k)1. Any person subject to a subpoena may, before compliance and on timely petition, request the presiding officer having jurisdiction of the dispute to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

2. A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this chapter by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subparagraph 1. The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

3. Any public employee subpoenaed to appear at an agency proceeding shall be entitled to per diem and travel expenses at the same rate as that provided for state employees under s. 112.061 if travel away from such public employee's headquarters is required. All other witnesses appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as is provided in civil actions in circuit courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement, and in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

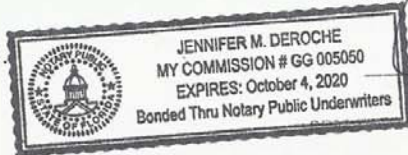
Florida Administrative Code Rule 28-106.212

(1) Upon the request of any party, a presiding officer shall issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall specify whether the witness is also requested to bring documents.

(2) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(3) Any motion to quash or limit the subpoena shall be filed with the presiding officer and shall state the grounds relied upon.

Specific Authority 120.54(5) FS.  
Law Implemented 120.569, 120.57 FS.  
History--New 4-1-97.



RECEIVED THIS SUBPOENA ON:

June 9, 2017, at 2:15

o'clock, P.m., and served the same on June 9, 2017, at 3:27

o'clock, P.m., by delivering a true copy thereof (together with the fee for one day's

attendance and the mileage allowed by law\*)

to: Joy Lynn Crowley

**A. COMPLETE IF SERVED BY SHERIFF OR APPOINTEE**

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock, \_\_\_\_m.

By: \_\_\_\_\_

Title: \_\_\_\_\_

**B. AFFIDAVIT IF SERVED BY OTHER PERSON**

June 9, 2017  
By: [Signature]

Sworn and subscribed to before me,

this 9<sup>th</sup> day of June, 2017, in

Sarasota County, Florida.

Type of identification: FL DL

or (check if) \_\_\_\_\_ personally known.

Jennifer M Deroche  
(notary public)

NOTE: Notarized Affidavit required only if service is made by a person other than a Sheriff, a Deputy Sheriff, or a certified process server. Chapter 48, Florida Statutes.

\*Fees and mileage need not be tendered to public employees subject to section 112.061, Florida Statutes.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

**PETITIONER'S LETTER TO HONORABLE JUDGE LINZIE F. BOGAN  
SEEKING RESPONDENTS COPIES OF EXHIBITS**

Petitioner, LINDA M YATES, hereby submits this communication to the Honorable Judge Linzie F. Bogan, in regards to the Respondent's Notice of Filing of Exhibits to which I received notice through the eALJ System on June 6, 2017.

1. The Respondent's Notice is dated June 3, 2017, however was filed on 6/6/17 through the eALJ system at 2:38 p.m. and subsequently the Notice was faxed to the Division of Administrative Hearings on 6/6/17 at 3:25 p.m.
2. The Respondent's Notice of Filing of Exhibits is generic with the absence of stating what exhibits are for A through E, G through I and M.
3. The Respondent's Exhibits J, K and L, do not pertain to matter before this tribunal for a hearing on the Petitioner's entitlement to Costs and Attorney Fees regarding FEC 16-362.

4. The Respondent's Notice of Filing of Exhibits states the Respondent sent the Notice electronically through the eALJ system with attachments however the attachments were not included electronically.
5. The Respondent's Notice of Filing of Exhibits states copies were furnished to Linda Yates sent by Certified Mail, however I did not receive the Notice with Exhibits by the end of day June 7 by Certified Mail and still as of today June 8, I have not received copies of them by other means.
6. I am seeking for the Honorable Judge Linzie F. Bogan to seek the Certified Mail receipt and tracking number from the Respondent as referenced in her Notice of Filing of Exhibits and for anyway I can obtain copies of those exhibits that were received by mail on June 7 by the Division of Administrative Hearings.

CERTIFICATE OF SERVICE

I, LINDA M. YATES, HEREBY CERTIFY that a copy of this Petitioner's Letter is being furnished this 8th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Florida Elections Commission, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).




Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

L. Suntrust Bank, Plaintiff vs. Linda Yates and Mark Yates, Defendants. Amended Final Judgment of Foreclosure in the amount of \$233,374.46. Twentieth Judicial Circuit, Florida, Case No. 11-2008-CA-008788

M. Calendar.

June 3, 2017



Kathy Schure  
Pro Se  
3720 W. Price Blvd.  
North Port Florida 34286  
(941) 426-2643  
retired\_in\_fl@yahoo.com

Sent electronically through the eALJ system with attachments.

COPIES FURNISHED:  
Linda Yates  
6475 Munsing Avenue  
North Port, Florida 34286  
Sent certified mail

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,  
Petitioner,

Vs.

Case No. 17-1593F

KATHY SCHURE,  
Respondent.

\_\_\_\_\_ /

RESPONDENTS NOTICE OF FILING OF EXHIBITS

A. flyer

B. e-mail

C. e-mail

D. e-mail

E. e-mail

F. Dec 1, 2016 State of Florida Elections Commission CONSENT FINAL ORDER, case # FEC 16-236.

G. e-mail

H. e-mail

I. e-mail

J. Deutsche Bank National Trust company, Plaintiff vs. Linda Yates and Mark Yates, Defendants, Notice of Lis Pendens. Twelfth Circuit Court Florida, Case No. 20110CA011258NC

K. National City Real Estate Services, LLC, Plaintiff vs. Linda Yates and Mark Yates, Defendants. Judgment Entry in Foreclosure Action. Court of Common Pleas Summit County, Ohio Case No. 2008 11 7993

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

**PETITIONER'S NOTICE OF FILING AFFIDAVIT OF  
LINDA M. YATES AS TO EXPENSES INCURRED  
THUS FAR FROM AUGUST 27, 2016 THROUGH JUNE 2, 2017**

Petitioner, LINDA M YATES, hereby gives notice of filing the attached Affidavit of Linda M. Yates as to Expenses Incurred thus Far from August 27, 2016 through June 2, 2017.

CERTIFICATE OF SERVICE

I, LINDA M. YATES, HEREBY CERTIFY that a copy of this Notice of Filing together with a copy of the Affidavit of Linda M. Yates as to Expenses Incurred thus Far from August 27, 2016 through June 2, 2017 are being furnished this 5th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Florida Elections Commission, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).

  
Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

**AFFIDAVIT OF LINDA M. YATES AS TO EXPENSES INCURRED  
THUS FAR FROM AUGUST 27, 2016 THROUGH JUNE 2, 2017**

Personally appeared before me, the undersigned authority, the within named Linda M. Yates who, after being first duly sworn deposes and states as follows:

1. My name is Linda M. Yates and I am currently a North Port City Commissioner.
2. The term of a North Port City Commissioner as per the City's Charter, is four years.
3. I was initially elected on November 2, 2010 and re-elected on November 4, 2014.
4. Since my election in 2010 my reputation has been well established and widely known as being one held in high regard from constituents and colleagues, as demonstrated by my re-election in 2014, as well as by way of my appointment to serve as a representative, either in the past or present, on various governmental and association committees including: Policy Committee of the Charlotte Harbor National Estuary; Florida League of Cities (FLC) Urban Administration Committee; FLC Energy and Environmental Committee; FLC Transportation and Intergovernmental Relations Committee; National League of Cities (NLC) Transportation and Infrastructure Services Committee; NLC Youth and Family Council; Manasota League of Cities (past President and past Vice-Present); Sarasota/Manatee Metropolitan Planning Organization (MPO); and Vice-Chair of the MPO Public Transportation Taskforce. I have also attained a Bronze Level in the National League of Cities Leadership Training Institute; I was a recipient of the FLC 2015 Home Rule Hero Award; in 2016 appointed to the FLC Board of Directors as the representative for the District 10 of Florida. Additionally I was elected by my fellow Commissioners to serve as City of North Port Mayor from November 2012 - November 2013 and currently serve as Mayor for the period of November 2016 – November 2017.



5. I was not a Commissioner Candidate in the 2016 City of North Port Election.
6. On August 27, 2016 I received by Certified mail from the Florida Elections Commission a copy of an Elections Complaint filed by Kathy Schure alleging I had violated Election Laws.
7. As a layperson and having no prior experience with this kind of matter, I retained the legal services of Mr. Doug Daniels, Esquire, for the purposes of submitting a timely response to the Florida Elections Commission and to ensure that the FEC Complaint was handled in the most appropriate, efficient and effective manner to ensure my credibility and reputation was not impaired.
8. Before the FEC completed its most basic legal sufficiency review, on September 9, 2016 I was notified by the North Port City Clerk that a copy of Ms. Schure's FEC Confidential Complaint Form was hand delivered with a request to make it a Public Record and to make copies of it and distribute a copy to each of the North Port City Commissioners.
9. On September 16, 2016 I was contacted by the City Clerk advising that she had received a call from Ms. Schure demanding that a copy of her FEC Complaint be distributed without delay to all City Commissioners and therefore all Commissioners would be receiving a copy that day.
10. On October 18, 2016 the agenda with backup materials for the City Commission Meeting taking place on October 25, 2016 was publicly distributed and posted on the City's website. At the request of then City Commissioner Cheryl Cook, an item on the agenda was 6G. "Discussion and possible action regarding contents of complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the Clerk September 09, 2016." A copy of Ms. Schure's FEC Complaint alleging that I had violated Election Laws was attached to that agenda item.
11. In January 2017, I received a letter from the FEC dated December 30, 2016 stating that since the Elections Commission did not receive any additional information that corrected the stated grounds of insufficiency, the case was closed.
12. In order to protect my professional, political, and personal reputation as an elected official, I was compelled to hire legal counsel to defend myself, and I incurred significantly more legal fees when Ms. Schure pushed for the distribution and publicity of a copy of her FEC Complaint which was placed on the City Commission's agenda before the FEC had even completed a preliminary review of the complaint.
13. In consideration of all the above and due to Ms. Schure's filing of her Complaint with the FEC and her subsequent actions with regard to her FEC Complaint which required ongoing consult, further research of elections law, ethics law and case law, for the period of August 27, 2016 through January 27, 2017 I incurred attorney fees in the total amount of \$4,090 as follows:

8.8 hours at billing rate of \$400 per hour = \$3,520  
1.9 hours at billing rate of \$300 per hour = \$570

Total Attorney Fees = \$4,090.00

14. Due to my limited financial means, I could no longer afford to be represented by counsel, and as of January 27, 2017 I released my attorney from this case and I am pursuing this Petition for Cost and Attorney Fees pro se.

15. Additional costs I have incurred thus far through June 2, 2017 are as follows:

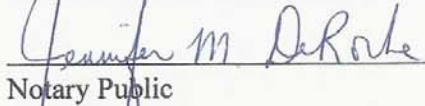
January 27, 2017 - Notary Fee = \$10.00  
January 28, 2017 - USPS Document mailing to FEC = \$6.65  
February 27 & 28, 2017 - FEC Hearing in Tallahassee- Travel = \$200.43  
(one night hotel stay = \$122.98; Gas = \$74.45; Parking = \$3)  
April 13, 2017 Imperial Court Reporting 2-28-17 FEC Hearing = \$112  
April 19, 2017 Supervisor of Elections - Copies = \$5.10  
May 18, 2017 - U.S. Mail Priority = \$13.30  
May 20, 2017 - Expert Witness Fee = \$500.00  
May 29 & 31, 2017 - Witness fees/notary fees/copies = \$33.01  
Total Costs: \$880.49

16. The expenses, including costs and attorney fees incurred thus far from August 27, 2016 through June 2, 2017 equals \$4,970.49.



Affiant Signature  
Linda M. Yates  
6475 Munsing Avenue  
North Port, FL 34291

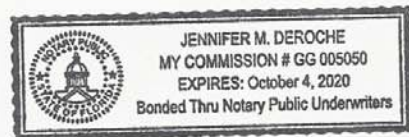
Sworn to and subscribed before me this 3<sup>rd</sup> day of June, 2017.

  
Notary Public

Jennifer M. DeRoche  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ or Produced Identification X FLDL

My Commission expires: Oct 4, 2020



STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

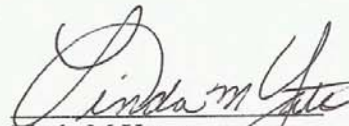
Respondent.

**PETITIONER'S NOTICE OF FILING AFFIDAVIT OF  
DOUGLAS A. DANIELS, ESQ FOR ATTORNEY'S TIME AND FEES**

Petitioner, LINDA M YATES, hereby gives notice of filing the attached Affidavit of Douglas A. Daniels, ESQ for Attorney's Time and Fees.

CERTIFICATE OF SERVICE

I, LINDA M. YATES, HEREBY CERTIFY that a copy of this Notice of Filing together with a copy of the Affidavit of Douglas A. Daniels, ESQ for Attorney's Time and Fees are being furnished this 5th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically by eALJ system); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (electronically by eALJ system) and to AMY TOMAN, Florida Elections Commission, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically by eALJ system).



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

Re: Linda M. Yates

FEC 16-362

Respondent  
\_\_\_\_\_ /

**AFFIDAVIT OF ATTORNEY'S TIME AND FEES**

STATE OF FLORIDA :  
                                  : ss  
COUNTY OF VOLUSIA:

BEFORE ME, the undersigned authority, this day personally appeared DOUGLAS A. DANIELS, who being first duly sworn on oath, deposes and says to the best of his knowledge and belief:

1. I was the attorney for Respondent in this election case from August 28, 2016 thru January 27, 2017, and I have been practicing law in Florida since 1982.

2. I spent 8.8 hours on this case which I billed Ms. Yates at the rate of \$400.00 per hour for a total of \$3,520.00 and 1.9 hours at the rate of \$300.00, for a total of \$570.00, a grand total of \$4,090.00. Copy of statement attached.

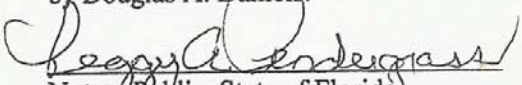
3. My hourly rate is reasonable for a election case and is similar to that charged by others.

4. The time spent on this case is reasonable, given the damage done to Ms. Yates' reputation, and the effort others made to use the complaint for that purpose.

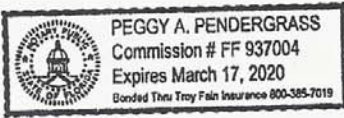


DOUGLAS A. DANIELS, ESQ.  
Florida Bar No. 337031  
444 Seabreeze Blvd., Ste. 645  
Daytona Beach, FL 32118  
(386) 255-8118  
[Doug@danielslegal.com](mailto:Doug@danielslegal.com)  
Attorney for Respondent

Sworn to and subscribed before me  
this 5<sup>th</sup> day of June, 2017,  
by Douglas A. Daniels.



Notary Public, State of Florida  
My Commission expires:



P Personally know to me, or  
Produced identification: \_\_\_\_\_  
Type of identification



2/27/2017  
8:58 AM

Douglas Daniels, P.A.  
Slip Listing

Page 2

Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
951		TIME		Doug	0.30	400.00	120.00
	1/4/2017			Review	0.00	T	
	Billed	G:10174	2/1/2017	Yates, Linda	0.00		
			Review of determination letter fro Election Commission.	Election Commission	0.00		
967		TIME		Doug	0.30	400.00	120.00
	1/18/2017			Review	0.00	T	
	Billed	G:10174	2/1/2017	Yates, Linda	0.00		
			Review of file; call to client re motion.	Election Commission	0.00		
969		TIME		Doug	2.30	400.00	920.00
	1/19/2017			Review	0.00	T	
	Billed	G:10174	2/1/2017	Yates, Linda	0.00		
			Review of FEC statutes and rules on attorney's fees; research re case law.	Election Commission	0.00		
970		TIME		Doug	0.30	400.00	120.00
	1/23/2017			email	0.00	T	
	Billed	G:10174	2/1/2017	Yates, Linda	0.00		
			E-Mail to client re money from city.	Election Commission	0.00		
Grand Total				Billable	10.70		4090.00
				Unbillable	0.00		0.00
				Total	10.70		4090.00

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

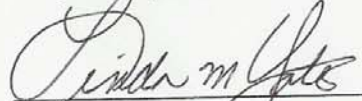
**PETITIONER'S NOTICE OF FILING OF PROPOSED EXHIBITS**

Petitioner, LINDA M YATES, pursuant to the order of Honorable Administrative Law Judge Linzie F. Bogan, respectfully submits notice of filing of the following proposed exhibits:

EXHIBIT #	DESCRIPTION
1	March 13, 2017 Order from Florida Elections Commission
2	February 28, 2017 FEC Hearing - Transcript
3	January 27, 2017 Petition For Costs and Attorney Fees with Exhibits A-I
4	January 27, 2017 Notice of Release of Counsel
5	October 25, 2016 City of North Port Commission Meeting Minutes
6	October 23, 2016 Waiver of Confidentiality by Respondent Linda Yates
7	October 20, 2016 Letter of Legal Insufficiency from FEC
8	August 28, 2016 Response to FEC Complaint from Respondent Linda Yates
9	July 26, 2016 Elections Complaint filed by Kathy Schure against J Moore
10	June 15, 2016 Ethics Complaint filed by Kathy Schure against J Moore
11	June 8, 2016 Resignation Letter of Jacqueline Moore
12	Kathy Schure Voter Registration and Voter history
13	Cheryl Cook 2012 Candidate Petition
14	City of North Port 2016 Primary Election Sample Ballot and Results
15	City of North Port 2016 General Election Sample Ballot and Results
16	Street view photograph of 3720 West Price Blvd North Port Florida
17	Expert Witness Stephen Slepik, PA, Resume
18	Affidavit of Douglas A. Daniels, ESQ.
19	Linda Yates Affidavit of Expenses Incurred through June 2, 2017



Respectfully submitted,



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of the foregoing Notice of Filing of Proposed Exhibits together with copies of Exhibits 1 - 19 are being furnished this 5th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (by U.S. Mail); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (by U.S. Mail) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (by U.S. Mail).



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
IN RE: LINDA YATES, PETITIONER VS.  
KATHY SCHURE, RESPONDENT  
CASE NO. 17-1593F  
PETITIONER'S NOTICE OF FILING OF  
PROPOSED EXHIBITS

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

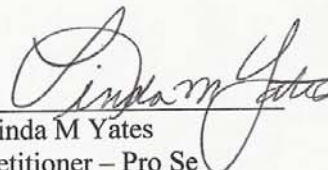
**PETITIONER'S NOTICE OF FILING OF COPIES OF  
SUBPOENA AD TESTIFICANDUM SERVED**

Petitioner, LINDA M YATES, hereby submits this notice of filing of copies of Subpoena Ad Testificandum served upon the following of which copies are attached herewith:

1. Kathryn L Lanza
2. Patsy Adkins
3. Cory Hutchinson

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of this Notice of Filing of Copies of Subpoena Ad Testificandum Served together with copies of each are being furnished this 2nd day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (by U.S. Mail) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (electronically).



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner(s),

vs.

17-1593F

KATHY SCHURE,

Respondent(s).

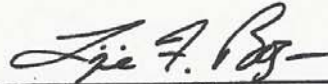
SUBPOENA AD TESTIFICANDUM

TO: KATHRYN L. LANZA  
2061 Brubeck Road  
North Port, FL 34287

YOU ARE COMMANDED to appear at THE OFFICE OF THE JUDGES OF COMPENSATION  
CLAIMS, VIDEO TELECONFERENCING ROOM, 6497 PARKLAND DRIVE, SUITE M  
SARASOTA, FL 34243 to testify at a ~~deposition~~/final hearing (strike  
one) at 9:30 o'clock A.m., on the 14<sup>th</sup> day of JUNE, 2017.

YOU SHALL RESPOND to this Subpoena as directed unless excused by the  
party who requested issuance of the Subpoena or by order of the Division of  
Administrative Hearings.

ISSUED this 25th day of May, 2017, in Tallahassee, Leon County,  
Florida.



LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

THIS SUBPOENA HAS BEEN ISSUED AT THE REQUEST OF:  
Linda Yates (941) 423-0444

Section 120.569(2)(k), Florida Statutes

(k)1. Any person subject to a subpoena may, before compliance and on timely petition, request the presiding officer having jurisdiction of the dispute to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

2. A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this chapter by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subparagraph 1. The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

3. Any public employee subpoenaed to appear at an agency proceeding shall be entitled to per diem and travel expenses at the same rate as that provided for state employees under s. 112.061 if travel away from such public employee's headquarters is required. All other witnesses appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as is provided in civil actions in circuit courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement, and in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

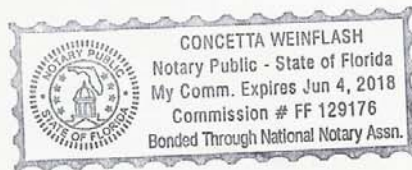
Florida Administrative Code Rule 28-106.212

(1) Upon the request of any party, a presiding officer shall issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall specify whether the witness is also requested to bring documents.

(2) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(3) Any motion to quash or limit the subpoena shall be filed with the presiding officer and shall state the grounds relied upon.

Specific Authority 120.54(5) FS.  
Law Implemented 120.569, 120.57 FS.  
History--New 4-1-97.



RECEIVED THIS SUBPOENA ON:

May 29, 2017, at 5:00  
o'clock, P.m., and served the same on  
May 30, 2017, at 10:28  
o'clock, A.m., by delivering a true copy

thereof (together with the fee for one day's attendance and the mileage allowed by law\*)

to: Kathryn J. Langa

A. COMPLETE IF SERVED BY SHERIFF OR APPOINTEE

\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock, \_\_\_\_m.  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

B. AFFIDAVIT IF SERVED BY OTHER PERSON

May 30, 2017  
By: Charlene Kelleher

Sworn and subscribed to before me,  
this 30th day of May, 2017, in  
Sarasota County, Florida.

Type of identification: FDDL

or (check if) \_\_\_\_\_ personally known.

Conetta Weinflash  
(notary public)

SEAL:

NOTE: Notarized Affidavit required only if service is made by a person other than a Sheriff, a Deputy Sheriff, or a certified process server. Chapter 48, Florida Statutes.

\*Fees and mileage need not be tendered to public employees subject to section 112.061, Florida Statutes.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner(s),

vs.

17-1593F

KATHY SCHURE,

Respondent(s).

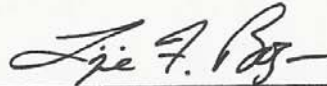
SUBPOENA AD TESTIFICANDUM

TO: Patsy Adkins  
North Port City Hall  
4970 City Hall Blvd  
North Port, FL 34286

YOU ARE COMMANDED to appear at THE OFFICE OF THE JUDGES OF COMPENSATION  
CLAIMS, VIDEO TELECONFERENCING ROOM, 6497 PARKLAND DRIVE, SUITE M  
SARASOTA, FL 34243 to testify at a ~~deposition~~/final hearing (strike  
one) at 9:30 o'clock A.m., on the 14<sup>th</sup> day of JUNE, 2017.

YOU SHALL RESPOND to this Subpoena as directed unless excused by the  
party who requested issuance of the Subpoena or by order of the Division of  
Administrative Hearings.

ISSUED this 25th day of May, 2017, in Tallahassee, Leon County,  
Florida.



LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

THIS SUBPOENA HAS BEEN ISSUED AT THE REQUEST OF:

Linda Yates (941)423-0444

Section 120.569(2)(k), Florida Statutes

(k)1. Any person subject to a subpoena may, before compliance and on timely petition, request the presiding officer having jurisdiction of the dispute to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

2. A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this chapter by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subparagraph 1. The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

3. Any public employee subpoenaed to appear at an agency proceeding shall be entitled to per diem and travel expenses at the same rate as that provided for state employees under s. 112.061 if travel away from such public employee's headquarters is required. All other witnesses appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as is provided in civil actions in circuit courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement, and in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

Florida Administrative Code Rule 28-106.212

(1) Upon the request of any party, a presiding officer shall issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall specify whether the witness is also requested to bring documents.

(2) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(3) Any motion to quash or limit the subpoena shall be filed with the presiding officer and shall state the grounds relied upon.

Specific Authority 120.54(5) FS.  
Law Implemented 120.569, 120.57 FS.  
History--New 4-1-97.



RECEIVED THIS SUBPOENA ON:

May 26, 2017, at 5:00

o'clock, 5 p.m., and served the same on

May 30, 2017, at 10:58

o'clock, 11 a.m., by delivering a true copy

thereof (together with the fee for one day's

attendance and the mileage allowed by law\*)

to: Barbara Lockhart

A. COMPLETE IF SERVED BY SHERIFF OR APPOINTEE

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock, \_\_\_\_m.

By: \_\_\_\_\_

Title: \_\_\_\_\_

B. AFFIDAVIT IF SERVED BY OTHER PERSON

May 30, 2017

By: Charles Kelleher

Sworn and subscribed to before me,

this 30<sup>th</sup> day of May, 2017, in

Sarasota County, Florida.

Type of identification: FLDL

or (check if) \_\_\_ personally known.

Concetta Weinflash  
(notary public)

SEAL:

NOTE: Notarized Affidavit required only if service is made by a person other than a Sheriff, a Deputy Sheriff, or a certified process server. Chapter 48, Florida Statutes.

\*Fees and mileage need not be tendered to public employees subject to section 112.061, Florida Statutes.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner(s),

vs.

17-1593F

KATHY SCHURE,

Respondent(s).

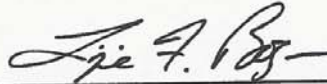
SUBPOENA AD TESTIFICANDUM

TO: *Cory Hutchinson*  
*4168 Corydon Avenue*  
*North Port, FL 34286*

YOU ARE COMMANDED to appear at THE OFFICE OF THE JUDGES OF COMPENSATION CLAIMS, VIDEO TELECONFERENCING ROOM, 6497 PARKLAND DRIVE, SUITE M SARASOTA, FL 34243 to testify at a ~~deposition~~/final hearing (strike one) at 9:30 o'clock A.m., on the 14<sup>th</sup> day of JUNE, 2017.

YOU SHALL RESPOND to this Subpoena as directed unless excused by the party who requested issuance of the Subpoena or by order of the Division of Administrative Hearings.

ISSUED this 25th day of May, 2017, in Tallahassee, Leon County, Florida.



LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

THIS SUBPOENA HAS BEEN ISSUED AT THE REQUEST OF:  
Linda Yates (941) 423-0444

Section 120.569(2)(k), Florida Statutes

(k)1. Any person subject to a subpoena may, before compliance and on timely petition, request the presiding officer having jurisdiction of the dispute to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

2. A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this chapter by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subparagraph 1. The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

3. Any public employee subpoenaed to appear at an agency proceeding shall be entitled to per diem and travel expenses at the same rate as that provided for state employees under s. 112.061 if travel away from such public employee's headquarters is required. All other witnesses appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as is provided in civil actions in circuit courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement, and in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

Florida Administrative Code Rule 28-106.212

(1) Upon the request of any party, a presiding officer shall issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall specify whether the witness is also requested to bring documents.

(2) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(3) Any motion to quash or limit the subpoena shall be filed with the presiding officer and shall state the grounds relied upon.

Specific Authority 120.54(5) FS.  
Law Implemented 120.569, 120.57 FS.  
History--New 4-1-97.

RECEIVED THIS SUBPOENA ON:

MAY 30<sup>TH</sup>, 2017, at 7:45

o'clock, P.m., and served the same on

MAY 31<sup>ST</sup>, 2017, at 5:30

o'clock, P.m., by delivering a true copy

thereof (together with the fee for one day's

attendance and the mileage allowed by law\*)

to: CORY HUTCHINSON

A. COMPLETE IF SERVED BY SHERIFF OR APPOINTEE

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock, \_\_\_\_m.

By: \_\_\_\_\_

Title: \_\_\_\_\_

B. AFFIDAVIT IF SERVED BY OTHER PERSON

MAY 31<sup>ST</sup>, 2017

By: TIMOTHY J MARTIN


Sworn and subscribed to before me,

this 3<sup>RD</sup> day of MAY, 2017, in

Sarasota County, Florida.

Type of identification: FL Drivers License

or (check if) \_\_\_ personally known.

  
(notary public)

SEAL:

NOTE: Notarized Affidavit required only if service is made by a person other than a Sheriff, a Deputy Sheriff, or a certified process server. Chapter 48, Florida Statutes.

\*Fees and mileage need not be tendered to public employees subject to section 112.061, Florida Statutes.





STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

---

**PETITIONER'S ITEMIZED STATEMENT  
OF COSTS AND REASONABLE ATTORNEYS' FEES**

Petitioner, LINDA M YATES, pursuant to the initial order of Honorable Administrative Law Judge Linzie F. Bogan, respectfully submits the following itemized statement of costs and reasonable attorney's fees thus far:

Attorney Fees:

From August 28, 2016 through end of service date of February 27, 2017:

8.8 hours at billing rate of \$400 per hour = \$3,520

1.9 hours at billing rate of \$300 per hour = \$570

Total Attorney Fees = \$4,090

(Attached is the daily breakdown of legal services by hours and rate)

Costs:

January 27, 2017 - Notary Fee = \$10.00

January 28, 2017 - USPS Document mailing to FEC = \$6.65

February 28, 2017 - FEC Hearing in Tallahassee- Travel = \$163.33

(one night hotel stay = \$122.98; Gas = \$37.35; Parking = \$3)

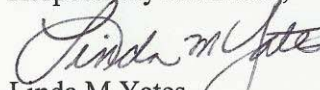
April 13, 2017 Imperial Court Reporting 2-28-17 FEC Hearing = \$112

April 19, 2017 Supervisor of Elections - Copies = \$5.10

Total Costs: \$297.08

Total of costs and reasonable attorney's fees thus far = \$4,387.08

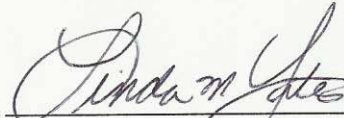
Respectfully submitted,



Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of the foregoing PETITIONER'S ITEMIZED STATEMENT OF COSTS AND REASONABLE ATTORNEYS' FEES together with attached daily breakdown of legal services by hours and rate, are being furnished this 18<sup>th</sup> day of May, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (electronically); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (by U.S. Mail) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (BY U.S. Mail).



---

Linda M Yates  
Petitioner – Pro Se  
6475 Munsing Avenue  
North Port, Florida 34291  
[yates@lindayates.com](mailto:yates@lindayates.com)  
941-423-0444

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
IN RE: LINDA YATES, PETITIONER VS.  
KATHY SCHURE, RESPONDENT  
CASE NO. 17-1593F  
PETITIONER'S ITEMIZED STATEMENT OF  
COSTS AND REASONABLE ATTORNEY'S  
FEES IN CONFORMANCE WITH INITIAL ORDER

Attachment of the daily breakdown of legal services by hours and rate

2/27/2017  
8:58 AM

Douglas Daniels, P.A.  
Slip Listing

Page 1

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Selection Criteria	
Clie.Selection	Include: Yates, Linda
Slip.Classification	Open

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Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
784	TIME	Doug	1.00	400.00	400.00
10/24/2016		Review	0.00	T	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Review of file; conference with client re strategy for Election Commission Tuesday nights hearing.			0.00		
785	TIME	Doug	3.00	400.00	1200.00
8/28/2016		Review	0.00	T	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Review of complaint and related documents; conference with client re same; review of statutes and case law re election violation; email to client re opinions of complaint; drafting response to the Elections Commission.			0.00		
786	TIME	Doug	1.00	400.00	400.00
10/21/2016		Conference	0.00	T	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Conference with client re disclosure of complaint and how to handle upcoming city commission meeting.			0.00		
787	TIME	Doug	0.60	400.00	240.00
10/22/2016		Research	0.00	T	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Research various issues regarding records and ethics questions.			0.00		
801	TIME	Doug	1.00	300.00	300.00
10/25/2016		Review	0.00	T@1	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Review of insurance policy; drafting email re same.			0.00		
804	TIME	Doug	0.60	300.00	180.00
10/28/2016		Conference	0.00	T@1	
Billed	G:10128	11/1/2016 Yates, Linda	0.00		
Conference with client re results of meeting.			0.00		
829	TIME	Doug	0.30	300.00	90.00
11/11/2016		Review	0.00	T@1	
Billed	G:10153	12/1/2016 Yates, Linda	0.00		
Review of file and client's email; respond to same.			0.00		

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
IN RE: LINDA YATES, PETITIONER VS.  
KATHY SCHURE, RESPONDENT  
CASE NO. 17-1593F  
PETITIONER'S ITEMIZED STATEMENT OF  
COSTS AND REASONABLE ATTORNEYS' FEES IN  
CONFORMANCE WITH INITIAL ORDER

2/27/2017  
8:58 AM

Douglas Daniels, P.A.  
Slip Listing

Page 2

Slip ID	Dates and Time	Posting Status	Description	Timekeeper	Activity	Client	Reference	Units	DNB Time	Rate	Rate Info	Slip Value
								Est. Time	Est. Time	Bill Status		
								Variance				
951	1/4/2017	TIME		Doug	Review			0.30		400.00		120.00
	Billed	G:10174	2/1/2017	Yates, Linda				0.00		T		
			Review of determination letter fro Election Commission.	Election Commission				0.00				
967	1/18/2017	TIME		Doug	Review			0.30		400.00		120.00
	Billed	G:10174	2/1/2017	Yates, Linda				0.00		T		
			Review of file; call to client re motion.	Election Commission				0.00				
969	1/19/2017	TIME		Doug	Review			2.30		400.00		920.00
	Billed	G:10174	2/1/2017	Yates, Linda				0.00		T		
			Review of FEC statutes and rules on attorney's fees; research re case law.	Election Commission				0.00				
970	1/23/2017	TIME		Doug	email			0.30		400.00		120.00
	Billed	G:10174	2/1/2017	Yates, Linda				0.00		T		
			E-Mail to client re money from city.	Election Commission				0.00				
Grand Total												
				Billable				10.70				4090.00
				Unbillable				0.00				0.00
				Total				10.70				4090.00

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
IN RE: LINDA YATES, PETITIONER VS.  
KATHY SCHURE, RESPONDENT  
CASE NO. 17-1593F  
PETITIONER'S ITEMIZED STATEMENT OF  
COSTS AND REASONABLE ATTORNEYS' FEES IN  
CONFORMANCE WITH INITIAL ORDER

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

Case No. 17-1593F

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

NOTICE OF HEARING BY VIDEO TELECONFERENCE

A hearing will be held in this case on June 14, 2017, at 9:30 a.m., or as soon thereafter as can be heard by video teleconference at sites in Sarasota and Tallahassee, Florida. The Sarasota site will be at the Office of the Judges of Compensation Claims, Video Teleconferencing Room, 6497 Parkland Drive, Suite M. The Tallahassee site will be at the Division of Administrative Hearings, (check the reception area for hearing room assignment), the DeSoto Building, 1230 Apalachee Parkway. Witnesses, parties, representatives, and/or attorneys may report to either site. The Administrative Law Judge will be at the Tallahassee site. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ISSUE: As alleged in the Petition for Costs and Attorney's Fees.

AUTHORITY: Chapter 120, Florida Statutes; and Florida Administrative Code Chapter 28-106, Parts I and II.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. Registered e-filers shall request subpoenas through eALJ. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Florida Administrative Code Rule 28-106.106. Failure to appear at this hearing may be grounds for closure of the file without further proceedings.

On or before June 7, 2017, the parties shall provide the Administrative Law Judge with copies of all of the proposed exhibits. A notice of filing the proposed exhibits shall be filed electronically through the eALJ system and shall be served on all parties. The proposed exhibits, along with a copy of the electronically filed notice of filing, shall be submitted by mail or hand-delivery to the Division of Administrative Hearings and shall be served on all parties. The exhibits will not be considered until they are admitted into evidence during the final hearing.

The agency shall be responsible for preserving the testimony at the final hearing. The court reporter, if one is used, will be at the Sarasota site. If a court reporter is not used, the agency shall arrange for a notary public to be at the Sarasota site, and all witnesses who testify at the Sarasota site shall be sworn in by a notary public with a written confirmation of the oath filed after the hearing. Fla. Admin. Code R. 28-106.213(5)(b).

April 13, 2017



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LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

COPIES FURNISHED:

Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286

Linda Yates  
6475 Munsing Avenue  
North Port, Florida 34286

ROOM CONFIRMATION COPY:

Laure Carnes  
Office of the Judges of Compensation Claims  
6497 Parkland Drive, Suite M  
Sarasota, Florida 34243  
(941) 753-0900  
(eServed)

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's secretary no later than seven days prior to the hearing. The Judge's secretary may be contacted at (850) 488-9675, via 1-800-955-8771 (TDD), or 1-800-955-8770 (Voice) Florida Relay Service.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

Case No. 17-1593F

KATHY SCHURE,

Respondent.

\_\_\_\_\_ /

INITIAL ORDER

1. Parties not represented by an attorney may file by electronic means through eALJ located at [www.doah.state.fl.us](http://www.doah.state.fl.us). Any document filed through eALJ shall include the filing party's e-mail address and be served upon all other parties. All pleadings and motions must contain the DOAH style and case number.

2. Any document filed with DOAH by a party represented by an attorney shall be filed by electronic means through eALJ. Parties that have not previously registered for electronic filing may register through eALJ at [www.doah.state.fl.us](http://www.doah.state.fl.us). Once your registration has been submitted you will receive electronic notification within 24 hours that your account has been activated. YOUR REGISTRATION MUST BE ACTIVATED BEFORE YOU MAY FILE ELECTRONICALLY.

3. A party may appear personally or be represented by an attorney or other qualified representative, pursuant to Florida Administrative Code Rule 28-106.106. Self-represented litigants should review "Representing Yourself" located on the Division's website at [www.doah.state.fl.us](http://www.doah.state.fl.us).

4. PETITIONER, LINDA YATES, SHALL COORDINATE WITH ALL PARTIES AND PROVIDE THE FOLLOWING INFORMATION WITHIN SEVEN DAYS OF THE DATE OF THIS ORDER. If coordination is not possible, each party shall individually provide this information.



a. The case number of the underlying DOAH proceeding, if any;

b. The estimated length of time necessary to conduct the final hearing;

c. Suggested geographic location for the final hearing. Any of the parties may state a preference for either a hearing conducted in-person or a hearing conducted by video-conferencing (VTC). The Judge will give the preference due consideration. Additional information about VTC hearings, including VTC locations, is available at [www.doah.state.fl.us](http://www.doah.state.fl.us);

d. All dates more than 30 and fewer than 70 days from the date of this Order on which all parties are available for the final hearing.

5. In the event a document is NOT electronically filed in accordance with paragraph 1, PARTIES NOT REPRESENTED BY AN ATTORNEY shall file the document on 8.5" x 11" paper at the address below and a copy served upon all other parties. Parties not represented may file electronically through eALJ, facsimile, or mail. CHOOSE ONE METHOD of filing for each document.

6. Every person filing a document at DOAH MUST ensure that no information protected by privacy or confidentiality laws is contained in any document that would be posted to DOAH's website in the regular course of business.

7. The parties may conduct discovery in the manner provided in the Florida Rules of Civil Procedure. The parties should initiate discovery immediately if they intend to conduct the same. Subpoenas may be obtained through the Clerk's office. Registered e-filers shall obtain subpoenas electronically through the DOAH website under the eALJ link. Discovery must be completed five days before the date of the final hearing unless an extension of time for good cause is granted.

8. The government agency for which a hearing is conducted will make arrangements for preserving the testimony at the final hearing.

9. No later than 20 days before the final hearing, Petitioner LINDA YATES, shall file an itemized statement of costs and reasonable attorney's fees for which she contends the complainant in the underlying proceeding is liable, including the costs and reasonable attorney's fees incurred thus far in

proving entitlement to and the amount of costs and fees. No later than 10 days before the final hearing, the complainant in the underlying proceeding, KATHY SCHURE, shall file an itemized statement of all costs and attorney's fees she believes are reasonable if Petitioner proves entitlement.

10. Each party shall file and exchange that party's witness and exhibit lists no later than five days before the final hearing.

11. Florida Administrative Code Rule 28-106.210 provides that requests for continuances must be made at least five days prior to the date of hearing, except in cases of extreme emergency, and will be granted only by order of the Judge for good cause shown.

12. Parties will promptly notify the assigned Judge in the event of a settlement or other development which might impact the scheduled hearing.

13. If all parties agree, this case may proceed as a summary hearing, without discovery, if requested by motion within 15 days from the date of this Order. The Judge will enter a Final Order within 30 days after the hearing.

DONE AND ORDERED this 24th day of March, 2017, in Tallahassee, Leon County, Florida.



---

LINZIE F. BOGAN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

Filed with the Clerk of the  
Division of Administrative Hearings  
this 24th day of March, 2017.

COPIES FURNISHED:

Kathy Schure  
3720 West Price Boulevard  
North Port, Florida 34286

Linda Yates  
6475 Munsing Avenue  
North Port, Florida 34286

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

March 17, 2017

Administrative Law Judge: LINZIE F. BOGAN  
Filing Date: March 16, 2017

Re: LINDA YATES vs. KATHY SCHURE, DOAH Case No. 17-1593F, 16-362

NOTICE

This matter is now before the Division of Administrative Hearings and the above Judge has been assigned to the case. Should you desire to contact the Judge's office, you may do so at the address or telephone numbers below. Any document filed with DOAH by a party represented by an attorney shall be filed by electronic means through eALJ located at [www.doah.state.fl.us](http://www.doah.state.fl.us). Parties not represented by an attorney may file by electronic means through eALJ. Any document filed through eALJ shall include the filing party's e-mail address and be served upon all other parties. All pleadings and motions must contain the DOAH style and case number.

In the event a document is NOT electronically filed in accordance with the prior paragraph, PARTIES NOT REPRESENTED BY AN ATTORNEY shall file the document on 8.5" x 11" paper at the address below and a copy served upon all other parties. Parties not represented may file electronically through eALJ, facsimile, or mail. CHOOSE ONE METHOD of filing for each document.

EVERY PERSON FILING A DOCUMENT AT DOAH MUST ENSURE THAT NO INFORMATION PROTECTED BY PRIVACY OR CONFIDENTIALITY LAWS IS CONTAINED IN ANY DOCUMENT THAT WOULD BE POSTED TO DOAH'S WEBSITE IN THE REGULAR COURSE OF BUSINESS.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's secretary no later than seven days prior to the hearing. The Judge's secretary may be contacted at the address or telephone numbers below, via 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD) Florida Relay Service.

COPIES FURNISHED:  
Kathy Schure

Linda Yates



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539**

March 16, 2017

Robert S. Cohen, Director and Chief Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

**RE: Florida Elections Commission v. Linda Yates  
Case No.: FEC 16-362**

Dear Judge Cohen:

I am transmitting this case for the assignment of an administrative law judge, pursuant to Section 106.25(8), Florida Statutes. Enclosed is a copy of the Florida Elections Commission's (Commission) Order referring this matter to the Division of Administrative Hearings (DOAH), along with the Petition for Costs and Attorney's Fees.

The Respondent (Linda Yates) in this matter will be represented pro se. Ms. Yates's address is: 6475 Munsing Avenue, North Port, Florida 34286.

The Complainant in this case is Kathy Schure. Ms. Schure's address is: 3720 West Price Blvd., North Port, Florida 34286. Please provide the Commission with a certified copy of the Recommended Order when issued.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy McKeever Toman".

Amy McKeever Toman  
Executive Director

AMT/dam

Enclosures: Commission's Order Granting Petition for Costs and Attorney's Fees and  
Respondent's Petition for Costs and Attorney's Fees

cc: Linda Yates, Respondent w/o enclosures  
Kathy Schure, Complainant w/o enclosures

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED  
17 MAR 13 AM 10:13

In Re: Linda Yates

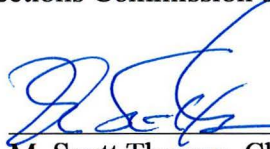
Case No.: FEC 16-362

**ORDER ON PETITION FOR COSTS AND ATTORNEY'S FEES**

**THIS MATTER** was heard by the Florida Elections Commission at its regularly scheduled meeting on February 28, 2017, in Tallahassee, Florida. Linda Yates, Petitioner, was the Respondent in the underlying matter and presented a *Petition for Costs and Attorney's Fees* to the Commission, pursuant to Section 106.265, Florida Statutes, and Rule 2B-1.0045, Florida Administrative Code. The Commission considered the Petition and the related case material. It is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Petition makes a *prima facie* showing of entitlement to costs and attorney's fees in connection with this matter.
2. This matter shall be referred to the Division of Administrative Hearings for a hearing involving disputed issues of material fact and for the entry of a Recommended Order determining whether Petitioner/Respondent is entitled to an award of attorney's fees and costs and, if so, what amount is due.

**DONE AND ORDERED** by the Florida Elections Commission on February 28, 2017.

  
\_\_\_\_\_  
M. Scott Thomas, Chair  
Florida Elections Commission

Copies furnished to:

Amy Toman, Executive Director  
Linda Yates, Petitioner/Respondent  
Kathy Schure, Complainant

Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

RECEIVED  
2017 FEB -6 A 10:47  
STATE OF FLORIDA  
ELECTIONS COMMISSION

February 1, 2017

**Re: Petition For Costs and Attorney's Fees**

Case No. FEC 16-362; Respondent: Linda Yates

Dear Donna Ann Malphurs,

I, Linda M Yates as Respondent in Case NO. FEC 16-362, submitted my "Petition For Costs and Attorney's Fees" on January 27, 2017. I am submitting for attachment to my Petition the Exhibits referenced in my Petition. Please include with my Petition the Exhibits listed below and enclosed herein.

- EXHIBIT A – FEC 16-362
- EXHIBIT B – FEC 16-362 Oct. 20 Letter
- EXHIBIT C – Copy of Complaint Submitted As A Public Record
- EXHIBIT D – Cheryl Cook Email
- EXHIBIT E – October – 25 -2016 Agenda Item
- EXHIBIT F – Articles
- EXHIBIT G – 12-30-16 FEC Letter Close FEC 16-362
- EXHIBIT H – Attorney Fees
- EXHIBIT I – Katheryn Lanza Affidavit

Sincerely,



Linda M. Yates  
6475 Munsing Avenue  
North Port, FL 34291  
941-423-0444



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783

August 25, 2016

**CERTIFIED MAIL 9214 8969 0099 9790 1609 9376 02**

Linda M. Yates  
6475 Munsing Ave.  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda M. Yates**

Dear Ms. Yates:

On August 22, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

The respondent shall have 14 days *after receipt* of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined legally sufficient.

**Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.**

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing.

The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

Sincerely,

*Erin Riley*

Deputy Agency Clerk

ip/enr

Enclosure: Complaint w/attachments -<

**STATE OF FLORIDA**  
**FLORIDA ELECTIONS COMMISSION**  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

**RECEIVED**  
2015 AUG 22 P 1:34

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( )  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- The facts and actions that you believe support the violations you allege,
- The names and telephone numbers of persons you believe may be witnesses to the facts,
- A copy or picture of the political advertisements you mention in your statement,
- A copy of the documents you mention in your statement, and
- Other evidence that supports your allegations.

SEE ATTACHED

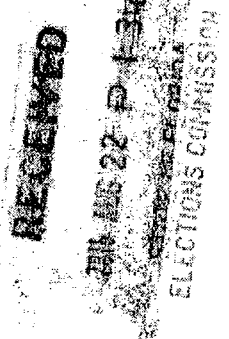
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Additional materials attached (check one)?  Yes  No

**4. OATH**

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

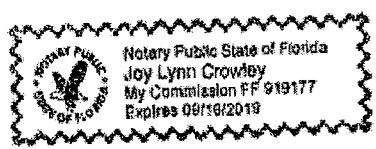
I swear or affirm, that the above information is true and correct to the best of my knowledge.



*Kathy Schure*  
\_\_\_\_\_  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of August, 2016

*Joy Lynn Crowley*  
\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary Public



*Joy Lynn Crowley*  
\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known  Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

[www.fec.state.fl.us](http://www.fec.state.fl.us)

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Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLET AVE Phone: (941) 223-1609  
City: NORTHPORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

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- ✓ A copy of the documents you mention in your statement, and
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SEE ATTACHED

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Additional materials attached (check one)?  Yes  No

**4. OATH**

STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

[Signature]  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of  
August, 2016

[Signature]  
Signature of Officer Authorized to Administer Oaths or Notary public



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)  
Personally known  Or Produced Identification   
Type of Identification Produced \_\_\_\_\_

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**IN RE:           Sunshine Law and Ethics Violations by City of North Port Commissioner  
                  Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner  
Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

August 1, 2016

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public's business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2<sup>nd</sup> 408 (Fla. 2nd DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2<sup>nd</sup> 1244, 1250 (Fl 1979) see also Zorcy City of Vero Beach 722 So. 2<sup>nd</sup> 891 (Fla 4<sup>th</sup> DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2<sup>nd</sup> 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2<sup>nd</sup> 1159 (Fla. 4<sup>th</sup> DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for "legal disputes" (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc "secret meeting" between at least two commissioners and other government officials.

This complaint quotes:

*A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2<sup>nd</sup> 380 (1965)*



This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.



EXHIBIT B

**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783

October 20, 2016

Kathy Schure  
3720 West Price Blvd.  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda Yates**

Dear Ms. Schure:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. I have reviewed your complaint and find it to be legally insufficient.

This complaint was received by the Florida Elections Commission on August 22, 2016. The cover page, which was an FEC complaint form, named Linda Yates as the Respondent. Attached to the complaint form was second complaint form indicating a different Respondent (Jacqueline Moore), as well as a narrative of the allegations against Ms. Yates. You did not indicate anywhere in the documents that you intended to file two complaints, so the Commission accepted the entire document as a complaint against Respondent Linda Yates.

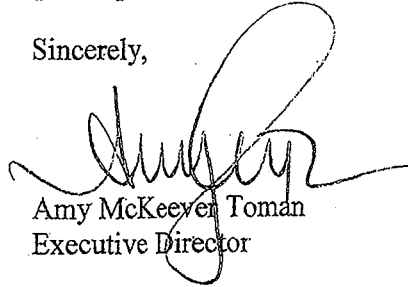
The essential allegations of your complaint are that Respondent violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Amy McKeever Toman", written over a printed name and title.

Amy McKeever Toman  
Executive Director

AMT/enr

Enclosure: Additional Information Form

cc: Linda Yates, Respondent w/out Enclosure

Hand Delivered by Citizen  
as a public Record

EXHIBIT C

CITY CLERK  
SEP 03 2016  
CITY OF NORTH PORT

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( ) \_\_\_\_\_  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

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Additional materials attached (check one)?  Yes  No

**4. OATH**

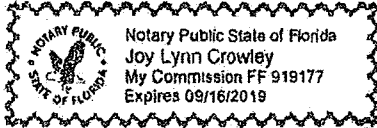
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

*[Handwritten Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 20 16

*[Handwritten Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known      Or Produced Identification       
Type of Identification Produced     

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

CITY CLERK  
SEP 11 2016  
CITY of NORTH PORT

Hand Delivered by citizen  
as a public Record

CITY CLERK

**STATE OF FLORIDA**  
**FLORIDA ELECTIONS COMMISSION**  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
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Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLETT AVE Phone: (941) 223-1609  
City: NORTHPORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

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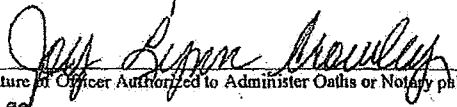
**4. OATH**

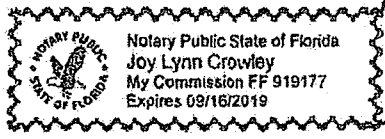
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 2016

  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known            Or Produced Identification             
Type of Identification Produced           

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CITY CLERK  
SEP 11 2016  
CITY of NORTH PORT

**IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Law and Ethics Violations by City of North Port Commissioner Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public's business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2<sup>nd</sup> 408 (Fla. 2<sup>nd</sup> DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2<sup>nd</sup> 1244, 1250 (Fl 1979) see also Zorcv City of Vero Beach 722 So. 2<sup>nd</sup> 891 (Fla 4<sup>th</sup> DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2<sup>nd</sup> 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2<sup>nd</sup> 1159 (Fla. 4<sup>th</sup> DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address [lyates@cityofnorthport.com](mailto:lyates@cityofnorthport.com) However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.



CITY CLERK

2016

CITY OF NORTH PORT

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for “legal disputes” (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute “talking points” to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc “secret meeting” between at least two commissioners and other government officials.

This complaint quotes:

*A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2<sup>nd</sup> 380 (1965)*

This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

CITY CLERK  
JAN 1 2018  
CITY of NORTH PORT

**Linda Yates**

---

**From:** Cheryl Cook  
**Sent:** Monday, October 17, 2016 3:09 PM  
**To:** Patsy Adkins  
**Subject:** Agenda item

Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 16, 2016.

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, item 6C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

Clerk Adkins: Please include a copy of the Complaint previously provided to commissioners as backup document.

Best Regards,

Cheryl Cook  
North Port City Commissioner

Sent from my iPad

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.



# City of North Port

EXHIBIT E

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Legislation Text

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File #: 16-0605, Version: 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Jonathan R. Lewis, ICMA-CM, City Manager

**TITLE:** Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 09, 2016.

### Recommended Action

It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

### Background Information

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, item 6C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

### Strategic Plan

N/A

### Financial Impact

N/A

### Procurement

N/A

### Attachments:

1. Copy of Complaint

**Prepared by:** Patsy Adkins for Commissioner Cook

Hand Delivered by citizen  
as a public record

CITY CLERK  
SEP 9 2015  
CITY OF NORTH PORT

**STATE OF FLORIDA**  
**FLORIDA ELECTIONS COMMISSION**  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( )  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

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Additional materials attached (check one)?  Yes  No

**4. OATH**

STATE OF FLORIDA

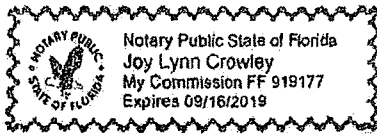
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

*[Handwritten Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of July, 2016

*[Handwritten Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known      Or Produced Identification     

Type of Identification Produced     

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

CITY CLERK  
SEP 01 2016  
CITY of NORTH PORT

Hand Delivered by citizen  
as a public Record

CITY CLERK

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

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City: NORTHPORT County: SARASOTA State: FL Zip Code: 34286

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A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLETT AVE Phone: (941) 223-1609  
City: NORTHPORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

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Additional materials attached (check one)?  Yes  No

4. **OATH**

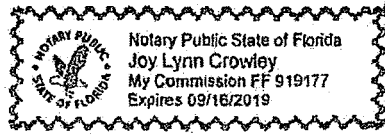
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

*Joy Lynn Crowley*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 20 16

*Joy Lynn Crowley*  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known            Or Produced Identification             
Type of Identification Produced           

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CITY CLERK  
SEP 01 2016  
CITY of NORTH PORT



**IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Law and Ethics Violations by City of North Port Commissioner Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

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Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

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SEP 11 2016

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The scope of this complaint goes further. Not only had Yates used her personal email server to distribute “talking points” to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

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This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

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This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

CITY CLERK  
J. J. JAMES  
CITY OF NORTH MIAMI

EXHIBIT F

Thursday Posted at 5:44 PM  
Updated at 5:44 PM



## Commission to discuss alleged Sunshine Law violation

By Earle Kimel  
Staff Writer  
[Follow](#)

NORTH PORT — An ethics complaint alleging a possible Sunshine Law violation tied to a commissioner's email blast is scheduled to be discussed by the North Port City Commission Tuesday.

A city spokesman said he is not aware of a similar complaint coming before the commission in recent memory. Meanwhile, a local paralegal well versed in Sunshine Law violations said the complaint is likely not valid.

The complaint stems from an email update City Commissioner Linda Yates used to send out from her personal email — later moved to her city email account — and covers the period of June 1, 2012, to July 20, 2016, the date it was filed with the Florida Elections Commission by North Port resident Kathy Schure.

It also involves North Port Mayor Jacqueline Moore as a potential recipient of the email blast, either on her own, through her husband or members of her staff, for the period of Jan. 16, 2015, to July 20, 2016.

At first, Yates sent the email blast, KYI — or Keeping You Informed — from her private email to addresses gathered through her election campaign. In 2015, she started sending out the blast from her city email, following advice from the city attorney.

North Port is the only government in Sarasota County that does not provide either online access or email mirroring to the emails of elected officials. The city clerk must search email archives, print out items and charge a fee to any party seeking to monitor them.

Updated at 5:44 PM

Because Yates frequently indicated her position on issues that would come before the City Commission, Schure alleges violations of both public records and open meetings laws.

Schure was not available to elaborate on her allegations. A man who answered a phone listed for her on the complaint said she was on a trip and he did not know when she would return.

The complaint cites case law ranging from 1965 to 2000.

Though dated July 22, it was ultimately filed with the North Port City clerk in September and placed on Tuesday's commission agenda for discussion and possible action by outgoing City Commissioner Cheryl Cook, who lost the Aug. 30 District 2 primary race, finishing fourth, behind Moore, Chris Hanks and Samuel Cohen.

Cook did not respond to three messages left on her city cell phone.

Michael Barfield, a paralegal who works on Sunshine Law cases with Sarasota-based attorney Andrea Mogensen, said the email, even if Moore read it, likely does not constitute a Sunshine Law violation.

He cited a September 2011 decision by the Fourth District Court of Appeal in *Butler vs. City of Hallendale Beach* that upheld a lower court ruling that an email sent by the mayor of Hallendale Beach that contained three articles she wrote as a contributor to a local newspaper was not a public record.

"The issue there was whether it was a public record that was required to be made available, retained and archived," Barfield said.

"While I disagree with that case," he later added, "that is the closest on point at least in some contextual analysis."

Further, Moore's mere receipt of Yates' email would not constitute a violation, Barfield said. For a violation to occur, Moore would have had to respond.

"It sounds like she was communicating with her constituents," Barfield said of Yates' email.  
"But facts matter. If it's just a one-way communication, that does not violate the Sunshine

**Thursday** Posted at 5:44 PM  
Updated at 5:44 PM

# Commission to discuss thrown-out elections complaint

By LAUREN COFFEY  
STAFF WRITER

**NORTH PORT** — Two commissioners will find themselves defending email actions at the City Commission meeting.

The meeting, set for 10 a.m. today at City Hall, will cover a slew of topics including a complaint from a resident against Commissioner Linda Yates and Mayor Jacqueline Moore.

The complaint, filed by North Port resident Kathy Schure, was made on Sept. 16 to the State of Florida, Florida Elections Commission. It is an elections complaint and alleges a violation of the Sunshine Law was made.

In the complaint, Schure alleged Yates had a private email server from June 2012 to July 2016 where she sent several emails to members of the community under the banner "Keeping You Informed (KYI)." The

complaint said the emails contained potential agenda items, Yates' positions on those items and also alleged Yates urged email recipients to speak on the topics at commission meetings.

The complaint further alleges Moore was a recipient of the emails, which is a violation of the Sunshine Law by directly communicating on city business behind closed doors.

The Florida Elections Commission reviewed the complaint and found it to be legally insufficient.

"It's a personal matter, it has nothing to do with the city," Yates said. "It's nothing more than Commissioner Cook having a personal vendetta against me. All my emails are with the City Clerk, she has them all."

Moore stated the complaint was confidential so she had no comment.

Commissioners will

also give further direction to the City Manager Jonathan Lewis about allowing election signs on public property.

At the last meeting commissioners advised Lewis and City Attorney Mark Moriarty to suspend the Unified Land Development Code for Election Day to allow election signs at polling places that are also government buildings. The guideline was originally put in place in 2014 after commissioners thought there were too many signs placed outside the buildings.

New topics will be proposed at the commission meeting as well, including graffiti-proofing the Myakkahatchee Creek Environmental Park Connector Bridge, expanding parking at the North Port Public Library and procuring 25 new vehicles for the North Port Police Department.

Email: [lcoffey@sun-herald.com](mailto:lcoffey@sun-herald.com)

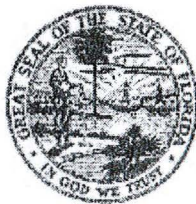


EXHIBIT G

**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539

December 30, 2016

Linda Yates  
6475 Munsing Ave  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda Yates**

Dear Ms. Yates:

On October 20, 2016, the Florida Elections Commission notified Kathy Schure that the complaint she filed on August 22, 2016 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,  
*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission

AMT/enr



Douglas Daniels, P.A.  
444 Seabreeze Blvd., Ste. 645  
Daytona Beach, FL 32118

EXHIBIT H

Linda Yates  
6475 Munsing Avenue  
North Port, FL 34286

December 01, 2016

Invoice #10153

Professional Services

	<u>Amount</u>
11/11/2016 Review of file and client's email; respond to same.	90.00
<b>For professional services rendered</b>	<u>\$90.00</u>
<b>For professional services rendered</b>	<u>\$90.00</u>
<b>Previous balance</b>	<b>\$2,720.00</b>
<b>Balance due</b>	<u><u>\$2,810.00</u></u>

**Douglas Daniels, P.A.**  
444 Seabreeze Blvd., Ste. 645  
Daytona Beach, FL 32118

---

Linda Yates  
6475 Munsing Avenue  
North Port, FL 34286

November 01, 2016

Invoice #10128

---

Professional Services		<u>Amount</u>
8/28/2016	Review of complaint and related documents; conference with client re same; review of statutes and case law re election violation; email to client re opinions of complaint; drafting response to the Elections Commission.	1,200.00
10/21/2016	Conference with client re disclosure of complaint and how to handle upcoming city commission meeting.	400.00
10/22/2016	Research various issues regarding records and ethics questions.	240.00
10/24/2016	Review of file; conference with client re strategy for Tuesday nights hearing.	400.00
10/25/2016	Review of insurance policy; drafting email re same.	300.00
10/28/2016	Conference with client re results of meeting.	180.00
	<b>For professional services rendered</b>	<b>\$2,720.00</b>
	<b>For professional services rendered</b>	<b>\$2,720.00</b>
	Balance due	<u><u>\$2,720.00</u></u>

## AFFIDAVIT

STATE OF FLORIDA

COUNTY OF SARASOTA

The undersigned, Kathryn L. Lanza, being duly sworn, deposes and says:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. In 2014 Commissioner Linda Yates was running for reelection to the North Port City Commission.
4. During the period between September and November 2014, prior to the election, I made visits to homes in various North Port neighborhoods in support of Commissioner Yates.
5. On one of those days, during said period of time, I and another of Commissioner Yates' supporters, traveling together in one vehicle, had occasion to visit homes on a section of West Price Boulevard, North Port, Florida.
6. While going door to door we would park our car and walk to several homes and then return to our vehicle and drive on to our next section.
7. Upon arriving at the address of 3720 West Price Boulevard, I was greeted by a female, who I have come to recognize as Kathy Schure, who indicated she was not interested in supporting Commissioner Yates, and so I moved on to other homes in that area.
8. A short time later, we returned to our vehicle, and as we were about to pass the home at 3720 West Price Boulevard, Kathy Schure came out, carrying papers in her hand, flagging us down.
9. We stopped, at which time, she showed us financial papers of a personal nature of Commissioner Linda Yates, and stated that she, Kathy Schure, was only supporting Commissioner Cheryl Cook.
10. Commissioner Cheryl Cook was not up for reelection until 2016.

11. Commissioner Linda Yates was successful in her reelection in 2014.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.

Executed this 16<sup>th</sup> day of January, 2017.

*Kathryn L. Lanza*

Kathryn L. Lanza

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA, COUNTY OF SARASOTA. ss:

*Sandra K. Asbridge*

Notary Public



RECEIVED

2011 FEB - 6 / A 10:47

STATE OF FLORIDA  
ELECTIONS COMMISSION

Linda Yates  
6475 Munnings Ave  
North Port, FL 34291

Florida Elections Commission  
Attention: Donna Malphurs

107 W. Gaines Street

Collins Building Suite 224

Tallahassee FL 32399-1050

SEAL FIRMLY TO PRESS

SEAL FIRMLY TO PRESS



1006

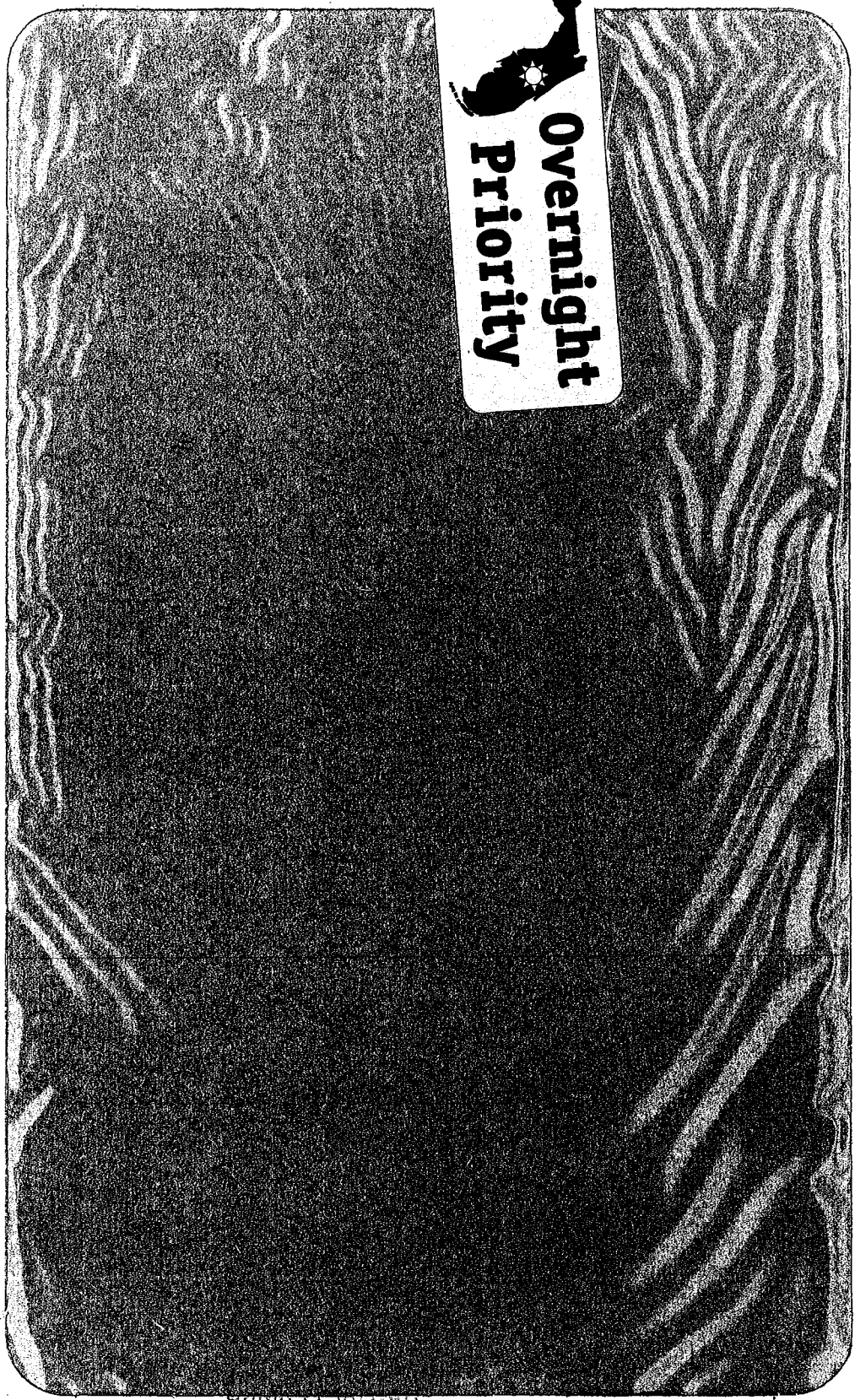


32393

FEE OF \$6.65

AMOUNT R2304M114216-14

**Overnight**  
**Priority**



STATE OF FLORIDA

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RECEIVED

Expected Delivery Day: 02/04/2017

USPS TRACKING NUMBER



9505 5148 0188 7033 0768 26

VISIT US AT **USPS.COM**  
ORDER FREE SUPPLIES ONLINE





Exhibits for Petition for Attorney Fees and Costs in FEC 16-362

yates

to:

fec

02/01/2017 10:14 PM

Hide Details

From: <yates@lindayates.com>

To: fec@myfloridalegal.com

10 Attachments



Letter to FEC Attaching Exhibits to Petition.pdf EXHIBIT A - FEC 16-362.pdf



EXHIBIT B - FEC 16-362 Oct 20 letter.pdf EXHIBIT C -Copy of Complaint Submitted As A Public Record.pdf



EXHIBIT D - Cheryl Cook Email.pdf EXHIBIT E - October - 25 - 2016 Agenda Item.pdf EXHIBIT F - Articles.pdf



EXHIBIT G - 12-30-16 FEC Letter Close FEC 16-362.pdf EXHIBIT H Attorney Fees.pdf



EXHIBIT I - Kathryn Lanza Affidavit.pdf

Dear Ms. Malphurs, attached you will find Exhibit documents to supplement my Petition For Attorney Fees and Costs which I submitted on Friday January 27 for Case NO. FEC 16-362. Also you will find my letter stating to attach these Exhibits to my Petition. I will also send a hard copy by mail since one of these documents was a notarized affidavit.

Thank you.

Sincerely,  
Linda M. Yates  
941-423-0444

Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

February 1, 2017

**Re: Petition For Costs and Attorney's Fees**

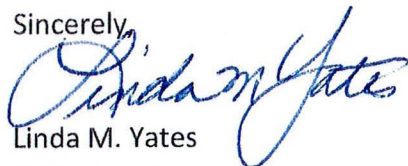
Case No. FEC 16-362; Respondent: Linda Yates

Dear Donna Ann Malphurs,

I, Linda M Yates as Respondent in Case NO. FEC 16-362, submitted my "Petition For Costs and Attorney's Fees" on January 27, 2017. I am submitting for attachment to my Petition the Exhibits referenced in my Petition. Please include with my Petition the Exhibits listed below and enclosed herein.

EXHIBIT A – FEC 16-362  
EXHIBIT B – FEC 16-362 Oct. 20 Letter  
EXHIBIT C – Copy of Complaint Submitted As A Public Record  
EXHIBIT D – Cheryl Cook Email  
EXHIBIT E – October – 25 -2016 Agenda Item  
EXHIBIT F – Articles  
EXHIBIT G – 12-30-16 FEC Letter Close FEC 16-362  
EXHIBIT H – Attorney Fees  
EXHIBIT I – Katheryn Lanza Affidavit

Sincerely,



Linda M. Yates  
6475 Munsing Avenue  
North Port, FL 34291  
941-423-0444





**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783

August 25, 2016

**CERTIFIED MAIL 9214 8969 0099 9790 1609 9376 02**

Linda M. Yates  
6475 Munsing Ave.  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda M. Yates**

Dear Ms. Yates:

On August 22, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

The respondent shall have 14 days *after receipt* of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined legally sufficient.

**Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.**

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing.

The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

Sincerely,

*Erin Riley*

Deputy Agency Clerk

ip/enr

Enclosure: Complaint w/attachments

**STATE OF FLORIDA**  
**FLORIDA ELECTIONS COMMISSION**  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-7000  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

RECEIVED  
2006 AUG 22 P 1:34

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( ) \_\_\_\_\_  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

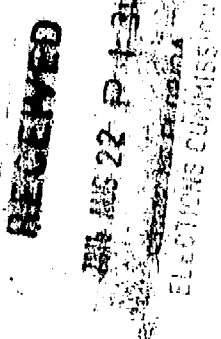
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Additional materials attached (check one)?  Yes  No

**4. OATH**  
**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

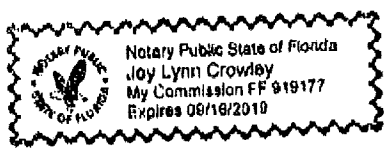
I swear or affirm, that the above information is true and correct to the best of my knowledge.



*Kathy Schere*  
\_\_\_\_\_  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of  
August, 2016

*Joy Lynn Crowley*  
\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary public



*Joy Lynn Crowley*  
\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known  Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**STATE OF FLORIDA**  
**FLORIDA ELECTIONS COMMISSION**  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH POET County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLETT AVE Phone: (941) 223-1609  
City: NORTH POET County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege;
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

\_\_\_\_\_  
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SEE ATTACHED  
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Additional materials attached (check one)?  Yes  No

**4. OATH**

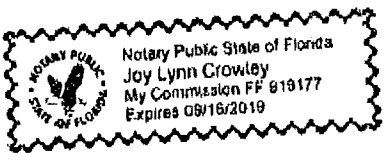
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

*[Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of  
August, 2018

*[Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary public



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)  
Personally known  Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**IN RE:           Sunshine Law and Ethics Violations by City of North Port Commissioner  
Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner  
Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

August 1, 2016

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public’s business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2<sup>nd</sup> 408 (Fla. 2<sup>nd</sup> DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2<sup>nd</sup> 1244, 1250 (Fl 1979) see also Zorev City of Vero Beach 722 So. 2<sup>nd</sup> 891 (Fla 4<sup>th</sup> DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2<sup>nd</sup> 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2<sup>nd</sup> 1159 (Fla. 4<sup>th</sup> DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K.Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate’s position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for "legal disputes" (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc "secret meeting" between at least two commissioners and other government officials.

This complaint quotes:

*A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2<sup>nd</sup> 380 (1965)*



This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.



EXHIBIT B

**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783**

October 20, 2016

Kathy Schure  
3720 West Price Blvd.  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda Yates**

Dear Ms. Schure:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. I have reviewed your complaint and find it to be legally insufficient.

This complaint was received by the Florida Elections Commission on August 22, 2016. The cover page, which was an FEC complaint form, named Linda Yates as the Respondent. Attached to the complaint form was second complaint form indicating a different Respondent (Jacqueline Moore), as well as a narrative of the allegations against Ms. Yates. You did not indicate anywhere in the documents that you intended to file two complaints, so the Commission accepted the entire document as a complaint against Respondent Linda Yates.

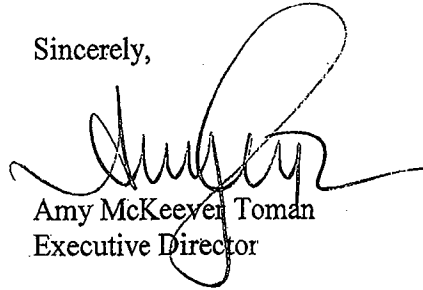
The essential allegations of your complaint are that Respondent violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Amy McKeever Toman", written in a cursive style.

Amy McKeever Toman  
Executive Director

AMT/enr

Enclosure: Additional Information Form

cc: Linda Yates, Respondent w/out Enclosure

Hand Delivered by Citizen  
as a public Record



CITY CLERK

SEP 01 2016

CITY of NORTH PORT

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( )  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- The facts and actions that you believe support the violations you allege,
- The names and telephone numbers of persons you believe may be witnesses to the facts,
- A copy or picture of the political advertisements you mention in your statement,
- A copy of the documents you mention in your statement, and
- Other evidence that supports your allegations.

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Additional materials attached (check one)?  Yes  No

4. **OATH**

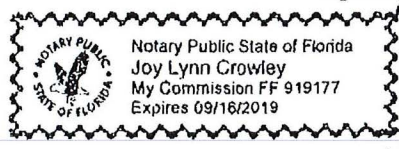
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

[Signature]  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 20 16

[Signature]  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known            Or Produced Identification           

Type of Identification Produced           

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**CITY CLERK**  
SEP 01 2016  
**CITY of NORTH PORT**

Hand Delivered by citizen  
as a public Record

CITY CLERK

SEP 0 2015

CITY of NORTH PORT

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
www.fec.state.fl.us

**CONFIDENTIAL COMPLAINT FORM**

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLETT AVE Phone: (941) 223-1609  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

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Additional materials attached (check one)?  Yes  No

**4. OATH**

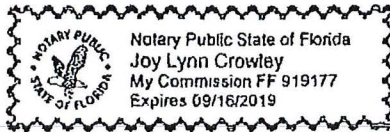
STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

[Signature]  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 20 16

[Signature]  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known            Or Produced Identification           

Type of Identification Produced           

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**CITY CLERK**  
SEP 01 2016  
**CITY of NORTH PORT**

IN RE: **Sunshine Law and Ethics Violations by City of North Port Commissioner  
Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner  
Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public's business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2<sup>nd</sup> 408 (Fla. 2<sup>nd</sup> DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2<sup>nd</sup> 1244, 1250 (Fl 1979) see also Zorcv City of Vero Beach 722 So. 2<sup>nd</sup> 891 (Fla 4<sup>th</sup> DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2<sup>nd</sup> 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2<sup>nd</sup> 1159 (Fla. 4<sup>th</sup> DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K.Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.



In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for “legal disputes” (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute “talking points” to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc “secret meeting” between at least two commissioners and other government officials.

This complaint quotes:

*A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2<sup>nd</sup> 380 (1965)*

This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

**CITY CLERK**  
SEP 0 2016  
**CITY of NORTH PORT**

**Linda Yates**

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**From:** Cheryl Cook  
**Sent:** Monday, October 17, 2016 3:09 PM  
**To:** Patsy Adkins  
**Subject:** Agenda item

Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 16, 2016.

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, item 6C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

Clerk Adkins: Please include a copy of the Complaint previously provided to commissioners as backup document.

Best Regards,

Cheryl Cook  
North Port City Commissioner

Sent from my iPad

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.



# City of North Port

EXHIBIT E

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Legislation Text

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**File #:** 16-0605, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Jonathan R. Lewis, ICMA-CM, City Manager

**TITLE:** Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 09, 2016.

### **Recommended Action**

It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

### **Background Information**

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, item 6C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

### **Strategic Plan**

N/A

### **Financial Impact**

N/A

### **Procurement**

N/A

### **Attachments:**

1. Copy of Complaint

**Prepared by:** Patsy Adkins for Commissioner Cook

**Department Director:** Patsy Adkins

Hand Delivered by Citizen  
as a public Record

CITY CLERK  
SEP 01 2016  
CITY of NORTH PORT

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: ( ) N/A  
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES  
Address: 6475 MUNSING AVE Phone: ( )  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
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- ✓ A copy of the documents you mention in your statement, and
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Additional materials attached (check one)?  Yes  No

**4. OATH**

STATE OF FLORIDA  
COUNTY OF Sarasota

I swear or affirm, that the above information is true and correct to the best of my knowledge.

[Signature]  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 20 16

[Signature]  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known                      Or Produced Identification                     

Type of Identification Produced                     

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**CITY CLERK**  
SEP 01 2016  
**CITY of NORTH PORT**

Hand Delivered by citizen  
as a public Record

CITY CLERK

SEP 0 2015

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
www.fec.state.fl.us

CITY of NORTH PORT

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City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

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Name of individual or entity: JACQUELINE MOORE  
Address: 1921 SCARLETT AVE Phone: (941) 223-1609  
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

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Additional materials attached (check one)?  Yes  No

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STATE OF FLORIDA

COUNTY OF Sarasota

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*[Handwritten Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of  
July, 2016

*[Handwritten Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

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**CITY CLERK**  
SEP 01 2016  
**CITY of NORTH PORT**

**IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public's business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2<sup>nd</sup> 408 (Fla. 2<sup>nd</sup> DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2<sup>nd</sup> 1244, 1250 (Fl 1979) see also Zorc v City of Vero Beach 722 So. 2<sup>nd</sup> 891 (Fla 4<sup>th</sup> DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2<sup>nd</sup> 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2<sup>nd</sup> 1159 (Fla. 4<sup>th</sup> DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address [lyates@cityofnorthport.com](mailto:lyates@cityofnorthport.com) However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for "legal disputes" (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc "secret meeting" between at least two commissioners and other government officials.

This complaint quotes:

*A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2<sup>nd</sup> 380 (1965)*

This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

**CITY CLERK**  
SEP 11 2013  
**CITY of NORTH PORT**

EXHIBIT F

Thursday Posted at 5:44 PM  
Updated at 5:44 PM



## Commission to discuss alleged Sunshine Law violation

By Earle Kimel  
Staff Writer

Follow

NORTH PORT — An ethics complaint alleging a possible Sunshine Law violation tied to a commissioner's email blast is scheduled to be discussed by the North Port City Commission Tuesday.

A city spokesman said he is not aware of a similar complaint coming before the commission in recent memory. Meanwhile, a local paralegal well versed in Sunshine Law violations said the complaint is likely not valid.

The complaint stems from an email update City Commissioner Linda Yates used to send out from her personal email — later moved to her city email account — and covers the period of June 1, 2012, to July 20, 2016, the date it was filed with the Florida Elections Commission by North Port resident Kathy Schure.

It also involves North Port Mayor Jacqueline Moore as a potential recipient of the email blast, either on her own, through her husband or members of her staff, for the period of Jan. 16, 2015, to July 20, 2016.

At first, Yates sent the email blast, KYI — or Keeping You Informed — from her private email to addresses gathered through her election campaign. In 2015, she started sending out the blast from her city email, following advice from the city attorney.

North Port is the only government in Sarasota County that does not provide either online access or email mirroring to the emails of elected officials. The city clerk must search email archives, print out items and charge a fee to any party seeking to monitor them.

Thursday, October 20, 2016  
Updated at 5:44 PM

Because Yates frequently indicated her position on issues that would come before the City Commission, Schure alleges violations of both public records and open meetings laws.

Schure was not available to elaborate on her allegations. A man who answered a phone listed for her on the complaint said she was on a trip and he did not know when she would return.

The complaint cites case law ranging from 1965 to 2000.

Though dated July 22, it was ultimately filed with the North Port City clerk in September and placed on Tuesday's commission agenda for discussion and possible action by outgoing City Commissioner Cheryl Cook, who lost the Aug. 30 District 2 primary race, finishing fourth, behind Moore, Chris Hanks and Samuel Cohen.

Cook did not respond to three messages left on her city cell phone.

Michael Barfield, a paralegal who works on Sunshine Law cases with Sarasota-based attorney Andrea Mogensen, said the email, even if Moore read it, likely does not constitute a Sunshine Law violation.

He cited a September 2011 decision by the Fourth District Court of Appeal in *Butler vs. City of Hallendale Beach* that upheld a lower court ruling that an email sent by the mayor of Hallendale Beach that contained three articles she wrote as a contributor to a local newspaper was not a public record.

"The issue there was whether it was a public record that was required to be made available, retained and archived," Barfield said.

"While I disagree with that case," he later added, "that is the closest on point at least in some contextual analysis."

Further, Moore's mere receipt of Yates' email would not constitute a violation, Barfield said. For a violation to occur, Moore would have had to respond.

"It sounds like she was communicating with her constituents," Barfield said of Yates' email.

"But facts matter. If it's just a one-way communication, that does not violate the Sunshine

**Thursday** Posted at 5:44 PM

Updated at 5:44 PM

# Commission to discuss thrown-out elections complaint

By LAUREN COFFEY  
STAFF WRITER

**NORTH PORT** — Two commissioners will find themselves defending email actions at the City Commission meeting.

The meeting, set for 10 a.m. today at City Hall, will cover a slew of topics including a complaint from a resident against Commissioner Linda Yates and Mayor Jacqueline Moore.

The complaint, filed by North Port resident Kathy Schure, was made on Sept. 16 to the State of Florida, Florida Elections Commission. It is an elections complaint and alleges a violation of the Sunshine Law was made.

In the complaint, Schure alleged Yates had a private email server from June 2012 to July 2016 where she sent several emails to members of the community under the banner "Keeping You Informed (KYI)." The

complaint said the emails contained potential agenda items, Yates' positions on those items and also alleged Yates urged email recipients to speak on the topics at commission meetings.

The complaint further alleges Moore was a recipient of the emails, which is a violation of the Sunshine Law by directly communicating on city business behind closed doors.

The Florida Elections Commission reviewed the complaint and found it to be legally insufficient.

"It's a personal matter, it has nothing to do with the city," Yates said. "It's nothing more than Commissioner Cook having a personal vendetta against me. All my emails are with the City Clerk, she has them all."

Moore stated the complaint was confidential so she had no comment.

Commissioners will

also give further direction to the City Manager Jonathan Lewis about allowing election signs on public property. At the last meeting commissioners advised Lewis and City Attorney Mark Moriarty to suspend the Unified Land Development Code for Election Day to allow election signs at polling places that are also government buildings. The guideline was originally put in place in 2014 after commissioners thought there were too many signs placed outside the buildings.

New topics will be proposed at the commission meeting as well, including graffiti-proofing the Myakkahatchee Creek Environmental Park Connector Bridge, expanding parking at the North Port Public Library and procuring 25 new vehicles for the North Port Police Department.

Email: lcoffey@sun-herald.com





EXHIBIT G

**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street,  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539**

December 30, 2016

Linda Yates  
6475 Munsing Ave  
North Port, FL 34286

**RE: Case No.: FEC 16-362; Respondent: Linda Yates**

Dear Ms. Yates:

On October 20, 2016, the Florida Elections Commission notified Kathy Schure that the complaint she filed on August 22, 2016 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,  
*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission

AMT/enr

Douglas Daniels, P.A.  
444 Seabreeze Blvd., Ste. 645  
Daytona Beach, FL 32118

EXHIBIT H

Linda Yates  
6475 Munsing Avenue  
North Port, FL 34286

December 01, 2016

Invoice #10153

Professional Services

	<u>Amount</u>
11/11/2016 Review of file and client's email; respond to same.	90.00
<b>For professional services rendered</b>	<b>90.00</b>
<b>For professional services rendered</b>	<b>90.00</b>
<b>Previous balance</b>	<b>2,720.00</b>
Balance due	<u>2,810.00</u>

**Douglas Daniels, P.A.**  
444 Seabreeze Blvd., Ste. 645  
Daytona Beach, FL 32118

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Linda Yates  
6475 Munsing Avenue  
North Port, FL 34286

November 01, 2016

Invoice #10128

Professional Services

	<u>Amount</u>
8/28/2016 Review of complaint and related documents; conference with client re same; review of statutes and case law re election violation; email to client re opinions of complaint; drafting response to the Elections Commission.	1,200.00
10/21/2016 Conference with client re disclosure of complaint and how to handle upcoming city commission meeting.	400.00
10/22/2016 Research various issues regarding records and ethics questions.	240.00
10/24/2016 Review of file; conference with client re strategy for Tuesday nights hearing.	400.00
10/25/2016 Review of insurance policy; drafting email re same.	300.00
10/28/2016 Conference with client re results of meeting.	180.00
<b>For professional services rendered</b>	<b><u>\$2,720.00</u></b>
<b>For professional services rendered</b>	<b><u>\$2,720.00</u></b>
Balance due	<b><u><u>\$2,720.00</u></u></b>

## AFFIDAVIT

STATE OF FLORIDA

COUNTY OF SARASOTA

The undersigned, Kathryn L. Lanza, being duly sworn, deposes and says:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. In 2014 Commissioner Linda Yates was running for reelection to the North Port City Commission.
4. During the period between September and November 2014, prior to the election, I made visits to homes in various North Port neighborhoods in support of Commissioner Yates.
5. On one of those days, during said period of time, I and another of Commissioner Yates' supporters, traveling together in one vehicle, had occasion to visit homes on a section of West Price Boulevard, North Port, Florida.
6. While going door to door we would park our car and walk to several homes and then return to our vehicle and drive on to our next section.
7. Upon arriving at the address of 3720 West Price Boulevard, I was greeted by a female, who I have come to recognize as Kathy Schure, who indicated she was not interested in supporting Commissioner Yates, and so I moved on to other homes in that area.
8. A short time later, we returned to our vehicle, and as we were about to pass the home at 3720 West Price Boulevard, Kathy Schure came out, carrying papers in her hand, flagging us down.
9. We stopped, at which time, she showed us financial papers of a personal nature of Commissioner Linda Yates, and stated that she, Kathy Schure, was only supporting Commissioner Cheryl Cook.
10. Commissioner Cheryl Cook was not up for reelection until 2016.

11. Commissioner Linda Yates was successful in her reelection in 2014.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.

Executed this 16<sup>th</sup> day of January, 2017.

*Kathryn L. Lanza*

\_\_\_\_\_  
Kathryn L. Lanza

**NOTARY ACKNOWLEDGMENT**

STATE OF FLORIDA, COUNTY OF SARASOTA. ss:

*Sandra K. Asbridge*  
\_\_\_\_\_  
Notary Public





FEC 16-362 Petition for Costs and Attorney Fees

yates

to:

Florida Commission

01/27/2017 09:36 PM

Hide Details

From: <yates@lindayates.com>

To: "Florida Commission" <fec@myfloridalegal.com>

1 Attachment



Petition for Attorney Fees and Costs 1-27-17.pdf

Dear Ms. Malphurs,

Attached is a Petition for Costs and Attorney Fees in the matter of FEC 16-362. A copy was also sent via fax. I am representing myself in this matter, as I can no longer afford an attorney. I will send a copy to you by mail as well.

Sincerely,  
Linda M. Yates  
941-423-0444

State of Florida  
Florida Elections Commission

In Re: Linda M. Yates  
Respondent

Case NO.: FEC 16-362

**Petition For Costs and Attorney's Fees**

I Linda M. Yates, Respondent Pro Se, do hereby file this Petition for Attorneys' Fees and Costs pursuant to Florida Statute §106.265, Florida Administrative Code Rule 2B-1.0045 and any other applicable laws, against complainant Kathy Schure and state as basis and grounds therefore the following:

1. Ms. Kathy Schure knowingly and recklessly submitted a sworn Complaint to the Florida Elections Commission to declare that I, a Commissioner duly elected in 2014 and another Commissioner whom was an incumbent candidate in the 2016 election, had violated Election Laws regardless of whether such declaration was false and Ms. Schure did so with malicious intent of using the FEC agency process available to the public at no cost to injure my reputation as well as aid Cheryl Cook an incumbent candidate, whom she supported, in making false statements about Ms. Cook's opponent.
2. I am currently a City Commissioner and will be termed out in 2018. I was initially elected in 2010 and re-elected in 2014 and was not a candidate in the 2016 election. Jacqueline Moore was a Commissioner also elected in 2014 and at the time Ms. Schure filed her complaint Mrs. Moore had resigned from her seat mid-term due to the impact of the implementation of residency District Seats in 2016 and she filed to run for her District seat which was the same District seat Ms Cook, who was running for re-election, also resided in and was a candidate. A City of North Port General Election was to be held on November 8, 2016 with a Primary Election taking place on August 30, 2016.
3. On or about August 22, 2016, Ms. Kathy Schure filed a sworn Florida Elections Commission Complaint against me and attested under oath that the information contained in her Complaint was "true and correct". A copy of the Complaint with her two page narrative is attached hereto as **Exhibit A**. The North Port City Commissioners at that time were: me (term expiring in 2018), Tom Jones (termed out in November 2016), Jacqueline Moore (a 2016 Candidate and current term expiring in November 2016), Rhonda DiFranco (a 2016 Candidate and current term expiring in November 2016) and Cheryl Cook (a 2016 Candidate and current term expiring in November 2016 ).
4. As the named Respondent I received the Complaint from FEC by certified mail on August 27, 2016. Due to the nature of the Complaint not only alleging violation of Election Law, but also asserting I was a candidate as well as a Commissioner that allegedly violated other laws, I retained an attorney for handling the matter.
5. Ms. Schure's Complaint against me included one copy of her narrative and an additional FEC Complaint form alleging City Commissioner Jacqueline Moore also violated election laws.

6. Ms. Schure's submission of the sworn FEC Confidential Complaint Form was prima facie allegation of violation of Election Laws by myself and Mrs. Moore.
7. Ms. Schure's swore that the information contained in her Complaint was true and correct however she knowingly asserted false fact stating on page 1 of the official Complaint Form in section 2 affirmation that I was a candidate seeking the office or position of Commissioner when in fact I was not, I have first-hand knowledge and witnesses that she knew my election was in 2014 and did not support my candidacy and by her own admission throughout her Complaint she acknowledged I was not a candidate. Particularly on page 6 of 7 in Exhibit A she states *"The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as required."* Also Ms. Schure file her Complaint with reckless disregard for whether her complaint contained false allegations of fact material to a violation of elections laws as Ms. Schure falsely asserted on page 1 in section 3 of her complaint that the specific provisions of the Florida Election Code violated by me were provided in her attachment but she did not do so. In fact the contents on pages 5 through 7 of her sworn Complaint is without merit and contradictory to the truth and correctness of the contents she attested to on pages 1 and 2.
8. On October 20, 2016 Ms. Schure was notified by letter from the Executive Director of FEC that her Complaint alleging violation of Florida's Election laws was received and upon review was found to be legally insufficient (attached as Exhibit B). In the letter Ms. Schure was also informed that she had submitted a complaint form naming me as Respondent with an attachment of a second complaint form indicating Jacqueline Moore as a Respondent as well as an attached narrative of allegations against me and therefore without any indication she intended to file two complaints the entire document was accepted by FEC as one complaint against me. In addition she was informed that essentially her allegations were pertaining to Florida Statute Chapters 286 and 119 of which were outside the FEC's jurisdiction that is limited to Chapters 104 and 106. Of significant note is that Ms. Schure already had knowledge of the FEC's limited jurisdiction as that was clearly stated in section 3 of the Complaint Form alleging Election law violation that Ms. Schure swore to and submitted. Even if Ms. Schure inadvertently forgot to submit the portion of a narrative pertaining to the sections of the election law she believed was violated she had 14 days to provide that information and if her Complaint submitted under oath were not a sham she would have submitted additional information to correct the stated grounds of insufficiency of her Complaint. However no evidence of any kind was provided with her initial complaint of alleged violation of election law nor did she provide any additional information subsequent to the October 20<sup>th</sup> letter from FEC nor did she submit any correspondence to FEC that her original documents submitted was intended to be two separate complaints against two separate Respondents.



9. In the City of North Port's Primary Election held on August 30, 2016 Cheryl Cook and Rhonda DiFranco lost their re-election while Cheryl Cook's opponent Jacqueline Moore prevailed and she moved on to the November 8, 2016 General Election.
10. On Friday September 9, 2016 Ms. Schure's FEC Confidential Complaint Form as submitted to FEC was hand delivered to the City of North Port's City Clerk's office with a request to make it a Public Record and make copies of it and distribute it to each of the North Port City Commissioners (attached as Exhibit C).
11. The FEC had not yet completed its review processes of Ms. Schure's Complaint. The City of North Port has no local jurisdiction over elections or ethics violations. Seeing Ms. Schure's document was labeled Florida Elections Commission Confidential Complaint Form, the City Clerk did not immediately distribute the document and instead she sought consult with the City Attorney whom advised her to contact the FEC as to confidentiality and distribution. The week of September 12, 2016 the City Clerk received clarification from FEC that the Confidentiality applied to FEC and unless the document was received directly from FEC the Confidentiality did not pertain to the City Clerk.
12. On or about September 16, 2016 Ms. Schure contacted the City Clerk asking her why her FEC Complaint had not yet been distributed to the Commissioners because Ms. Schure had spoken with a Commissioner who told her she hadn't received it yet.
13. On September 16, 2016 after having consulted with the FEC and North Port City Attorney, the City Clerk made copies of Ms. Schure's FEC Complaint and distributed it to all the City Commissioners.
14. On October 17, 2016, Commissioner Cheryl Cook who had lost her re-election in the August 30, 2016 Primary Election to her opponent Commissioner Jacqueline Moore, sent an email to the City Clerk (attached as Exhibit D) requesting to place on the October 25, 2016 City Commission meeting an agenda item for "*Discussion and Possible action regarding the contents of Complaint filed with the State of Florida, Florida Elections Commission, against Linda M. Yates and Jaqueline Moore copy filed with the Clerk September 09, 2016*". The requested item was approved by the City Manager and placed on the October 25<sup>th</sup> meeting agenda. On October 18<sup>th</sup> the agenda item with a copy of Ms. Schure's Complaint was publicly posted and published (attached as Exhibit E). The October 25<sup>th</sup> City Commission Meeting was the last City Commission meeting prior to the November 8<sup>th</sup> Election.
15. On October 20<sup>th</sup> and October 25<sup>th</sup> articles were published in newspapers (see Exhibit F) regarding Ms. Schure's Complaint to be discussed by the City Commission. When a reporter tried to reach Ms. Schure for comment, a family member told the reporter she was on vacation and he had no idea when she would return. The City Commission agenda item also generated local news exposure and social media attention to Ms. Schure's Complaint alleging violations of election laws, sunshine laws and public records laws by both myself, a sitting Commissioner in mid-term and Jacqueline Moore a sitting Commissioner and candidate for re-election in the election taking place within 2 weeks.

16. After Ms. Schure accomplished getting a high level and widespread publicity of her FEC Complaint Form prior to the day of the City Commission meeting and prior to the November 8<sup>th</sup> election, on October 25<sup>th</sup> at the City Commission meeting Commissioner Cheryl Cook moved to remove the item from the agenda without any explanation or comment. Ultimately the City Commission did vote to remove the item from discussion at the dais however the meeting materials with Ms. Schure's FEC Complaint will remain publically accessible on the internet, on the City's website and through other public record mediums. Of note, 14 days later Commissioner Jacqueline Moore lost her re-election.
17. Ms. Schure's actions of submitting an FEC Complaint which on its face was a false allegation that I had violated election law and by her using the FEC Complaint form with reckless disregard of whether her allegations were false and then shortly after pushing the issue to get a Commissioner to use a City Commission meeting to bring widespread publicity to her Complaint, demonstrates a malicious intent to badger me and injure my reputation and by such action caused me to incur significantly more attorney fees for my defense. In addition Ms. Schure's actions also served to aid in disseminating statements of purported violation of laws by Ms. Cook's opponent Jacqueline Moore.
18. A reasonable person would see that Ms. Schure's strategically orchestrated filing of an FEC Complaint was with the underlining motive to inflict shame on my name and reputation, put in jeopardy my service as a duly elected Commissioner and inflict financial harm and as such I am entitled to her paying my attorney fees and costs. Not only does the content within Ms. Schure's entire 7 page Complaint support that she knew her allegation that I had violated Election Law was false but she knew better than to use the FEC Complaint process to submit allegations of Florida Statutes Chapters 286 Sunshine laws and Chapter 119 Public Records Laws.
19. On December 30, 2016 the FEC sent notice that since they had not received any additional information that corrected the stated grounds of insufficiency the case was closed (see Exhibit G).
20. Since receipt of Ms. Schure's Complaint on August 27, 2016 through January 3, 2017, due to Ms. Schure's filing of a false Complaint with FEC and her subsequent actions, I had incurred attorney fees in the amount of \$2810 (see attached Exhibit H). Additional attorney fees apply through today. Due to my limited financial means, I can no longer afford to be represented by counsel and as of today I had to release my attorney from this case and I am pursuing this Petition pro se.
21. I know that Mrs. Schure has held a longstanding loathing of me. She did not want me to prevail in my previous elections, but I did and by a significant majority. In fact, this is not the first time Ms. Shure has tried to injure my reputation. In the summer 2014, when I was running for re-election, she chased down my volunteers who were in her neighborhood walking door-to-door advocating support of me. Ms. Schure charged at two of my supporters with a handful of papers and expressing to them what a horrible person I was and showed them personal financial documents regarding my home that Schure had gathered. Ms. Schure also explicitly stated the only Commissioner she supports is Ms. Cheryl Cook (see attached affidavit Exhibit I).

CASE NO: F.E.C. 16-362

Respectfully submitted on this 27<sup>th</sup> day of January, 2017.

*Linda M Yates*

LINDA M. YATES  
6475 Munsing Avenue  
North Port, FL 34291

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2017.

*Sandra K Asbridge*

Notary Public



*Sandra K Asbridge*

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ or Produced Identification

My Commission expires: 5/19/2019

22. Any reasonable person can clearly determine Ms. Schure fully knew her allegations in her FEC Complaint that I had violated Election Laws were false and that she didn't care that ultimately her FEC Complaint would be thrown out because while she asserts on page 1 in her Complaint I was a candidate and in section 3 that the alleged violations of Chapters 104, 106 and section 105.071 were attached, she included no supporting documents or information. A person who cites a lengthy litany of "case law" in her narrative on pages 5 through 7 clearly would have known what she was asserting did not pertain to Election laws nor to the agency she used to file a complaint. The Florida Bar Association does not show Ms. Schure among its members, yet she purports to possess considerable understanding of case law and legal proceedings. Furthermore, Schure's narrative demonstrates an intricate knowledge of information technology inner workings. Given these facts, it is inconceivable that she did not understand that Florida Statutes Chapters 286 and 119, the core of her improper allegations, are not within the stated purview of the Florida Elections Commission as the FEC's jurisdiction is plainly identified in her Complaint on page 1 which she read and swore to.
23. Ms. Schures actions reflect a reckless disregard for whether her complaint contained false allegations of fact material to violations of Chapter 106 or Chapter 104, FS. Her actions were a willful abuse of the FEC's process and taxpayer-funded resources for the malicious purpose to inflict harm to me politically, professionally and financially at no expense to herself. Simply by Ms. Schure's own narrative and citing of cases she knew she would incur fees to file a complaint in the appropriate forum as it pertains to sunshine law and or public records. Instead she wrongfully caused me to incur costs and attorney's fees in defending against malicious specious Complaint and as such her actions entitle me to an award of my attorney fees and costs to date and my pro se costs in pursuing this petition.
24. The Florida Elections Commission is charged with the responsibility of enforcing Florida's Election laws to ensure that those participating in Florida's electoral process comply with Florida law and those who do not are imposed with sanctions to ensure the reliability of the electoral process. Just as important to preserving the integrity of the FEC's processes is the Commission's responsibility to hold accountable persons who file a sham complaint against an individual or public official with malicious intent merely to injure the reputation of the person complained against by filing such complaint with knowledge that it contains false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of elections laws. By submission of a sworn Florida Elections Commission Confidential Complaint Form Ms. Schure alleged prima facie violation of election laws by me with knowledge such allegation was false and with reckless disregard whether such allegation of fact material to a violation of elections laws was false.
25. Now wherefore, I Linda M. Yates request that the Florida Elections Commission order the appropriate proceeding on this petition to award costs and attorney's fees to me from Kathy Schure pursuant to any and all statutes and rules that apply on the basis and grounds stated in this petition.

**State of Florida  
Florida Elections Commission**

In Re: Linda M. Yates  
Respondent

Case NO.: FEC 16-362

**Petition For Costs and Attorney's Fees**

I Linda M. Yates, Respondent Pro Se, do hereby file this Petition for Attorneys' Fees and Costs pursuant to Florida Statute §106.265, Florida Administrative Code Rule 2B-1.0045 and any other applicable laws, against complainant Kathy Schure and state as basis and grounds therefore the following:

1. Ms. Kathy Schure knowingly and recklessly submitted a sworn Complaint to the Florida Elections Commission to declare that I, a Commissioner duly elected in 2014 and another Commissioner whom was an incumbent candidate in the 2016 election, had violated Election Laws regardless of whether such declaration was false and Ms. Schure did so with malicious intent of using the FEC agency process available to the public at no cost to injure my reputation as well as aid Cheryl Cook an incumbent candidate, whom she supported, in making false statements about Ms. Cook's opponent.
2. I am currently a City Commissioner and will be termed out in 2018. I was initially elected in 2010 and re-elected in 2014 and was not a candidate in the 2016 election. Jacqueline Moore was a Commissioner also elected in 2014 and at the time Ms. Schure filed her complaint Mrs. Moore had resigned from her seat mid-term due to the impact of the implementation of residency District Seats in 2016 and she filed to run for her District seat which was the same District seat Ms Cook, who was running for re-election, also resided in and was a candidate. A City of North Port General Election was to be held on November 8, 2016 with a Primary Election taking place on August 30, 2016.
3. On or about August 22, 2016, Ms. Kathy Schure filed a sworn Florida Elections Commission Complaint against me and attested under oath that the information contained in her Complaint was "true and correct". A copy of the Complaint with her two page narrative is attached hereto as **Exhibit A**. The North Port City Commissioners at that time were: me (term expiring in 2018), Tom Jones (termed out in November 2016), Jacqueline Moore (a 2016 Candidate and current term expiring in November 2016), Rhonda DiFranco (a 2016 Candidate and current term expiring in November 2016) and Cheryl Cook (a 2016 Candidate and current term expiring in November 2016 ).
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5. Ms. Schure's Complaint against me included one copy of her narrative and an additional FEC Complaint form alleging City Commissioner Jacqueline Moore also violated election laws.

6. Ms. Schure's submission of the sworn FEC Confidential Complaint Form was prima facie allegation of violation of Election Laws by myself and Mrs. Moore.
7. Ms. Schure's swore that the information contained in her Complaint was true and correct however she knowingly asserted false fact stating on page 1 of the official Complaint Form in section 2 affirmation that I was a candidate seeking the office or position of Commissioner when in fact I was not, I have first-hand knowledge and witnesses that she knew my election was in 2014 and did not support my candidacy and by her own admission throughout her Complaint she acknowledged I was not a candidate. Particularly on page 6 of 7 in Exhibit A she states *"The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as required."* Also Ms. Schure file her Complaint with reckless disregard for whether her complaint contained false allegations of fact material to a violation of elections laws as Ms. Schure falsely asserted on page 1 in section 3 of her complaint that the specific provisions of the Florida Election Code violated by me were provided in her attachment but she did not do so. In fact the contents on pages 5 through 7 of her sworn Complaint is without merit and contradictory to the truth and correctness of the contents she attested to on pages 1 and 2.
8. On October 20, 2016 Ms. Schure was notified by letter from the Executive Director of FEC that her Complaint alleging violation of Florida's Election laws was received and upon review was found to be legally insufficient (attached as Exhibit B). In the letter Ms. Schure was also informed that she had submitted a complaint form naming me as Respondent with an attachment of a second complaint form indicating Jacqueline Moore as a Respondent as well as an attached narrative of allegations against me and therefore without any indication she intended to file two complaints the entire document was accepted by FEC as one complaint against me. In addition she was informed that essentially her allegations were pertaining to Florida Statute Chapters 286 and 119 of which were outside the FEC's jurisdiction that is limited to Chapters 104 and 106. Of significant note is that Ms. Schure already had knowledge of the FEC's limited jurisdiction as that was clearly stated in section 3 of the Complaint Form alleging Election law violation that Ms. Schure swore to and submitted. Even if Ms. Schure inadvertently forgot to submit the portion of a narrative pertaining to the sections of the election law she believed was violated she had 14 days to provide that information and if her Complaint submitted under oath were not a sham she would have submitted additional information to correct the stated grounds of insufficiency of her Complaint. However no evidence of any kind was provided with her initial complaint of alleged violation of election law nor did she provide any additional information subsequent to the October 20<sup>th</sup> letter from FEC nor did she submit any correspondence to FEC that her original documents submitted was intended to be two separate complaints against two separate Respondents.

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16. After Ms. Schure accomplished getting a high level and widespread publicity of her FEC Complaint Form prior to the day of the City Commission meeting and prior to the November 8<sup>th</sup> election, on October 25th at the City Commission meeting Commissioner Cheryl Cook moved to remove the item from the agenda without any explanation or comment. Ultimately the City Commission did vote to remove the item from discussion at the dais however the meeting materials with Ms. Schure's FEC Complaint will remain publically accessible on the internet, on the City's website and through other public record mediums. Of note, 14 days later Commissioner Jacqueline Moore lost her re-election.
17. Ms. Schure's actions of submitting an FEC Complaint which on its face was a false allegation that I had violated election law and by her using the FEC Complaint form with reckless disregard of whether her allegations were false and then shortly after pushing the issue to get a Commissioner to use a City Commission meeting to bring widespread publicity to her Complaint, demonstrates a malicious intent to badger me and injure my reputation and by such action caused me to incur significantly more attorney fees for my defense. In addition Ms. Schure's actions also served to aid in disseminating statements of purported violation of laws by Ms. Cook's opponent Jacqueline Moore.
18. A reasonable person would see that Ms. Schure's strategically orchestrated filing of an FEC Complaint was with the underlining motive to inflict shame on my name and reputation, put in jeopardy my service as a duly elected Commissioner and inflict financial harm and as such I am entitled to her paying my attorney fees and costs. Not only does the content within Ms. Schure's entire 7 page Complaint support that she knew her allegation that I had violated Election Law was false but she knew better than to use the FEC Complaint process to submit allegations of Florida Statutes Chapters 286 Sunshine laws and Chapter 119 Public Records Laws.
19. On December 30, 2016 the FEC sent notice that since they had not received any additional information that corrected the stated grounds of insufficiency the case was closed (see Exhibit G).
20. Since receipt of Ms. Schure's Complaint on August 27, 2016 through January 3, 2017, due to Ms. Schure's filing of a false Complaint with FEC and her subsequent actions, I had incurred attorney fees in the amount of \$2810 (see attached Exhibit H). Additional attorney fees apply through today. Due to my limited financial means, I can no longer afford to be represented by counsel and as of today I had to release my attorney from this case and I am pursuing this Petition pro se.
21. I know that Mrs. Schure has held a longstanding loathing of me. She did not want me to prevail in my previous elections, but I did and by a significant majority. In fact, this is not the first time Ms. Shure has tried to injure my reputation. In the summer 2014, when I was running for re-election, she chased down my volunteers who were in her neighborhood walking door-to-door advocating support of me. Ms. Schure charged at two of my supporters with a handful of papers and expressing to them what a horrible person I was and showed them personal financial documents regarding my home that Schure had gathered. Ms. Schure also explicitly stated the only Commissioner she supports is Ms. Cheryl Cook (see attached affidavit Exhibit I).



22. Any reasonable person can clearly determine Ms. Schure fully knew her allegations in her FEC Complaint that I had violated Election Laws were false and that she didn't care that ultimately her FEC Complaint would be thrown out because while she asserts on page 1 in her Complaint I was a candidate and in section 3 that the alleged violations of Chapters 104, 106 and section 105.071 were attached, she included no supporting documents or information. A person who cites a lengthy litany of "case law" in her narrative on pages 5 through 7 clearly would have known what she was asserting did not pertain to Election laws nor to the agency she used to file a complaint. The Florida Bar Association does not show Ms. Schure among its members, yet she purports to possess considerable understanding of case law and legal proceedings. Furthermore, Schure's narrative demonstrates an intricate knowledge of information technology inner workings. Given these facts, it is inconceivable that she did not understand that Florida Statutes Chapters 286 and 119, the core of her improper allegations, are not within the stated purview of the Florida Elections Commission as the FEC's jurisdiction is plainly identified in her Complaint on page 1 which she read and swore to.
23. Ms. Schure's actions reflect a reckless disregard for whether her complaint contained false allegations of fact material to violations of Chapter 106 or Chapter 104, FS. Her actions were a willful abuse of the FEC's process and taxpayer-funded resources for the malicious purpose to inflict harm to me politically, professionally and financially at no expense to herself. Simply by Ms. Schure's own narrative and citing of cases she knew she would incur fees to file a complaint in the appropriate forum as it pertains to sunshine law and or public records. Instead she wrongfully caused me to incur costs and attorney's fees in defending against malicious specious Complaint and as such her actions entitle me to an award of my attorney fees and costs to date and my pro se costs in pursuing this petition.
24. The Florida Elections Commission is charged with the responsibility of enforcing Florida's Election laws to ensure that those participating in Florida's electoral process comply with Florida law and those who do not are imposed with sanctions to ensure the reliability of the electoral process. Just as important to preserving the integrity of the FEC's processes is the Commission's responsibility to hold accountable persons who file a sham complaint against an individual or public official with malicious intent merely to injure the reputation of the person complained against by filing such complaint with knowledge that it contains false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of elections laws. By submission of a sworn Florida Elections Commission Confidential Complaint Form Ms. Schure alleged prima facie violation of election laws by me with knowledge such allegation was false and with reckless disregard whether such allegation of fact material to a violation of elections laws was false.
25. Now wherefore, I Linda M. Yates request that the Florida Elections Commission order the appropriate proceeding on this petition to award costs and attorney's fees to me from Kathy Schure pursuant to any and all statutes and rules that apply on the basis and grounds stated in this petition.

Respectfully submitted on this 27<sup>th</sup> day of January, 2017.

*Linda M Yates*

LINDA M. YATES  
6475 Munsing Avenue  
North Port, FL 34291

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2017.

*Sandra K Asbridge*

Notary Public



*Sandra K Asbridge*

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ or Produced Identification

My Commission expires: 5/19/2019

State of Florida  
Florida Elections Commission

In Re: Linda M. Yates  
Respondent

Case NO.: FEC 16-362

**Petition For Costs and Attorney's Fees**

I Linda M. Yates, Respondent Pro Se, do hereby file this Petition for Attorneys' Fees and Costs pursuant to Florida Statute §106.265, Florida Administrative Code Rule 2B-1.0045 and any other applicable laws, against complainant Kathy Schure and state as basis and grounds therefore the following:

1. Ms. Kathy Schure knowingly and recklessly submitted a sworn Complaint to the Florida Elections Commission to declare that I, a Commissioner duly elected in 2014 and another Commissioner whom was an incumbent candidate in the 2016 election, had violated Election Laws regardless of whether such declaration was false and Ms. Schure did so with malicious intent of using the FEC agency process available to the public at no cost to injure my reputation as well as aid Cheryl Cook an incumbent candidate, whom she supported, in making false statements about Ms. Cook's opponent.
2. I am currently a City Commissioner and will be termed out in 2018. I was initially elected in 2010 and re-elected in 2014 and was not a candidate in the 2016 election. Jacqueline Moore was a Commissioner also elected in 2014 and at the time Ms. Schure filed her complaint Mrs. Moore had resigned from her seat mid-term due to the impact of the implementation of residency District Seats in 2016 and she filed to run for her District seat which was the same District seat Ms Cook, who was running for re-election, also resided in and was a candidate. A City of North Port General Election was to be held on November 8, 2016 with a Primary Election taking place on August 30, 2016.
3. On or about August 22, 2016, Ms. Kathy Schure filed a sworn Florida Elections Commission Complaint against me and attested under oath that the information contained in her Complaint was "true and correct". A copy of the Complaint with her two page narrative is attached hereto as **Exhibit A**. The North Port City Commissioners at that time were: me (term expiring in 2018), Tom Jones (termed out in November 2016), Jacqueline Moore (a 2016 Candidate and current term expiring in November 2016), Rhonda DiFranco (a 2016 Candidate and current term expiring in November 2016) and Cheryl Cook (a 2016 Candidate and current term expiring in November 2016 ).
4. As the named Respondent I received the Complaint from FEC by certified mail on August 27, 2016. Due to the nature of the Complaint not only alleging violation of Election Law, but also asserting I was a candidate as well as a Commissioner that allegedly violated other laws, I retained an attorney for handling the matter.
5. Ms. Schure's Complaint against me included one copy of her narrative and an additional FEC Complaint form alleging City Commissioner Jacqueline Moore also violated election laws.

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6. Ms. Schure's submission of the sworn FEC Confidential Complaint Form was prima facie allegation of violation of Election Laws by myself and Mrs. Moore.
7. Ms. Schure's swore that the information contained in her Complaint was true and correct however she knowingly asserted false fact stating on page 1 of the official Complaint Form in section 2 affirmation that I was a candidate seeking the office or position of Commissioner when in fact I was not, I have first-hand knowledge and witnesses that she knew my election was in 2014 and did not support my candidacy and by her own admission throughout her Complaint she acknowledged I was not a candidate. Particularly on page 6 of 7 in Exhibit A she states *"The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as required."* Also Ms. Schure file her Complaint with reckless disregard for whether her complaint contained false allegations of fact material to a violation of elections laws as Ms. Schure falsely asserted on page 1 in section 3 of her complaint that the specific provisions of the Florida Election Code violated by me were provided in her attachment but she did not do so. In fact the contents on pages 5 through 7 of her sworn Complaint is without merit and contradictory to the truth and correctness of the contents she attested to on pages 1 and 2.
8. On October 20, 2016 Ms. Schure was notified by letter from the Executive Director of FEC that her Complaint alleging violation of Florida's Election laws was received and upon review was found to be legally insufficient (attached as Exhibit B). In the letter Ms. Schure was also informed that she had submitted a complaint form naming me as Respondent with an attachment of a second complaint form indicating Jacqueline Moore as a Respondent as well as an attached narrative of allegations against me and therefore without any indication she intended to file two complaints the entire document was accepted by FEC as one complaint against me. In addition she was informed that essentially her allegations were pertaining to Florida Statute Chapters 286 and 119 of which were outside the FEC's jurisdiction that is limited to Chapters 104 and 106. Of significant note is that Ms. Schure already had knowledge of the FEC's limited jurisdiction as that was clearly stated in section 3 of the Complaint Form alleging Election law violation that Ms. Schure swore to and submitted. Even if Ms. Schure inadvertently forgot to submit the portion of a narrative pertaining to the sections of the election law she believed was violated she had 14 days to provide that information and if her Complaint submitted under oath were not a sham she would have submitted additional information to correct the stated grounds of insufficiency of her Complaint. However no evidence of any kind was provided with her initial complaint of alleged violation of election law nor did she provide any additional information subsequent to the October 20<sup>th</sup> letter from FEC nor did she submit any correspondence to FEC that her original documents submitted was intended to be two separate complaints against two separate Respondents.

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9. In the City of North Port's Primary Election held on August 30, 2016 Cheryl Cook and Rhonda DiFranco lost their re-election while Cheryl Cook's opponent Jacqueline Moore prevailed and she moved on to the November 8, 2016 General Election.
10. On Friday September 9, 2016 Ms. Schure's FEC Confidential Complaint Form as submitted to FEC was hand delivered to the City of North Port's City Clerk's office with a request to make it a Public Record and make copies of it and distribute it to each of the North Port City Commissioners (attached as Exhibit C).
11. The FEC had not yet completed its review processes of Ms. Schure's Complaint. The City of North Port has no local jurisdiction over elections or ethics violations. Seeing Ms. Schure's document was labeled Florida Elections Commission Confidential Complaint Form, the City Clerk did not immediately distribute the document and instead she sought consult with the City Attorney whom advised her to contact the FEC as to confidentiality and distribution. The week of September 12, 2016 the City Clerk received clarification from FEC that the Confidentiality applied to FEC and unless the document was received directly from FEC the Confidentiality did not pertain to the City Clerk.
12. On or about September 16, 2016 Ms. Schure contacted the City Clerk asking her why her FEC Complaint had not yet been distributed to the Commissioners because Ms. Schure had spoken with a Commissioner who told her she hadn't received it yet.
13. On September 16, 2016 after having consulted with the FEC and North Port City Attorney, the City Clerk made copies of Ms. Schure's FEC Complaint and distributed it to all the City Commissioners.
14. On October 17, 2016, Commissioner Cheryl Cook who had lost her re-election in the August 30, 2016 Primary Election to her opponent Commissioner Jacqueline Moore, sent an email to the City Clerk (attached as Exhibit D) requesting to place on the October 25, 2016 City Commission meeting an agenda item for *"Discussion and Possible action regarding the contents of Complaint filed with the State of Florida, Florida Elections Commission, against Linda M. Yates and Jaqueline Moore copy filed with the Clerk September 09, 2016"*. The requested item was approved by the City Manager and placed on the October 25<sup>th</sup> meeting agenda. On October 18<sup>th</sup> the agenda item with a copy of Ms. Schure's Complaint was publicly posted and published (attached as Exhibit E). The October 25<sup>th</sup> City Commission Meeting was the last City Commission meeting prior to the November 8<sup>th</sup> Election.
15. On October 20<sup>th</sup> and October 25<sup>th</sup> articles were published in newspapers (see Exhibit F) regarding Ms. Schure's Complaint to be discussed by the City Commission. When a reporter tried to reach Ms. Schure for comment, a family member told the reporter she was on vacation and he had no idea when she would return. The City Commission agenda item also generated local news exposure and social media attention to Ms. Schure's Complaint alleging violations of election laws, sunshine laws and public records laws by both myself, a sitting Commissioner in mid-term and Jacqueline Moore a sitting Commissioner and candidate for re-election in the election taking place within 2 weeks.

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16. After Ms. Schure accomplished getting a high level and widespread publicity of her FEC Complaint Form prior to the day of the City Commission meeting and prior to the November 8<sup>th</sup> election, on October 25<sup>th</sup> at the City Commission meeting Commissioner Cheryl Cook moved to remove the item from the agenda without any explanation or comment. Ultimately the City Commission did vote to remove the item from discussion at the dais however the meeting materials with Ms. Schure's FEC Complaint will remain publically accessible on the internet, on the City's website and through other public record mediums. Of note, 14 days later Commissioner Jacqueline Moore lost her re-election.
17. Ms. Schure's actions of submitting an FEC Complaint which on its face was a false allegation that I had violated election law and by her using the FEC Complaint form with reckless disregard of whether her allegations were false and then shortly after pushing the issue to get a Commissioner to use a City Commission meeting to bring widespread publicity to her Complaint, demonstrates a malicious intent to badger me and injure my reputation and by such action caused me to incur significantly more attorney fees for my defense. In addition Ms. Schure's actions also served to aid in disseminating statements of purported violation of laws by Ms. Cook's opponent Jacqueline Moore.
18. A reasonable person would see that Ms. Schure's strategically orchestrated filing of an FEC Complaint was with the underlining motive to inflict shame on my name and reputation, put in jeopardy my service as a duly elected Commissioner and inflict financial harm and as such I am entitled to her paying my attorney fees and costs. Not only does the content within Ms. Schure's entire 7 page Complaint support that she knew her allegation that I had violated Election Law was false but she knew better than to use the FEC Complaint process to submit allegations of Florida Statutes Chapters 286 Sunshine laws and Chapter 119 Public Records Laws.
19. On December 30, 2016 the FEC sent notice that since they had not received any additional information that corrected the stated grounds of insufficiency the case was closed (see Exhibit G).
20. Since receipt of Ms. Schure's Complaint on August 27, 2016 through January 3, 2017, due to Ms. Schure's filing of a false Complaint with FEC and her subsequent actions, I had incurred attorney fees in the amount of \$2810 (see attached Exhibit H). Additional attorney fees apply through today. Due to my limited financial means, I can no longer afford to be represented by counsel and as of today I had to release my attorney from this case and I am pursuing this Petition pro se.
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CASE NO: *FEC 16-362*

Respectfully submitted on this 27<sup>th</sup> day of January, 2017.

*Linda M Yates*

LINDA M. YATES  
6475 Munsing Avenue  
North Port, FL 34291

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2017.

*[Signature]*

Notary Public



*Sandra K. Asbridge*

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ or Produced Identification

My Commission expires: *5/19/2019*