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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
CASE NO. 17-1594F  
GAYLORD A. WOOD, JR.,  
  
Petitioner,  
  
-vs-  
  
R.C. "RICKY" LUSSY,  
  
Respondent.

-----/

HEARING BEFORE THE HONORABLE JOHN D.C. NEWTON, II,  
APPEARING BY VIDEOCONFERENCE FROM TALLAHASSEE, FL  
  
ADMINISTRATIVE LAW JUDGE  
DIVISION OF ADMINISTRATIVE HEARINGS, THE DESOTO  
BUILDING, 1230 APALACHEE PARKWAY, TALLAHASSEE, FL  
32399-3060

FRIDAY, MAY 12, 2017  
FORT MYERS, FLORIDA

9:20 a.m. - 1:00 p.m.

Reported By:  
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ORIGINAL

1 APPEARANCES:

2 On Behalf of the Petitioner:

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4 WOOD AND STUART, P.A.  
5 P.O. Box 1987  
6 Bunnell, Florida 32110  
7 (Appearing by videoconference from Tallahassee,  
8 FL)

7 On Behalf of the Respondent:

8 R.C. "RICK" LUSSY, PRO SE  
9 2840 Shore View Drive, Suite 2  
10 Naples, Florida 34112  
11 (239) 263-5413  
12 Ricklussy@yahoo.com  
13 (Appearing by videoconference from Ft. Myers, FL)

13 - - -

15 ALSO PRESENT:

16 Gaylord A. Wood, Jr., Esquire  
17 Wood and Stuart, P.A.  
18 304 Southwest 12th Street  
19 Fort Lauderdale, Florida 33315  
20 (Appearing by videoconference from Ft. Lauderdale, FL)

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1                                   MAY 12, 2017 - MORNING SESSION

2   9:20 A.M.

3 (Thereupon, the following proceedings were had):

4  
5                   THE COURT:   Good morning, everyone.

6                   Thank you for your patience.  The delay is  
7 because I tried to set this up to reduce travel  
8 time for all of the participants.  The situation  
9 here now is I need to ask everybody to be careful  
10 about talking over each other.  So let me just  
11 check and see what I've got.

12                  Speaking first in Fort Myers, is it Lussy or  
13 Lucy?

14                 MR. LUSSY:   Lussy, Your Honor.

15                 THE COURT:   Lussy.

16                 Mr. Lussy, can you -- I guess you can hear me.  
17 I know that now.

18                 MR. LUSSY:   Yes, sir.

19                 THE COURT:   And I can hear you.  Can you see  
20 me?

21                 MR. LUSSY:   Yes, sir.

22                 THE COURT:   Okay.  Who do we have in Fort  
23 Lauderdale?

24                 MR. WOOD:   Gaylord wood in Fort Lauderdale.

25                 THE COURT:   Okay.  Whoever that is, just wait a

1 minute. Now, is that the -- and let's hear the  
2 court reporter in Fort Myers.

3 THE COURT REPORTER: Yes, Your Honor.

4 THE COURT: Okay.

5 Mr. Wood, can you speak up any?

6 MR. WOOD: Yes, sir, I will try to speak as  
7 loud as I can.

8 THE COURT: Thank you.

9 Mr. Woolsey.

10 MR. WOOLSEY: Yes, sir.

11 THE COURT: Mr. Lussy.

12 MR. LUSSY: Yes, Your Honor.

13 THE COURT: We have this technological problem.

14 Mr. Lussy, I cannot see you, so I'd like to --  
15 I'm going to hear from everybody, starting with the  
16 Petitioner, about what they think about proceeding  
17 even though we cannot see Mr. Lussy up in  
18 Tallahassee.

19 MR. LUSSY: In Fort Myers.

20 THE COURT: So, Mr. Woolsey, what is your  
21 client's position?

22 MR. WOOLSEY: We have no objection. I can hear  
23 Mr. Lussy just fine, as long as he can hear me. I  
24 believe you all can hear, and I believe you can see  
25 me as well. And we have no objection whatsoever.



1 THE COURT: Mr. Lussy?

2 MR. LUSSY: I have no objection, Your Honor. I  
3 can see pro se Woolsey on behalf of the firm of --

4 THE COURT: Okay. Well, thank you.

5 I will ask everybody to be as outspoken as the  
6 court reporter was if you have difficulty hearing.

7 And, Mr. Woolsey, I think your link is the weak  
8 link -- not you, but your link -- so please speak  
9 up.

10 Ms. Stefanick, are we on the record now,  
11 please?

12 THE COURT REPORTER: Yes, Your Honor.

13 THE COURT: Okay.

14 As you all probably figured out, I'm  
15 Administrative Law Judge John Newton from the  
16 Division of Administrative Hearings. We're here  
17 for a final hearing in the case of Gaylord Wood vs.  
18 R.C. Lussy.

19 Mr. Lussy, I think I've taken care of the "I"  
20 at the end of your name -- or the "Y" at the end of  
21 your name, to get rid of the Ricky.

22 MR. LUSSY: Thank you for your courtesy, Your  
23 Honor.

24 THE COURT: The Division of Administrative  
25 Hearings is not part of the Elections Commission in

1 any way. The division and the judges like me who  
2 serve in it are independent. We don't -- we have a  
3 system in which we're career service employees, and  
4 agencies who are unhappy about decisions do not  
5 have any ability to affect us.

6 The legislature created this to make sure that  
7 people like you, Mr. Lussy, who have a disagreement  
8 with an agency, can go at a hearing where they can  
9 prove their case or other parties can prove their  
10 case in front of somebody who's not connected with  
11 the agency.

12 We have a court reporter here. At the end of  
13 this hearing, either one of you may request a  
14 transcript.

15 At this time do either of you know if you  
16 intend to request a transcript?

17 MR. WOOLSEY: I believe we most likely will,  
18 yes, Your Honor.

19 THE COURT: Okay. Most likely means you can't  
20 be sure, so everybody should take good notes.

21 MR. LUSSY: On behalf of Rick Lussy, I most  
22 likely also would request a transcript copy. Most  
23 likely.

24 THE COURT: Okay. And the reason that matters,  
25 other than note-taking, is at the conclusion of

1 this proceeding each of you will have an  
2 opportunity to provide me something called a  
3 proposed recommended order, and the time for  
4 submitting that is either ten days after the  
5 hearing ends or ten days after the transcript is  
6 filed.

7 And, Mr. Lussy, you will get a notice advising  
8 you when the transcript is filed, as will you,  
9 Mr. Wood.

10 The proposed recommended order has two parts;  
11 its findings of fact and conclusions of law. Each  
12 of them are just exactly what they say they are.  
13 You can outline the facts that you think the  
14 evidence showed.

15 If this were a case about running a red light,  
16 I might hear testimony from people who were there,  
17 from an expert who looked at tire marks, things  
18 like that. That's all the different evidence. And  
19 then I'll have to sort through it and decide which  
20 is the most persuasive to determine who ran the red  
21 light or not. And these proposed recommended  
22 orders give you all an opportunity to tell me how  
23 you think that reasoning should go and what the  
24 findings should be.

25 Conclusions of law are just that. You identify

1 the law that you think applies and then tell me how  
2 you think it ought to be applied to the facts in  
3 this case.

4 Mr. Lussy, have you been to our website?

5 MR. LUSSY: Yes, Your Honor, for filing  
6 documents.

7 THE COURT: Some of this stuff I'm addressing  
8 to you because I know you're proceeding pro se.

9 But this would apply to you, as well,  
10 Mr. Woolsey.

11 Our website, if you look for cases that have  
12 the suffix "F" in their case number, you can review  
13 proposed orders that have been filed in other --  
14 these cases at the Division of Administrative  
15 Hearings.

16 These cases are usually pretty short. I don't  
17 expect this to last a lot more than an hour, but  
18 we'll take the time necessary to make sure everyone  
19 has been heard.

20 The issue here is should fees be awarded to be  
21 paid from Mr. Lussy to Mr. Woolsey. I've outlined  
22 that issue in the notice of hearing a couple of  
23 times. I'm sorry, Mr. Wood. Mr. Wood, who is  
24 seeking fees, has the burden of going forward and  
25 the burden of persuasion.

1           Then Mr. Lussy, any witnesses he puts on you  
2 will have an opportunity to cross-examine, and then  
3 you will have an opportunity to put on any evidence  
4 that you wish to present.

5           Before we move on, is there anything else that  
6 would be helpful to address this morning,  
7 Mr. Woolsey?

8           MR. WOOLSEY: We have nothing.

9           THE COURT: Mr. Lussy?

10          MR. LUSSY: Yes, Your Honor.

11          A fact witness in regards to the Wood Skinner  
12 employment policy, as evidenced from the Florida --  
13 the confidential nonpublished FEC 16-245, which  
14 initiated from FEC 245, includes the witness by the  
15 name of Gary Michael Siciliano, he was asked to  
16 come at 9:30 this morning, and --

17          THE COURT: What was the last name, Mr. Lussy?

18          MR. LUSSY: S-I-C-I-L-I-A-N-O.

19          It was a subpoena for which you did not squash,  
20 as you had squashed others subpoenas, Your Honor.

21          THE COURT: So you subpoenaed Mr. Guy [sic]  
22 Michael Siciliano?

23          MR. LUSSY: Yes.

24          THE COURT: He's not there?

25          MR. LUSSY: He is -- it's almost 9:30 and you

1 have notice of that with the witness list and the  
2 exhibit list that was e-filed the 4th of May, which  
3 was a day before your deadline of the 5th of May  
4 for this hearing May 12th.

5 THE COURT: Mr. Lussy, what I'm trying to  
6 understand is you're saying you subpoenaed the  
7 witness, and you're right, I have not quashed that  
8 subpoena, and the witness is not there.

9 MR. LUSSY: Well, he's due to be here and he  
10 will be here. He said he would be here.

11 THE COURT: Okay. Well, that's fine. The  
12 security guard will bring him in.

13 Anything else, Mr. Lussy?

14 MR. LUSSY: Yes.

15 And the other fact witness, for which the  
16 subpoena you did not squash, was Dennis Henderson,  
17 also on the employment policies of Wood and Skinner  
18 from the FEC 16-245 and the FEC 245 cases, for  
19 which this case has developed, and Mr. Wood  
20 continues to be counsel for Mr. Skinner, the  
21 incumbent property appraiser for Collier County.

22 THE COURT: Okay. Are you advising me that you  
23 expect Mr. Henderson to appear to testify?

24 MR. LUSSY: Yes, at 10:00 this morning.

25 THE COURT: Okay. You never know how quickly

1 legal proceedings go. They should be able to  
2 present testimony fairly close to that time,  
3 subject to any objections when the testimony is  
4 offered.

5 MR. LUSSY: Thank you for your courtesy, Your  
6 Honor.

7 THE COURT: Thank you, sir.

8 Now, with that, we'll get started. And before  
9 I forget it, let me ask everybody to raise their  
10 right hand. Actually, never mind. Well, I guess  
11 I'll have to do this pretty slowly.

12 Start with you, Mr. Lussy.

13 Court Reporter, would you swear Mr. Lussy,  
14 please.

15 Thereupon,

16 R. C. "RICKY" LUSSY,  
17 after having been first duly sworn or affirmed, was  
18 examined and testified as follows:

19 MR. LUSSY: I do.

20 THE COURT: And, Mr. Wood, do you have a notary  
21 there with you?

22 MR. WOOD: She just stepped out. It's April.  
23 She just stepped out of the room.

24 THE COURT: Okay. You need to speak up,  
25 Mr. Wood.

1 MR. WOOD: April is my notary, and she just  
2 stepped out of the room and I don't know where she  
3 went.

4 THE COURT: Okay.

5 MR. WOOD: If I could find her.

6 THE COURT: Okay.

7 Mr. Woolsey, you have one witness up here in  
8 Tallahassee?

9 MR. WOOLSEY: Yes, I do. Mark Herron.

10 THE COURT: Mr. Herron, could you raise your  
11 right hand.

12 Thereupon,

13 MARK HERRON,  
14 after having been first duly sworn or affirmed, was  
15 examined and testified as follows:

16 THE WITNESS: I do.

17 THE COURT: Thank you.

18 Now, for those of you in Fort Lauderdale and  
19 Fort Myers, you can't see them, but we just got a  
20 new crop of interns at the Division of  
21 Administrative Hearings, and this is the first  
22 hearing that has occurred since they've joined us,  
23 so they're both observing. They will not be  
24 testifying.

25 MR. WOOD: Your Honor, the notary public is



1 here now.

2 THE COURT: Okay, great.

3 Ma'am, could you administer the oath to testify  
4 truthfully to Mr. Wood?

5 Madam Court Reporter?

6 THE WITNESS: I do.

7 THE COURT: I couldn't hear the court reporter.

8 THE COURT REPORTER: Your Honor, they have a  
9 notary in Fort Lauderdale. I could not hear what  
10 she was saying.

11 THE COURT: Well, I didn't either, that's why I  
12 asked.

13 Ma'am, try one more time. It's important that  
14 we have a full record.

15 NOTARY PUBLIC HOLSMAN: Do you solemnly swear  
16 to tell the truth, the whole truth and nothing but  
17 the truth?

18 Thereupon,

19 GAYLORD A. WOOD, JR.,

20 after having been first duly sworn or affirmed, was  
21 examined and testified as follows:

22 THE WITNESS: I do.

23 THE COURT REPORTER: Your Honor, do I need the  
24 notary's name?

25 THE COURT: The notary is going to send me a

1 certificate attesting that she administered the  
2 oath.

3 But go ahead and give us your name, ma'am. The  
4 court reporter is trying to be very thorough here.

5 MS. HOLSMAN: My first name is April, and my  
6 last name is Holsman, H-O-L-S-M-A-N.

7 THE COURT: And, Ms. Holsman, you have the  
8 affidavit you need to complete to file with us?

9 MS. HOLSMAN: No, I don't, Your Honor.

10 THE COURT: Okay. We will get that to you,  
11 because of how this was set up we may not have it.

12 MS. HOLSMAN: Okay, that's fine, Your Honor.

13 THE COURT: Mr. Woolsey, we'll need your help  
14 making sure we get that to her.

15 MR. WOOLSEY: Your Honor, I'm on that.

16 THE COURT: I will give everybody a brief  
17 opportunity to present an opening argument, if you  
18 like. I have reviewed the file completely. I'm  
19 aware of the legal standards involved. I think  
20 people have a right to just give me a little  
21 preview of what they think their case will show.  
22 Keep it under five minutes.

23 Starting with you, Mr. Woolsey.

24

25

1 (PETITIONER'S OPENING STATEMENT)

2 MR. WOOLSEY: Thank you, Your Honor.

3 My name is J. Christopher Woolsey. I'm an  
4 attorney with the law firm of Wood and Stuart, P.A.  
5 Our office is in Bunnell, Florida, and I'm  
6 representing Gaylord A. Wood, Jr., who is in Fort  
7 Lauderdale today, who is also a member of Wood and  
8 Stuart. He is our senior partner.

9 And I'm representing him here today on what was  
10 Florida Elections Commission Case Number 16-357 on  
11 Mr. Wood's amended petition to award fees and costs  
12 on the matter of Mr. Lussy's complaint against him.

13 Now, the Florida Election Commission order  
14 referred the matter to the Division of  
15 Administrative Hearings for this hearing involving  
16 disputed issues of material fact and for the entry  
17 of a recommended order determining two things and  
18 two things only. Number one, whether the  
19 Petitioner and Respondent below was entitled to an  
20 award of attorney's fees and costs; and if so, what  
21 amount is due. Those are the only matters properly  
22 before the Court for consideration this morning.

23 It is our position that Mr. Wood is entitled to  
24 an award of fees -- or costs and fees from  
25 Mr. Lussy for the reasons set forth in his amended

1 petition. Mr. Wood is not an elected official, nor  
2 has he served in any capacity with any campaign for  
3 public office, so he is not subject to Chapters 104  
4 and 106 Florida statutes.

5 Mr. Wood has been a distinguished member of the  
6 Florida Bar for over 50 years and his record is  
7 without blemish. Yet Mr. Lussy accused him of  
8 being a, quote, accessory to a crime involving,  
9 quote, open primary 2016 Collier County property  
10 appraisal issues, end quote; and of a felony for  
11 contributing, quote, direct draft of public monies  
12 as a direct persuader and racketeerer in public  
13 office, end quote.

14 Those accusations are demonstrably false and  
15 made of him a man whose record is without reproach,  
16 and we will demonstrate that through testimony  
17 today. And in this case, this is a pattern that  
18 has gone on for some time, and I -- that is also  
19 part of the record, and we will also hear more  
20 about that today.

21 I have no idea of how anyone else in previous  
22 cases has responded to this kind of treatment, but  
23 I can tell you in this case with regards to  
24 Mr. Wood, Mr. Lussy has messed with the wrong  
25 marine, to paraphrase a line that many of us have

1 heard.

2 The record reflects both the disdain which  
3 Mr. Lussy demonstrates towards the law and the  
4 reasons behind the malicious intent which drove him  
5 to level false allegations of material fact against  
6 Mr. Wood in his FEC complaint.

7 As we've heard, with me today are Gaylord A.  
8 Wood, Jr., by video from Lauderdale Lakes, Florida.

9 And also here in the room with me, sitting  
10 behind me but not on my camera yet, is Mark Herron,  
11 of Messer Caparello here in Tallahassee, to testify  
12 as to his opinion of reasonable time to defend a  
13 case like this against Mr. Lussy and a reasonable  
14 fee for doing so. And Mr. Herron has reviewed our  
15 file and all the voluminous documents in it that  
16 have been filed over this relatively simple matter,  
17 and we believe at the end of the hearing that Your  
18 Honor will agree with us, that Mr. Wood is entitled  
19 to an award of costs and fees from Mr. Lussy.  
20 Thank you.

21 THE COURT: Thank you.

22 Mr. Lussy, this is your opportunity to make an  
23 opening statement. I want to make sure you  
24 understand that this is basically a statement.  
25 It's a preview of what your case will be. It is

1 not evidence. Later in this proceeding you will  
2 have an opportunity to testify and provide the  
3 facts that you think are relevant.

4 Do you wish to make an opening statement?

5 MR. LUSSY: Yes, Your Honor.

6 THE COURT: Go ahead, please, sir.

7 MR. LUSSY: Okay.

8 (RESPONDENT'S OPENING STATEMENT)

9 MR. LUSSY: Please allow me to introduce  
10 myself. I am a little person, Rick Lussy, MAI,  
11 SRA, commercial and industrial property appraiser  
12 these 44 years. I don't know any better. I just  
13 like appraising property and issues and have fun  
14 doing it.

15 Graduate in finance and real estate, Bachelor  
16 of Science in University of Montana.

17 Employed one month out of University of Montana  
18 in Anaconda, Deer Lodge County, as a county  
19 appraiser for the Department of Revenue.

20 Two and a half years later, I turned down a  
21 district supervisor position in Montana, Department  
22 of Revenue, to work for the best northwest  
23 commercial appraisal firm, Sharrett, Riley and  
24 Vance, with offices in Seattle; Anchorage, Alaska;  
25 and San Jose, California.

1           with 44 years' experience in 13 states and 15  
2 Florida counties, I, as a candidate, I'm a public  
3 servant per Florida Statute 838.014(5)(6). Yet by  
4 the attorney general government in the Sunshine  
5 Manual quoted by wood, Jr., who quoted page 141 in  
6 his June 9th, 2016, letter, was to benefit his  
7 public servant incumbent Skinner in FEC Florida  
8 Elections Commission 245 to deny information of  
9 deferred maintenance of employment policy  
10 information.

11           Defer means to deliberately put off to a later  
12 date. This has been -- this deference of  
13 maintenance has been 26 years, Skinner and wood,  
14 Jr., policy in FEC 16-245, since 1991 to 2017, the  
15 present.

16           I'd like to correct opposing counsel,  
17 Mr. Woolsey, if you'd be so kind. Mr. Wood, Jr.,  
18 is a public servant by Florida Statute  
19 838.014(6)(7). And I'll read it for your  
20 convenience, for Your Honor's quick understanding.

21           THE COURT: Thank you.

22           MR. LUSSY: (6) public servant means any  
23 officer, employee of the state, county, municipal  
24 or special district, agency or entity; (b) any  
25 legislative or judicial officer or employee, dot,

1 dot, dot, for words left out.

2 Then (d) is a candidate for election or  
3 appointment to any positions listed in this  
4 subsection, or individual who has been elected to  
5 or has been officially assumed the responsibilities  
6 of public office. So that includes myself as a  
7 candidate.

8 So, in this case I'm pointing out for  
9 clarification Mr. Wood, Jr., is an agent of the  
10 judicial branch, clarifying the fact that  
11 Mr. Woolsey says he's not, and, therefore, he's  
12 exempt from the sunshine -- the government in the  
13 Sunshine Manual as authored by the attorney  
14 general, who I had subpoenaed for certification to  
15 clarify the documents from three pages from the  
16 government and the Sunshine Manual, but you quashed  
17 that motion; and I would like to subsequently enter  
18 that into evidence when the time is appropriate.

19 Continuing, this evidentiary hearing is to  
20 determine false swearing of 104.011 and replacement  
21 in the polls with myself, Rick Lussy, pursuant to  
22 Florida Statute 104.051, both in the Florida  
23 Elections Commission jurisdiction and purview for  
24 which opposing counsel is requesting attorney's  
25 fees and costs.



1           Now, these are disputed issues of 13 material  
2 facts, and for entry in a recommended order  
3 determining whether Petitioner and Respondent,  
4 because Mr. Wood, Jr., is both a petitioner in this  
5 case, 17-1594F, and he's a respondent in the  
6 Florida Elections Code confidential complaint  
7 16-245 as a representative, counsel for  
8 Mr. Skinner, in 16 -- in FEC 16-245.

9           So there's the two cases for which are combined  
10 in reference to this Case Number 17-1594F, for  
11 which opposing counsel is trying to limit it to  
12 straight attorney's fees. Yet the issue of whether  
13 or not a confidential Florida Elections complaint  
14 that has not been published, that has not been in  
15 the public purview and has not been breached in any  
16 way, shape and form by myself, is clearly a -- an  
17 unclean hands machination by Mr. Wood, Jr., to  
18 generate fees and to make money which is unjust  
19 enrichment.

20           THE COURT: Okay. Thank you for that opening  
21 argument.

22           We're now ready to take evidence. The  
23 petitioner has the burden of going forward and  
24 proving its case. If you would like to commence,  
25 Mr. Woolsey, who is your first witness?

1 MR. WOOLSEY: Thank you, Your Honor. We call  
2 Gaylord A. Wood, Jr.

3 THE COURT: Okay. Mr. Wood?  
4 Go ahead, Mr. Woolsey.

5 MR. WOOLSEY: Okay.

6 Thereupon,

7 GAYLORD A. WOOD, JR.,  
8 after having been first duly sworn or affirmed, was  
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WOOLSEY:

12 Q. Could you please state your name and address  
13 for the record.

14 Mr. Wood? Mr. Wood, can you hear me?

15 THE COURT: Mr. Wood.

16 MR. WOOLSEY: Okay. We hear you now. Can you  
17 hear me all right?

18 THE WITNESS: Yes, I hear you fine.

19 BY MR. WOOLSEY:

20 Q. Can you please state your name and address for  
21 the record.

22 A. Gaylord A. Wood, Jr.

23 (Court Reporter interruption.)

24 THE COURT: All right. Slowly and loudly,  
25 please, Mr. Wood.

1           THE WITNESS: Gaylord A. Wood, Jr., 304  
2           Southwest 12th Street, Fort Lauderdale, Broward  
3           County.

4

5 BY MR. WOOLSEY:

6       Q.    And what is your profession, Mr. Wood?

7       A.    I am an attorney-at-law.

8           (Court Reporter interruption.)

9       THE COURT: Repeat your answer.

10       THE WITNESS: I am an attorney-at-law.

11 BY MR. WOOLSEY:

12       Q.    How long have you been an attorney?

13       A.    I was barred in November of 1962.

14       (Court Reporter interruption.)

15       THE COURT: 1962, he said.

16       THE COURT REPORTER: I'm sorry, Your Honor.

17       The speaker is very bad here.

18 BY MR. WOOLSEY:

19       Q.    Do you specialize in any particular area of the  
20 law?

21       A.    Yes. I have represented elected property  
22 appraisers in Florida since 1968. General Counsel,  
23 Broward County Property Appraiser's Office --

24       (Court Reporter interruption.)

25       THE COURT: Okay. Do you want to ask your

1 question again, Mr. Woolsey?

2 MR. WOOLSEY: Sure.

3 BY MR. WOOLSEY:

4 Q. Do you specialize in any particular area of the  
5 law?

6 A. Yes. I've represented elected property  
7 appraisers --

8 THE COURT REPORTER: Can you hear him?

9 MR. LUSSY: He represented Texas property  
10 appraisers.

11 THE WITNESS: Since 1968.

12 I was the General Counsel, Broward County  
13 Property Appraiser's Office, since 1968 to --

14 THE COURT REPORTER: Until 2000, sir?

15 THE COURT: 1968 to when, Mr. Wood?

16 THE WITNESS: 2000.

17 THE COURT: I'm sorry, 2000 what? Did you say  
18 '04? Mr. Wood, did you say 2004?

19 THE WITNESS: Yes, sir.

20 THE COURT: Thank you.

21 BY MR. WOOLSEY:

22 Q. Are you rated by Martindale-Hubbell?

23 A. Yes. I am rated AV Preeminent by Martindale  
24 Peer Review Ratings. I have professional rating in --  
25 (Court Reporter interruption.)

1 THE WITNESS: I am wondering if it would help,  
2 Madam Reporter, if you have a cell phone that I  
3 could call you on. Maybe we could get better  
4 quality.

5 THE COURT: Ms. Stefanick, the witness is  
6 suggesting that if you have a cell phone you  
7 wouldn't mind using, he can call you.

8 THE COURT REPORTER: Yes, Your Honor. Could we  
9 go off the record?

10 (Discussion was held off the record.)

11 THE COURT: Mr. Wood, would you now mute the  
12 speakerphone there with you.

13 THE WITNESS: Yes, speakerphone is muted.

14 THE COURT: Mr. Lussy, can you hear him okay?

15 MR. LUSSY: Yes, Your Honor.

16 THE COURT: Okay. Go ahead, Mr. Woolsey.

17 BY MR. WOOLSEY:

18 Q. The question you were answering was: Are you  
19 rated by Martindale-Hubbell?

20 A. Yes. I am rated AV Preeminent by Martindale  
21 Peer Review Ratings. This is the highest professional  
22 rating a lawyer can receive. This rating signifies  
23 that a large number of the lawyer's peers rate him or  
24 her at the highest level of professional excellence for  
25 their legal knowledge, communication skills and ethical

1 standards. I have held this rating for many years.

2 Q. What county property appraisers does your firm  
3 presently represent?

4 A. We are outside counsel. We are not employees  
5 of any county property appraiser. The counties we  
6 represent presently are Collier, Hendry, Martin,  
7 Orange, Seminole, Hernando, Sumter, Volusia, and  
8 St. Johns.

9 THE COURT: Okay. Mr. Wood, you were talking  
10 too fast for me. I got Collier, Hendry, Martin.

11 THE WITNESS: Orange.

12 THE COURT: What was after Martin?

13 THE WITNESS: After Martin was Orange,  
14 Seminole, Hernando, Sumter, Volusia, and St. Johns.

15 THE COURT: Mr. Woolsey.

16 BY MR. WOOLSEY:

17 Q. Have you ever represented all of the property  
18 appraisers in Florida?

19 A. Yes. I was honored to have been the attorney  
20 for the Property Appraisers' Association of Florida.  
21 In that context I represented all of the property  
22 appraisers before the legislature.

23 Q. Have you ever been sued for malpractice?

24 A. No.

25 Q. Have you ever been the subject of discipline by

1 the Florida Bar?

2 A. No.

3 Q. How important is your reputation to you?

4 A. Because I represent public officials, I have to  
5 be like Caesar's wife, beyond reproach in both my  
6 personal and professional life.

7 Q. And how important is your reputation to your  
8 clients?

9 A. I can say without hesitation that all of my  
10 clients insist on their attorneys having a spotless  
11 reputation. Whenever there is a whiff of scandal  
12 involving the attorney for a public official, the  
13 lawyer is usually on his way out.

14 Q. In your opinion, did Rick Lussy file a  
15 complaint against you with a malicious intent to injure  
16 your reputation --

17 A. Yes.

18 Q. -- in your opinion?

19 A. I was representing the Collier County Property  
20 Appraiser's Office in a lawsuit brought by a Miami  
21 lawyer named Clinton Flagg in 2010.

22 THE COURT: How do you spell Flagg?

23 THE WITNESS: F-L-A-G-G, Your Honor.

24 THE COURT: Go ahead, Mr. Wood.

25 THE WITNESS: Mr. and Mrs. Flagg owned a vacant

1 lot in a subdivision called Gray Oaks, which the  
2 Collier County Property Appraiser's Office assessed  
3 at \$549,080. Mr. Flagg bought that property later  
4 in the year for less than that amount.

5 Mr. Flagg hired Mr. Lussy as his expert  
6 appraiser, and Mr. Lussy made the strangest  
7 appraisal on a vacant lot I have ever seen. And  
8 over the years I have been doing what I do, I have  
9 seen thousands of appraisals.

10 I started doing the search on Mr. Lussy and  
11 discovered that his hobby is apparently suing  
12 elected officials. I checked with my client,  
13 Laurel Kelly.

14 (Court Reporter interruption.)

15 THE COURT: It would help us all if you would  
16 slow down, Mr. Wood.

17 THE WITNESS: I'll slow down.

18 I checked with my client, Laurel Kelly, the  
19 Martin County Property Appraisers, who last, when  
20 she told me that Mr. Lussy had run against her for  
21 that office six times, I found that the Florida  
22 Supreme Court had declared Mr. Lussy to be a,  
23 quote, vexatious litigant, and so had the Circuit  
24 Court of the 20th Judicial Circuit in Collier  
25 County.



1           Mr. Lussy appraised this lot for \$392,000 as of  
2           January 1st, 2009. The Flaggs sold it in October  
3           2011 for 685,000.

4           The case of Lussy vs. Haswell, H-A-S-W-E-L-L,  
5           618 F. Supp. 1360, which is a district court case  
6           from Montana in 1985. The court noted that  
7           Mr. Lussy is a disgruntled litigant who has filed  
8           13 separate federal cases against state and federal  
9           judicial officers who have ruled against him in  
10          previous suits.

11          To quote the Court: Exhibits indicate the  
12          complaints are similar to dozens of other suits  
13          filed by Plaintiff Lussy against lawyers and  
14          federal and state judges in Montana and Washington,  
15          as well as judges of the Ninth Circuit Court of  
16          Appeals, end quote.

17          The decision then states: Plaintiff apparently  
18          has a vent to sue every judge who decides the case  
19          against him. It isn't clear whether plaintiff's  
20          motive in such suits is punishment or future  
21          intimidation, but it does appear that he has abused  
22          the justice system. The taxpayers ought not to be  
23          penalized for such abuse, end quote.

24          Mr. Lussy has not changed his stripes since  
25          1985.

1 I then proceeded to take Mr. Lussy's deposition  
2 on February 9th, 2011.

3 MR. WOOLSEY: Your Honor, we offer that into  
4 evidence in our evidence packet that you have, and  
5 I believe it's Exhibit 1.

6 (Petitioner's Exhibit No. 1, Packet of  
7 Documents, was Marked for Identification.)

8 THE COURT: Exhibit 1. Is there any objection  
9 to the admission of this deposition, Mr. Lussy?

10 MR. LUSSY: I've not read the deposition, Your  
11 Honor.

12 And Mr. Flagg is not here as a fact witness for  
13 me to consult in regards to this matter. I have no  
14 knowledge as to what happened to the case, and I do  
15 not know the motive of Mr. Flagg, as before the  
16 deposition he had just come back from London.

17 And so out of caution and the Florida Evidence  
18 Code Title 90 -- Florida Statute 90.302,  
19 classification of rebuttable presumptions, number  
20 (2) the presumption affecting the burden of proof  
21 that imposes upon the party against whom it  
22 operates the burden of proof concerning the  
23 nonexistence of a presumed fact.

24 I would say to exclude it, because Mr. Flagg  
25 was the controlling gentleman as plaintiff in that

1 lawsuit, and I did not name him as a fact witness,  
2 and Mr. Wood, who was his client citing him, should  
3 have. Therefore, it should not be included.

4 Is this the best time, Your Honor, for me to  
5 speak to address the previous litigation, or shall  
6 I wait under --

7 THE COURT: Mr. Lussy, this is just for your  
8 legal objection. I understand you cited  
9 Section 90.302 of the Florida evidentiary code.  
10 You will have your chance to testify.

11 You did receive copies of these proposed  
12 exhibits, did you not?

13 MR. LUSSY: I did not. I got a notice of the  
14 exhibits but not a copy of the deposition as he  
15 specified here this morning.

16 THE COURT: There may be a misunderstanding.  
17 This is a deposition of yourself.

18 MR. LUSSY: Yes, Your Honor. And I've not seen  
19 a copy of the deposition and I've not spoken to  
20 Mr. Flagg, my client, for whom I have a  
21 confidential relationship, as the appraiser --

22 THE COURT: Okay. Mr. Lussy, the question I'm  
23 trying to get an answer to now is whether or not  
24 you were provided copies of the proposed exhibits.

25 MR. LUSSY: No.

1 THE COURT: You're saying you did not?

2 MR. LUSSY: No, not of this deposition. I've  
3 received other exhibits, but not of this deposition  
4 for which he is asking to be entered into evidence.

5 THE COURT: Well, then, let's talk about that.  
6 So did you get the other exhibits, B through H?

7 MR. LUSSY: I've got a two-page Petitioner  
8 notice of filing exhibits dated May 3rd, 2017.

9 And he mentions here's on B, appraisal report  
10 of Mr. Flagg, for which I do not have a copy. And  
11 there's no reference to a deposition on his notice  
12 of filing exhibit.

13 THE COURT: Mr. Woolsey.

14 MR. WOOLSEY: Your Honor, if I could read from  
15 the e-mail with which we sent this to Mr. Lussy.

16 "Please see the attached files.

17 "The subject line is Service of Court  
18 Documents, Case Number 17-1594F."

19 (Court Reporter interruption.)

20 THE COURT: Mr. Woolsey, slow down, please.

21 MR. WOOLSEY: Okay.

22 The e-mail reads -- this was sent on Wednesday,  
23 5/3, at 5:16 p.m.

24 E-mail reads, "Please see the attached files.  
25 Our copies have been mailed. With respect to the

1 exhibits on the notice" --

2 THE COURT: We have a court reporter.

3 MR. WOOLSEY: I understand.

4 THE COURT: Mr. Woolsey, could you slow down  
5 for me, please. People tend to talk really fast  
6 when they're reading.

7 MR. WOOLSEY: Understood. I'm sorry, Your  
8 Honor.

9 "With respect to the exhibits on the notice,  
10 you should have all of these already, but in the  
11 event that you are missing any of them, let me know  
12 and I will get you copies."

13 THE COURT: So you did not provide copies, sir?

14 MR. WOOLSEY: We gave him notice.

15 THE COURT: But my question is --

16 MR. WOOLSEY: No, we did not give him hard  
17 copies, but similar to what Your Honor has, because  
18 these are --

19 THE COURT: Did you give him electronic copies,  
20 like PDF files?

21 MR. WOOLSEY: This was a 243-page --

22 THE COURT: The question is: Did you give it  
23 to him?

24 MR. WOOLSEY: No, we did not provide him with  
25 hard copies.

1 THE COURT: Okay.

2 We're going to take a little break. I need to  
3 check into something here. About 15 minutes, I'll  
4 be back.

5 (Thereupon, a brief recess was taken.)

6 - - -

7 THE COURT: We're back on the record.

8 Petitioner has offered Exhibit A, which is a  
9 transcript of the deposition of Mr. Lussy taken in  
10 Flagg v. Skinner, Case Number 102641-CA in the  
11 Collier County Circuit Court.

12 Mr. Lussy has objected on the basis that he was  
13 not provided a copy of the deposition. Mr. Woolsey  
14 has confirmed that Petitioner did not provide a  
15 copy of the deposition or the other exhibits.

16 My order of prehearing instructions rendered  
17 March 31st states in numbered Paragraph 1: No  
18 later than seven days before the final hearing  
19 Petitioner and Respondent shall provide each other  
20 with a list of the names and addresses of their  
21 prospective witnesses and copies of the documents  
22 which they intend to offer as exhibits. Failure to  
23 do so may result in the exclusion at the final  
24 hearing of witnesses or exhibits not previously  
25 disclosed.

1           The order is not being complied with. The  
2           objection to Exhibit A is sustained. Exhibit A  
3           will not be the admitted.

4           MR. WOOLSEY: All right. Thank you, Your  
5           Honor. We're prepared to proceed without the  
6           exhibit. That's fine.

7           THE COURT: Okay. Thank you.

8           BY MR. WOOLSEY:

9           Q. Mr. Wood, continuing on, you mentioned that you  
10          had taken Mr. Lussy's deposition on February 9, 2011.  
11          What would you -- was there anything that you would  
12          describe as noteworthy about that deposition?

13          A. Yes. I absolutely shredded Mr. Lussy's  
14          opinions in that deposition, and shortly thereafter  
15          Mr. Flagg voluntarily dismissed the case.

16                 If I had been Mr. Flagg, I would not have paid  
17          Mr. Lussy --

18          THE COURT: Mr. Wood.

19          THE WITNESS: Yes.

20          THE COURT: You're the witness, not the lawyer.  
21          Answer the question and please wait for the next  
22          question.

23          THE WITNESS: Yes, sir.

24          BY MR. WOOLSEY:

25          Q. Does Mr. Lussy have any appraisal designation?

1           A.     Yes.  He has the designation of Member  
2 Appraisal Institute, or MAI; and Senior Residential  
3 Appraiser, or SRA.

4           I filed a complaint against Mr. Lussy with the  
5 Appraisal Institute about that appraisal.

6           THE COURT:  Mr. Wood, could you move the  
7 speakerphone further away from your cell phone?

8           THE WITNESS:  Yes.  Is that better?

9           I don't know.  I don't think we were getting --  
10 we were getting the feedback there.

11          MR. WOOLSEY:  We can hear you now, Mr. Wood.

12 BY MR. WOOLSEY:

13          Q.     I had asked you about Mr. Lussy's appraisal  
14 designations.

15          THE COURT:  First let me make sure Mr. Lussy  
16 and the court reporter can hear.

17          THE COURT REPORTER:  Yes, Your Honor.

18          MR. LUSSY:  Yes, Your Honor.  Rick Lussy  
19 speaking.

20          THE COURT:  Okay.  Thank you.

21          Go ahead, Mr. Wood.

22          THE WITNESS:  So I filed a complaint with the  
23 Appraisal Institute because, in my opinion,  
24 Mr. Lussy lacks the honesty, truthfulness, and  
25 respect for the law, which the institute defines as



1 good moral character.

2 The Supreme Court of Florida has sanctioned him  
3 as a vexatious litigant, as has the Circuit Court  
4 of the 19th Judicial Circuit in Martin County, and  
5 the 20th Judicial Circuit in Collier County.

6 That order forbids Mr. Lussy from filing any  
7 more pro se actions without an attorney signing off  
8 on his pleadings. He has filed numerous complaints  
9 in the Florida Elections Commission, all of  
10 which --

11 THE COURT: Mr. Wood, if you could stop right  
12 there. The question you were answering was: Did  
13 Mr. Lussy have any appraisal designations?

14 Please restrict yourself to the questions you  
15 are being asked.

16 MR. LUSSY: Also, Your Honor, I object on the  
17 premise of argumentation and suggestive, for which  
18 will be addressed later in this hearing.

19 THE COURT: The testimony has been heard, but I  
20 recognize it as argumentative. That's why I told  
21 Mr. Wood to stop.

22 BY MR. WOOLSEY:

23 Q. Mr. Wood, has Mr. Lussy filed other actions  
24 before the federal -- or the Florida Elections  
25 Commission?

1           A.     Yes.  He has filed six other cases -- no,  
2     that's -- nine other cases that I know about, other  
3     than the one against me, but most of them are against  
4     Laurel Kelly, the Martin County property appraiser.

5           Q.     All right.  Mr. Wood, are those other cases  
6     documented in your amended petition for costs and fees  
7     in this case?

8           A.     Yes, they are.

9           Q.     Okay.  Did you represent Mr. Skinner in a  
10    Florida Elections Commission case, which I believe  
11    Mr. Lussy has referred to already, Case Number  
12    2016-245?

13          A.     Yes.

14          Q.     And what was the outcome of that case?

15          A.     The Elections Commission dismissed it without a  
16    hearing.

17          Q.     So do you have any doubt in your mind if  
18    Mr. Lussy filed a complaint with some malicious intent  
19    to injure your reputation?

20          A.     Yes, I do.  There is no doubt in my mind that  
21    the complaint he filed against me before the Florida  
22    Elections Commission was with a malicious intent to  
23    injure my reputation.

24          Q.     Has he been successful in doing so?

25          A.     Well, when you Google my name, the fifth item

1 out of thousands that come up is a reference to the  
2 Florida Elections Commission case that Mr. Lussy filed  
3 against me. I think he knows that Google will pick  
4 that up and my clients will see it.

5 Q. So if I were to go to Google right now and  
6 enter your name, on the very first page that comes up,  
7 would that entry show up?

8 THE COURT: Mr. Woolsey, what is the relevance  
9 of this?

10 MR. WOOLSEY: The relevance is Mr. Wood's  
11 reputation and the statute. You know, the burden  
12 that we have to prove today is that we have to show  
13 that this man tried to injure Mr. Wood's  
14 reputation, and in this case he actually has.

15 If you punch in his name in Google right now,  
16 the very first page that comes up, about the fifth  
17 entry down, Mr. Wood just testified, will be a site  
18 to the Florida Elections Commission case that  
19 Mr. Lussy brought against Mr. Wood.

20 THE COURT: Then proceed.

21 I do not -- so far his testimony is all  
22 hearsay, and hearsay alone will not be the basis of  
23 a finding of fact.

24 MR. WOOLSEY: Understood.

25 BY MR. WOOLSEY:

1 Q. Mr. Wood, did you try that? Did you actually  
2 Google your name?

3 A. I'm sorry, I couldn't hear that last question.

4 Q. Did you actually Google your name to view the  
5 results yourself?

6 A. Yes, I did.

7 Q. And they were as you have represented in your  
8 testimony?

9 A. Yes.

10 Q. Okay. Moving forward here just a bit, what  
11 sections of the election laws did Mr. Lussy accuse you  
12 of violating?

13 A. He accused me of violating Section 104.051,  
14 104.011, and 104.091 of the Florida statutes.

15 Q. Thank you.

16 And were you a candidate for any public office  
17 in the 2016 election cycle?

18 A. No.

19 Q. Were you the campaign treasurer for anyone  
20 seeking elective office in the 2016 election cycle?

21 A. No.

22 Q. What was the extent of your participation in  
23 the 2016 election cycle?

24 A. I had some pretty large yard signs in front of  
25 my office in Fort Lauderdale supporting judicial

1 candidates and gave money to some candidates, all  
2 within statutory limits.

3 Q. Did you contribute to any political action  
4 committees or 527 organizations in 2016?

5 A. No.

6 Q. Thank you.

7 Now getting back to the complaints in this  
8 case, what did Mr. Lussy not like about you?

9 A. Well, he really did not like his election  
10 opponent in the 2016 election, Mr. Skinner.

11 On page 3 of his complaint, he is upset that he  
12 asked questions of the property appraiser's office  
13 under the guise of a public records act request under  
14 Chapter 119 of the Florida statutes. And I quoted to  
15 him the Attorney General's Sunshine Law Manual to him  
16 that a public records act request is a request for  
17 documents, and no public official has a duty under  
18 Chapter 119 to answer questions.

19 On page 4, Mr. Lussy quotes a statement I made  
20 in defending Mr. Skinner in Mr. Lussy's frivolous  
21 Elections Commission complaint that to require  
22 statements and campaign materials to be made under oath  
23 would certainly make campaigns a lot less interesting,  
24 but that that's not the law.

25 On page 5, Mr. Lussy rails against me as a

1 representative of something he calls the international  
2 green machine, and this -- he said, and I quote, This  
3 international green machine brags to manipulate and  
4 falsify any public record anywhere, anytime.

5 (Court Reporter interruption.)

6 THE WITNESS: He used USA 150 shells per  
7 targeted city, a/k/a --

8 THE COURT: Hold a second, Mr. Wood.

9 MR. WOOD: Yes.

10 THE COURT: This is the time for you to testify  
11 about things you know from your own knowledge, not  
12 to read documents into evidence that have been  
13 excluded.

14 THE WITNESS: Thank you. I'll move on.

15 I would just parenthetically note that his  
16 six-time opponent in Martin County, Laurel Kelly,  
17 the color of all her campaign materials is kelly  
18 green, and all of her volunteers when she goes door  
19 to door wear T-shirts that say, "Green Machine."

20 BY MR. WOOLSEY:

21 Q. Mr. Wood, in your opinion, is that the origin  
22 of the "international green machine" reference in these  
23 documents?

24 A. Well, in my response to the election petition,  
25 I pointed out that a tinfoil hat is generally regarded

1 as being a hundred percent effective against the  
2 international green machine.

3 Q. Thank you.

4 Mr. Wood, please turn your attention to the  
5 confidential additional information Mr. Lussy filed.  
6 And are you -- I would ask, are you a member of the Bar  
7 Association Lawyer Cartel Behemoth, known to Mr. Lussy  
8 as BALCB?

9 A. I am a member of the Florida Bar, but I have  
10 never heard of the Bar Association Lawyer Cartel  
11 Behemoth, and I am certainly not a sugar baby as  
12 Mr. Lussy charges.

13 Q. Speaking of charges, what else has Mr. Lussy  
14 accused you of?

15 A. Well, he accused me on page 3, and I quote,  
16 "Public servants have taken an Article 2, a loyalty  
17 oath fraud to correct manipulated and falsified public  
18 records. It's there. It's in that pleading.

19 (Court Reporter interruption.)

20 THE COURT: Wait a minute. The court reporter  
21 did not get something.

22 BY MR. WOOLSEY:

23 Q. Have you ever taken a loyalty oath?

24 A. Years ago, when I was a member of a political  
25 party executive committee in Broward County, yes, and I

1 was sworn in as a marine and as a member of the Florida  
2 Bar. Yes.

3 Q. And what other charges have been levied against  
4 you?

5 A. On page 5, he accused me of being an accessory  
6 to the crime of willful knowing party as a member of  
7 the Bar Association Lawyer Cartel --

8 (Court Reporter interruption.)

9 THE COURT: Mr. Wood, start again.

10 THE WITNESS: Bar Association Lawyer Cartel  
11 Behemoth sole signature use rule of law.

12 He also said my initial response to the amended  
13 complaint supplies the knowledge necessary to  
14 commit a criminal over \$300 shoddy treason  
15 violation.

16 (Court Reporter interruption.)

17 THE COURT: Hold on a minute.

18 Mr. Woolsey, your client in large part is just  
19 reading from a document. It's probably not  
20 testimony about information. It's all hearsay.

21 With your proposed Exhibit C is the initial  
22 complaint. Is that correct --

23 MR. WOOLSEY: Yes, sir.

24 THE COURT: -- Mr. Wood?

25 Mr. Lussy, have you had a copy -- I assume you



1 have a copy of your initial complaint and know what  
2 it says; is that correct?

3 MR. LUSSY: Yes, Your Honor.

4 THE COURT: Is there any reason, instead of  
5 prolonged testimony, that we should just not admit  
6 that copy of your complaint as an exhibit?

7 MR. LUSSY: Yes, Your Honor, for the reason  
8 that it was dismissed by Mr. Wood, Jr.'s own  
9 admission without a hearing. And --

10 THE COURT: Okay. That's why we're here,  
11 Mr. Lussy, is I think Mr. Wood claims that the  
12 reasons for dismissal also show that it was  
13 frivolous. But it is Exhibit C on the list of  
14 petitioner's proposed exhibits. If you offer it, I  
15 will accept that into evidence and not hear any  
16 more testimony about what a document says.

17 MR. WOOLSEY: Yes, sir. Your Honor, I offer  
18 that into evidence, as well as Exhibits F and G,  
19 which are the FEC letter from -- of October 19th  
20 dismissing the case.

21 THE COURT: Let's do one thing at a time.

22 MR. WOOLSEY: Okay. Yes, Your Honor.

23 THE COURT: Okay. You object to that on the  
24 grounds that it was dismissed. Any other reason,  
25 Mr. Lussy?

1 MR. LUSSY: Also objection for -- it's  
2 suggestive of facts that are not yet available  
3 because of the subpoenas issued, but squashed by  
4 yourself, for clarification of true fact at issue  
5 here before this honorable board, Your Honor.

6 THE COURT: Okay. Thank you.

7 Those objections are overruled, and Exhibit C  
8 is admitted.

9 (Petitioner's Exhibit C, Complaint, was  
10 Received in Evidence)

11 MR. WOOLSEY: Thank you, Your Honor.

12 BY MR. WOOLSEY:

13 Q. Mr. Wood, continuing on, what did the Florida  
14 Election Commission do with respect to Mr. Lussy's  
15 charges against you?

16 A. The Florida Elections Commission in their  
17 letter of October 19, 2016, dismissed Mr. Lussy's  
18 charges.

19 Q. All right.

20 MR. WOOLSEY: Now, Your Honor, I think I'd  
21 offer that Exhibit F into evidence.

22 THE COURT: Yeah, but it's mislabeled E.

23 MR. WOOLSEY: Okay.

24 THE COURT: Mr. Lussy, do you have any  
25 objection to the admission to the letter from the

1 Florida Elections Commission to you, finding your  
2 complaint insufficient?

3 MR. LUSSY: Yes, on the grounds that -- of  
4 foundation for clarification by the -- Ms. Toman,  
5 the Executive Director for the Florida Elections  
6 Commission, who I had subpoenaed for this hearing,  
7 and squashed by yourself. So that material fact is  
8 still pending, Your Honor.

9 THE COURT: Okay. You did get a copy of that  
10 letter from the Elections Commission, though,  
11 right?

12 MR. LUSSY: Yes, Your Honor. And I included a  
13 copy of that letter with the subpoena for her  
14 comment and elaboration for the 13 material fact  
15 issues in both the Wood case, 16-357, and --

16 THE COURT: I remember that.

17 Exhibit F is admitted.

18 MR. LUSSY: -- FEC 16-245.

19 (Court Reporter interruption.)

20 THE COURT: Yes.

21 Mr. Lussy, we have your objection on the  
22 record, and I'm overruling that, and Exhibit F is  
23 admitted.

24

25

1 (Petitioner's Exhibit F, FEC Letter, was  
2 Received in Evidence.)

3 BY MR. WOOLSEY:

4 Q. Mr. Wood, now -- and with the first dismissal  
5 by the Florida Elections Commission, they offered  
6 Mr. Lussy a chance to enter further evidence or  
7 statements to revive the case. Is there a later letter  
8 from the FEC dismissing the case findings?

9 A. Yes. That is the Florida Elections  
10 Commission's letter of November 15, 2016.

11 MR. WOOLSEY: And that is our Exhibit G, and we  
12 offer that into evidence as well.

13 THE COURT: Mr. Lussy, they've offered their  
14 Exhibit G, the letter of November 15th to you. Am  
15 I correct in remembering that's been attached to  
16 some of your pleadings also?

17 MR. LUSSY: I'm trying to find the exhibit  
18 referenced. It is listed on Petitioner's notice of  
19 filing exhibits, and it is --

20 THE COURT: But what I want to -- and you  
21 received it from the Commission; is that correct?

22 MR. LUSSY: Yes, Your Honor. And it also  
23 continues to be an issue as a material fact for  
24 determination of the 13 issues that are outstanding  
25 and continuing.

1 THE COURT: Okay. Are you objecting to its  
2 admission on that ground?

3 MR. LUSSY: On the incompleteness of the  
4 document, as not final document.

5 THE COURT: Okay. Thank you, sir.

6 The objection is overruled. Exhibit G is the  
7 admitted.

8 (Petitioner's Exhibit G, FEC Letter, was  
9 Received in Evidence.)

10 MR. WOOLSEY: Thank you, Your Honor.

11 BY MR. WOOLSEY:

12 Q. Mr. Wood, were any of the allegations Mr. Lussy  
13 made against you true?

14 A. No, sir.

15 Q. Have you incurred attorney's fees in connection  
16 with your defense of the charges brought to you --  
17 brought against you by Mr. Lussy?

18 A. Yes, sir.

19 Q. Have those charges been documented and properly  
20 filed in this case?

21 A. Yes. There are two affidavits, both by  
22 yourself, which the first one demonstrates the time  
23 involved in defending me before the Elections  
24 Commission. The second has to do with the time  
25 extended in proving entitlement to costs and fees.

1 Q. Thank you, Mr. Wood.

2 MR. LUSSY: Objection, Your Honor, on the  
3 grounds of foundation and accusation as by  
4 self-admission, Mr. Wood, Jr., said that the matter  
5 was dismissed without hearing. So now he's saying  
6 there was a hearing and defense by a lawyer.

7 Therefore, there's fabrication and manipulation  
8 of the public record ongoing before our eyes here  
9 this morning right now in this instant, which is  
10 now 9:40 a.m., May 12th, 2017. Right now he's  
11 lying. Right now he's lying again, which is a  
12 violation of Florida Statute 104.011, for which he  
13 has previously also stated that he is exempt from.

14 THE COURT: Mr. Lussy, your objection is  
15 overruled. The hearing referred to is --

16 (Court Reporter interruption.)

17 THE COURT: The objection is overruled. The  
18 hearing to which the witness refers is the one we  
19 are currently having.

20 BY MR. WOOLSEY:

21 Q. So, Mr. Wood, have you incurred any additional  
22 attorney's fees in connection with proving entitlement  
23 to the amount of costs and fees?

24 A. Yes.

25 Q. All right. How long -- and speaking about

1 myself, because among the issues today would be my  
2 representation of Mr. Wood, how long have I practiced  
3 as a member of Wood and Stuart, P.A.?

4 A. It's over 15 years, Mr. Woolsey.

5 Q. Briefly describe my experience with  
6 administrative hearings.

7 A. You have handled hundreds, if not thousands, of  
8 value adjustment board hearings, which involve anything  
9 from simple cases to highly technical assessment cases  
10 involving millions of dollars of property.

11 Q. How many Florida Elections Commission cases  
12 have I handled?

13 A. Well, as far as I know, not as many as  
14 Mr. Lussy. I believe this is the first one.

15 Q. Thank you.

16 And what is Stuart, P.A. --

17 THE COURT: Hold on a second.

18 Mr. Wood, that comment was uncalled for and  
19 inappropriate. You are here as a witness to  
20 provide facts, not to argue or criticize other  
21 participants. Do you understand?

22 THE WITNESS: Yes. I apologize, Your Honor,  
23 and I apologize to Mr. Lussy.

24 THE COURT: Thank you.

25 MR. LUSSY: Apology not accepted, Your Honor,

1           because of the pending case, which is frivolous and  
2           malicious in and of itself.

3           THE COURT: Mr. Lussy, there is nothing pending  
4           for you to address.

5           MR. LUSSY: Thank you, Your Honor.

6 BY MR. WOOLSEY:

7           Q. Mr. Wood, am I a junior or a senior attorney at  
8           Wood and Stuart, P.A.?

9           (Court Reporter interruption.)

10          THE COURT: Mr. Wood, hold on.

11          THE COURT REPORTER: Could you please repeat  
12          the question?

13          MR. WOOLSEY: Mr. Wood, am I a junior or a  
14          senior attorney at Wood and Stuart, P.A.?

15          THE COURT: Mr. Wood, if you would answer that  
16          question, please.

17          THE WITNESS: The answer is you are a senior  
18          attorney. You are the lead attorney in the north  
19          or main office of wood and Stuart.

20 BY MR. WOOLSEY:

21          Q. Was I working a normal caseload when Mr. Lussy  
22          filed his complaint against you?

23          A. Yeah.

24          Q. Did his complaint take me away from that?

25          A. Yes, for more hours than you documented on the



1 statement you filed with the Division of Administrative  
2 Hearings in this case.

3 Q. Thank you.

4 Now, is this the first time that someone has  
5 tried to take a bite out of you?

6 A. Well, it's the first time that someone has ever  
7 accused me of a crime. But there was one instance  
8 where a lawyer attempted to get attorney's fees against  
9 me under Moakley vs. Smallwood, unsuccessfully.

10 (Court Reporter interruption.)

11 BY MR. WOOLSEY:

12 Q. Did I represent you in that?

13 A. Yes.

14 Q. Thank you.

15 Now, because an element of this matter is  
16 whether someone maligned your character, would you like  
17 to finish your testimony with anything else to help our  
18 judge know a bit more about you?

19 A. Yes. I probably served from 1963 through 1966  
20 as a United States Marine for three years on active  
21 duty, another ten years in the organized Reserves, and  
22 was honorably discharged.

23 MR. WOOLSEY: I have nothing further, and you  
24 may inquire.

25 THE COURT: Mr. Lussy, this is your opportunity

1 for cross-examination. It is not the time when you  
2 argue with the witness and present your version of  
3 the facts. You can ask questions to clarify the  
4 witness's testimony or to demonstrate things that  
5 you believe indicate that it should not be relied  
6 upon, but it's not time to argue or for you to  
7 testify.

8 Do you have any cross-examination for the  
9 witness?

10 MR. LUSSY: Yes, Your Honor.

11 For clarification, Mr. Wood, Jr., did specify  
12 that he was exempt from the false swearing, Florida  
13 Statute 104.011, and, therefore, disqualifying his  
14 client, Mr. Skinner, of Florida Election Statute  
15 104.051, which would replace him in the polls with  
16 an appointment in his stead.

17 THE COURT: Mr. Lussy, this is what I cautioned  
18 you about. You are testifying and providing  
19 information.

20 MR. LUSSY: Yes.

21 THE COURT: You will have a chance to do that.

22 MR. LUSSY: This is --

23 THE COURT: Now you may ask Mr. Wood questions  
24 about matters raised in his testimony. Do you have  
25 any cross-examination questions for him?

1 MR. LUSSY: Yes. One more --

2 THE COURT: Okay. Let's hear your first  
3 question.

4 MR. LUSSY: May I please rephrase?

5 CROSS-EXAMINATION

6 BY MR. LUSSY:

7 Q. Is Mr. Wood, Jr., still under the belief that  
8 he's exempt from Florida exemption -- from Florida  
9 Election Statute 104.011 and 104.051, as --

10 THE COURT: Mr. Wood, can you answer that  
11 question, please?

12 THE WITNESS: Yes, certainly.

13 I'm not aware that I have made any oath which  
14 would have been under Chapter 104 of the Florida  
15 statutes. And so perhaps if you could direct me to  
16 the time and place that I made such an oath, we can  
17 talk more about it.

18 THE COURT: Mr. Wood, just answer the question,  
19 please.

20 THE WITNESS: Yes. The answer is I am not  
21 aware of any time I have made an oath, and I am --  
22 of course I am subject to 104.011.

23 THE COURT: Next question, Mr. Lussy.

24 BY MR. LUSSY:

25 Q. Cross-examination, again, please, sir.

1           Is Mr. Wood a Florida voter registration  
2 applicant that signed the oath --

3           MR. WOOLSEY: Mr. Wood's voter registration is  
4 not at issue here today.

5           THE COURT: Mr. Lussy, could you tell me what  
6 the relevance of Mr. Wood's voter registration is?

7           MR. LUSSY: Well, because if he is an elector  
8 or a registered voter in the Florida State, he did  
9 take an oath that states, "I do solemnly swear or  
10 affirm that I will protect and defend the  
11 Constitution of the United States and the  
12 Constitution of the State of Florida; that I am  
13 qualified to register as an elector under the  
14 Constitution and the laws of the State of Florida;  
15 and that all information provided in this  
16 application is true."

17           And that's listed as Exhibit A-3885.

18           THE COURT: And the objection is overruled.  
19 Do you have another question for Mr. Wood --  
20 or, I'm sorry, the objection is sustained.

21           Do you have another question for Mr. Wood?

22           MR. LUSSY: So, sustained means you go against?

23           THE COURT: Sustained means you ask another  
24 question.

25           MR. LUSSY: He says he has taken no oath, but

1 is he a voter, a Florida voter, with a registration  
2 card?

3 THE COURT: The witness has answered that  
4 question. Do you have another question, Mr. Lussy?

5 MR. LUSSY: No, I mean, I don't -- what was his  
6 answer, Your Honor? I don't mean -- I just want  
7 clarification if at all possible, please.

8 THE COURT: I may be misremembering it, but I  
9 believe the witness said he's a registered voter.  
10 If he's not, I'm sure he will confirm it.

11 MR. LUSSY: So under the --

12 THE COURT: Hold up, Mr. Lussy.

13 Are you a registered voter, Mr. Wood?

14 THE WITNESS: Yes, I am a registered voter in  
15 Broward County since 19 -- probably when I turned  
16 21, which would be in 1959.

17 THE COURT: Okay, you've answered the question.  
18 Mr. Lussy, what's your next question?

19 BY MR. LUSSY:

20 Q. So, therefore, you are a registered voter. Is  
21 that correct, Mr. Wood, Jr.?

22 THE COURT: Mr. Lussy, you are repeating your  
23 questions. Please ask a new question.

24 MR. LUSSY: I apologize.

25 BY MR. LUSSY:

1 Q. So, therefore, Florida Statute 104.051 is also  
2 relevant and is not -- and Mr. Skinner is not exempt.

3 THE COURT: And, sir, that is argument.  
4 Remember, this is for cross-examination.

5 MR. LUSSY: Okay. Just for clarification,  
6 because he said that he had taken no oath for which  
7 he -- okay.

8 And then he said he is a voter register --  
9 registered voter. So, yes, he is -- he did take an  
10 oath.

11 THE COURT: What is your next question?

12 MR. LUSSY: Okay. I'm checking, please.  
13 Patience, if you'd be so kind.

14 THE COURT: Yes, sir. Yes, sir.

15 MR. LUSSY: Oh, there was a mispronunciation on  
16 the BALCB, which is the Bar Association Lawyer  
17 Cartel Behemoth. Behemoth is like a rhinoceros or a  
18 hippopotamus, and so that is just a matter of  
19 clarification that the mispronunciation --

20 THE COURT: Mr. Lussy, do you have any  
21 questions for Mr. Wood?

22 MR. LUSSY: There was a question on  
23 mispronouncing the word, and I didn't mean to  
24 belabor the matter but just for clarity sake.

25 And I'm checking my notes, please.

1 THE COURT: Okay.

2 BY MR. LUSSY:

3 Q. And in the complaint and the papers filed,  
4 there are 13 material issues which are continuing from  
5 the Florida Elections Complaint 245 from your  
6 representation of Mr. Skinner; is that correct?

7 A. I'm sorry, I don't understand your question.

8 Q. In your complaint and the pleadings accepted by  
9 this Court, are there 15 -- 13 material fact issues  
10 that have yet to be answered.

11 THE COURT: Mr. Lussy, the witness has  
12 indicated he didn't understand the question, and as  
13 importantly I don't understand it. Could you  
14 rephrase it?

15 MR. LUSSY: Yes.

16 BY MR. LUSSY:

17 Q. There are 13 material fact issues that have not  
18 been answered by Mr. Skinner through Mr. Wood, Jr., in  
19 his representation from the June 9th, 2016, letter on  
20 behalf of Mr. Skinner. Is this correct?

21 MR. WOOLSEY: Object to the relevance. This is  
22 referencing a case brought against Mr. Skinner and  
23 not the case brought against Mr. Wood, and  
24 certainly not the two narrow issues that are before  
25 the Court today.

1           THE COURT: Mr. Lussy, what is your response to  
2 that objection?

3           MR. LUSSY: I object on the grounds that under  
4 the definition of public servant, Florida Statute  
5 838.014(6)(7), that public servant means (d) -- or  
6 it's (6). Public servant means (a) any officer or  
7 employee or state, county, municipal, or special  
8 district agency or entity, colon, which means a  
9 constitutional office of the Collier County  
10 Property Appraisal Office, and then continues --  
11 hold on, please.

12           THE COURT: Okay.

13           MR. LUSSY: (C) under sub (6) means any person,  
14 then comma, except a witness --

15           THE COURT: Hold on, Mr. Lussy.

16           Does anybody know where that beeping is coming  
17 from?

18           MR. LUSSY: Yeah, it's coming from the  
19 definition of Florida Statute 838.014(6)(7).

20           THE COURT: Is that the end of your response to  
21 the objection?

22           MR. LUSSY: Yeah. And I'll just read it into  
23 the records for clarity sake. It means any person  
24 who acts as a --

25           THE COURT: Mr. Lussy, we don't need it read



1 into the record, and we will be here at sunrise if  
2 everybody who refers to a rule or statute reads it  
3 into the record.

4 MR. LUSSY: Okay. Thank you, Your Honor.

5 But asking him for his comment, does he believe  
6 himself to be exempt from this Florida statute?  
7 Because he said he was exempt. Because he said he  
8 was a representative of Mr. Skinner.

9 THE COURT: Mr. Lussy, this is the time for  
10 cross-examination, not arguments. I have sustained  
11 the objection to your question under  
12 cross-examination question.

13 MR. LUSSY: May I rephrase my question, please?

14 THE COURT: I'm sorry?

15 BY MR. LUSSY:

16 Q. Mr. Wood, Jr., represented Mr. Skinner in the  
17 Florida Elections complaint, which was confidential,  
18 nonpublished. Yes or no?

19 THE COURT: Mr. Wood, can you answer that  
20 question?

21 THE WITNESS: And the answer is yes, I did.

22 THE COURT: Thank you.

23 Next question, Mr. Lussy.

24 MR. LUSSY: One moment please, Your Honor.

25 BY MR. LUSSY:

1           Q.    You mentioned at length, Mr. Wood, Jr., there  
2 was extensive litigation that I was involved in, and I  
3 have not changed my stripes since 1985. This -- the  
4 origin of this litigation complication was in  
5 October 22nd, 1981.

6                    Are you privy to this as a clarification point  
7 to my not changing my stripes since 1985?

8           MR. WOOLSEY:  Object to that.  It's reading  
9 facts into the record that are not in the record  
10 that have not been testified to.

11           MR. LUSSY:  May I rephrase my question?

12           THE COURT:  Mr. Lussy, is your question to  
13 ask -- are you asking the witness whether the  
14 litigation he referred to started in a different  
15 date than the one he stated?

16           MR. LUSSY:  Yes, Your Honor.

17           THE COURT:  Mr. Wood, can you answer that  
18 question?

19           THE WITNESS:  I think I gave you the citation  
20 of the case to which I was referring.  And my  
21 purpose in bringing this up was that Mr. Lussy has  
22 continued to file frivolous --

23           THE COURT:  Mr. Wood, the question was not  
24 about your purpose.  It was a question about your  
25 awareness of a possible date -- error in the date

1           that you provided.

2           THE WITNESS: I was referring to the district  
3           court case in Montana.

4 BY MR. LUSSY:

5           Q. Was the case number of --

6           THE COURT: Mr. Wood, can you move away from  
7           that speaker or move it away from you?

8           THE WITNESS: Yeah, it's as far away as I can  
9           get it.

10          THE COURT: Thank you.

11          MR. LUSSY: Was the case --

12 BY MR. LUSSY:

13          Q. Was the case number you're referring to is  
14          DV-80-41/12773, an Anaconda, Montana, errors and  
15          omissions complaint that was part of --

16          A. I don't have any notes on that.

17          Q. Well, the source of my -- not changing my  
18          stripes since 1985, the foundation for that is my  
19          question, Mr. Wood, Jr., as far as your allegation to  
20          me, to discredit me. It's just a factual issue for  
21          clarification from me and cross-examination of you, if  
22          you know the facts.

23                        So it was 1985, preceded by litigation. Yes or  
24          no?

25          A. Well, I don't know. Every chance I can --

1 THE COURT: Okay. That's not a legal grounds  
2 for objection.

3 (Court Reporter interruption.)

4 THE COURT: Can you answer the question,  
5 Mr. Wood? The objection is overruled.

6 THE WITNESS: The answer is, I can't answer the  
7 question at the moment.

8 THE COURT: Also, don't go looking it up,  
9 Mr. Wood. You're only supposed to testify from  
10 your memory.

11 THE WITNESS: Yes, I have no recollection of  
12 the case number from which I was quoted.

13 THE COURT: Okay. Next question, Mr. Lussy.

14 MR. LUSSY: Thank you, Your Honor.

15 THE COURT: Mr. Wood, would you close that  
16 computer down. Witnesses cannot refer to things  
17 and look them up when they're testifying. I'm sure  
18 you know that.

19 THE WITNESS: Sure.

20 BY MR. LUSSY:

21 Q. Now, Mr. Wood, you've testified that you're not  
22 a public servant; you were only counsel or consultant  
23 to Mr. Skinner in the Florida Elections Complaint Case  
24 Number 16-245; is that correct?

25 A. I was Mr. Skinner's attorney and counsel of

1 record in that case before the Florida Elections  
2 Commission.

3 Q. Well --

4 THE COURT: What's the question, Mr. Lussy?

5 MR. LUSSY: Yes. The question is, he issued a  
6 letter in the case, 16-245, as a consultant, which  
7 was dated June 9th, 2016.

8 Is that correct?

9 THE WITNESS: No, it's --

10 MR. LUSSY: Well, I enter this letter, then,  
11 please, into evidence, that Mr. Wood, Jr., is lying  
12 or misrepresenting the truth or manipulating the  
13 public record by not recognizing --

14 THE COURT: Mr. Lussy, as I told Mr. Wood, this  
15 is not a proceeding for name-calling or critical  
16 remarks. It's simply to get out the facts. If you  
17 have evidence to present, you will have an  
18 opportunity when Mr. Wood's case is over.

19 Do you have a cross-examination question for  
20 Mr. Wood?

21 MR. LUSSY: Yeah. So my impression is that  
22 Mr. Wood, Jr., denies that he --

23 THE COURT: What is your question, Mr. Lussy?

24 MR. LUSSY: He said he did not act as a  
25 consultant for Mr. Skinner?

1 THE COURT: Mr. Wood, the question is: Are you  
2 saying that you did not act as a consultant for  
3 Mr. Skinner?

4 THE WITNESS: I did not. I was his attorney.

5 THE COURT: Thank you.

6 Next question, Mr. Lussy.

7 BY MR. LUSSY:

8 Q. Did Mr. Wood, Jr. -- is the function of an  
9 attorney also a consulting faction?

10 THE COURT: Was your question: "Does the  
11 functioning as an attorney include a consulting  
12 faction?" Is that your question?

13 MR. LUSSY: Yes, Your Honor.

14 THE WITNESS: I'm sorry, Mr. Lussy, I don't  
15 understand the question.

16 MR. LUSSY: I'll rephrase it for clarity,  
17 please.

18 BY MR. LUSSY:

19 Q. Your engagement as an attorney for Mr. Skinner,  
20 was that also as a consultant?

21 A. I was his attorney and that's it.

22 Q. Rephrase it. Is a function of the service as  
23 an attorney a consultant?

24 A. I'm sorry, I still don't understand the  
25 question. Obviously attorneys consult with their

1 clients.

2 THE COURT: The objection is overruled.

3 Go ahead and finish, Mr. Wood.

4 You said obviously attorneys consult with their  
5 clients. Is that your answer?

6 THE WITNESS: Yes.

7 THE COURT: Okay. Thank you.

8 Next question, Mr. Lussy.

9 MR. LUSSY: One moment, please, Your Honor.

10 THE COURT: Yes, sir.

11 BY MR. LUSSY:

12 Q. You mentioned the fact that I'm -- that Rick  
13 Lussy is trying to take a bite out of you. Is this  
14 still your intention, Mr. Wood, Jr.?

15 A. I think that your motives in filing the  
16 complaint before the Florida Elections Commission were  
17 to damage my professional reputation and, yes, to take  
18 a bite out of me by so doing.

19 MR. LUSSY: I object on the grounds of material  
20 fact for 13 issues yet unanswered and at issue.

21 THE COURT: The objection to the witness's  
22 testimony is overruled.

23 Do you have another question for the witness?

24 And, Mr. Lussy, you should understand you  
25 really can't object to a witness's testimony.





1 and --

2 (Court Reporter interruption.)

3 MR. WOOLSEY: I have submitted documentation of  
4 my time and I just -- we're going to have just a  
5 brief examination by Mr. Wood just to document the  
6 accuracy thereof.

7 THE COURT: Okay. Raise your right hand,  
8 please.

9 Thereupon,

10 JOHN CHRISTOPHER WOOLSEY,  
11 after having been first duly sworn or affirmed, was  
12 examined and testified as follows:

13 THE WITNESS: I do.

14 THE COURT: Okay. Mr. Wood, do you have a  
15 question for this witness?

16 MR. WOOD: Yes.

17 DIRECT EXAMINATION

18 BY MR. WOOD:

19 Q. Mr. Woolsey, have you at my request prepared an  
20 affidavit of the time which you expended in connection  
21 with the --

22 A. Yes, sir.

23 Q. -- proceedings before the Florida Elections  
24 Commission and before the Division of Administrative  
25 Hearings?

1           A.    Yes, sir.

2           Q.    Are those accurate representations of the time  
3 which you have expended in connection with these two  
4 matters?

5           A.    Yes.

6           THE COURT:  Mr. Wood, it would helpful if you  
7 would identify the affidavit to which you are  
8 referring and make sure we all have a copy.

9           MR. WOOD:  Yes.

10          BY MR. WOOD:

11          Q.    Take a look at that, Mr. Woolsey, and identify  
12 it by date, please.

13          A.    One moment, please.

14                Yes.  I'm referring to the Petitioner's amended  
15 itemized statement of costs and reasonable attorney's  
16 fees, and it was filed -- this is as of time  
17 expended as of 10 May 2017.

18          Q.    Okay.  And would you please tell the Hearing  
19 Officer the amount of time expended first in connection  
20 with the Division of Administrative Hearings  
21 proceeding, and then --

22                THE COURT:  Okay, hold on.  Hold on a second,  
23 Mr. Wood.

24                This exhibit will be marked Exhibit I.

25

1 (Petitioner's Exhibit I, Affidavit of  
2 Itemized Statement of Costs and Attorney's  
3 Fees was Marked for Identification.)

4 THE COURT: Mr. Lussy, I'm sure you received  
5 this because you objected to it as being filed  
6 after the deadline for exchanging exhibits. Do you  
7 know the document we're referring to?

8 MR. LUSSY: Yes, Your Honor. I continue my  
9 objection for past the deadline of May 5th.

10 THE COURT: I understand that. I appreciate  
11 it. The objection, however, is overruled.

12 This admitted itemized statement merely brings  
13 up today a previously filed statement filed on  
14 April 18th, 2017.

15 (Petitioner's Exhibit I was Received in  
16 Evidence.)

17 THE COURT: Now, Mr. Wood, now that we all know  
18 how to refer to the exhibit, do you have a question  
19 for Mr. Woolsey?

20 MR. WOOD: Yes.

21 BY MR. WOOD:

22 Q. What is your hourly billing rate, Mr. Woolsey,  
23 for private client matters?

24 THE COURT: Mr. Wood, I don't think you got an  
25 answer to your earlier question about the time



1 MR. WOOD: Objection.

2 THE COURT: Sir, I'm not sure I understand what  
3 your question is.

4 BY MR. LUSSY:

5 Q. The 9.9 hours plus the 95.25 hours is evidenced  
6 in a summary, but is there any paper proof of this time  
7 spent at issue before us this morning?

8 A. I will attempt to answer, and that is, that  
9 timesheet is a documentation of every moment that I  
10 spent working on this case, with a description of the  
11 time spent and in each category for each entry.

12 MR. LUSSY: Objection. It's argumentative,  
13 Your Honor.

14 THE COURT: Mr. Lussy. Mr. Lussy, hold on.

15 MR. LUSSY: I apologize.

16 THE COURT: Mr. Woolsey, Mr. Lussy's question  
17 was: Other than this document, do you have any  
18 documents that demonstrate the time, such as time  
19 slips, things like that?

20 THE WITNESS: No, sir. That is the method at  
21 Wood and Stuart, P.A., with which we keep track of  
22 our time.

23 THE COURT: Next question, Mr. Lussy.

24 BY MR. LUSSY:

25 Q. So just for clarification, there is no paper

1 proof of time spent other than your summary of time  
2 asked for here in this hearing, which is 9.9 hours plus  
3 95.25 hours.

4 A. That is -- that is correct. That is -- this is  
5 the way that we keep track of our time at Wood and  
6 Stuart, P.A.

7 Q. Thank you, Mr. Woolsey.

8 MR. LUSSY: No more questions.

9 THE COURT: Okay. Thank you very much.

10 Are we done with this testimony yet or --

11 MR. WOOLSEY: Yes.

12 THE COURT: Okay. Thank you.

13 (Witness excused.)

14 - - -

15 MR. WOOLSEY: And I call Mark Herron.

16 THE COURT: Okay. Move closer to us,

17 Mr. Herron, so the other participants can see you.

18 And can you see the witness, Mr. Lussy?

19 MR. LUSSY: Yes, Your Honor.

20 THE COURT: Okay. Thank you, Mr. Herron. I

21 think I swore you to tell the truth earlier.

22 THE WITNESS: You did.

23 THE COURT: Go ahead. It's your witness.

24

25

1 Thereupon,

2 MARK HERRON,  
3 after having been previously duly sworn or affirmed, was  
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WOOLSEY:

7 Q. Mr. Herron, you have been asked to review  
8 our -- well, first of all, would you state your name  
9 and address for the record?

10 A. My name is Mark Herron. I'm an attorney with  
11 Messer Caparello law firm in Tallahassee and --

12 Q. All right. Have you had a chance to review the  
13 files in this case?

14 A. I did review the underlying file from the  
15 Florida Elections Commission. I printed out copies of  
16 all those documents. I have reviewed all the documents  
17 that are listed on the DOAH website in this matter.

18 Q. All right. For the purpose of the time spent  
19 on this case, could you give -- take a moment to give  
20 us your opinion of whether the time spent in bringing  
21 this case and arguing this case before the Division of  
22 Administrative Hearings is reasonable.

23 (Court Reporter interruption.)

24 BY MR. WOOLSEY:

25 Q. The question is: with respect to the time

1 spent on this case, could you give us your opinion of  
2 whether the time spent in arguing this matter and  
3 bringing this matter before the Division of  
4 Administrative Hearings is reasonable?

5 A. I can, but I'd like to address answering the  
6 question, breaking the time out for the time before the  
7 Florida Elections Commission as opposed -- or, and then  
8 discuss the time spent in litigating these matters in  
9 front of DOAH, if that's all right.

10 Q. Please feel free to discuss it.

11 A. Okay. With respect to the time claim with  
12 respect to the Florida Elections Commission, it's my  
13 opinion that the time spent and claimed is reasonable  
14 and necessary.

15 I also, however, noted an error in your chart  
16 with respect to where the time is claimed, and that  
17 error points out on -- when you look at the DOAH claim  
18 of time, there's the third entry that says: File  
19 amended petition to award the costs, and affidavit of  
20 time expended at the FEC level --

21 (Court Reporter interruption.)

22 THE WITNESS: The amended -- the entry on --  
23 the thing says: File amended petition to award  
24 fees and costs and affidavit of time expended at  
25 the FEC level.



1           When I reviewed the underlying documents and  
2           the file, the document was actually prepared and  
3           filed in December of 2016, before the Florida  
4           Elections Commission. It is the amended petition  
5           which the Commission considered when they referred  
6           this matter over here to DOAH.

7           So my observation is that that time entry  
8           should be included in your listing of time relating  
9           to the FEC matter, which brings the number of hours  
10          I would believe, if my math is correct, to  
11          10.025 hours.

12          With respect to --

13          THE COURT: Hold on a second. Did you say that  
14          it was filed at FEC in December of 2016?

15          THE WITNESS: Yes. And I'll tell you why it  
16          shows up as 3/16 on this billing statement. I  
17          think I can explain that to you, Your Honor.

18          I think it shows up on that entry at that point  
19          in time because it's listed on the DOAH website as  
20          being received here on 3/16.

21          (Court Reporter interruption.)

22          THE WITNESS: It shows up on the DOAH website  
23          as being received at DOAH as part of the submission  
24          package on 3/16. So, again, that's why I think  
25          it's an oversight in listing of the time initially,

1 time relating to the FEC.

2 And it's consistent. If you go back and look  
3 at the original attorney's fees' affidavit, it's  
4 also 9.9 hours. I think they just overlooked that  
5 matter.

6 Obviously, that document was prepared, it was  
7 filed, and so I would -- I just kind of moved that  
8 time up to that end, the FEC time, because that's  
9 where it was filed.

10 THE COURT: Any further questions?

11 THE WITNESS: Well, I was going to discuss,  
12 Your Honor, the DOAH time.

13 THE COURT: Okay.

14 THE WITNESS: With respect to DOAH, my  
15 observation is there are a number of matters that  
16 have been litigated in this case that have resulted  
17 in time being incurred in seeking these fees,  
18 which, from my point of view, reflect some  
19 additional matters that don't necessarily need to  
20 come up, but they were presented by Mr. Lussy.

21 For example, the counterclaim for fees, there  
22 is no provision under the law for a counterclaim  
23 for fees; for instance, the emergency answer to the  
24 scheduling order, some of the issues with respect  
25 to the subpoenas that were issued.

1           So the numbers of attorney's fees time tend to  
2           be -- are generated by some acts on Mr. Lussy's  
3           part.

4           That being said, for the most part, time spent  
5           in litigating this matter before DOAH is reasonable  
6           and necessary.

7           However, I have noted some times that I, as a  
8           practitioner in this area, question perhaps the  
9           length of the time; and if anybody wants to hear  
10          that, I will be happy to give those opinions. And,  
11          as a result, I would adjust the numbers down that  
12          are being requested by Mr. Wood and his attorney.

13       BY MR. WOOLSEY:

14          Q.     And by all means, please, could you, sir, state  
15          those for the record?

16          A.     Okay. At my review is that the total time more  
17          reasonably should be 85.925 hours in the time expended  
18          in front of DOAH. I don't -- I'm not trying to ascribe  
19          my efficiencies to their approach to the law.

20                THE COURT: I'm sorry, did you say 85.925?

21                THE WITNESS: Yes.

22                THE COURT: And then that's slicing time down  
23          pretty --

24                THE WITNESS: Yeah, and I'll show you where.

25                THE COURT: Okay.

1 THE WITNESS: Okay?

2 And, again, I'm trying not to apply my  
3 efficiencies to this, because I do this every day  
4 and so -- but, again, there's just some things that  
5 caught my eye.

6 For example, on page 3 at the top, there's an  
7 entry there for 4 hours that deals with  
8 read/dissected Respondent's counterclaim. I read  
9 the counterclaim. It has a lot of material in it  
10 that is extraneous, but I thought 4 hours was a  
11 little excessive there in terms of dealing with  
12 that particular thing, and I adjusted that down to  
13 1.5.

14 Further down on April 3rd, there is an entry  
15 for 6.5 hours that talks about read --

16 (Court Reporter interruption.)

17 THE WITNESS: Entry for 6.5 hours that deals  
18 with read/dissected Lussy emergency answer to  
19 scheduling order. I thought 6.5 hours was a little  
20 excessive there. I've reviewed it. A lot of the  
21 stuff is extraneous and repeated material, so I  
22 adjusted that down to 2 hours.

23 I'm sorry, I have to go back to page 2.  
24 There's one more that I adjusted on page 2 -- or  
25 actually there's two more.

1           First one is the -- on 3/23, there's a time  
2 entry that said "read initial order."

3           I recognize that, Judge Newton, this is a kind  
4 of unique initial order in this case. They're  
5 different than the ones I've seen from other  
6 judges, but I thought half an hour was a little  
7 excessive and I adjusted that down to .3. Okay?

8           On 3/27, as well, says, Read/dissected  
9 Respondent's public filing, 3.5 hours. I adjusted  
10 that down as well to 1.0 hours.

11           And, finally, I adjusted at least one time  
12 frame up, and that is -- or one time entry up, and  
13 that is on 4/24, on the bottom of page 3 and the  
14 top of page 4, that talked about drafted and filed  
15 the witness and exhibit list. I actually thought  
16 that the .5 was a little low, because you have to  
17 do a lot of things to prepare those witness and  
18 exhibit lists. So I raised that .5 up to 1.

19           So that's my analysis.

20           And one final note, Your Honor, that is on  
21 4/21, there's an entry of 2.25 hours. I made no  
22 adjustment there, because I attempted to read that  
23 motion in limine on the Division of Elections'  
24 website. For whatever reason, it indicates that  
25 its document is incomplete, so I was unable to make

1 any assessment of what I thought the appropriate  
2 time was with respect to that entry.

3 (Court Reporter interruption.)

4 THE WITNESS: what the appropriate time was  
5 with respect to that entry because I was unable to  
6 read the document.

7 So taking my subtractions and additions and  
8 trying to figure out what would be the appropriate  
9 amount of hours in terms of these practitioners, I  
10 came on the DOAH side to 85.925 hours.

11 THE COURT: what did you say you thought would  
12 be a reasonable time for that April 24th?

13 THE WITNESS: April 24th --

14 THE COURT: Drafting the witness and exhibit  
15 list.

16 THE WITNESS: Their draft filed exhibit witness  
17 list, I raised the half an hour to a full hour.

18 THE COURT: Any further questions for this  
19 witness?

20 MR. WOOLSEY: Yes, I do, Your Honor.

21 BY MR. WOOLSEY:

22 Q. Have you had a chance to develop any opinions  
23 on the matter of what a reasonable hourly rate would  
24 be --

25 A. I have.

1 Q. -- with respect to representation?

2 A. I have.

3 Q. Could you please share your analysis and  
4 opinions with us on that?

5 A. As you know, I do a lot of elections' work, I  
6 do a lot of ethics' work. These kinds of matters are  
7 relatively similar between the two commissions as to  
8 what you need to do and don't do.

9 (Court Reporter interruption.)

10 THE COURT: Wait. Hold on a second.

11 Court Reporter, what were you saying?

12 (Court Reporter responds.)

13 THE WITNESS: Why don't I start again?

14 THE COURT: Please.

15 THE WITNESS: I said I do a lot of ethics'  
16 work, I do a lot of elections' work. The types of  
17 things you have to do, the skill levels you have to  
18 do, are essentially the same.

19 The -- I work with a lot of other practitioners  
20 in this area, and I am familiar with other cases  
21 where fees have been awarded. So based on my  
22 experience, based on my knowledge of what happened  
23 in those cases, I believe that an appropriate  
24 hourly rate for this type of work ranges from \$250  
25 to \$400 an hour.

1           And the \$400 an hour, just to kind of let the  
2           Administrative Law Judge knows, may be remembering  
3           this case, involved the mayor of Tallahassee, and  
4           they adjusted Barry Richards' rate down to \$400 an  
5           hour and said that was a reasonable rate.

6           (Court Reporter interruption.)

7           THE WITNESS: Barry Richards' rate down from --  
8           to \$400 an hour.

9           BY MR. WOOLSEY:

10          Q.     Mr. Herron, do you personally know Gaylord A.  
11          Wood?

12          A.     I do. I have known him for a number of years.  
13          We're not close friends, but I don't think we're even  
14          social acquaintances. But I've worked with him many,  
15          many years ago on some matters involving one of his  
16          clients in Broward County, and I know that he is a big  
17          deal in the world of property appraisers.

18                 Our firm represents some of the property  
19          appraisers as well, and the lawyers in our firm have  
20          worked with him on matters that affect all the property  
21          appraisers of the State of Florida or many of them.

22          Q.     All right. Could you share your thoughts or  
23          your knowledge about his reputation for us?

24          A.     As far as I know, his reputation is very good  
25          in that world.



1 MR. WOOLSEY: No further questions. You may  
2 inquire.

3 THE COURT: Any cross-examination, Mr. Lussy,  
4 about the testimony?

5 MR. LUSSY: Yes. Three questions, please, Your  
6 Honor.

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. LUSSY:

10 Q. Did Mr. Mark Herron work with the ethics  
11 department before this job, or has he been a private  
12 consultant his whole career?

13 A. I have never been an employee of the Ethics  
14 Commission or the Elections Commission. I have served  
15 as a member and chairman of the Ethics Commission in  
16 the '80s.

17 I was also called upon in two cases to be a  
18 special advocate to prosecute cases that were brought  
19 against employees in the Attorney General's Office.

20 Q. Has myself, Rick Lussy, ever issue come before  
21 you in any way, shape or form?

22 A. To answer your question, I never knew who you  
23 were until this case was -- I was asked to provide the  
24 testimony I did in this case.

25 Q. Okay. The second question, please.

1           Your review of all the documents you mentioned,  
2 I include a question: Did you include a review of the  
3 judge order squashing 11 subpoenas on May 9th?

4           A. I saw those orders on the DOAH's website and I  
5 looked at them, yes.

6           Q. Okay. And then on May 10th, there was my -- it  
7 was a response of motion affidavit to the court for the  
8 17 original subpoenas served, quashed, now to modify  
9 and allow seven original clerk-issued subpoena duces  
10 tecums, as all parties have the right to present oral  
11 argument and to cross-examine opposing witnesses as  
12 FEC 16-357, Wood, Jr., broke confidentiality, copied  
13 Respondent with Exhibit A-8347, 5 pages. In  
14 FEC 16-245, Skinner, Petitioner, violated Florida  
15 Election Statutes 104.011, false swearing; and 104.051  
16 disqualifies client Skinner in the 8/30/16 polls to  
17 appoint Respondent.

18           The source is the second amended notice of  
19 hearing May 12, 2017, by videoconference, signed  
20 April 27th by Administrative Judge Newton, II.

21           Or in the alternative --

22           THE COURT: Mr. Lussy, what is your question?  
23 BY MR. LUSSY:

24           Q. This was a 20-page Respondent motion of -- it  
25 was e-mailed, e-mail filed 1609, which is 4:09 p.m.,

1 Wednesday. Did you include this in your review?

2 A. I looked at every document that was on the  
3 division of administrative website.

4 Q. So this document is included in the record on  
5 appeal, is it in the record for my ultimate appeal to  
6 the U.S. Supreme Court with a -- in a writ of  
7 certiorari? Would that be a correct --

8 THE COURT: Mr. Lussy, that question is well  
9 outside the scope of the examination of this  
10 witness. But I assure you, as you can see from  
11 reviewing the website of the Division of  
12 Administrative Hearings, every pleading filed by  
13 every party is part of the record in this case  
14 wherever the record may go.

15 MR. LUSSY: Thank you, Your Honor.

16 No further questions.

17 THE COURT: All right.

18 Thank you, Mr. Herron. You may resume your  
19 seat or leave, whatever.

20 MR. WOOLSEY: We have no further witnesses.

21 THE COURT: Okay.

22 (Witness excused.)

23 - - -

24 THE COURT: Mr. Lussy, the Petitioner has  
25 rested. It is now a time for you to present your

1 evidence, whether it's exhibits or testimony. Do  
2 you have evidence you wish to offer?

3 MR. LUSSY: Yes. I've got a -- there were  
4 subpoenas issued correctly, but not squashed by  
5 yourself, Your Honor. One person is available to  
6 be -- to testify now in regards to the wood, Jr.,  
7 and Skinner employment policies at issue in the  
8 Florida Elections Complaint 16- --

9 THE COURT: Is that Mr. Michael or Mr. -- I'm  
10 sorry, Mr. Siciliano or Mr. Henderson?

11 MR. LUSSY: It's both. Two.

12 THE COURT: Okay. whichever -- bring your  
13 first witness in, please, and let the court  
14 reporter swear them and let's --

15 MR. LUSSY: Thank you, Your Honor. I'll go get  
16 them.

17 THE COURT: Thank you.

18 Thereupon,

19 DENNIS HENDERSON,  
20 after having been first duly sworn or affirmed, was  
21 examined and testified as follows:

22 THE WITNESS: I do.

23 DIRECT EXAMINATION

24 BY MR. LUSSY:

25 Q. Mr. Henderson, would you please --

1 MR. LUSSY: Do you want to swear him in?

2 THE COURT: She just did.

3 MR. LUSSY: Oh, okay, I missed that. My mind  
4 was not in this room. I apologize.

5 THE COURT: We need your mind here, Mr. Lussy.

6 MR. LUSSY: Yes, it's relocated back.

7 THE COURT: This is your time to ask questions  
8 of this witness, sir.

9 BY MR. LUSSY:

10 Q. Dennis Henderson, did you bring your voter  
11 registration card with you?

12 A. I did.

13 Q. Would you please identify yourself by reading  
14 the number and whatever is on it?

15 A. 121176444.

16 Q. And your precinct number is?

17 A. 155.

18 Q. Okay. Now, has anyone contacted you today --  
19 before today, from the Florida Elections Commission?

20 A. No.

21 Q. Has any individual lawyer, Gaylord A. Wood or  
22 Christopher Woolsey, contacted you per their June 9th,  
23 2016, letter that was included in the subpoena duces  
24 tecum?

25 A. No.

1 Q. Okay. My next question has to do with your  
2 denied portability of Homestead Exemption, Exhibit  
3 A-8498. It's a five-page property record --

4 THE COURT: Exhibit A-8498, and you're  
5 referring to?

6 MR. LUSSY: It's a five-page property record  
7 card. It's just for Mr. Henderson's recollection.  
8 It was not included in the --

9 THE COURT: Is it an exhibit to one of your  
10 pleadings, Mr. Lussy?

11 MR. LUSSY: It's to -- more familiar --

12 BY MR. LUSSY:

13 Q. Well, you're familiar with the denial of your  
14 portability of Homestead Exemption, Mr. Henderson?

15 MR. WOOLSEY: I'm going to object to the  
16 relevance of that in this hearing that we're having  
17 on Mr. Wood's entitlement to fees and the propriety  
18 of a rate for services therein.

19 THE COURT: And, Mr. Lussy, can you respond to  
20 that objection to the relevance of that  
21 information?

22 MR. LUSSY: It's relevant because it has to do  
23 with the employment policies of Wood, Jr., and  
24 Skinner in the FEC 16-245 that led into the next  
25 case, FEC --

1 MR. WOOLSEY: My --

2 MR. LUSSY: -- 357.

3 THE COURT: I'll let you know if I need a  
4 response.

5 MR. LUSSY: It's the foundation for the  
6 attorney fee for which Mr. Herron testified that he  
7 had reviewed the documents for. So it's a matter  
8 of relevance to the documents that Mr. Herron, the  
9 review for attorney fees, had reviewed and included  
10 in the record this morning. So it's relevant.

11 THE COURT: Objection is sustained.

12 Do you have other questions for Mr. Henderson?

13 MR. LUSSY: Yes. That means I can go forward  
14 and ask Mr. Henderson?

15 THE COURT: You can ask Mr. Henderson another  
16 question, yes, sir.

17 BY MR. LUSSY:

18 Q. Okay. You were denied a portability of  
19 Homestead Exemption?

20 A. I don't know. I have had confusion about what  
21 it actually meant.

22 THE COURT: Mr. Henderson, slow down.

23 Mr. Henderson, this is a legal proceeding, and  
24 other participants have the right to object to  
25 questions. So maybe a little bit before you

1 answer, if you hear someone object, do not speak  
2 until I rule on the objection and tell you we can  
3 proceed.

4 Now, Mr. Woolsey, you had an objection to that  
5 question.

6 MR. WOOLSEY: Yes, Your Honor. Thank you.

7 I'm objecting to the relevance of anything  
8 having to do with Mr. -- the portability of  
9 Mr. Henderson's Homestead Exemption to this matter  
10 before the court today, which is Mr. Wood's  
11 entitlement to attorney's fees for his case -- or  
12 for the case that Mr. Lussy brought against him  
13 with the Florida Elections Commission and the  
14 propriety of the hourly rate thereof.

15 THE COURT: And, Mr. Lussy, do you have a  
16 response to that objection?

17 MR. LUSSY: Yes. Mr. Herron said he reviewed  
18 the papers that were in the record, and this is  
19 part of the papers in the record.

20 THE COURT: And the objection is sustained.

21 Next question, please.

22 BY MR. LUSSY:

23 Q. Mr. Henderson, you own the home at 7901 Umberto  
24 Court in Naples, Florida, and -- is that correct?

25 A. No.



1 Q. Okay. Did you --

2 MR. WOOLSEY: I'm going to object to relevance  
3 on the same basis as I've stated twice before.

4 THE COURT: Do you have a response to that,  
5 Mr. Lussy? Mr. Woolsey has stated an objection of  
6 relevance. Do you have a response?

7 MR. LUSSY: It's the background to the 13  
8 material fact issues for which were -- for which  
9 these attorney fees' record serves as a background  
10 at issue this morning.

11 THE COURT: Thank you. The objection is  
12 sustained.

13 Do you have any further questions?

14 BY MR. LUSSY:

15 Q. Mr. Henderson, did you sell the house at 7901  
16 Umberto Court in Naples?

17 MR. WOOLSEY: I'm going to object to the  
18 relevance of that question on the same grounds that  
19 I have stated previously.

20 THE COURT: Mr. Lussy, do you have a response  
21 to that objection?

22 MR. LUSSY: Yes. It's serving as the  
23 background for attorney fees as reviewed by  
24 Mr. Herron.

25

1 BY MR. LUSSY:

2 Q. Next question, please.

3 THE COURT: Objection sustained.

4 Next question, please.

5 MR. LUSSY: Yes.

6 BY MR. LUSSY:

7 Q. Did you acquire as a second home 8603  
8 Alessandria Court after selling your first home at 7901  
9 Umberto Court?

10 MR. WOOLSEY: I'm going to object to that  
11 question on the same basis, same relevance basis,  
12 that I've stated.

13 THE COURT: Mr. Lussy, do you have a response?

14 MR. LUSSY: Yes. As it serves as background  
15 for the attorney fees' request here at issue this  
16 morning, and as reviewed by Mr. Herron and  
17 electronically filed on May --

18 THE COURT: The objection is sustained.

19 Do you have another question?

20 MR. LUSSY: Yes.

21 BY MR. LUSSY:

22 Q. Did you -- were you denied a portability from  
23 selling one house and acquiring the second house in  
24 Naples within the time frame of -- stated in --

25 MR. WOOLSEY: I --

1 THE COURT: Okay, Mr. Henderson, hold on.

2 Mr. Woolsey, hold on.

3 Mr. Lussy, this is the third or fourth question  
4 you've asked this witness about portability of the  
5 exemptions in purchase and sale of various  
6 properties. Each question has been objected to,  
7 and I have sustained each objection.

8 I'm going to save all the participants time and  
9 rule that I will not permit any testimony upon  
10 portability of homestead exemptions complaint by  
11 Mr. Henderson or the purchase or sale of any  
12 property by Mr. Henderson.

13 Do you have any questions that identifies the  
14 issue and preserves it perfectly?

15 MR. LUSSY: Okay.

16 THE COURT: Do you have any other questions  
17 beside the questions about portability and sale and  
18 purchase of property?

19 MR. LUSSY: Thank you for preserving the issue  
20 for appeal, as the matter will ultimately have to  
21 go to the U.S. Supreme Court in a writ of  
22 certiorari.

23 Thank you for your time, Mr. Henderson.

24 THE COURT: Thank you, Mr. Henderson.

25 Any cross-examination?

1 MR. WOOLSEY: No questions for  
2 cross-examination.

3 THE COURT: There's no cross-examination,  
4 Mr. Henderson. You're free to go. Thank you for  
5 testifying today.

6 (Witness excused.)

7 - - -

8 THE COURT: Any other witnesses, Mr. Lussy?

9 MR. LUSSY: Yes. I'll go in the waiting room  
10 to see if the other gentleman showed up.

11 THE COURT: Okay. We'll wait for you.

12 In fact, why don't we all take about a  
13 10-minute break? We're in recess.

14 (Thereupon, a brief recess was taken.)

15 - - -

16 THE COURT: Okay. Thank you all. We're back  
17 on the record.

18 Mr. Lussy, do you have another witness?

19 MR. LUSSY: The gentleman didn't show up. His  
20 name was Mr. Gary Michael Siciliano of 58 --

21 THE COURT: Okay. I'm sorry, spell his name  
22 for me again.

23 MR. LUSSY: Gary Michael S-I-C-I-L-I-A-N-O.

24 THE COURT: F-I-C-I?

25 MR. LUSSY: "s" as in Sicily. "s."

1 THE COURT: Oh, S-I-C-I --

2 MR. LUSSY: -- L-I-A-N-O.

3 THE COURT: Okay. You had a subpoena for him  
4 and he did not show up?

5 MR. LUSSY: Yes. I previously subpoenaed him  
6 for 12:45 of May 12th, and last night he agreed to  
7 be here at 9:30 this morning, and he was unhappy  
8 and distressed and ...

9 THE COURT: Okay. Did -- I don't recall seeing  
10 a return of service on that. Have you filed the  
11 return of service?

12 MR. LUSSY: Yes, I have, Your Honor. It was  
13 done -- the return of service was done by Speedy  
14 Process.

15 THE COURT: When did you file the return of  
16 service? Do you know?

17 MR. LUSSY: Well, it was the 1st of May 2017 at  
18 12:54 he was served and per return of service, and  
19 it was verified in my initial witness and exhibit  
20 list.

21 THE COURT: My question is: Have you filed a  
22 copy of the return with the Division of  
23 Administrative Hearings?

24 MR. LUSSY: I believe I have, yes, Your Honor.  
25 I can double-check my records.

1 THE COURT: Can you tell me when? Because I  
2 don't recall seeing it.

3 MR. LUSSY: It was with the first witness and  
4 expert -- witness and exhibit list, service list.

5 THE COURT: Okay. What testimony do you expect  
6 Mr. Siciliano would present today if he had shown  
7 up?

8 MR. LUSSY: Oh, he would have testified to --  
9 after he confirmed his voter registration card, he  
10 would have testified to his mother's employment  
11 with Abraham Skinner vis-à-vis the conversation  
12 with myself August 11th, 2016, at 3:30 p.m. with  
13 his son present, also a notary public, located at  
14 5850 Shirley Street, Suite 105, Naples, Florida.

15 It was an abusive -- it was a predatory abusive  
16 employment situation for which Mr. Skinner was  
17 expecting subordinate lady employees to be  
18 supplicants.

19 THE COURT: Is this -- are you saying he would  
20 have offered testimony about the things you have  
21 alluded to, the implications of sexual harassment  
22 in the workplace?

23 MR. LUSSY: Yes, Your Honor.

24 THE COURT: Is there anything else he would  
25 testify about?

1 MR. LUSSY: No, just that one thing, Your  
2 Honor. And I can -- and I would reverify this by  
3 sworn testimony in my testimony soon coming, Your  
4 Honor.

5 THE COURT: Okay. Are you asking me to do  
6 anything about him not appearing today?

7 MR. LUSSY: No. I just answered your question  
8 as to what he would say if he were here as a  
9 witness. And he is a hostile witness because of  
10 the -- his mother's passing, and it's horrid  
11 memories for which he's not appreciative. And I  
12 would presume and I believe, based upon my  
13 conversation with him on the telephone last night,  
14 that he doesn't want -- does not want to relive  
15 these memories by making it public, because I did  
16 explain to him --

17 THE COURT: Mr. Lussy, he's not here, so let's  
18 proceed with what you have.

19 MR. LUSSY: Thank you, Your Honor.

20 THE COURT: Okay.

21 MR. LUSSY: Well, just those two witnesses, and  
22 there was a written interrogatory statement by  
23 Mr. Douglas.

24 THE COURT: Mr. Lussy, I'm not understanding  
25 what you're saying. I need for you to identify a

1 witness that you're going to call. If you have any  
2 exhibits to offer, identify the first one, and  
3 let's see if there's any objection.

4 MR. LUSSY: Well, the next witness would be --  
5 was a subpoena and not squashed.

6 THE COURT: Is that Mr. Siciliano?

7 MR. LUSSY: No, that's the gentleman we just  
8 spoke of.

9 THE COURT: Oh, there's another one.

10 MR. LUSSY: Yes.

11 THE COURT: Who is that witness?

12 MR. LUSSY: Yes. And that would be the  
13 Douglas -- the real-estate consultant for the  
14 Coconut Grove Bank. He's in Atlanta, Georgia,  
15 unable to testify through teleconferencing in  
16 Florida, and so he gave me an affidavit.

17 THE COURT: Yeah, I only got the name Douglas.  
18 What is the rest of the witness's name?

19 MR. LUSSY: I'm seeking the document, Your  
20 Honor. May we go off the record until I find it?  
21 It's --

22 THE COURT: Sure, let's just move quickly here.

23 MR. LUSSY: His name is Douglas Sinclair.

24 THE COURT: Okay.

25 MR. LUSSY: S-I-N-C-L-A-I-R. A fact witness,



1 real-estate consultant for Coconut Grove Bank,  
2 Miami, Florida, and he lives in Marietta, Georgia.

3 THE COURT: Mr. Lussy.

4 MR. LUSSY: Yes, sir.

5 THE COURT: Did you say he is in Atlanta?

6 MR. LUSSY: Yes, sir.

7 THE COURT: And you're saying you served him  
8 under Georgia law?

9 MR. LUSSY: Yes. I served him through the U.S.  
10 Mail for a confirmation of facts for the employment  
11 policies of Mr. Wood, Jr., and Skinner.

12 THE COURT: Okay. Service through mail is not  
13 something that's authorized under our rules, and  
14 they're generally -- you have to -- if you want to  
15 serve somebody, you have to -- out of state -- make  
16 sure you serve them properly.

17 But just to make sure we have a complete  
18 record, tell me what you think Mr. Sinclair would  
19 testify to.

20 MR. LUSSY: Well, as to the existence of the  
21 vertical improvements located within Collier County  
22 from the property appraisal -- from the complete  
23 appraisal summary appraisal report, vacant  
24 47.14-acre land tract, it's an as-is, 700 Big  
25 Cypress Road, the southwest -- southeast corner of

1 Big Cypress Road and L-28 Interceptor Canal Road,  
2 and canal Big Cypress National Preserve wildlife  
3 management area of the U.S. National Park Service,  
4 Naples, Florida 34142. It was prepared for  
5 H-A-Y-D-E-E, O-R-O-Z-E-O, Senior Vice President,  
6 and Douglas Sinclair, Real-Estate Consultant,  
7 Coconut Grove Bank, as guardian for property of  
8 Dwain, D-W-A-I-N, W. Higgenbottom.

9 THE COURT: Mr. Lussy, I need a summary, not a  
10 reading of a bunch of documents.

11 Is it fair to say that if the witness had  
12 appeared, you believe you could have elicited  
13 testimony from him --

14 MR. LUSSY: Yes.

15 THE COURT: -- about appraisals?

16 MR. LUSSY: About the existence of a house and  
17 two barns on this property, for which were never  
18 assessed for 24 years.

19 THE COURT: Mr. Lussy, let me finish.

20 Are you saying the witness would testify about  
21 the -- about appraisals in Collier County?

22 MR. LUSSY: About the vertical improvements  
23 present at the time of inspection when he was  
24 employed by Coconut Grove Bank.

25 THE COURT: Okay.

1 MR. LUSSY: Yes.

2 THE COURT: So he's not here. So do you have  
3 any other witnesses? I will address the issues  
4 raised by the absence of these witnesses in my  
5 recommended order.

6 Is there another witness that you wish to  
7 present?

8 MR. LUSSY: The next U.S. Mail witness --

9 THE COURT: I'm sorry, what?

10 MR. LUSSY: Yes, there was another, Weston,  
11 Florida, witness subpoenaed by U.S. Mail, which was  
12 the -- allowed by the Florida Rules of Civil  
13 Procedure.

14 THE COURT: What is the witness's name?  
15 Mr. Lussy, what is the witness's name?

16 MR. LUSSY: I'm checking. I'm getting the  
17 papers, please.

18 It would be David J. Glantz, G-L-A-N-T-Z, Bar  
19 Number 504238. He was a former assistant attorney  
20 general for Charlie Crist, Bill McCollom, and the  
21 current Pam Bondi. And he was served by U.S. Mail  
22 April 27th, 2017, pursuant to Florida Rule of Civil  
23 Procedure 1.080, as allowed by the Department of --  
24 the Division of Administrative Hearings.

25 THE COURT: Mr. Lussy, the witness has not

1 shown up, correct?

2 MR. LUSSY: Yes, Your Honor.

3 THE COURT: Tell me what testimony you expect  
4 he would provide had he shown up.

5 MR. LUSSY: He would testify, per the documents  
6 provided in the subpoena, that the case at issue  
7 originating the litigation in my behalf,  
8 subsequently that besmirched my name, has maligned  
9 my name, and repeated ad nauseam by opponent wood,  
10 Jr.; that the Anaconda, Montana, legal malpractice  
11 case, Number 80-41DV, did not include Bennett the  
12 banker as a defendant in the caption, as Bennett  
13 the banker name was included in the caption for the  
14 securities fraud case CV-78-67BU, which was  
15 erroneously settled by U.S. Judge Murray.

16 THE COURT: Okay, we've got it. We have  
17 preserved on the record what you think this witness  
18 would have testified to had he complied with your  
19 subpoena. I will address the consequences of that  
20 in my proposed -- in my recommended order.

21 MR. LUSSY: Okay.

22 THE COURT: Do you have any other witnesses  
23 whose testimony you wish to present?

24 MR. LUSSY: The witness testimony which had  
25 been squashed by yourself, Your Honor, which was

1 the eight employees for the Skinner's office in  
2 regards to employment, policies, and practices as a  
3 material fact of the 13 issues ongoing from the  
4 August 30th, 2016 election, and as itemized clearly  
5 by the document that Mr. Herron had admitted and  
6 had reviewed as part of his fee assessment in this  
7 case this morning.

8 THE COURT: But those subpoenas have been  
9 quashed, so there's no reason to go -- and that is  
10 a matter of record. There's no reason to go  
11 further into what they may have testified.

12 Do you have any other witnesses?

13 MR. LUSSY: I must appeal on that basis, Your  
14 Honor.

15 THE COURT: I understand, and it's well  
16 preserved in the record.

17 MR. LUSSY: Thank you, Your Honor.

18 THE COURT: Yes, sir.

19 MR. LUSSY: And that's it for witnesses, Your  
20 Honor.

21 THE COURT: Okay. Do you have any exhibits you  
22 wish to offer?

23 MR. LUSSY: Yes, the same exhibits as itemized  
24 in the witness and exhibit list.

25 THE COURT: You've filed several of those,

1 Mr. Lussy, so let's take a look at them.

2 MR. LUSSY: Yes, thank you.

3 THE COURT: Are you talking about Respondent's  
4 witness list and exhibit list filed May 9th?

5 MR. LUSSY: Yes, sir.

6 THE COURT: Okay. The second page has your  
7 exhibit list.

8 MR. LUSSY: Yes, sir.

9 THE COURT: Have you provided any of these  
10 exhibits to Mr. Woolsey?

11 MR. LUSSY: Yes, I -- all of these exhibits  
12 listed in the initial list, the second list, the  
13 third list and the fourth list, all exhibits  
14 referenced were included as hard paper copies.

15 THE COURT: Okay. I'm not seeing most of  
16 these, Mr. Lussy.

17 MR. LUSSY: Let's start with number one, then,  
18 please. The Florida Voter Registration Applicant,  
19 Exhibit A-3885, that's the very first one on the  
20 list.

21 THE COURT: And you've served copies of  
22 these -- filed copies of these documents with the  
23 Division of Administrative Hearings?

24 MR. LUSSY: Yes, sir. Well, I filed the -- a  
25 complete set, hard copy set, with the clerk of the

1 Division of Administrative Hearings, a hard copy,  
2 yes.

3 However, I do notice from the docket progress  
4 report that it mentions that the exhibits were not  
5 scanned in by them, because this was at a time when  
6 I was -- I just initially met deadlines per your  
7 court order.

8 THE COURT: Just hold on a second. Let me see  
9 if I can sort this out.

10 Okay. I have located them. Hold on a second.  
11 (Pause.)

12 THE COURT: Okay. We're going to go through  
13 these one at a time, Mr. Lussy, and make sure that  
14 we all have the same identifying letter.

15 The first one, I'll call it --

16 Ms. Court Reporter, did you say you were  
17 putting labels on these?

18 (Discussion was held off the record.)

19 THE COURT: Okay. So let's start out for --  
20 the first thing here is the voter registration  
21 application, Mr. Lussy.

22 Is that R-1, Court Reporter?

23 (Discussion was held off the record.)

24 THE COURT: We're going to renumber them. I'm  
25 going to go through them in the order they're on

1 the list. And I keep the exhibits up here. You  
2 don't have to keep them.

3 R-1 will be the voter registration application.  
4 (Respondent's Exhibit No. 1, Voter  
5 Registration Application, was Marked for  
6 Identification.)

7 THE COURT: Are you offering this, Mr. Lussy?

8 MR. LUSSY: Yes, Your Honor.

9 MR. WOOLSEY: I'm going to object to that as a  
10 relevance objection. This matter is about whether  
11 or not Gaylord A. Wood is entitled to attorney fees  
12 and the proper amount thereof.

13 THE COURT: Mr. Lussy, do you have a response  
14 to the relevance objection?

15 MR. LUSSY: It's relevant because Mr. Wood,  
16 Jr., did agree that he had taken an oath to be a  
17 voter in Florida, so that contradicts counsel.

18 THE COURT: And the objection is sustained.  
19 Is the next exhibit this one page --

20 MR. LUSSY: So the sustained means --

21 THE COURT: -- explaining the deferred  
22 maintenance?

23 MR. LUSSY: -- you agree to object to the --  
24 you're objecting to the exhibit?

25 THE COURT: I'm not objecting to anything. I'm



1           sustaining an objection to it. We're moving on to  
2           your next exhibit.

3           Your next exhibit is page 1, deferred  
4           maintenance explanation?

5           MR. LUSSY: Yes, sir.

6           THE COURT: And we will mark that as  
          Respondent's 2.

          (Respondent's Exhibit No. 2, Deferred  
          Maintenance Explanation, was Marked for  
          Identification.)

          MR. WOOLSEY: Same objection.

          THE COURT: There's an objection to relevance.  
Do you have a response?

          MR. LUSSY: It's necessary to the 13 issues  
noted in the Respondent's affidavit, motion  
affidavit for the 17 original subpoenas that  
Mr. Herron had reviewed as part of this attorney  
fee discussion this morning.

          THE COURT: Okay. The objection is sustained.  
Is your next exhibit this complete appraisal,  
summary appraisal report?

          MR. LUSSY: Yes, sir.

          THE COURT: Okay. That's marked as  
Respondent's 3.

(Respondent's Exhibit No. 3, Summary Appraisal Report, was Marked for Identification.)

THE COURT: You're offering this into evidence.

MR. LUSSY: Yes, sir.

MR. WOOLSEY: Same objection.

THE COURT: There's an objection to relevance. Do you have a response?

MR. LUSSY: The relevance is the motion affidavit which was previously listed by the nice court reporter lady, Andrea, to be Exhibit 2, but it's now renamed, it's now 2, and we'll call it foundation for defense of exhibit.

THE COURT: Okay. The objection to Respondent's 3 is sustained.

Next document I see here is Number 4, a letter from Wood and Stuart to you, Mr. Lussy. No obligation to answer questions.

(Respondent's Exhibit No. 4, Letter From Wood and Stuart to Mr. Lussy, was Marked for Identification.)

THE COURT: Are you -- Respondent's 4, do you wish to offer that?

MR. LUSSY: Yes, Your Honor.

THE COURT: Is there an objection?

MR. WOOLSEY: Same objection.

THE COURT: Mr. Lussy, is this letter one of the reasons for your complaint to the Ethics Commission about Mr. Wood?

MR. LUSSY: Yes, Your Honor.

THE COURT: The objection is overruled. The document is admitted into evidence.

(Respondent's Exhibit 4 was Received in Evidence.)

THE COURT: The next thing I see is qualifications -- well, the next thing in the stack appear to be -- okay, I'm switching.

There's a single page. Mr. Lussy, is this a picture of you?

MR. LUSSY: Yes, Your Honor.

THE COURT: Okay. Now I know what you look like.

MR. LUSSY: Thank you, Your Honor, well, for recognizing the image.

THE COURT: Respondent's 5, contact.

(Respondent's Exhibit No. 5, Contact, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, Your Honor.

THE COURT: Any objection?

MR. WOOLSEY: No objection.

THE COURT: Respondent's 5 is accepted into evidence.

(Respondent's Exhibit 5 was Received in Evidence)

THE COURT: Then there's a bigger document called qualifications of Richard C. "Rick" Lussy. Is that your Number 6, flyer web?

MR. LUSSY: Yes, Your Honor.

THE COURT: Okay. I'll mark it Respondent's 6.

(Respondent's Exhibit No. 6, Flyer Web, was Marked for Identification.)

THE COURT: Are you offering this into evidence?

MR. LUSSY: Yes, Your Honor.

THE COURT: Is there any objection?

MR. WOOLSEY: No objection.

THE COURT: Okay. Number 6 is admitted into evidence.

(Respondent's Exhibit No. 6 was Received in Evidence.)

THE COURT: The next thing I have is a mission statement from a web, it says two of two, although -- okay, wait a minute. It's out of order. Okay, I found it. Mission statement.

Looks like a mission statement from your campaign;  
is that correct?

MR. LUSSY: Yes, Your Honor.

THE COURT: I'll mark it as Respondent's 7.

(Respondent's Exhibit No. 7, Mission  
Statement, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, Your Honor.

THE COURT: Do you have any objection?

MR. WOOLSEY: Yeah, relevance objection to  
that, Your Honor.

THE COURT: Do you have a response, Mr. Lussy?

MR. LUSSY: The same answer is the  
foundation --

THE COURT: Okay.

MR. LUSSY: -- for exhibit which was reviewed  
by Mr. Herron.

THE COURT: The objection is sustained.

MR. LUSSY: Pardon me?

THE COURT: The objection is sustained.

Now I have a document called "Introduction  
web." It says, "Introduction web, June 12th,  
2016." Is that --

MR. LUSSY: Yes, sir.

THE COURT: Okay. I'm marking that as

Respondent's 8.

MR. LUSSY: Yes, sir.

(Respondent's Exhibit No. 8, Introduction Web, was Marked for Identification.)

THE COURT: Do you wish to offer that into evidence?

MR. LUSSY: Yes, sir.

MR. WOOLSEY: And I would raise the same objection.

THE COURT: The objection is relevance again, Mr. Lussy. Do you have a response?

MR. LUSSY: It's the foundation for the exhibit reviewed for the attorney fee as reviewed by Mr. Herron and submitted by Mr. Woolsey.

THE COURT: Okay. The exhibit is sustained. Now your Exhibit 9 on your list is Tax Roll Vernacular. Market value is not assessed value. (Court Reporter interruption.)

THE COURT: Tax Roll Vernacular.

(Respondent's Exhibit No. 9, Tax Roll Vernacular, was Marked for Identification.)

THE COURT: Do you wish to offer this, Mr. Lussy?

MR. LUSSY: Yes, sir.

MR. WOOLSEY: Same objection.

THE COURT: Response, Mr. Lussy?

MR. LUSSY: Foundation for attorney fee allegations at issue here this morning.

THE COURT: Okay. The objection is sustained. Now, your Exhibit 10 on your list says, "Ruler wood-Skinner down to web."

MR. LUSSY: Yes.

THE COURT: And I think it is this document that says, "Rick Lussy candidate, Collier County Property Appraiser, August 30."

(Court Reporter interruption.)

THE COURT: I'll slow down.

It's titled, "R.C. 'Rick' Lussy, Candidate, Collier County Appraiser." Then there's a copy, an annotated copy, of Mr. Wood's letter and some other documents.

Is that your Respondent's 10?

MR. LUSSY: Yes, Your Honor, consisting of six pages.

(Respondent's Exhibit No. 10, R.C. 'Rick' Lussy, Candidate, Collier County Appraiser, was Marked for Identification.)

THE COURT: Okay. Thank you.

Do you wish to offer this into evidence?

MR. LUSSY: Yes, Your Honor.

THE COURT: Any objection?

MR. WOOLSEY: Same relevance objection, Your Honor.

THE COURT: Response, Mr. Lussy?

MR. LUSSY: The -- it's correspondence from Mr. Wood on behalf of Mr. Skinner, as coming from the Office of Property Appraiser, as itemized as one of the 13 material fact issues summarized by the --

THE COURT: The objection is sustained.

Move on to your next proposed exhibit, Rick Lussy on the Bob Hart show. Is that your Respondent's 11, Mr. Lussy?

MR. LUSSY: Yes, sir.

(Respondent's Exhibit No. 11, Rick Lussy on Bob Hart Show, was Marked for Identification.)

THE COURT: Do you wish to offer this into evidence?

MR. LUSSY: Yes, sir.

MR. WOOLSEY: Same objection.

THE COURT: Do you have a response to that, Mr. Lussy?

MR. LUSSY: Yes. Background again necessary to the fees that were reviewed by Mr. Herron and



claimed by Mr. Woolsey.

THE COURT: Okay. The objection is sustained. Now, looks like your 12 is "Affidavit Recognizing 23 Verified Endorsements;" is that correct?

MR. LUSSY: Yes, consisting of one page.

THE COURT: Thank you, that helps.

(Respondent's Exhibit No. 12, Affidavit Recognizing 23 Verified Endorsements, was Marked for Identification.)

THE COURT: Respondent's 12, do you wish to offer that?

MR. LUSSY: Yes, Your Honor.

MR. WOOLSEY: Same objection.

THE COURT: There's an objection to relevance, Mr. Lussy. Is your response the same?

MR. LUSSY: It's relevance to the fee claimed by Mr. Woolsey and reviewed by Mr. Herron as documents reviewed and part of their record. So it's necessary foundation for the August 30th, 2016 election, for which Mr. Wood, Jr., was a consultant as an attorney for Mr. Skinner, that denied answering questions for claims of the Sunshine --

THE COURT: Sustained.

Next document I see I think would be

Respondent's 13: "23 Reasons Property Appraiser Needs a Four-Year Vacation."

(Respondent's Exhibit No. 13, "23 Reasons Property Appraiser Needs a Four-Year Vacation," was Marked for Identification.)

MR. LUSSY: Yes.

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, consisting of three pages.

THE COURT: Yes, sir, thank you.

MR. WOOLSEY: Same objection, Your Honor.

THE COURT: Objection is relevance, Mr. Lussy. Do you have a response?

MR. LUSSY: Again, same discussion presented earlier for necessary background to the FEC 16-357 Wood case, that was -- Mr. Wood served as a consultant for, on behalf of Mr. Skinner, in the FEC 16-245 case.

THE COURT: Now, the objection is sustained.

Next will be Respondent's 14, home -- it looks like a home page on a website or something, two pages?

(Respondent's Exhibit No. 14, Home Page/Website, was Marked for Identification.)

MR. LUSSY: Yes, sir.

THE COURT: All right. Do you wish to offer

this?

MR. LUSSY: Yes, sir.

MR. WOOLSEY: I think most of this information is already in.

THE COURT: Is there an objection or not?

MR. WOOLSEY: Yes, object to the relevance.

THE COURT: Do you have a response?

MR. LUSSY: It's necessary as documents already reviewed by Mr. Woolsey and agreed to by Mr. Herron for attorney fees that are at issue and must be appealed.

THE COURT: Okay. The objection is sustained.

Now I have something described on your list as Fugazi web, ten of -- oh, I see it -- ten of ten.

MR. LUSSY: Which is ten pages.

(Court Reporter interruption.)

MR. LUSSY: F-U-G-U-Z-I.

THE COURT: F-U-G-A-Z-I. "Fugazi Holdover Office Holder Incumbent."

(Respondent's Exhibit No. 15, Fugazi Holdover Office Holder Incumbent, was Marked for Identification.)

THE COURT: Do you wish to offer this, Mr. Lussy?

MR. LUSSY: Yes, as documents already reviewed

and incorporated in the record by Mr. Woolsey and Mr. Herron for their alleged attorney fee claim, as necessary background to the FEC 1645 [sic] and the FEC 16-357 cases.

MR. WOOLSEY: Objection.

THE COURT: There's objection to relevance.

Do you have a response?

MR. LUSSY: It's relevant because the -- Mr. Woolsey, as reviewed by Mr. Herron, have included these papers in your claim for attorney's fees, necessary for background in my defense as being not hurtful but relevant only to the material facts supporting my issue that were denied questions to by Mr. Wood, Jr., in his consulting practice on behalf of Mr. Skinner noted in the FEC cases 16-357 and FEC 16-245.

THE COURT: Okay. Thank you. The objection is sustained to 15.

Next, Respondent's 16 is a photocopy of an editorial page from the Naples Daily News.

(Respondent's Exhibit No. 16, Editorial Page, Naples Daily News, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes. It's one page, Your Honor.

THE COURT: Any objection?

MR. WOOLSEY: Relevance. Same objection.

THE COURT: Mr. Lussy, do you wish to respond?

MR. LUSSY: It's relevant, Your Honor, as it pertains to the employment policies by the Wood, Jr., and Skinner in their cases of FEC 16-245 and FEC 16-357.

THE COURT: And the objection is sustained to Exhibit 16.

Next looks like an election flyer, Respondent's 17, a flyer from Mr. Abe Skinner.

(Respondent's Exhibit No. 17, Election Flyer, was Marked for Identification.)

THE COURT: Do you wish to offer this into evidence?

MR. LUSSY: Yes, consisting of six pages.

THE COURT: Wait a minute, wait a minute. Let me make sure I got the right thing. Now, there's a -- looks like a candidate questionnaire and a transmittal memo to you providing some budget shares. Is that what the -- and that's the exhibit?

MR. LUSSY: Yes, consisting of six pages, Your Honor.

THE COURT: Okay. Thank you. And that's

marked as Respondent's 17. You wish to offer it.

Is there any objection?

MR. WOOLSEY: Same objection, Your Honor.

THE COURT: Do you have a response, Mr. Lussy?

MR. LUSSY: Yes. It's the same papers are reviewed by Mr. Woolsey and Mr. Herron for the improper inclusion for attorney fees in this case that must be appealed as providing necessary foundation and background to my defense.

THE COURT: Okay. Thank you. The objection is sustained.

Next is Exhibit Respondent's 18. Have I got -- is this three pages from the Daily News, Naples Daily News, Mr. Lussy?

MR. LUSSY: Yes, sir, Your Honor.

THE COURT: Okay. "Low Impact and Portability" is one headline, and "Approval May Help Local Market" is another?

MR. LUSSY: Yes, Your Honor.

(Respondent's Exhibit No. 18, Naples Daily News Pages, was Marked for Identification.)

THE COURT: Okay. Do you wish to offer this into evidence?

MR. LUSSY: Yes, please.

MR. WOOLSEY: Same objection.

THE COURT: Okay. We have a relevance objection, Mr. Lussy. Do you have a response?

MR. LUSSY: Yes. Once again, it's the papers reviewed by Mr. Woolsey and Mr. Herron for their inappropriate claim for attorney's fees at issue here this morning and necessary for the foundation of my defense.

THE COURT: Okay. The objection is sustained to 18.

19 is a form for transfer of homestead assessment difference.

(Respondent's Exhibit No. 19, Transfer of Homestead Assessment Difference, was Marked for Identification.)

THE COURT: Do you wish to offer that?

MR. LUSSY: Yes, Your Honor. That's one page.

THE COURT: Any objection?

One page, yes, sir.

MR. WOOLSEY: Same relevance objection, Your Honor.

THE COURT: Do you have a response to the relevance objection?

MR. LUSSY: Yes, Your Honor, for my necessary defense against -- what's the easiest way to incorporate the continuous foundation?

THE COURT: You can do like Mr. Woolsey. I mean I get the pattern here. He says, "Same objection," and you have the same response.

MR. LUSSY: Yes, Your Honor.

THE COURT: If you say, "Same response," you will preserve your position.

MR. LUSSY: Thank you for your courtesy and your volunteering the convenience of words so that we're all in agreement and on the same page and working out of respect for one another. Certainly not to malign --

THE COURT: 19, the objection is sustained.

20, "Save Our Homes Assessment Limitation."

(Respondent's Exhibit No. 20, Save Our Homes Assessment Limitation, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, one page, Your Honor.

THE COURT: Yes, sir.

Is there an objection?

MR. WOOLSEY: Same objection, Your Honor.

MR. LUSSY: Same defense, Your Honor.

THE COURT: Okay. Thank you. The objection is sustained.

Now, there is something here I don't see on



your list, Mr. Lussy. It's "Florida Attorney General Advisory Legal Opinion."

(Respondent's Exhibit No. 21, Florida Attorney General Advisory Legal Opinion, was Marked for Identification.)

THE COURT: Did you wish to offer that?

MR. LUSSY: Yes, Your Honor. It's --

THE COURT: January 8th?

MR. LUSSY: -- 92-05.

THE COURT: Mr. Woolsey?

MR. WOOLSEY: Same objection, Your Honor. I will expound just a bit. A relevance objection to the matters of the Sunshine Law to this case. Mr. Wood's -- the hearing today is over Mr. Wood's entitlement to attorney's fees and costs and the proper rate thereof. This relates to public records matters that are not properly before the Court.

THE COURT: Do you have a response, Mr. Lussy?

MR. LUSSY: Yes, the same response. And I'm citing the classification of rebuttable presumptions, Evidence Code Florida Statute 90-302.

THE COURT: Okay. Thank you. The objection is sustained.

Now, Mr. Lussy, I have one more document that

was in the stack you served as proposed exhibits. It's not on your list. It has your picture in the upper left-hand corner. It indicates you're running for property county appraiser, has a slogan of "There's no fair to flair."

MR. LUSSY: Yes, I'd like to enter that one page, Your Honor.

THE COURT: Five pages. It has a property summary for somebody, an aerial photograph.

MR. LUSSY: Yes. That exhibit goes with the portability with the Henderson live-witness testimony for which you objected to his presenting --

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, Your Honor, please.

THE COURT: Okay. I've marked it as Respondent's 22.

(Respondent's Exhibit No. 22, Property Summary, Aerial Photograph and Other Documents, was Marked for Identification.)

MR. WOOLSEY: Same objection.

THE COURT: The objection is relevance, Mr. Lussy. Do you have a response?

MR. LUSSY: Same foundation for appeal, Your Honor.

THE COURT: Okay. The objection is sustained. Respondent's 22 is not admitted.

Mr. Lussy, as far as I know, that covers all of the proposed exhibits you've provided. Do you have any other evidence you wish to offer?

MR. LUSSY: Yes. I've requested the second supplemental exhibit list that was served May 3rd.

THE COURT: Okay. Hang on a second. I couldn't hear you. That's my fault because I'm trying to get these papers in order.

What did you say?

MR. LUSSY: That was the second supplemental exhibit list.

THE COURT: Got it.

MR. LUSSY: And that would be the Exhibit A- -- it's listed on the second supplemental exhibit list as number --

THE COURT: I have it, it came with your second supplement exhibit list. The first thing is untitled. It says, "A-8418" on it. It looks like it's the excerpt from the public records manual.

MR. LUSSY: Yes, sir.

(Court Reporter interruption.)

THE COURT: "A. Agency require request to inspect a copy of public records be made in

writing" is the first full paragraph.

(Court Reporter interruption.)

THE COURT: Is that what we're talking about?

MR. LUSSY: Yes, Your Honor.

THE COURT: That is 23.

(Respondent's Exhibit No. 23, Excerpt From  
the Public Records Manual, was Marked for  
Identification.)

THE COURT: Do you wish to offer that?

MR. LUSSY: Yes.

(Court Reporter interruption.)

THE COURT: 23 is his excerpt from the public  
records manual.

You wish to offer this, Mr. Lussy, you said?

MR. LUSSY: Yes, Your Honor.

THE COURT: Is there an objection?

MR. WOOLSEY: Same objection, Your Honor.

THE COURT: Objection is relevance.

Is your response the same, Mr. Lussy?

MR. LUSSY: Same foundation, Your Honor.

THE COURT: Okay. All right, thank you.

And the next thing I have is a Public Policy of  
Open Government Governing the Sunshine Manual  
Introduction," page X-B, I'm marking that as  
Respondent's 24.

(Respondent's Exhibit No. 24, Public Policy of Open Government - Sunshine Manual Introduction, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, Your Honor, one page.

THE COURT: Is there an objection?

MR. WOOLSEY: Same objection, Your Honor.

THE COURT: Mr. Lussy, same response?

MR. LUSSY: Yes, Your Honor. Same foundation for appeal.

THE COURT: Okay. Thank you.

And a third thing is another excerpt from the "Government and Sunshine Manual," has in bold "Part I, Government and Sunshine Law." I'm marking that as Respondent's 24.

MR. LUSSY: 25.

THE COURT: Hang on a second. You're right. Thank you.

(Respondent's Exhibit No. 25, Government and Sunshine Law, was Marked for Identification.)

THE COURT: Do you wish to offer this?

MR. LUSSY: Yes, Your Honor.

MR. WOOLSEY: Same objection.

THE COURT: The objection is relevance.

Mr. Lussy, same response?

MR. LUSSY: Same necessary foundation for appeal, Your Honor.

THE COURT: All right. That's Respondent's 1 through 25.

MR. LUSSY: What was your answer on 25, Your Honor?

THE COURT: It's sustained. I'm sorry, I wrote it down but I didn't speak it.

(Court Reporter interruption.)

THE COURT: We have dealt with Respondent's 1 through 25. Mr. Lussy asked me what ruling was on 25, I said the objection was sustained. I wrote it down, but I forgot to say it.

MR. WOOLSEY: Also I did not hear reference to 23 and 24 as well, Your Honor.

THE COURT: Well, 23 and 24, the objections are sustained.

MR. WOOLSEY: Thank you.

THE COURT: Anything else, Mr. Lussy?

MR. LUSSY: There's also a follow-up with the fourth exhibit supplemental list, which shows the return of service for the remaining process service list.

THE COURT: Okay. Any objection to that?

MR. WOOLSEY: No.

THE COURT: Okay. I'm marking your return of service list with some attached returns as Respondent's 26.

(Respondent's Exhibit No. 26, Return of Service List, was Marked for Identification.)

MR. LUSSY: Is that the whole? Because there's the service -- the return of service of process was David J. Glantz, Wade J. Dahood, Douglas Sinclair, and on the service of process by a Tallahassee Court Reporter Noland, process servers for Amy McKeever Toman on May 2nd.

THE COURT: That's not attached here -- well, let me -- I'll double-check.

MR. LUSSY: There was -- it's notice. That was telephone verification of May 2nd, 2017, 11:24 --

THE COURT: Hold on, Mr. Lussy.

MR. LUSSY: But the --

THE COURT: I do not have Ms. Toman's --

MR. LUSSY: The actual paper copy of return of service.

THE COURT: I do not have that. But I'll tell you what, first your Respondent's 26 is in without objection.

(Respondent's Exhibit 26 was Received in Evidence.)

THE COURT: And, Mr. Woolsey, is there any objection to me taking judicial notice of the fact that the files of the Division of Administrative Hearing shows Mr. Lussy subpoenaed Ms. Toman?

MR. WOOLSEY: No objection.

THE COURT: Okay.

So we have preserved that in the record by me taking judicial notice of the fact that you served Ms. Toman, Mr. Lussy.

MR. LUSSY: Thank you, Your Honor.

THE COURT: You're welcome.

Any other evidence?

MR. LUSSY: That's everything, Your Honor, that I have to offer at this time.

There were -- and given that the deposition -- the subpoena duces tecums for the squashed subpoenas included reference exhibits for their reference were also to be included as part of their service, because it was timely and before -- and submitted, for the record, before the May 4th -- or May 5th deadline, so those documents --

THE COURT: And that's shown in the record.

MR. LUSSY: Okay. So those exhibits that were



attached to the subpoenas for the squashed defendants are included in the record. Is that correct, Your Honor?

THE COURT: You're offering each one of the attachments to the subpoenas as an exhibit in this proceeding?

MR. LUSSY: Yes, Your Honor.

MR. WOOLSEY: Object to the relevance.

THE COURT: There's an objection to relevance.

MR. LUSSY: The same foundation is necessary for appeal, Your Honor.

THE COURT: And the objection is sustained on that and the secondary ground. Except for the ones that are duplicates to the exhibits already offered, they were not timely identified as possible exhibits.

Anything else?

MR. LUSSY: That's everything, Your Honor, and thank you for your courtesy.

THE COURT: Well, thank you. I appreciate both of you all's courteous presentation of your cases today. The evidence is closed in this proceeding.

Are you still going to have a transcript, Mr. Woolsey?

MR. WOOLSEY: Yes, sir, Your Honor, we will be

ordering a transcript.

THE COURT: Okay.

Your proposed recommended orders will be due ten days after the filing of the transcript.

Mr. Lussy, I left out one stage in the process. The order I issue is called a "recommended order" in these cases.

MR. LUSSY: It's called a recommended order?

THE COURT: Yes, sir.

You all give me proposed recommended orders, and I told you where to look on our website to see examples. And then we do a recommended order. That goes back to the Commission. The Commission has very limited authority to change that. It can only change findings of fact if it can demonstrate there is no evidence in the record to support them. It can only change conclusions of law if they involve interpretations of statutes. The legislature has exclusively given the Commission to interpret.

I will issue my recommended order. It goes back. The Commission issues a final order, and then any party that thinks that order is incorrect has a right to appeal --

MR. LUSSY: Yes.

THE COURT: -- whether to the court where you all are located or the district court here in Tallahassee.

MR. LUSSY: Your Honor, there was --

THE COURT: I'm sorry, what, Mr. Lussy?

MR. LUSSY: Can I please add the 20-page Respondent motion affidavit to the court for the 17 original subpoenas served, squashed, now to modify and allow the seven original clerk-issued subpoena duces tecum? That is an exhibit that I am request --

THE COURT: Motion is denied.

MR. LUSSY: So we'll call that exhibit number --

THE COURT: No, sir, we're not going to call it any exhibit. It was not identified as an exhibit by the deadline.

MR. LUSSY: Well, it was after the deadline because it was only in response to your motion -- your order to squash, and it was filed the 9th day of May after your order to quash May 8th. And it was reviewed by Mr. Woolsey and by Mr. Herron as part of their time and monies' expectation for this issue here coming before this honorable Division of Administrative Hearings.

THE COURT: The attachments to the motion are not admitted into evidence, and I will reiterate that to make sure it's clear on the record in my recommended order.

The parties have presented all their evidence. The evidence is closed. This hearing is adjourned.

Again, thank both of you all for your courteous presentations, and I look forward to your proposed recommended orders.

MR. LUSSY: Your Honor, I was not given the opportunity to make a respondent-under-oath statement.

THE COURT: I asked if you had any more evidence and you said you did not.

MR. LUSSY: A statement is more than a written document of evidence. I was under the impression that evidence was a written --

THE COURT: Mr. Lussy, do you want to testify?

MR. LUSSY: Yes, I would like to testify, because that --

THE COURT: Then I will reopen the evidence for the purposes of taking testimony from Mr. Lussy.

When you swore people, Ms. Court Reporter, did you include Mr. Lussy?

THE COURT REPORTER: No, Your Honor.

THE COURT: Would you swear Mr. Lussy as the witness, please.

Thereupon,

R.C. "RICKY" LUSSY,  
after having been first duly sworn or affirmed, was examined and testified as follows:

MR. LUSSY: I do.

THE COURT: Okay. Mr. Lussy, obviously this is a little difficult since you can't ask yourself questions, but present your testimony. If for any reason Mr. Woolsey objects, please stop until we dispose of the objection. Go ahead.

MR. LUSSY: Thank you, Your Honor.

DIRECT TESTIMONY

MR. LUSSY: The matter is -- my sworn statement basically reiterates and is duplicated by the Respondent's motion, dash, affidavit, colon, court 17 original subpoenas served and quashed, now to modify and allow the seven original clerk-issued subpoena duces tecums. And then it goes on with six other lines, and then, or in the alternative, to develop a record ultimate appeal to the U.S. Supreme Court writ of certiorari --

(Court Reporter interruption.)

MR. LUSSY: Ultimate appeal to the U.S.

Supreme Court writ of certiorari. That's  
C-E-R-T-I-O-R-A-R-I. And then it goes on saying --

THE COURT: Mr. Lussy, it sounds like you're  
making arguments about rulings on motions. This is  
the time for you to testify about facts that are  
relevant to the claims against you.

MR. LUSSY: Yes. The facts are relevant as  
stated here, and knowing that the -- it was going  
to be a false legal pleading to acquire money from  
me from issues that had not been addressed in the  
record from the FEC confidential, nonpublished,  
nonpublic orders that have been complained about by  
Mr. Wood, Jr., who worked as an attorney/consultant  
for Mr. Skinner.

And that summary is in this one 20-page  
document for which I'd like to have a number or a  
reference point, maybe 26? Number 26.

MR. WOOLSEY: Your Honor, I'm going to object.

THE COURT: Hold on.

You're talking about your recently filed  
motion?

MR. LUSSY: Affidavit.

THE COURT: Motion to reconsider the quashing  
of the subpoenas; is that correct?

MR. LUSSY: Yes, Your Honor.

THE COURT: Okay. It was filed May 10th at 4:09?

MR. LUSSY: Yes, sir.

THE COURT: If you all will bear with me, I've misplaced my exhibit list so I need to find my next number.

Okay. And you wish to offer all of the attachments to this motion as Respondent's 27?

MR. LUSSY: Be Number 27, okay.

(Respondent's Exhibit No. 27, Attachments to Motion, was Marked for Identification.)

THE COURT: Okay. Is there objection to that?

MR. WOOLSEY: Same objection.

THE COURT: Okay. 27, the objection is sustained.

Now let's go back to your testimony, Mr. Lussy.

MR. LUSSY: Okay.

THE COURT: If you have any further testimony.

MR. LUSSY: Yes, I have further.

This motion affidavit was not responded to --  
(Interruption.)

UNIDENTIFIED SPEAKER: Your witness is here.

THE COURT: And, Mr. Lussy, testimony is about facts.

MR. LUSSY: Yes.

THE COURT: You've filed a motion, it has been denied, it's identified in the record.

Do you wish to testify about the facts, not argue about rulings?

MR. LUSSY: Yes. There's a gentleman, the fact witness did appear. May he come on the record?

THE COURT: Which individual is it?

Now, Mr. Lussy, let's get one thing done. If you have any testimony, this is your time to present it.

MR. LUSSY: Yes. I'd like to include the testimony of the gentleman in the waiting room right now. And I'll just sum it up and we'll finish it, because it's -- the hearing is scheduled to go to 1:00. It's now 12:40.

THE COURT: Mr. Lussy, do you have any testimony from yourself that you want to provide? If you wish to testify in this proceeding, now is the time that you may do it.

MR. LUSSY: Yes, and I'd like to do it through this live witness fact.

THE COURT: No, sir. Do you have any words that you wish to speak under oath to be considered as evidence in this case?

MR. LUSSY: Yes. And may I go off the record



to speak with this gentleman that just showed up late?

THE COURT: Yeah, you can go consult with him. Tell him as soon as your testimony is done, he will have an opportunity to testify.

MR. LUSSY: Thank you, Your Honor. He will have an opportunity, you say, to testify. Okay.

THE COURT: Yes.

MR. LUSSY: Yes, thank you. Thank you, sir. I'll leave the room and come back in two minutes.

THE COURT: Okay.

(Thereupon, a brief recess was taken.)

MR. LUSSY: Okay.

THE COURT: Mr. Lussy?

MR. LUSSY: Yes, I'm back, Your Honor.

THE COURT: Is that witness one of the subpoenaed people who had not shown up earlier?

MR. LUSSY: Yes, sir.

THE COURT: Which one?

MR. LUSSY: It's Mr. David Siciliano.

THE COURT: Okay. You know what? I'm going to change my mind on that. If you want to offer his testimony, let's go ahead and bring him in.

MR. LUSSY: Right now?

THE COURT: Yes. Let's --

MR. LUSSY: Okay, I'll bring him in. Thank you, sir.

THE COURT: He's not a party. He can testify, then we'll resume your testimony, Mr. Lussy.

(Court Reporter interruption.)

Thereupon,

GARY MICHAEL SICILIANO,  
after having been first duly sworn or affirmed, was examined and testified as follows:

THE WITNESS: Yes.

THE COURT: Okay. Your witness, Mr. Lussy.

DIRECT EXAMINATION

BY MR. LUSSY:

Q. Sir, would you please identify yourself with your Florida voter registration?

A. I don't have it with me.

Q. Okay. But you do have one, sir?

A. I do.

Q. Okay. And the subpoena was issued in regards to a conversation that we had in August 2016 in your office.

Would you like to speak to any -- to what you said about the employment of your mother when she was employed by Mr. Skinner in his office of Collier County property appraiser?

MR. WOOLSEY: Objection.

THE COURT: Mr. Siciliano, hold up on responses if you hear Mr. Woolsey saying he objects.

What are the grounds of your objection?

MR. WOOLSEY: I'm going to make a relevance objection to this, in that it is not relevant to the two narrow matters before the court today.

THE COURT: Mr. Lussy, how is this relevant?

MR. LUSSY: It's a matter -- it's relevant as to the background and foundation to FEC Case 16-245 and FEC 16-357, and necessary for the record on appeal to be presented before the court for the ultimate appeal to the U.S. Supreme Court, or writ of certiorari.

THE COURT: The objection is sustained.

Do you have another question for the witness?

MR. LUSSY: No. No further questions.

I wanted to thank the witness for his time. He's a very busy person, a general contractor, and time is of the essence. He works in Naples, not in Fort Myers, so it was a waste of 2 hours of his time.

THE COURT: Mr. Siciliano, thank you for coming. These things cannot -- people cannot get their disputes resolved in court without services

of people like you who are uninterested witnesses but are subpoenaed to testify. So thank you very much for your time.

THE WITNESS: Thank you, sir.

THE COURT: And you're free to go.

THE WITNESS: Thank you.

(Witness excused.)

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THE COURT: Now, Mr. Lussy, remember you're under oath. Please resume any testimony that you have to give.

MR. LUSSY: Thank you, Your Honor, for allowing the timely appearance of that gentleman as a hostile witness.

DIRECT TESTIMONY - CONTINUED

MR. LUSSY: The point of clarity is necessary for me to hear, is in self-defense as Wood, Jr., demands, first, \$1,980, then changed to \$3,000, now \$36,000 in attorney's fees and costs, while to maintain this case of the FEC 16-245 and the FEC 16-357, as to the confidentiality and the attorney-client privilege retainer for these two confidential, not published, not public, not public disseminated, and certainly not available to members of the public, elections' complaints, now

falsely claimed to be maligning and hurting the reputation of Wood, Jr.

He never did -- that never did show the law had been violated constituting irreparable public injury to Wood, Jr., or the 24-year incumbent --  
(Court Reporter interruption.)

MR. LUSSY: To Wood, Jr., or the 24-year incumbent 86-year-old Skinner.

The reference here for my authority in bringing personal/professional fact sworn testimony is this Town of Palm Beach vs. Gradison, 296 So.2d 473, Florida (1974); and the Times Publishing Company vs. Williams, 222 So.2d 470, Florida Second DCA (1969), citing the Sunshine Manual, petitioner, as respondent --

MR. WOOLSEY: I'm going to object to anything --

(Court Reporter interruption.)

MR. WOOLSEY: I'm going to make a relevance objection to anything pertaining to the Sunshine Manual and the court's determination today.

THE COURT: Mr. Lussy, do you have a response?

MR. LUSSY: Same necessary foundation response for my defense pertaining to inclusion of the FEC 16-357 and the 16-254 [sic] case for the

reason --

THE COURT: Objection is sustained.

Do you have any other testimony?

MR. LUSSY: Yes. The Sunshine Manual is pertinent because --

THE COURT: Mr. Lussy, I sustained objections to testimony about the Sunshine Manual.

MR. LUSSY: Okay.

THE COURT: So I will not accept testimony about the Sunshine Manual.

MR. LUSSY: Thank you, Your Honor.

THE COURT: Gradison is Chapter 119 and 268 or 286, whatever it is, governing the Sunshine.

MR. LUSSY: And it speaks for itself, as did the attorney general saying that I was exempt from that as a non- --

THE COURT: I have sustained an objection.

MR. LUSSY: Yes.

THE COURT: And testimony about that will not be permitted.

Do you have any other testimony?

MR. LUSSY: Okay, yes.

And the pertinence of the public servant definition, 838.014(6)(7), that Wood, Jr., is a public servant; and as a consequence, he breaches

the confidential Florida Elections complaint policy, Florida Statute 104.011, and for replacement of Mr. Skinner in the Florida Elections, Statute 104.051. Given that Wood, Jr., is a consultant as attorney for Skinner does not eliminate or exempt, make him -- make the issue solely between him and me. The issue is inclusive of Wood, Jr., and Skinner.

As for this reason, I would never have dealt with Mr. Wood, Jr., would never have dealt, would never have seen Wood, Jr., never would have had any reason to deal with or to take a bite out of Mr. Wood, Jr., because I'm not malicious at heart. I have no mean spirit. This was an issue for the August 30th, 2016, Collier County property appraisal election, and it had nothing to do with Mr. Wood, Jr., other than the fact of his dirty hands making this a claim to generate monies, which is unnecessary enrichment.

So this big chip on Wood, Jr.'s shoulder has nothing to do with me. It has to do with his own vanity, his ego, in parlaying this false excuse to generate money for himself and for Mr. Woolsey, who is a member of his firm, tied in as an associate to his firm, as a cohort economic gainful participant

in this case, 17-1594, that is intricately tied to and with a foundation of the FEC 16-357, wood, and the FEC 16-245, skinner.

That is the only reason for the attorney's fee generation, and it's unnecessary enrichment and wrongful manipulation and falsification of the public record at issue here before your valued time, Honorable Judge Minton, II.

(Court Reporter interruption.)

MR. LUSSY: Judge Minton. M-I-N-T-O-N, is that the proper spelling, Your Honor?

THE COURT: Did you say Judge Mixson?

MR. LUSSY: Minton.

Judge John D. Campbell Newton, II. I apologize. Yeah, the division of hearings' clerk had it right and I had it wrong.

THE COURT: If you could return to your testimony, sir, and let's get to the facts about the claim of "malicious." This is not legal arguments about the proceeding.

MR. LUSSY: There's no malice when there's no intent. There's no irreparable injury to a reputation when there is none. If he took it wrong, he took it wrong; and it was unintended to be that way for the reason that these were private



confidential matters that FEC 16-357, by Wood, was only entered as a party by virtue of himself sending me a copy of his initial pleading response for Mr. Skinner, wrongfully breaching the confidentiality of the Florida Elections complaint.

Because Florida Elections complaints are confidential and private, they are not to be dealt with with more persons other than myself and Mr. Skinner.

Mr. Wood, Jr., sent me a copy of his objection to me, therefore, breaching the confidentiality of the Florida Elections complaint Commission rules requirement, therefore, allowing this FEC 16-357 to come into existence, that was actually in defense of the FEC 16-245 for Skinner that was unnecessary, breaching the confidentiality. And it was with unclean hands of Mr. Wood, Jr., to make this an issue, and, of course, trumping it up unnecessarily in a fantastical manner claiming malice and hurtful reputation that does not exist and never protruded or extended beyond these papers within this confidential Florida Elections Commission, and now ultimately this private, nonpublic Division of Administrative Hearings before this Honorable Judge John D.C. Newton, II.

I'm finished, Your Honor.

THE COURT: Okay. Thank you.

Any cross-examination?

MR. WOOLSEY: No. No further questions, Your Honor.

THE COURT: Okay. Thank you.

All right. Both parties have rested. I will adjourn the hearing again.

Remember what I said about proposed recommended orders. Again, I thank both of you for a fairly prompt and courteous presentation of your cases this morning, and everyone have a good weekend.

MR. WOOLSEY: Your Honor, thank you very much.

(Thereupon, the proceedings were concluded at 1:00 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA        )

COUNTY OF LEE         )

I, ANDREA J. STEFANICK, Registered Professional Reporter, Registered Merit Reporter and Certified Realtime Reporter, Florida Professional Reporter for the 20th Judicial Circuit of Florida, do certify that I was authorized to and did stenographically report the foregoing proceedings and that the typewritten transcript of proceedings is a true record.

Dated this 31st day of May, 2017.



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ANDREA J. STEFANICK, RPR, RMR, CRR, FPR  
Court Reporter