

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Rob Robinson**

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**Case No.: FEC 19-519**

**TO:** Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm & Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF HEARING (OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission on, **December 1, 2020 at 8:30 AM**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

**If you are the Respondent**, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

**If you are an Appellant**, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

**See further instructions on the reverse side.**

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
November 9, 2019

Please refer to the information below for further instructions related to your particular hearing:

This **Motion or Petition for Attorney's Fees** will be conducted pursuant to Section 106.265(6), Florida Statutes, and Chapter 28 and Commission Rule 2B-1.0045, Florida Administrative Code. The Commission will determine whether the petition contains sufficient facts to support a claim for costs and attorney's fees and, if so, the Commission will order a hearing involving disputed issues of material fact (formal hearing) before the Commission, a Commissioner or Commissioners designated by the Commission, or the Division of Administrative Hearings.

If the Commission determines that there are not sufficient facts to support a claim, the motion or petition will be denied or dismissed.

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Rob Robinson

Case No.: FEC 19-519

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TO: Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF CANCELLATION OF HEARING**  
**(OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

You are hereby notified that the previously scheduled hearing for March 24-25, 2020 is cancelled. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

*Tim Vaccaro*

Executive Director  
Florida Elections Commission  
March 12, 2020

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

**In Re: Rob Robinson**

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**Case No.: FEC 19-519**

**TO:** Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF HEARING (OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission on, **March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

**Tim Vaccaro**  
Executive Director  
Florida Elections Commission  
March 9, 2019



Responses to Amended Motions for Attorney's Fees Jennifer S. Blohm to:  
 'fec@myfloridalegal.com' 03/09/2020 11:07 AM  
 Cc: "donna.malphurs@myfloridalegal.com", "Timothy.Vaccaro@myfloridalegal.com",  
 "fredreilly@attorney-solicitor.com"  
 From: "Jennifer S. Blohm" <JBlohm@meyerbrookslaw.com>  
 To: "'fec@myfloridalegal.com'" <fec@myfloridalegal.com>  
 Cc: "donna.malphurs@myfloridalegal.com" <donna.malphurs@myfloridalegal.com>,  
 "Timothy.Vaccaro@myfloridalegal.com" <Timothy.Vaccaro@myfloridalegal.com>,  
 "fredreilly@attorney-solicitor.com" <fredreilly@attorney-solicitor.com>

3 Attachments



Response to Amended Motion for Attorney's Fees-FEC 19-514.pdf



Response to Amended Motion for Attorney's Fees-FEC 19-515 and 19-518.pdf



Response to Amended Motion for Attorney's Fees- FEC 19-516 and 19-519.pdf

Donna,

I have attached Mr. Lepley's and Ms. Bradley's responses to the amended motions for attorney's fees. Please do not hesitate to contact me if you have any questions.

Sincerely,  
Jennifer

Jennifer S. Blohm  
 Meyer, Brooks, Blohm and Hearn, P.A.  
 131 North Gadsden Street (32301)  
 Post Office Box 1547 (32302)  
 Tallahassee, Florida  
[www.meyerbrookslaw.com](http://www.meyerbrookslaw.com)  
 (850) 878-5212  
 (850) 656-6750 (Facsimile)

Confidential Note:

The information contained in this transmission is legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by calling us at (888) 848-5212 and then deleting the message. Thank you.

## Donna Malphurs

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**From:** Jennifer S. Blohm <JBlohm@meyerbrookslaw.com>  
**Sent:** Monday, March 9, 2020 11:06 AM  
**To:** Florida Elections Commission  
**Cc:** Donna Malphurs; Timothy Vaccaro; fredreilly@attorney-solicitor.com  
**Subject:** Responses to Amended Motions for Attorney's Fees  
**Attachments:** Response to Amended Motion for Attorney's Fees-FEC 19-514.pdf; Response to Amended Motion for Attorney's Fees-FEC 19-515 and 19-518.pdf; Response to Amended Motion for Attorney's Fees- FEC 19-516 and 19-519.pdf

Donna,

I have attached Mr. Lepley's and Ms. Bradley's responses to the amended motions for attorney's fees. Please do not hesitate to contact me if you have any questions.

Sincerely,  
Jennifer

Jennifer S. Blohm  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street (32301)  
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**MEYER, BROOKS, BLOHM AND HEARN, P.A.**  
ATTORNEYS AT LAW

131 NORTH GADSDEN STREET  
TALLAHASSEE, FLORIDA 32301  
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RONALD G. MEYER  
THOMAS W. BROOKS, RETIRED  
JENNIFER S. BLOHM  
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MAILING ADDRESS:  
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TALLAHASSEE, FLORIDA 32302

FAX: 850/656-6750  
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\_\_\_\_\_  
ALEX VILLALOBOS  
OF COUNSEL

\_\_\_\_\_  
LYNN T. THOMAS, FRP  
PARALEGAL

March 9, 2020

**VIA E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

Chair and Members  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Amended Motion for Attorney's Fees –  
FEC 19-516 and FEC 19-519; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, Darlene Bradley, in the above-referenced matter. On September 9, 2019, Ms. Bradley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Ms. Bradley also was a candidate for Davenport Mayor. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup> Ms. Bradley filed a response to the motion on February 28, 2020. The Respondent then filed an amended motion for attorney's fees on March 4, 2020.

Ms. Bradley relies on her initial response to the Respondent's motion and files this supplemental response simply to address the Respondent's attempts in the amended motion to fix the insufficiencies in that motion. Respondent's second attempt also fails to state a legally sufficient motion for fees and therefore, should be dismissed pursuant to Rule 2B-1.0045, Florida Administrative Code.

<sup>1</sup> Ms. Bradley is not sure why there are two FEC case numbers (FEC 19-516 and FEC 19-519) for this complaint. She only filed one complaint against the Respondent Robinson. She believes that the FEC decided a statement in the complaint was a request to expedite and that the FEC gave the complaint a new case number when it expedited the complaint. Ms. Bradley was not aware of this until she received an additional dismissal under the new case number on October 29, 2019.

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

The Respondent tries to assign malicious intent by Ms. Bradley because she asked for hefty fines and removal from office if the Respondent violated the Election Code and filed her complaint close to when Respondent was sworn in as President of the Ridge League of Cities. Neither of these allegations rises to the level of particularity needed for a sufficient motion for attorney's fees. Had the Respondent been found to have violated the Election Code, he would have been subject to penalties. Ms. Bradley stating those in her complaint is not malicious intent and to find that it was would subject almost every complainant to an attorney's fees award. Additionally, Ms. Bradley did not publicize her complaint or otherwise interfere in Respondent's assumption to the presidency of the Ridge League of Cities. Respondent has not alleged any particular facts in the original motion or the amended motion that Ms. Bradley attempted to injure his reputation by the filing of the complaint.

The Respondent attempts to fix his original motion by now adding a conclusory statement that Ms. Bradley's factual statements in Counts 4 and 6 were false, but in reality, the Respondent's claims remain that Ms. Bradley misinterpreted section 106.08(5), Florida Statutes and section 106.15, Florida Statutes. Respondent is not truly alleging that her factual statements are false, but that she misinterpreted the law. Ms. Bradley in the complaint stated that the Respondent had received several contributions from a developer and his companies that all shared the same address and felt that this violated the prohibition against giving in the name of another. She also stated that the Respondent held TV interviews about his campaign in a government building which she believed violated section 106.15. The factual statements in these allegations are not false and the Respondent does not argue that they are. Instead, in his motion for fees, the Respondent argues that he is entitled to fees because she misinterpreted the law and did not allege legally sufficient violations of the law. Therefore, the Respondent's claims in the motion for attorney's fees are legally insufficient since they fail to allege that Ms. Bradley's factual statements were false. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

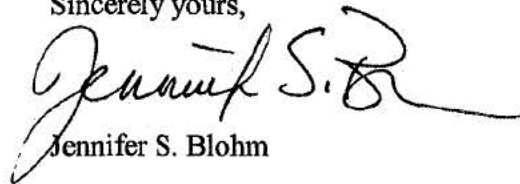
A grant of attorney's fees is reserved for those cases where the complainant provides



Florida Elections Commission  
March 9, 2020  
Page Two

false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Ms. Bradley respectfully requests that the FEC dismiss the motion for attorney's fees filed against her by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (*via email*)  
Ms. Donna Malphurs, Agency Clerk (*via email*)  
Mr. Fred Reilly, Esquire (*via email*)

## **Donna Malphurs**

---

**From:** Fred Reilly <fredreilly@attorney-solicitor.com>  
**Sent:** Wednesday, March 4, 2020 10:51 PM  
**To:** Donna Malphurs; jblohm@meyerbrookslaw.com  
**Subject:** FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519  
**Attachments:** Lynch AmendedMotionLepley03042020.pdf; Robinson AmendedMotionLepley 19 515 03042020.pdf; Robinson AmendedMotionBradley 19 516 03042020.pdf; Robinson AmendedMotionLepley 19 518 03042020.pdf; Robinson AmendedMotionBradley 19 519 03042020.pdf

Re: FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519

Hi Donna,

Attached to this email please find the Amended Motion for Attorney's Fees in relation to FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519.

I respectfully request that these Amended Motions be included in the Agenda packet for the next Commission meeting.

Please contact me if you have any questions. Thanks.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: fredreilly@attorney-solicitor.com  
Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

**IMPORTANT NOTICE:** This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**AMENDED MOTION FOR ATTORNEY'S FEES**

**COMES NOW, the Respondent, H. B. "ROB" ROBINSON, by and through his undersigned attorney, files this Amended Motion for Attorney's Fees pursuant to Section 106.265(6), Florida Statutes, against the Complainant, Darlene Bradley, and states as follows:**

**Preliminary Matters**

- A. The Complainant, Darlene Bradley shall be referred to as "Bradley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-519 filed by Bradley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Robinson filed a Response to the Complaint on September 29, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-519 were "Legally Insufficient" and the case has been closed.

**Legal Basis for Amended Motion**

The Respondent, H. B. "Rob" Robinson, respectfully requests a finding against Darlene Bradley pursuant to Section 106.265 (6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. The Respondent's Amended Motion provides a legally sufficient basis under Section 106.265(6), Florida Statutes, and Rule 2B-1.0045, F.A.C. The elements required (by *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007)) to prove an entitlement to attorney's fees are:

- (1) The complaint was made with a malicious intent to injure the official's reputation:
- (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and
- (3) the statements were material.

**Factual Basis for Amended Motion**

**C. Malicious Intent to Injure the Official's Reputation.**

In the Complainant's Response to Respondent's Motion for Attorney's Fees, Complainant's counsel states:

"...there was no malicious intent on Ms. Bradley's part. Ms. Bradley did not publicize the filing of the complaint, but kept it confidential. She has not spoken publicly about the complaint and has not tried to use it for any type of political advantage. She brought the complaint in good faith based on inaccuracies and violations she felt existed in the Respondent's campaign advertising and campaign practices."

Bradley's Complaint was filed on or about September 9, 2019. The City of Davenport's municipal election was held on April 2, 2019. The Complaint was obviously not used by Bradley for an advantage in the April 2, 2019 municipal election, but the timing of the Complaint is crucial to determining whether there was a malicious intent to injure Robinson's reputation.

In the Complaint, Bradley asserted that Robinson violated provisions of Chapter 104 and 106, Bradley expressly referred to third degree felony penalties that would result in a person being "disqualified to hold office," and Bradley specifically stated: "Florida Statutes penalize these violations with hefty fines and removal from office." Coincidentally, Robinson was sworn in as President of the Ridge League of Cities in early September 2019 and Robinson would be obligated to relinquish this position if he was subsequently disqualified to hold office.

Bradley's stated desire for "hefty fines and removal from office" is clear evidence of Bradley's malicious intent to injure the reputation of Robinson.

D. Statements were false or made with reckless disregard for the truth.

The Complaint filed by Bradley was clearly intended to injure the reputation of Robinson. Bradley's Complaint included the following statements:

i. Count 3(i) of the Complaint - Allegation that Robinson violated Section 104.271 by stating that "Darlene Bradley charged with 2 felonies and a misdemeanor." Bradley was in fact charged with two (2) felonies and a misdemeanor. Therefore, Robinson's statement was factually accurate. The allegation by Bradley that Robinson's factually accurate statement violated Section 104.271 is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 104.

ii. Count 4 of the Complaint - Allegation that Robinson violated Section 106.08 (5).

Bradley alleged that Robinson violated Section 106.08(5):

"Rennie Heath (Developer) gave \$5,000 in campaign donations to Rob Robinson as reported in his campaign financial report M2 for period 3/2 – 3/15/19. Attachment K. Mr. Robinson listed 5 different entities for Mr. Rennie Heath with the same address listing \$1,000 contribution for each entity, exceeding the amount allowed in a municipal election."

This allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106 because a corporation or limited liability company constitutes a "person" (as defined by Section 106.011 (14), Florida Statutes),

iii. Count 6 of the Complaint - Allegation that Robinson violated Section 106.15, Florida Statutes, by "Campaigning in government facilities."

Section 106.15(4) prohibits solicitation of or accepting any political contribution in a government building. Subsection (4) states:

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

Bradley's alleged that Robinson was "campaigning in government facilities" in violation of Section 106.15 when he "commandeered the Davenport Commission Chambers during normal business hours to conduct two (2) tv interviews to promote his campaign, "integrity"." Bradley's allegation is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106 because Robinson conducting tv interviews in a government facility is clearly not a violation of Section 106.15(4).

E. Statements were material.

Bradley's statements in the Complaint that Robinson violated Sections 104.271, 106.08(5), and 106.15(4) were false or made with reckless disregard for the truth and are material to the issues raised by the Complaint.

**Conclusion**

Robinson retained legal counsel to defend his sterling reputation in the community against the allegations of Bradley's Complaint. Section 106.265(6) expressly authorizes a claim for attorney's fees and costs in any case in which the commission determines that a person has filed a complaint against another person with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapter 106 or chapter 104. This Amended Motion presents a prima facie basis for such relief based on Section 106.265(6).

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make a finding against Darlene Bradley pursuant to Section 106.265(6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

Respectfully submitted this 4th day of March, 2020.

*Fred Reilly*

Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. "Rob" Robinson

**CERTIFICATION**

I hereby certify that a true and correct copy of this Amended Motion for Attorney's Fees was sent to the Florida Elections Commission via email (fec@myfloridalegal.com) and Jennifer Blohm, Esquire via email (jblohm@meyerbrooks.com) this 4th day of March, 2019.

*Fred Reilly*

Fred Reilly, Esquire



## **Donna Malphurs**

---

**From:** Donna Malphurs  
**Sent:** Monday, March 2, 2020 1:11 PM  
**To:** Fred Reilly  
**Subject:** RE: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Please submit your responses no later than Wednesday. Thanks.

Thanks,  
*Donna*

**From:** Fred Reilly <fredreilly@attorney-solicitor.com>  
**Sent:** Sunday, March 1, 2020 4:41 PM  
**To:** Donna Malphurs <Donna.Malphurs@myfloridalegal.com>  
**Cc:** Linda Robinson <myhcwcd@gmail.com>; rconstruction16@aol.com  
**Subject:** Fw: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

RE: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Hi Donna,

Since these documents were provided to me after 5:00 P.M. on Friday, February 28, 2020, am I able to provide Amended Petitions for Attorney's Fees on Monday, March 2, 2020 which would be included in the Agenda package for the Committee members? Please let me know. Thanks.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: [fredreilly@attorney-solicitor.com](mailto:fredreilly@attorney-solicitor.com)  
Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

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**From:** Donna Malphurs <[Donna.Malphurs@myfloridalegal.com](mailto:Donna.Malphurs@myfloridalegal.com)>

**Sent:** Friday, February 28, 2020 5:46 PM

**To:** Fred Reilly <[fredreilly@attorney-solicitor.com](mailto:fredreilly@attorney-solicitor.com)>

**Subject:** FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Dear Mr. Reilly,

The Florida Elections Commission received responses from attorney Jennifer S. Blohm to your petitions for fees and costs in the above noted cases. Attached is a copy of her responses for your review. A copy was also mailed to you today.

If you have any questions, please let me know.

Sincerely,

*Donna Ann Malphurs*

Agency Clerk/Public Information Officer

Florida Elections Commission

Main line: 850-922-4539

Direct Dial: 850-404-5609



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



February 28, 2020

Fred Reilly  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

**RE: Case No.: FEC 19-519; Respondent: Rob Robinson**

Dear Mr. Reilly:

The Florida Elections Commission received a notice of appearance from Jennifer S. Blohm and her response to your Petition for Attorney's Fees and Costs in this case. A copy of Ms. Blohm's notice and response is enclosed for your review.

If you have any questions, please contact the Florida Elections Commission at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Notice of Appearance and Response to Petition for Fees  
cc: Jennifer S. Blohm, Attorney for Complainant (w/out encl.)

**MEYER, BROOKS, BLOHM AND HEARN, P.A.**  
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LYNN T. THOMAS, FRP  
PARALEGAL

REC'D: FILED ELECTIONS COM  
28 FEB 20 PM 3:18

February 28, 2020

**VIA HAND DELIVERY AND E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

Chair and Members  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Motion for Attorney's Fees – FEC 19-516 and FEC 19-519; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, Darlene Bradley, in the above-referenced matter. On September 9, 2019, Ms. Bradley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Ms. Bradley also was a candidate for a Davenport Mayor. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup>

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

<sup>1</sup> Ms. Bradley is not sure why there are two FEC case numbers (FEC 19-516 and FEC 19-519) for this complaint. She only filed one complaint against the Respondent Robinson. She believes that the FEC decided a statement in the complaint was a request to expedite and that the FEC gave the complaint a new case number when it expedited the complaint. Ms. Bradley was not aware of this until she received an additional dismissal under the new case number on October 29, 2019.

The Respondent's motion does not provide a legally sufficient basis under rule 2B-1.0045 or section 106.265(6). Because the attorney's fee provision under the Code of Ethics is nearly identical to section 106.265(6), cases interpreting the ethics provision are used in interpreting section 106.265(6). See *Yates v. Shure*, FEC 16-362, DOAH 17-1593F, FO 17-358W (FEC Dec. 15, 2017). In *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007), the court set forth the elements required to prove an entitlement to attorney's fees: "(1) the complaint was made with a malicious intent to injure the official's reputation; (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and (3) the statements were material." The Respondent has not met any of these elements. Other than a conclusory statement that Ms. Bradley made the complaint with malicious intent to injure Respondent's reputation, he does not state with particularity the facts and grounds supporting the conclusion. This is because there was no malicious intent on Ms. Bradley's part. Ms. Bradley did not publicize the filing of the complaint, but kept it confidential. She has not publicly spoken about the complaint or tried to use it for any type of political advantage. She brought the complaint in good faith based on inaccuracies and violations she felt existed in the Respondent's campaign advertising and campaign practices.

Davenport is a small city where everyone knows each other. Ms. Bradley and the Respondent have known each other for years. Because of this familiarity, the Respondent's statement in advertising that Ms. Bradley was charged with two felonies and a misdemeanor struck her as a clear attempt to falsely misrepresent her record to the voters. It is for this reason that she alleged in her complaint that the Respondent's statement was false and a violation of section 104.271, Florida Statutes. Ms. Bradley knew that the Respondent was well aware that although she was charged with two felonies and a misdemeanor, those charges were dropped and she paid a \$250 fine for using a handicap placard. To state in advertising only that she was charged and not also state that the charges were dropped was a false statement to Ms. Bradley. It was especially hard to take since Respondent was aware that Ms. Bradley had been car jacked which led to her fear of parking far away from a building at night and her use of the handicap placard. While a half-truth may be insufficient to establish a violation of section 104.271, Ms. Bradley who is not an attorney should not be forced to pay attorney's fees for legitimately believing that the failure to tell the whole truth is a malicious and false statement against an opponent.

The Respondent's remaining bases for attorney fees are that Ms. Bradley misinterpreted section 106.08(5), Florida Statutes and section 106.15, Florida Statutes. Respondent is not alleging that her factual statements are false, but that she misinterpreted the law. Ms. Bradley in the complaint stated that the Respondent had received several contributions from a developer and his companies that all shared the same address and felt that this violated the prohibition against giving in the name of another. She also stated that the Respondent held TV interviews about his campaign in a government building which she believed violated section 106.15. The factual

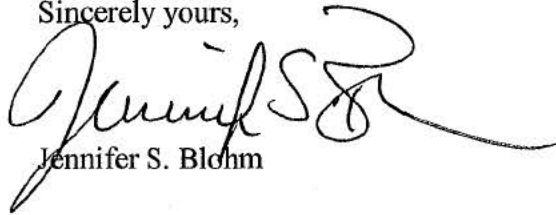
Florida Elections Commission  
February 28, 2020  
Page Two

statements in these allegations are not false and the Respondent does not argue that they are. Instead, in his motion for fees, the Respondent argues that he is entitled to fees because she misinterpreted the law and did not allege legally sufficient violations of the law. Therefore, the Respondent's claims in the motion for attorney's fees are legally insufficient since they fail to allege that Ms. Bradley's factual statements were false. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

Ms. Bradley is not a lawyer and although she has run for office, she is not an expert in election law. She did not file the complaint to obtain an advantage over the Respondent or to publicize the complaint and injure the Respondent's reputation. She filed it because she was concerned about what she saw as wrongful campaign practices and which she believed were violative of the Election Code. She believed that the complaint process specifically existed for this purpose.

A grant of attorney's fees is reserved for those cases where the complainant provides false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Ms. Bradley respectfully requests that the FEC dismiss the motion for attorney's fees filed against her by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (*via email*)  
Ms. Donna Malphurs, Agency Clerk (*via email*)

## **Donna Malphurs**

---

**From:** Jennifer S. Blohm <JBlohm@meyerbrookslaw.com>  
**Sent:** Friday, February 28, 2020 3:00 PM  
**To:** Florida Elections Commission  
**Cc:** Timothy Vaccaro; Donna Malphurs  
**Subject:** Response to Motion for Attorney's Fees in Case Numbers FEC 19-516/FEC 19-519  
**Attachments:** Response to Motion for Attorney's Fees- FEC 19-516 and 19-519.pdf

Dear Mr. Vaccaro and Ms. Malphurs,

I have attached the complainant's, Darlene Bradley's, response to the Respondent's Motion for Attorney's Fees. The motion is scheduled for the March 24-25 meeting of the Commission. Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,  
Jennifer

Jennifer S. Blohm  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street (32301)  
Post Office Box 1547 (32302)  
Tallahassee, Florida  
[www.meyerbrookslaw.com](http://www.meyerbrookslaw.com)  
(850) 878-5212  
(850) 656-6750 (Facsimile)

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**MEYER, BROOKS, BLOHM AND HEARN, P.A.**  
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LYNN T. THOMAS, FRP  
PARALEGAL

February 28, 2020

VIA HAND DELIVERY AND E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Chair and Members  
Florida Elections Commission  
107 West Games Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Motion for Attorney's Fees – FEC 19-516 and FEC 19-519; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, Darlene Bradley, in the above-referenced matter. On September 9, 2019, Ms. Bradley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Ms. Bradley also was a candidate for a Davenport Mayor. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup>

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

<sup>1</sup> Ms. Bradley is not sure why there are two FEC case numbers (FEC 19-516 and FEC 19-519) for this complaint. She only filed one complaint against the Respondent Robinson. She believes that the FEC decided a statement in the complaint was a request to expedite and that the FEC gave the complaint a new case number when it expedited the complaint. Ms. Bradley was not aware of this until she received an additional dismissal under the new case number on October 29, 2019.



The Respondent's motion does not provide a legally sufficient basis under rule 2B-1.00-15 or section 106.265(6). Because the attorney's fee provision under the Code of Ethics is nearly identical to section 106.265(6), cases interpreting the ethics provision are used in interpreting section 106.265(6). See *Yates v. Shure*, FEC 16-362, DOAH 17-1593F, FO 17-358W (FEC Dec. 15, 2017). In *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007), the court set forth the elements required to prove an entitlement to attorney's fees: "(1) the complaint was made with a malicious intent to injure the official's reputation; (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and (3) the statements were material." The Respondent has not met any of these elements. Other than a conclusory statement that Ms. Bradley made the complaint with malicious intent to injure Respondent's reputation, he does not state with particularity the facts and grounds supporting the conclusion. This is because there was no malicious intent on Ms. Bradley's part. Ms. Bradley did not publicize the filing of the complaint, but kept it confidential. She has not publicly spoken about the complaint or tried to use it for any type of political advantage. She brought the complaint in good faith based on inaccuracies and violations she felt existed in the Respondent's campaign advertising and campaign practices.

Davenport is a small city where everyone knows each other. Ms. Bradley and the Respondent have known each other for years. Because of this familiarity, the Respondent's statement in advertising that Ms. Bradley was charged with two felonies and a misdemeanor struck her as a clear attempt to falsely misrepresent her record to the voters. It is for this reason that she alleged in her complaint that the Respondent's statement was false and a violation of section 104.271, Florida Statutes. Ms. Bradley knew that the Respondent was well aware that although she was charged with two felonies and a misdemeanor, those charges were dropped and she paid a \$250 fine for using a handicap placard. To state in advertising only that she was charged and not also state that the charges were dropped was a false statement to Ms. Bradley. It was especially hard to take since Respondent was aware that Ms. Bradley had been car jacked which led to her fear of parking far away from a building at night and her use of the handicap placard. While a half-truth may be insufficient to establish a violation of section 104.271, Ms. Bradley who is not an attorney should not be forced to pay attorney's fees for legitimately believing that the failure to tell the whole truth is a malicious and false statement against an opponent.

The Respondent's remaining bases for attorney fees are that Ms. Bradley misinterpreted section 106.08(5), Florida Statutes and section 106.15, Florida Statutes. Respondent is not alleging that her factual statements are false, but that she misinterpreted the law. Ms. Bradley in the complaint stated that the Respondent had received several contributions from a developer and his companies that all shared the same address and felt that this violated the prohibition against giving in the name of another. She also stated that the Respondent held TV interviews about his campaign in a government building which she believed violated section 106.15. The factual

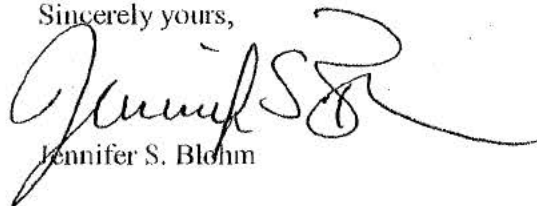
Florida Elections Commission  
February 28, 2020  
Page Two

statements in these allegations are not false and the Respondent does not argue that they are. Instead, in his motion for fees, the Respondent argues that he is entitled to fees because she misinterpreted the law and did not allege legally sufficient violations of the law. Therefore, the Respondent's claims in the motion for attorney's fees are legally insufficient since they fail to allege that Ms. Bradley's factual statements were false. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

Ms. Bradley is not a lawyer and although she has run for office, she is not an expert in election law. She did not file the complaint to obtain an advantage over the Respondent or to publicize the complaint and injure the Respondent's reputation. She filed it because she was concerned about what she saw as wrongful campaign practices and which she believed were violative of the Election Code. She believed that the complaint process specifically existed for this purpose.

A grant of attorney's fees is reserved for those cases where the complainant provides false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Ms. Bradley respectfully requests that the FEC dismiss the motion for attorney's fees filed against her by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (via email)  
Ms. Donna Malphurs, Agency Clerk (via email)



# Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



December 3, 2019

**CERTIFIED MAIL # 92148969009997901631253558**

Darlene Bradley  
PO Box 2791  
Davenport, FL 33836

**RE: Case No.: FEC 19-519; Respondent: Rob Robinson**

Dear Ms. Bradley:

The Florida Elections Commission received a Petition for Attorney's Fees and Costs in this case. Pursuant to Rule 2B-1.0045, Florida Administrative Code, a copy of the Petition is enclosed for your review.

At its next regularly scheduled meeting, **currently set for March 24-25, 2020, in Tallahassee, Florida**, the Commission will review the Petition and determine whether it states "a prima facie case for costs and attorney's fees." A notice of hearing will be provided at the appropriate time.

If you have any questions concerning the Petition, please contact the Florida Elections Commission at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Petition for Attorney's Fees and Costs

cc: Fred Reilly, Attorney for Respondent



Bradley v. Robinson (FEC No. 19-519) - Motion for Attorney's Fees  
Fred Reilly to: Florida Elections Commission 12/01/2019 08:53 PM  
From: "Fred Reilly" <fredreilly@attorney-solicitor.com>  
To: "Florida Elections Commission" <fec@myfloridalegal.com>  
History: This message has been replied to.

1 Attachment



RobinsonMotionBradley 19 519 12012019.docx

Re: Bradley v. Robinson (FEC No. 19-519) - Motion for Attorney's Fees

ATTN: Donna Malphurs

Hi Donna,

Attached please find the Motion for Attorney's Fees in regards to the above-captioned case.

Please contact me if you have any questions. Thanks.

Very truly yours,

Fred Reilly\*

Reilly International Law Firm, P. A..

P. O. Box 2039

Haines City, FL 33845 USA

Tel. (310) 927-3954

Fax. (863) 439-5077

Skype: fred.reilly

Email: fredreilly@attorney-solicitor.com

Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

IMPORTANT NOTICE: This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**MOTION FOR ATTORNEY'S FEES**

**COMES NOW, the Respondent, H. B. "ROB" ROBINSON, by and through his undersigned attorney, files this Motion for Attorney's Fees pursuant to Section 106.265(6), Florida Statutes, against the Complainant, Darlene Bradley, and states as follows:**

**Preliminary Matters**

- A. The Complainant, Darlene Bradley shall be referred to as "Bradley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-519 filed by Bradley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Robinson filed a Response to the Complaint on September 29, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-519 were "Legally Insufficient" and the case has been closed.

**Basis for Motion**

The Respondent, H. B. "Rob" Robinson, respectfully requests a finding against Darlene Bradley pursuant to Section 106.265 (6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. Robinson respectfully requests that the Commission make a finding that:

i. Bradley filed the Complaint against Robinson with a malicious intent to injure Robinson's reputation by filing the Complaint with knowledge that the Complaint contains one or more false allegations or with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104, and

ii. Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

C. The Complaint filed by Bradley was clearly intended to injure the reputation of Robinson. Bradley's Complaint included the following statements:

i. Count 3(i) of the Complaint - Allegation that Robinson violated Section 104.271 by stating that "Darlene Bradley charged with 2 felonies and a misdemeanor." Since there is unequivocal evidence that Bradley was in fact charged with two (2) felonies and a misdemeanor, this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 104.

ii. Count 4 of the Complaint - Allegation that Robinson violated Section 106.08 (5). Since there is unequivocal evidence that (i) Robinson fully complied with Section 106.08 (5), and (ii) the plain words of Bradley's allegation fundamentally disregard the fact that a corporation or limited liability company constitutes a "person" (as defined by Section 106.011 (14), Florida Statutes), this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106.

iii. Count 6 of the Complaint - Allegation that Robinson violated Section 106.15. Since there is unequivocal evidence that (i) Robinson fully complied with Section 106.15, and (ii) the plain words of Bradley's allegation flagrantly misinterpret Section 106.15, Florida Statutes, this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106.

iv. "Mr. Robinson will stand for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election of the commission appointing their own mayor."

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make a finding against Darlene Bradley pursuant to Section 106.265 (6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

Respectfully submitted this 1st day of December, 2019.

**Fred Reilly**

Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. "Rob" Robinson

**CERTIFICATION**

I hereby certify that a true and correct copy of this Motion for Attorney's Fees was sent to the Florida Elections Commission via email (fec@myfloridalegal.com) this 1st day of December, 2019.

**Fred Reilly**

Fred Reilly, Esquire





# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



November 26, 2019

Fred Reilly  
Reilly International Law Firm, P.A.  
PO Box 2039  
Haines City, FL 33845

**RE: Case No.: 19-519; Respondent: Rob Robinson**

Dear Mr. Reilly:

On October 29, 2019, the Florida Elections Commission notified Darlene Bradley that the complaint she filed on September 12, 2019 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of legal insufficiency, this case is now closed.

In your email dated September 30, 2019, you requested an award of attorney's fees and costs pursuant to Rule 2B-1.0045, Florida Administrative Code. However, in order to claim costs and attorney's fees, under this rule, you are required to file your petition for attorney's fees and costs with the Commission Clerk *no later than 30 days following disposition of the complaint*. Please feel free to file your petition by the close of business on December 26, 2019.

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above.

Sincerely,

*Donna Ann Malphurs*

Donna Ann Malphurs

DM/med



# Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



October 29, 2019

Darlene Bradley  
P.O. Box 2791  
Davenport, FL 33836

**RE: Case No.: FEC 19-519; Respondent: Rob Robinson**

Dear Ms. Bradley:

The Florida Elections Commission has received your complaint alleging violation of Florida's election laws.

Complainant alleged that Respondent committed multiple violations of Chapters 104 and 106, F.S., as set forth below.

Complainant alleged that Respondent's wife/campaign treasurer removed some of her campaign literature from the door jamb of an elector and characterized this as voter suppression/intimidation in violation of Section 104.0615, F.S. She provided an email from the City Clerk allegedly confirming that this happened. However, the email merely states that Ms. Robinson told the Clerk she read the literature but placed it back where it had been. Regardless, this allegation is directed against Respondent's wife, not Respondent. Despite that she was Respondent's treasurer, this action appears to have been allegedly committed on Ms. Robinson's own volition and without alleged instruction from Respondent.

Complainant alleged that Respondent violated Section 106.08(5)(a), F.S., which prohibits making a contribution through or in the name of another. She pointed to five contributions listed on Respondent's 2019 M2 report, each for \$1,000. Each contribution was reported as having been received from a different corporate entity. Complainant alleged that all \$5,000 was really contributed by Rennie Heath, a developer. Complainant further alleged that this exceeded contribution limits.

In response to the complaint, Respondent pointed out that each of the five entities was a distinct "person" within the meaning of the Election Code's definition of that word. Therefore, the five contributions represented five contributions from separate, distinct "persons."

Rennie Heath is the CEO of Heath Construction and Management, LLC, which is one of the corporations that contributed to Respondent. He also reportedly is in charge of land development for Cassidy Homes, a local holding company also known as the Cassidy Organization, Inc. Principal persons of that organization include Steven L. Cassidy and Albert B. Cassidy, who are

Darlene Bradley  
October 29, 2019  
Page 2  
FEC 19-519

both directors of one of the other corporations that contributed to Respondent - Cassidy Holdings Group, Inc. Albert Cassidy is a director of two of the other corporations - CAS Holdings, LLC and Lakeville Partners, LLC. The principal and mailing addresses of four of the corporations (all of them except Heath Construction and Management, LLC) are identical.

Although these corporate entities appear to be operationally and/or organizationally related, each corporation is a separate "person" within the meaning of the Election Code, so each was entitled to contribute up to \$1,000 to Respondent's campaign. No evidence was provided to suggest that Mr. Heath was behind all five contributions. No evidence was provided to suggest that the funds coming from any one of the specific entities derived from Mr. Heath's personal funds, rather than its own corporate holdings, such that Respondent accepted a contribution made in the name of another. Section 106.25(2), F.S., provides that sworn complaints must be based upon personal information or information other than hearsay.

Complainant alleged that Respondent failed to "disclose" or "abstain" from votes on developer projects after receiving \$5,400 in donations from developers, in violation of Sections 104.071 and 112.3143, F.S. In response to the complaint, Respondent noted that the referenced statute, Section 104.071, F.S., relates to remuneration by a candidate for services or support. Respondent stated that he did affirmatively disclose his campaign contributions, including the ones referenced by Complainant, on the 2019 M2 report. Subsequent to this disclosure, he performed his "affirmative duty as an elected official to vote on all matters before the City Commission," including the matters cited by Complainant. Respondent stated he did not abstain from those votes, because there was no special private gain or loss, which would be the basis for disqualification. Respondent stated that Complainant has not provided clear and convincing evidence establishing probable cause of an illegal quid pro quo with real estate developers.

Upon review of this matter, the law at issue is not one related to elections. Section 112.3143(3)(a), F.S., sets forth prohibitions on municipal officers from voting on matters that might inure them with a special gain. Alleged violations of Chapter 112, F.S., fall within the jurisdiction of the Florida Commission on Ethics. The Florida Elections Commission lacks jurisdiction to investigate such matters.

Complainant alleged Respondent "commandeered the Davenport Commission Chambers" during business hours to conduct two interviews for television to promote his campaign. Complainant provided a link to a news article with associated news video in which a local reporter interviewed Respondent and Complainant's husband, John Lepley. The portion of the interview with Respondent took place in what appears to be the City Commission meeting area.

Section 106.15(4), F.S., prohibits a person from soliciting or accepting contributions in a government-owned building, which is not what was alleged. Conducting a television interview in

Darlene Bradley  
October 29, 2019  
Page 3  
FEC 19-519

a government-owned building is not prohibited by any subsection of Section 106.15, F.S. Furthermore, Respondent did not specifically request that contributions be made to his campaign during the interview.

Complainant alleged that Respondent failed to include disclaimers on two mailers and failed to report expenditures associated with them. Respondent stated they were anonymous communications and denied that he paid for, authorized, approved, or had any connection to the literature. The first mailer appears to be an electioneering communication. Though it speaks favorably about the current administration and invites the reader to ask questions concerning the City to the Mayor (Respondent), the City Commission, or the City Manager, it does not have any content that would attribute it to Respondent.

The second mailer (front/back, English/Spanish) again supports the "incumbents" and asks the reader to "vote more progress less embarrassment," but it does not name a specific candidate nor contain content that would attribute it to Respondent. Complainant has failed to provide personal information or information other than hearsay attributing the mailers to Respondent.

Finally, Complainant alleged that Respondent failed to report expenditures associated with a joint political advertisement. In response to the complaint, Respondent noted that his 2019 M3 report disclosed two expenditures to Staples on March 16, 2019 and March 23, 2019, for the cost of paper, ink, and envelopes. The total expenditures reported were \$402.11. While the expenditures do not specifically state that they were related to the cost of that mailer, they do state that they were for the cost of items needed for printing and distributing such a mailer. Respondent also attached an invoice for these items noting that Respondent was supposed to pay at least \$359.33 for his share. The invoice included the cost of paper, envelopes, and ink.

For these reasons, I find the complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

Darlene Bradley  
October 29, 2019  
Page 4  
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If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

A handwritten signature in cursive script that reads "Tim Vaccaro". The signature is written in black ink and is positioned above the printed name and title.

Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Complaint Information Form 2  
cc: Fred Reilly, Attorney for Respondent w/out Enclosure

**FLORIDA ELECTIONS COMMISSION**  
**107 West Gaines Street, Suite 224,**  
**Tallahassee, FL 32399-1050**

**ADDITIONAL COMPLAINT INFORMATION**

**Case Number: FEC 19-519**

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

\_\_\_\_\_  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Officer Authorized to Administer  
Oaths or Notary Public

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of  
Notary Public)

Personally Known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

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



FEC Complaint No. 19-519 (Darlene Bradley, Complainant and H. B. "Rob" Robinson, Respondent) Fred Reilly to: fec@myfloridalegal.com 09/30/2019 08:09 PM  
 Cc: "Linda Robinson"  
 From: "Fred Reilly" <fredreilly@attorney-solicitor.com>  
 To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
 Cc: "Linda Robinson" <lmrobinson1949@gmail.com>

3 Attachments



NoticeOfAppearanceFEC 19 519.pdf RobinsonResponseBradleyComplaint09292019 Signed.pdf



RobinsonResponseExhibits A B C Bradley 09302019.pdf

Re: FEC Complaint No. 19-519 (Darlene Bradley, Complainant and H. B. "Rob" Robinson, Respondent)

ATTN: Molly Donovan, Complaint Coordinator, Florida Elections Commission

Hi Mrs. Donovan,

Please be advised that I represent H. B. "Rob" Robinson in relation to FEC Complaint No. 19-519 filed by Darlene Bradley.

I have attached the following documents in relation to FEC Complaint No. 19-519:

- A. Notice of Appearance.
- B. Response to FEC Complaint Filed By Darlene Bradley.
- C. Exhibits A, B and C to the Response.

I respectfully request that you provide me with an email confirming receipt of this email.

Please let me know if you have any questions. Thanks in advance.

Very truly yours,

Fred Reilly\*  
 Reilly International Law Firm, P. A..  
 P. O. Box 2039  
 Haines City, FL 33845 USA  
 Tel. (310) 927-3954  
 Fax. (863) 439-5077  
 Skype: fred.reilly  
 Email: fredreilly@attorney-solicitor.com  
 Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

**IMPORTANT NOTICE:** This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.



**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

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**NOTICE OF APPEARANCE AND  
DESIGNATION OF EMAIL ADDRESS**

**COMES NOW** the undersigned law firm, Reilly International Law Firm, P.A., and files this Notice of Appearance on behalf of the Respondent, H. B. "ROB" ROBINSON, in the above-styled cause as his attorney of record.

Pursuant to Florida Rule of Judicial Administration 2.516(b)(1), the undersigned law firm hereby designates the following primary email address:

Primary email: fredreilly@attorney-solicitor.com

All papers and pleadings filed in this action should be served on the undersigned at the email address set forth above.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 30<sup>th</sup> day of September, 2019, a true and correct copy of the foregoing was furnished to the Florida Elections Commission (fec@myfloridalegal.com).

REILLY INTERNATIONAL LAW FIRM, P.A.

s/ Fred Reilly

Fred Reilly, Esquire

Florida Bar No. 607800

P. O. Box 2039

Haines City, FL 33845 USA

Tel. (310) 927-3954

Primary email: fredreilly@attorney-solicitor.com

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**RESPONSE TO FEC COMPLAINT FILED BY DARLENE BRADLEY**

**COMES NOW**, the Respondent, H. B. "Rob" Robinson, by and through his undersigned attorney, files this Response to the Florida Elections Commission Complaint by the Complainant, Darlene Bradley, and states as follows:

**Preliminary Matters**

- A. The Complainant, Darlene Bradley shall be referred to as "Bradley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-519 filed by Bradley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. The Complaint was served on Robinson by certified mail received on September 16, 2019.

**Responses to Specific Allegations Set Forth in the Complaint**

**1. ALLEGATION OF VOTER INTIMIDATION/SUPPRESSION VIOLATION.**

**Alleged Violation: Section 104.0615, Florida Statutes.**

**Factual Allegation:**

**Response:**

A. Robinson did not violate Section 104.0615 and Bradley's factual allegation does not establish probable cause for such violation.

B. Section 104.0615 states three basis for voter intimidation or suppression.

C. Bradley's allegation does not state any factual basis for a charge that Rob Robinson committed a violation of Section 104.0615.

D. Bradley essentially alleges that Linda Robinson (the wife of Rob Robinson) violated Section 104.0615.

E. Robinson is not vicariously liable for any actions of another individual.

F. Bradley's allegation that Linda Robinson confirmed to the Davenport City Clerk that "she did do this in an email to Rachel Castillo" is inconsistent with the response email from Rachel Castillo to Bradley which stated:

"In response to your email received today. Contact was made to Linda Robinson. She advises that she read the brochure. She took pictures of it with her phone and did not keep it but put it back in the door jamb. She did inform the Meyer's of what she had done. She extended an apology to you and John."

G. Assuming for argument's sake that Bradley's allegation was against Linda Robinson, the allegation does not state any factual basis for a charge that Linda Robinson committed a violation of Section 104.0615. In addition, Linda Robinson has not been served with a FEC Complaint and she has the right to due process in respect to any proceeding involving potential criminal penalties.

**2. ALLEGATION OF FALSE OR MALICIOUS CHARGES AGAINST OPPOSING CANDIDATE VIOLATION.**

**Alleged Violation: Section 104.271, Florida Statutes**

**Factual Allegation:** False or Malicious charges against, or false statements about, opposing candidate: On 3/31/2019 Rob Robinson posted false and malicious comments about me on his facebook; i.e. he said I will lie to get elected, I stole handicap placards, I sent viciousness emails about him and personal attacks against him. All of the statements are false and malicious.

Attachment D Link: (link address)”

**Response:**

A. Robinson’s statement about Bradley “stealing, altering a handicapped parking placard, and identity theft of a deceased woman” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

B. The Affidavit Continuation from the Polk County Sheriff’s Office (Incident No. 170050907) states in part, as follows:

“The facts above support the probable cause belief that Mayor Teresa Bradley did knowingly utilize a handicapped placard within Polk County without authorization in violation of F.S.S. 324.0848. Mayor Teresa Bradley also knowingly used the personal information (Florida DLID number) of Evelyn Klinger Letterman after her death in violation of F.S.S. 817.568 (8)(A). Mayor Teresa Bradley also knowingly possessed an altered or counterfeit decal (validation sticker) in this state in violation of F.S.S. 320.26.”

C. The violation of F.S.S. 324.0848 (7) (fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space) is a second degree misdemeanor.

D. The violation of F.S.S. 817.568 (8)(a) (willfully and fraudulently uses, or possesses with intent to fraudulently use, personal identification information concerning a deceased individual) is a third degree felony.

E. The violation of F.S.S. 320.26 (counterfeiting license plates, validation stickers, mobile home stickers, cab cards, trip permits, or special temporary operational permits prohibited) is a third degree felony.

F. In one of Robinson's Facebook messages cited by Bradley, Robinson stated: "While it should not come as a surprise to me, I am astonished and offended at the viciousness of their lies and personal attacks against me, Commissioner Bobby Lynch, and Commissioner Tom Fellows." In the same Facebook message, Robinson stated: "Florida Statute 104.271 states, "A candidate may not, with actual malice, make any false statement about an opposing candidate."

### **3. ALLEGATION OF FALSE OR MALICIOUS CHARGES AGAINST OPPOSING CANDIDATE VIOLATION.**

**Alleged Violation: Section 104.271, Florida Statutes.**

**Factual Allegation:** "False or Malicious charges against, or false statements about, opposing candidate: Rob Robinson mailed a flyer "Legacy: Something that is a part of you that remains" to everyone in Davenport with the following false and malicious statements. Attachment E.

A. "Darlene Bradley charged with 2 felonies and a misdemeanor." (Additional narrative omitted).

B. "Darlene Bradley did not initiate the Fourth of July celebration." (Additional narrative omitted).

C. "Darlene Bradley never brokered a deal with a primary developer." (Additional narrative omitted).

D. "5,000 lien on our homes for sewer as the amount was never established." (Additional narrative omitted).

**Response:**

A. Alleged False or Malicious Charge: "Darlene Bradley charged with 2 felonies and a misdemeanor." (Additional narrative omitted).

**Response:**

i. Robinson's statement that Bradley had been "charged with 2 felonies and a misdemeanor" was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The Affidavit Continuation from the Polk County Sheriff's Office (Incident No. 170050907) states in part, as follows:

"The facts above support the probable cause belief that Mayor Teresa Bradley did knowingly utilize a handicapped placard within Polk County without authorization in violation of F.S.S. 324.0848. Mayor Teresa Bradley also knowingly used the personal information (Florida DLID number) of Evelyn Klinger Letterman after her death in violation of F.S.S. 817.568 (8)(A). Mayor Teresa Bradley also knowingly possessed an altered or counterfeit decal (validation sticker) in this state in violation of F.S.S. 320.26."

iii. The violation of F.S.S. 324.0848 (7) (fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space) is a second degree misdemeanor.

iv. The violation of F.S.S. 817.568 (8)(a) (willfully and fraudulently uses, or possesses with intent to fraudulently use, personal identification information concerning a deceased individual) is a third degree felony.

v. The violation of F.S.S. 320.26 (counterfeiting license plates, validation stickers, mobile home stickers, cab cards, trip permits, or special temporary operational permits prohibited) is a third degree felony.

B. “Darlene Bradley did not initiate the Fourth of July celebration.” (Additional narrative omitted).

**Response:**

i. Robinson’s statement that Bradley “did not initiate the Fourth of July celebration” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The “question of whether the evidence supports a finding of actual malice is a question of law.” Sharkey v. Florida Elections Commission, 90 So. 3d 937 (Fla. 2<sup>nd</sup> DCA 2012).

iii. Bradley’s allegation does not provide clear and convincing evidence that Robinson’s statement violates the standard stated in Sharkey:

The Supreme Court has explained that “reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing.” St. Amant v. Thompson, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968). Rather, “[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” Id. That said, a defendant would not be able to

“automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” Id. at 732. Instead, the finder of fact should resolve the issue of whether the statements were made in good faith by evaluating the source of the allegations and the probability of their correctness. The court explained:

Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the product of his imagination, or is based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

C. “Darlene Bradley never brokered a deal with a primary developer.” (Additional narrative omitted).

**Response:**

i. Robinson’s statement that Bradley “never brokered a deal with a primary developer” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The “question of whether the evidence supports a finding of actual malice is a question of law.” Sharkey v. Florida Elections Commission, 90 So. 3d 937 (Fla. 2nd DCA 2012).

iii. Bradley’s allegation does not provide clear and convincing evidence that Robinson’s statement violates the standard stated in Sharkey:

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Id.

D. “\$5,000 lien on our homes for sewer as the amount was never established.” (Additional narrative omitted).

**Response:**

i. Robinson’s statement that “neither (Bradley or Lepley) stopped a \$5,000 lien on our homes for sewer as the amount was never established” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The “question of whether the evidence supports a finding of actual malice is a question of law.” *Sharkey v. Florida Elections Commission*, 90 So. 3d 937 (Fla. 2nd DCA 2012).

iii. Bradley’s allegation does not provide clear and convincing evidence that Robinson’s statement violates the standard stated in Sharkey:

The Supreme Court has explained that “reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing.” *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968). Rather, “[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” *Id.* That said, a defendant would not be able to “automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” *Id.* at 732. Instead, the finder of fact should resolve the issue of whether the statements were made in good faith by evaluating the source of the allegations and the probability of their correctness. The court explained:

Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the product of his imagination, or is based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

#### **4. ALLEGATION OF CAMPAIGN DONATION VIOLATION.**

**Alleged Violation:** Section 106.08 (5), Florida Statutes.

**Factual Allegation:**

In the FEC Complaint, Bradley alleged:

“Rennie Heath (Developer) gave \$5,000 in campaign donations to Rob Robinson as reported in his campaign financial report M2 for period 3/2 – 3/15/19 Attachment K. Mr. Robinson listed 5 different entities for Mr. Rennie Heath with the same address listing \$1,000 contribution for each entity, exceeding the amount allowing in a municipal election.”

**Response**

A. Robinson did not violate Section 106.08 (5) and Bradley’s factual allegation does not establish probable cause for such violation.

B. Section 106.08 (5)(a) states: “A person may not make any contribution through or in the name of another, directly or indirectly, in any election.”

C. Section 106.011, Florida Statutes, states, in part, as follows:

(14) “Person” means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee.

D. Each of the following five (5) entities made a contribution of \$1,000.00 to Robinson’s campaign and such contributions were duly reported in Robinson’s campaign reports:

1. Cassidy Holdings Group
2. Winter Haven Management Services LLC
3. Lakeville Partners LLC
4. Heath Construction & Management LLC
5. CAS Holdings LLC

Each of the entities constitute a separate and distinct “person” as defined by Section 106.011 (14), Florida Statutes.

**5. ALLEGATION OF VOTING CONFLICTS VIOLATION.**

**Alleged Violation:** Section 104.071 and 112.3143, Florida Statutes.

**Factual Allegation:** “FS 104.071 and FS 112.3143 Voting Conflicts Violation – Mr. Robinson did not disclose nor abstain from voting in favor of Mr. Heath’s and Mr. McKnight’s projects after receiving \$5,400 in campaign donations from these developers. (Minutes of his voting records attached.)” (List of Attachments, Dates and Ordinances omitted).

**Response:**

A. Robinson did not violate either Section 104.071 or Section 112.3143, and Bradley’s factual allegation does not establish probable cause for such violation.

B. Section 104.071, Florida Statutes addresses remuneration by a candidate for services or support.

C. Contrary to Bradley’s allegation, Robinson did affirmatively disclose his campaign contributions (including the campaign contributions from Cassidy Holdings Group, Winter Haven Management Services LLC, Lakeville Partners LLC, Heath Construction & Management LLC, CAS Holdings LLC in the duly filed Campaign Reports (attached hereto as Exhibit A) in compliance with Section 106.07(4), Florida Statutes.

D. Subsequent to Robinson's disclosure of campaign contributions in compliance with Section 106.07(4), Robinson performed his affirmative duty as an elected official to vote on all matters before the City Commission including those annexation, zoning and land development matters cited by Bradley. Robinson did not abstain from such votes because there was no special private gain or loss which would be the basis for his disqualification. See George v. City of Cocoa, Fla., 78 F. 3d 494 (11<sup>th</sup> Cir., 1996) at p. 496:

Florida law imposes on elected officials an affirmative duty to vote on all matters before them; abstaining from a vote is prohibited unless "there is, or appears to be, a possible conflict of interest under § 112.311, § 112.313, or § 112.3143." Fla. Stat. Ann. § 286.012 (West 1995). Section 286.012 speaks only of when a public official may abstain from voting; it does not describe the circumstances under which a public official must abstain from voting. The statutory provision dealing with mandatory abstention from city council voting is Fla. Stat. Ann. § 112.3143(3)(a) (West 1995); it provides that "[n]o county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain or loss...." Under § 112.3143(3)(a), the identification of a "special private gain or loss" to the city council member as a result of his or her vote is a necessary condition for disqualification.

E. Bradley's base allegation is that Robinson engaged in an illegal quid pro quo with real estate developers, but Bradley has not provided any clear and convincing evidence which establishes probable cause for such a violation.

## **6. ALLEGATION OF CAMPAIGNING IN GOVERNMENT FACILITIES VIOLATION.**

**Alleged Violation:** Section 106.15, Florida Statutes.

**Factual Allegation:** "Rob Robinson commandeered the Davenport Commission Chambers during normal business hours to conduct two (2) tv interviews to promote his campaign, "integrity." Every candidate's packet included a memo from the Polk County Board of County Commissioners prohibiting campaigning in government facilities. Link for Bay News 9 interview on 3/8/2019: (Link)."

**Response**

A. Robinson did not violate Section 106.15 and Bradley's factual allegation does not establish probable cause for such violation.

B. Section 106.15, states, in part, as follows:

(4) No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

C. Robinson conducting "two (2) tv interviews" in a municipal building is clearly not a violation of Section 106.15.

**7. ALLEGATION OF CAMPAIGN FINANCE REPORTING VIOLATION.**

**Alleged Violation:** Section 106.143, Florida Statutes.

**Factual Allegation:** "Literature does not reference "paid for by" statement nor are these expenses listed in his campaign finance reports. Mr. Robinson failed to report the printing and postage expenses for two large post cards (6" x11") in his campaign finance reports as an in-kind contribution or as an expense for the following 2 post cards:

- i. "A Message to the Residents of Davenport" Attachment R
- ii. The Question is – are you going to be misled again Attachment S"

**Response**

A. Robinson did not violate Section 106.143 and Bradley's factual allegation does not establish probable cause for such violation.

B. Section 106.143 sets forth standards for political advertisements paid for by a candidate, political advertisements made as in-kind contributions, political advertisements by political parties or organizations, and prohibitions related to political advertisements.

C. The two items of campaign literature (Attachment R and Attachment S of the Complaint) do not state any name (and specifically do not state that these items were sent by, paid for by, or authorized by Robinson) and therefore were anonymous communications (the “Anonymous Literature”).

D. Robinson did not pay for, authorize, approve, or have any connection whatsoever to the Anonymous Literature. The individual(s) who prepare the Anonymous Literature may have violated Section 106.143, but Robinson has no culpability for the actions of such individual(s).

#### **8. ALLEGATION OF CAMPAIGN FINANCE REPORTING VIOLATION.**

**Alleged Violation:** Section 106, Florida Statutes.

**Factual Allegation:** “FS 106 A photo posted on Rob Robinson’s face book of Linda Robinson (Treasurer), Bob Lynch (Seat 3 Candidate), Denise Lynch (Treasurer) at Rob Robinson’s house preparing a letter “Legacy: Something that is a part of you that remains”; which does state is paid for by both Rob Robinson and Bob Lynch; but is not referenced on his finance report as paying for 50% of these “shared” expenses for printing, envelopes and postage for this document. Photo of both campaigns together preparing “The Legacy” mailings at Robinson’s house – Attachment T.”

**Response:**

A. Robinson did not violate Chapter 106 and Bradley’s factual allegation does not establish probable cause for such violation.

B. The “standard of proof in a case seeking fines under chapter 106 is clear and convincing evidence.” Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

C. "There is no vicarious liability under chapter 106." Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

D. Contrary to Bradley's allegation, Robinson did affirmatively disclose his campaign expenditures (including the campaign expenditures to Staples for the Robinson's fifty percent (50%) share of "The Legacy" printing, envelopes and postage expenses) in the duly filed Campaign Report dated March 29, 2019, in compliance with Section 106.07(4), Florida Statutes. The Campaign Report dated March 29, 2019, and the corresponding Staples invoice are attached hereto as Exhibit B.

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make the determination that none of the eight (8) counts of the Complaint filed by Darlene Bradley are legally sufficient to establish probable cause and therefore this case should be closed.

**Robinson's Request that the Commission make**

**A Finding Against Bradley pursuant to**

**Section 106.265 (6), Florida Statutes**

The Respondent, H. B. "Rob" Robinson, respectfully requests that that the Commission make a finding against Darlene Bradley pursuant to Section 106.265 (6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

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

whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. Robinson respectfully requests that the Commission make a finding that:

i. Bradley filed the Complaint against Robinson with a malicious intent to injure Robinson's reputation by filing the Complaint with knowledge that the Complaint contains one or more false allegations or with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104, and

ii. Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

C. The Complaint filed by Bradley was clearly intended to injure the reputation of Robinson. Bradley's Complaint included the following statements:

i. Count 3(i) of the Complaint - Allegation that Robinson violated Section 104.271 by stating that "Darlene Bradley charged with 2 felonies and a misdemeanor." Since there is unequivocal evidence that Bradley was in fact charged with two (2) felonies and a misdemeanor, this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 104.

ii. Count 4 of the Complaint - Allegation that Robinson violated Section 106.08 (5). Since there is unequivocal evidence that (i) Robinson fully complied with Section 106.08 (5),



and (ii) the plain words of Bradley's allegation fundamentally disregard the fact that a corporation or limited liability company constitutes a "person" (as defined by Section 106.011 (14), Florida Statutes), this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106.

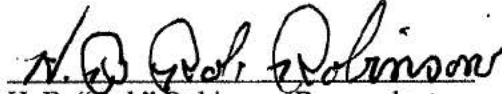
iii. Count 6 of the Complaint - Allegation that Robinson violated Section 106.15. Since there is unequivocal evidence that (i) Robinson fully complied with Section 106.15, and (ii) the plain words of Bradley's allegation flagrantly misinterpret Section 106.15, Florida Statutes, this allegation by Bradley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of chapter 106.


iv. "Mr. Robinson will stand for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election of the commission appointing their own mayor."

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make a finding against Darlene Bradley pursuant to Section 106.265 (6), Florida Statutes, and that Darlene Bradley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

[Remainder of page intentionally blank]

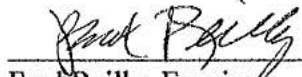
Respectfully submitted this 30<sup>th</sup> day of September, 2019.

  
H. B. "Rob" Robinson, Respondent

  
Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. "Rob" Robinson

#### CERTIFICATION

I hereby certify that a true and correct copy of this Response to FEC Complaint filed by Darlene Bradley was sent to the Florida Elections Commission via email (fec@myfloridalegal.com) this 30<sup>th</sup> day of September, 2019.

  
Fred Reilly, Esquire

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**EXHIBIT A**

**SHERIFF'S OFFICE AFFIDAVIT CONTINUATION**

OFFICIAL  
CONFIRMATION

Sheriff's



Office

Agency Number  
FL0530009

Polk County

Winter Haven, FL

INCIDENT NUMBER  
170050907

OFFENSE(S)

VICTIM(S)

OFFENSE

LETTERMAN, EVELYN

W

NA

NA

PROBABLE CAUSE

On 11-08-2017, information was obtained that the current City Mayor of Davenport, Teresa Bradley, and her husband, John Lepley were parking their personally owned vehicles in various handicapped parking spots at Davenport City Hall and neither party was known to have a valid reason for being issued a handicapped placard by the State of Florida.

As a result, records were obtained from the Office of the Polk County Tax Collector that confirmed neither Mayor Teresa Bradley or her husband John Lepley were issued either a disabled placard or a handicapped license plate by the State of Florida. As a result, covert surveillance was conducted on several dates following this information which revealed that Mayor Teresa Bradley was in possession of and used handicapped placard number of A7324747 with a displayed expiration date of 10-18. This placard was found to be issued to Evelyn Klinger Letterman of Davenport with a true expiration of 10-30-2013. Further research revealed that Evelyn Klinger Letterman died on 08-29-2012.

Surveillance was conducted on 11-20-2017 at the Davenport City Hall meeting believing that both Mayor Teresa Bradley and her husband John Lepley would be attending and would likely park their respective personal vehicles in the only two clearly marked handicapped parking spots and would utilize these two handicapped placards to do so. This surveillance was conducted by Sheriff's Office Detectives with the use of video and still image cameras.

At around 1745 hours, video was obtained showing Mayor Teresa Bradley driving her black Ford Crown Victoria with the attached Florida tag entering the one-way roadway identified as Williams Street before parking this vehicle in one of two clearly marked handicapped parking spots on the North side of the building. Your affiant observed no displayed placard prior to the vehicle parking in the handicapped spot. Video was also obtained of Mayor Teresa Bradley exiting the vehicle with no assistance, removing a large wheeled brief/suit case from the trunk and walking into the City Hall meeting without assistance.

\*\*\* Note \*\*\*

Each of the two described handicapped parking spots are marked properly with a clear blue painted line showing the parking location on the concrete ground and a clearly visible sign showing the parking spot is for handicapped persons with an associated violation fine.

Still images were then obtained of the properly displayed placard and with the quality of the image I was able to zoom in on the decal itself. This allowed your affiant to inspect the associated placard number and Florida DL/D number assigned to the decal (Validation Sticker). This review revealed the placard number matched the primary placard number of A7324747 and the Florida DL number of which belongs to Evelyn Klinger Letterman.

This also confirmed the decal expiration on the decal as 10-18 meaning October of 2018. Confirmation has been obtained from the Polk County Tax Collector, where this placard was issued, that this placard did in fact expire at the time of her death but on face value, 10-30-2013 thus making this decal false. The Polk County Tax Collector's Office also confirmed Mayor Teresa Bradley has never been issued a handicapped placard and is not authorized to have one

AFFIDAVIT  
CONTINUATION

Sheriff's

Office



Case Number  
FD-0530290

Polk County

Winter Haven, FL

Incident Number  
170050907

Video was also obtained of Mayor Teresa Bradley exiting the vehicle with no assistance, removing a large wheeled briefcase from the trunk and walking into the City Hall meeting without assistance.

Still images were obtained on the same above placard being presented hanging from the rear view mirror of the vehicle. Video was also obtained at the conclusion of the meeting showing Mayor Teresa Bradley entering her vehicle by herself and removing the posted placard before driving away from this location.

The facts above support the probable cause belief that Mayor Teresa Bradley did knowingly utilize a handicapped placard within Polk County without authorization in violation of F.S.S. 320.0848. Mayor Teresa Bradley also knowingly used the personal information (Florida DL/ID number) of Evelyn Klinger Letterman after her death in violation of F.S.S. 817.568 (8)(A). Mayor Teresa Bradley also knowingly possessed an altered or counterfeit decal (validation sticker) in this state in violation of F.S.S. 320.26.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS \_\_\_\_\_ DAY OF December 2017

This affidavit was electronically signed

LEOPOLD Z. DIAZ III

CLERK

LEO DEB. KEVIN

5787

CLERK OF POLK COUNTY

CLERK

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**EXHIBIT B**

**CAMPAIGN REPORT SHOWING ENTITY CONTRIBUTIONS**

## CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON

Name

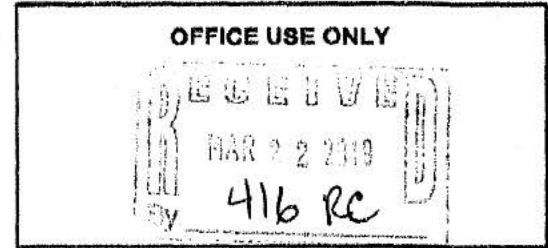
(2) 314 Cypress Street East (PO Box 1257 / zip 33836)

Address (number and street)

Davenport, FL 33837

City, State, Zip Code

Check here if address has changed



(3) ID Number: M2

(4) Check appropriate box(es):

Candidate Office Sought: Mayor, City of Davenport

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 03 / 02 / 2019 To 03 / 15 / 2019 Report Type: \_\_\_\_\_

Original

Amendment

Special Election Report

### (6) Contributions This Report

Cash & Checks \$        ,   5   ,  150  .  00 

Loans \$        ,        ,        .       

Total Monetary \$        ,   5   ,  150  .  00 

In-Kind \$        ,        ,        .       

### (7) Expenditures This Report

Monetary Expenditures \$        ,   2   ,  490  .  38 

Transfers to Office Account \$        ,        ,   0   .  00 

Total Monetary \$        ,   2   ,  490  .  38 

### (8) Other Distributions (Petty Cash Spent)

\$        ,        ,   32   .  08 

### (9) TOTAL Monetary Contributions To Date

\$        ,   8   ,  000  .  00 

### (10) TOTAL Monetary Expenditures To Date

\$        ,   4   ,  084  .  48 

### (11) Certification

**It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)**

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson

Individual (only for IE)  Treasurer  Deputy Treasurer

(Type name) H. B. "Rob" Robinson

Candidate  Chairperson (only for PC and PTY)

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON (2) I.D. Number M2

(3) Cover Period 03 / 02 / 2019 through 03 / 15 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9)	(10)	(11)	(12)
		Type	Occupation	Contribution Type	In-kind Description	Amendment	Amount
03 / 02 / 19 1	Harriet Rewis Rust 1830 Pawnee Trail Lakeland, FL 33803	I	Retired	CHE			\$150.00
03 / 04 / 19 2	Cassidy Holdings Group 346 E. Central Avenue Winter Haven, FL 33880	B	Land Develop- ment	CHE			\$1,000.00
03 / 04 / 19 3	Winter Haven Manage- ment Services LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Develop- ment	CHE			\$1,000.00
03 / 04 / 19 4	Lakeville Partners LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Develop- ment	CHE			\$1,000.00
03 / 04 / 19 5	Heath Construction & Management LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Develop- ment	CHE			\$1,000.00
03 / 04 / 19 6	CAS Holdings LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Develop- ment	CHE			\$1,000.00
/ /							



**CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M2

(3) Cover Period 03 / 02 / 2019 through 03 / 15 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
03 / 06 / 19	Sign Depot 1100 West Colonial Dr., Unit 1 Orlando, FL 32804	Vinyl Banner Sign	CAN		\$92.00
1					
03 / 06 / 19	Allegra Print and Imaging 4498 S. Vineland Road Orlando, FL 32811	Copy and Mail Campaign Brochure	CAN		\$2,322.38
2					
03 / 07 / 19	Staples 3500 Posner Boulevard Davenport, FL 33837	Paper	PCS		\$32.08
3					
03 / 12 / 19	Bank of America VISA PO Box 851001 Dallas, TX 78285-1001	Campaign Buttons Purchased from VictoryStore.com	CAN		\$76.00
4					
///					
///					
///					
///					

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: DARLENE BRADLEY**

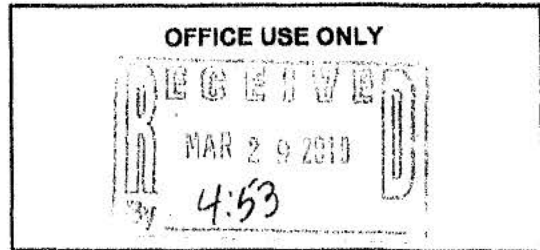
**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-519**

**EXHIBIT C  
CAMPAIGN REPORT AND INVOICES**

## CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
 Name  
 (2) 314 Cypress Street East (PO Box 1257 / zip 33836)  
 Address (number and street)  
Davenport, FL 33837  
 City, State, Zip Code



Check here if address has changed

(3) ID Number: M3

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor, City of Davenport
- Political Committee (PC)
- Electioneering Communications Org. (ECO)
- Party Executive Committee (PTY)
- Independent Expenditure (IE) (also covers an individual making electioneering communications)
- Check here if PC or ECO has disbanded
- Check here if PTY has disbanded
- Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 03 / 16 / 2019 To 03 / 28 / 2019 Report Type: \_\_\_\_\_

Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 50 . 00

Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , 50 . 00

In-Kind \$ \_\_\_\_\_ , 1 , 000 . 00

### (7) Expenditures This Report

Monetary Expenditures \$ \_\_\_\_\_ , 1 , 281 . 56

Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , 0 . 00

Total Monetary \$ \_\_\_\_\_ , 1 , 281 . 56

### (8) Other Distributions

\$ \_\_\_\_\_ , \_\_\_\_\_ , 0 . 00

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_ , 8 , 050 . 00

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_ , 5 , 366 . 04

### (11) Certification

**It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)**

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson  
 Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

(Type name) H. B. "Rob" Robinson  
 Candidate  Chairperson (only for PC and PTY)

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON (2) I.D. Number M3

(3) Cover Period 03 / 16 / 2019 through 03 / 28 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number							
03 / 16 / 19 1	Ed and Nancy McCue 1301 E. Hillsboro Blvd. Apartment 302 Deerfield Bch, FL 33441	I	Retired Law Enforcement	CHK			\$50.00
03 / 18 / 19 2	John Webb 242 McLean Point Winter Haven, FL 33884	I	Realtor; Commercial Business Owner	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
03 / 18 / 19 3	Kathy Webb 242 McLean Point Winter Haven, FL 33884	I	Business Consultant	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
/ /							
/ /							
/ /							
/ /							
/ /							

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M3

(3) Cover Period 03 / 16 / 2019 through 03 / 28 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
03/16/19 1	Staples 3500 Posner Blvd. Davenport, FL 33837	Purchase Paper	CAN		\$42.78
03/21/19 2	Supervisor of Elections Winter Haven 70 Florida Citrus Blvd. Winter Haven, Florida 33880	Mail Labels Voter List	CAN		\$40.20
03/23/19 3	Staples 3500 Posner Blvd. Davenport, FL 33837	Paper Toner Cartridges Envelopes	CAN		\$359.33
03/26/19 4	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$759.00
03/26/19 5	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$74.25
03/26/19 6	Wells Fargo Bank, N.A. 305 Davenport Boulevard Davenport, FL 33837	Checks	CAN		\$6.00
/ /					
/ /					

# Robinson's Postage Expense

DAVENPORT  
1 SOUTH BLVD E  
DAVENPORT  
FL  
33637-9998  
1120700912

03/26/2019 08:16 AM

Product Description	Qty	Unit Price	Final Price
US Flag Coil/100	1	\$759.00	\$759.00
US Flag Bkt/200	1	\$11.00	\$11.00
Hearts Blossom	15	\$0.55	\$8.25
<b>Total</b>			<b>\$779.25</b>
Personal/Bus Check			\$779.00

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or scan this code with  
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or call 1-800-410-7420

YOUR OPINION COUNTS

Call 1-800-410-7420  
or visit [www.usps.com](http://www.usps.com)

DAVENPORT  
1 SOUTH BLVD E  
DAVENPORT  
FL  
33637-9998  
1120700912

03/26/2019 (800)275-8777 0:22 PM

Product Description	Qty	Unit Price	Final Price
US Flag Coil/100	1	\$55.00	\$55.00
US Flag Bkt/200	1	\$11.00	\$11.00
Hearts Blossom	15	\$0.55	\$8.25
<b>Total</b>			<b>\$74.25</b>
Personal/Bus Check			\$74.25

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and enter mail ID 000100732-00632-01

or scan this code with  
your mobile device.



or call 1-800-410-7420

YOUR OPINION COUNTS

Call 1-800-410-7420  
or visit [www.usps.com](http://www.usps.com)

# STAPLES - 3/23/19

Purchase Paper, Envelopes and Printer Toner

Robinson and Lynch shared the expense.

ITEMS PURCHASED	COST	AMOUNT DUE FROM EACH CANDIDATE
HP 410A (C/M/Y - 3 PK) (\$328.99 - 6.74 coupon)	322.25	161.14
HP 410 Black (\$156.99 - 3.22 coupon)	153.77	76.88
3 boxes envelopes (\$36.99 - 0.76 coupon)	108.69	54.34
3 boxes envelopes (\$22.19 - 0.46 coupon)	65.19	32.59
Printer Paper (One Box containing 10 reams @ \$36.99 - 0.76 coupon) (used 6 reams)	21.74	10.87
<b>Sub-Total</b>	<b>671.64</b>	<b>335.82</b>
<b>Sales Tax</b>	<b>47.01</b>	<b>23.50</b>
<b>TOTAL</b>	<b>718.65</b>	<b>359.32</b>

ROBINSON to pay ..... \$359.33

LYNCH to pay ..... \$359.32



Date Produced: 09/23/2019

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1629 8761 65. Our records indicate that this item was delivered on 09/16/2019 at 11:11 a.m. in DAVENPORT, FL 33837. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink that reads "H. B. Golansan". The signature is written in a cursive style with a large, prominent initial "H".

Address of Recipient :

**PO BOX 1257**

**DAVENPORT, FL 33836-1257**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 19-515 19-516 19-518 19-519 1

CR 9/30





# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



September 13, 2019

**CERTIFIED MAIL 9214 8969 0099 9790 1629 8761 65**

Bob Robinson  
P.O. Box 1257  
Davenport, FL 33836

**RE: Case No.: FEC 19-519; Respondent: Rob Robinson**

Dear Mr. Robinson:

On September 12, 2019, the Florida Elections Commission received the enclosed complaint alleging violation of Florida's election laws involving, Section 104.271(2), Florida Statutes. A copy of the complaint in FEC 19-516 is being mailed to your attention.

Upon review of the complaint, it has been determined that the complaint includes allegations pertaining to additional sections of law. Pursuant to Rule 2B-1.0041, Florida Administrative Code, the complaint has been separated into two complaints, the original complaint contains allegations made under Section 104.271(2), Florida Statutes (FEC 19-516), and the second (FEC 19-519) contains all other allegations made by the complaint.

Section 106.25(2), Florida Statutes, states:

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

If you choose to file a response to complaint (FEC 19-519), please send it to my attention at the address listed above. To ensure that we receive your response in a timely manner, you may also respond via e-mail to my attention at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined to be legally sufficient.

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

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

Rob Robinson  
September 13, 2019  
Page 2  
FEC 19-519

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

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

Sincerely,

*Molly Donovan*

Molly Donovan  
Complaint Coordinator

Enclosure: Complaint w/attachments

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Certified Mail Fee 7614 8959 0099 9790 1629 8761 65

Extra Services & Fees (check box, add fee if appropriate)	\$0.50
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$3.50
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$1.60
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$0.00
Total Postage and Fees	\$5.600

Electronic Return Receipt Requested

Postmark  
Here

Sent To **Rob Robinson**  
**P.O. Box 1257**  
 Street, Apt. No., **Davenport, FL 33836**  
 or PO Box No.  
 City, State, Zip+4

9/13/2010 2:51:40PM

PS Form 3800, April 2015 See Reverse for Instructions

Code: 19-515 19-516 19-518 19-519; 1st 4 & split

### COMPLAINT

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

**1. PERSON BRINGING COMPLAINT:**

Name: Darlene Bradley Work Phone: ( )  
Address: P. O. Box 291 Home Phone: (407) 617-6160  
City: Davenport County: Polk State: FL Zip Code: 33836

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

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

Name of individual or entity: Bob Robinson  
Address: P.O. Box 1257 Phone: (863) 421-2250  
City: Davenport County: Polk State: FL Zip Code: 33836

If individual is a candidate, list the office or position sought: Mayor - Davenport

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No  
Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No  
Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

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

Please attach a concise narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

**SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION**

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

FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

REC'D: FL ELECTIONS COM  
12 SEP 19 AM 10:44

4. OATH:

STATE OF FLORIDA  
COUNTY OF Orange

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

J. Darlene Bradley  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 9<sup>th</sup> day of  
September, 2019

Julia Ann Brown  
Signature of Officer Authorized to Administer Oaths or Notary Public



(Print, Type, or Stamp Commissioned Name of Notary Public)  
Personally Known X Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

5. **IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:**

- You **MUST** submit this completed complaint form in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form for each party you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach copies of attachments to each complaint to which they apply.
- **MAKE SURE** the alleged violation(s) of Chapters 104 or 106 occurred within the last 2 years.
- **MAKE SURE** your complaint is sworn and there is no defect to the notarization in Section 4.

**FEC Complaint Attachments**

**Complainant:** Darlene Bradley, Candidate for Mayor of Davenport  
P. O. Box 2791, Davenport, FL 33836 (407) 617-6100

City of Davenport Election (3/1 – 4/2/2019)

**Respondent:** Rob Robinson, Candidate for Davenport Mayor  
P. O. Box 1257, Davenport, FL 33836 (863) 421-2250

The following is a list of Florida Statutes 104 and 106 violations by Rob Robinson, Candidate for Mayor of Davenport:

**FS 104.0615 Voter Intimidation or suppression prohibited**

1. **FS 104.0615 Voter Intimidation or suppression prohibited:** On 1/26/2019, I placed my campaign literature in the door jamb of Paul & Mary Meyer's home at 108 E. Palmetto Street, Davenport. I then went back to my truck (which displayed my campaign magnets on the truck) to update my walk list, when Rob Robinson's wife and Campaign Treasurer, Linda Robinson, drove around my truck, parked in the Meyer's driveway, and walked up to their door and took my campaign literature out of their door jamb and went back to her car. I witnessed Linda doing this and I approached her and asked her did she just take my literature out of their door, she replied "Yes, because they don't need my literature, they only vote for Rob". I contacted Rachel Castillo, Davenport City Clerk to advise her of this and Linda Robinson confirmed she did do this in an email to Rachel Castillo (863-419-3300). **Attachment C** is an email from Linda Robinson to the City Clerk, Rachel Castillo admitting she did this.
  
2. **FS 104.271 False or Malicious charges against, or false statements about, opposing candidate:** On 3/31/2019 Rob Robinson posted false and malicious comments about me on his facebook; i.e. he said I will lie to get elected, I stole handicap placards, I sent viciousness emails about him and personal attacks against him. All of statements are false and malicious. **(Attachment D)**  
Link: [www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-1051414444933457](http://www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-1051414444933457)
  
3. **FS 104.271 False or Malicious charges against, or false statements about, opposing candidate:** Rob Robinson mailed a flyer "*Legacy: Something that is a part of you that remains*" to everyone in Davenport with the following false and malicious statements. **(Attachment E)**
  - i. "Darlene Bradley charged with 2 felonies and a misdemeanor". Due to the SA understanding that my previous carjacking and kidnapping left multiple perpetrators on the loose [Case 48-2012-CF-016645-O] that terrorized me from leaving city hall meetings after

**Complainant: Bradley**

**Respondent: Robinson**

dark, these charges were dropped the very next day; finalized on December 15, 2017 with adjudication withheld. I paid the \$250 Handicap parking violation. Yet, 16 months after this incident, Mr. Robinson alleges these charges are convictions, fully well knowing better. Our City Charter **does not** allow a "felon" to run for office; which is what Mr. Robinson has portrayed me as in his campaign literature, face book posts and campaign flyers, letters, and postcards, which is false, intentional and malicious. **Attachment F** is the final judgment confirming it was an "unlawful use of handicap placard" with adjudication withheld. The fine was the listed \$250 Handicap parking violation.

- ii. **"Darlene Bradley did not initiate the Fourth of July celebration."** As Mayor, I volunteered to assist the Davenport Constitution Committee, Bob Avery, Chairman for Davenport Concerned Citizens (DCC) and John Lepley (DCC) to initiate, create, obtain sponsors/guest speakers/readers, and coordinate the first ever Fourth of July celebration in Davenport in 2015 with the reading of the Constitution and Declaration of Independence. This can be verified with Bob Avery, 307 E. Maple Street, Davenport, FL (863) 852-7545. **Attachment G** is the flyer, agenda, photos and expenses prepared by me. I continued to get sponsors, speakers, readers for 2016, 2017, and 2018 events. The City of Davenport had the first ever July 4th celebration in 2017 with live entertainment and fireworks.
- iii. **"Darlene Bradley never brokered a deal with a primary developer"** On 6-3-17, I met with Rennie Heath (Developer), City Manager, Kelly Callihan, John Lepley and former Florida Senator J D Alexander. At this meeting, Mr. Heath offered a commitment to give the City of Davenport a donation of \$1,000 for every house he sells in Davenport for the proposed Community Center. **Attachment H** is a copy of the signed commitment from Mr. Heath and **Attachment I** are City Commission minutes dated 2/5/18 where Mr. Heath announced to keep his promise to me to donate \$1,000/home that he sells for our community center. Rob Robinson was also present at this commission meeting; yet he denies my involvement in his campaign literature.
- iv. **"5,000 lien on our homes for sewer as the amount was never established"** Commission Meeting Minutes dated 7/30/2012 where city attorney Kirk Warren confirms a lien would be placed on each home/property for the cost of the sewer. City of Davenport letter dated 10/29/2007 confirming the amount citizens to pay for sewer hookup will be \$5,000: \$3,500 for impact fees and \$1,500 for assistance for septic tank. The commission minutes on 10/29/2007 confirms Mr. Robinson's discussed a lien on citizen's home/property for a sewer. Both statements are listed on **Attachment J**.

**Complainant: Bradley**

**Respondent: Robinson**

4. **FS 106.08(5) Contributions, limitations on. (5) (a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.** Rennie Heath (Developer) gave \$5,000 in campaign donations to Rob Robinson as reported in his campaign financial report M2 for period 3/2 – 3/15/19 (**Attachment K**). Mr. Robinson listed 5 different entities for Mr. Rennie Heath with the same address listing \$1,000 contribution for each entity, exceeding the amount allowed in a municipality election.
5. **FS 104.071 and FS 112.3143 Voting Conflicts Violation -** Mr. Robinson did not **disclose** nor **abstain** from voting in favor of Mr. Heath's and Mr. McKnight's projects after receiving \$5,400 in campaign donations from these developers. (Minutes of his voting records **attached**.)

Attachment	Date	
L	3/4/19	Ordinance 876 Annexation for Astoria Properties
L	3/4/19	Ordinance 878 Rezoning Astoria Properties
L	3/4/19	Ordinance 883 Rezoning Rezone Southern Crossings
M	3/18/19	Public Hearing for Plat approval Southern Crossings S/D
N	4/1/19	Ordinance 885 Final Plat approval for Citrus Pointe S/D
O	4/15/19	Ordinance 885 2 <sup>nd</sup> reading Final Plat for Citrus Pointe S/D
O	4/15/19	Ordinance 884 Final Plat for Highland Cove S/D
P	5/6/19	Ordinance 884 2 <sup>nd</sup> reading Final Plat Highland Cove S/D
Q	5/20/19	Ordinance 889 Amend boundaries Highland Meadows II
Q	5/20/19	Ordinance 890 PUD for Highland Cove S/D

6. **FS 106.15 Campaigning in government facilities:** Rob Robinson commandeered the Davenport Commission Chambers during normal business hours to conduct two (2) tv interviews to promote his campaign, "integrity". Every candidate's packet included a memo from the Polk County Board of County Commissioners prohibiting campaigning in government facilities. **Link for Bay News 9 interview on 3/8/2019:**  
<https://www.baynews9.com/fl/tampa/news/2019/03/08/former-davenport-mayor-who-illegally-used-handicap-tag-to-run-again#>
7. **FS 106.143 - Literature does not reference "paid for by" statement nor are these expenses listed in his campaign finance reports.** Mr. Robinson failed to report the printing and postage expenses for two large post cards (6" x11") in his campaign finance reports as an in-kind contribution or as an expense for the following 2 post cards:
- i. "A Message to the Residents of Davenport" (**Attachment R**)
  - ii. The Question is – are you going to be misled again? (**Attachment S**)



Complainant: Bradley      Respondent: Robinson

8. **FS 106** A photo posted on Rob Robinson's face book of Linda Robinson (Treasurer), Bob Lynch (Seat 3 Candidate), Denise Lynch (Treasurer) at Rob Robinson's house preparing a letter "**Legacy: Something that is a part of you that remains**"; which does state is **paid for by both Rob Robinson and Bob Lynch**; but **is not** referenced on his finance report as paying for 50% of these "shared" expenses for printing, envelopes and postage for this document. Photo of both campaigns together preparing "The Legacy" mailings at Robinson's house - Attachment T.

Mr. Robinson has over 53 years municipal government experience, a former police chief, interim city manager, commissioner for many years and serves on the Ridge League of Cities board. He is fully aware of the violations he committed willfully, intentionally and with malice. His campaign flyer is Attachment U.

I believe his false, vicious statements and personal attacks sent via emails, flyers, post cards, letters, tv interviews, personal visits to citizens, and facebook posts altered the outcome of the Mayor's election in his favor. He willfully and intentionally violated FS 104 and 106.

(3) Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, and from and after conviction shall be disqualified to hold office.

My campaign flyer outlines my promises made and kept as mayor from 2013 – 2017 and my accomplishments in 4 years. My campaign flyer is Attachment A.

My campaign flyer also informed citizens of Ordinance 881 which became Amendment 1 on the ballot. If passed, Amendment 1 would remove the Mayor's seat, create a 5<sup>th</sup> commission seat, and the commissioners would appoint a Mayor amongst themselves instead of allowing the people of Davenport to elect their mayor.

A copy of **Amendment 1** as it appeared on the ballot is Attachment B. I included a copy of Amendment 1 ballot language with my campaign flyer.

I did not send out letters, postcards or post any comments on social network about my opposing candidate. I did send out an email inviting the public to attend a town hall meet and greet the candidates; which Rob Robinson did not attend.

Mr. Robinson will stand for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election or the commission appointing their own mayor.

**Complainant: Bradley**

**Respondent: Robinson**

Florida Statutes penalize these violations with hefty fines and removal from office. The election rules and penalties were provided to every candidate. Every candidate must acknowledge, sign and return Form DS-DE 84 (05/11) as confirmation he/she read Chapter 106 and return the form to the city clerk

The Florida Election Commission was formed to guard against these malicious and willful attacks on candidates, especially those that know better. I ask for your swift action on this complaint.

Thank you,

Darlene Bradley

**FEC Complaints: FS 104 & 106**

**Submitted 9/10/2019**

**Complainant: Darlene Bradley,  
Candidate for Davenport Mayor**

**April 2, 2019 \* Davenport Election**

**Respondent: Rob Robinson,  
Candidate for Davenport Mayor**

[Type here]

**A**



## Community Involvement

**Mayor  
City of Davenport**

**Host/Organizer Davenport  
2<sup>nd</sup> Saturday Cruise-In**

**2008 Davenport Chamber  
Presidents Award Honoree**

**Host/Organizer 2008/9 Davenport  
WinterFest & Christmas Parade**

**Polk Leadership Institute  
Valedictorian**

**RCHS Sigma Honorary Member**

### **Mayor Darlene – Promises kept:**

As I promised you in 2013, I do not take a salary as Mayor.

I was able to persuade **Duke Energy** to replace the **street lights** from 100 to 250 watts at all intersections in Davenport....[at no cost ] I persuaded them to add street lights on CR547 too. You asked me – it's done

I contacted **Polk County Sheriff's** office & saved us \$80,000 a year with free jail workers. Free is much better don't you think?

I instituted a new city tradition for **July 4<sup>th</sup>** with the reading of the **Constitution** and **Declaration of Independence**. What did you think of the **new fireworks** we did for you this year – sponsors paid for it all.

I requested **FDOT** to add a left turn signal on the street light at **Bay Street & 17-92** & they did...Then I asked for a fix for the **17-92 & South St interchange** - wow are they great or what? [at no cost to you.]

**Adair Park** – redone with Lowes Heroes **Lewis Mathews** completely redone with partnership with Haines City. **Jamestown Park** – refurbished with new bathrooms.

All our sidewalks are fixed to top-notch shape.

Saved us \$38 million on our **new Sewer Plant** that was paid for by developer impact fees.

Our new **Event/Community Center** is in progress - with a special agreement I made with a very special developer that covers \$4 million of the cost. It will have a gym, exercise area, convention center, entertainment center & even a crafting area. The best in NE Polk!

# Elect

# Darlene

# Bradley

For

# MAYOR

# VOTE

# April 2nd

Paid Pol. Adv. for Darlene Bradley for Mayor  
Campaign - PO Box 2791, Davenport, FL 33836

Proudly, I want you to know that it has been an honor to represent you, my neighbors & the citizens of Davenport as your Mayor for the last few years. I would like the privilege to serve another term & ask for your vote on April 2nd. I want to thank you for taking a chance on me.

I ran for Mayor in 2013 without any political experience - after our last mayor told you to your face - that he didnt care what the citizens wanted. You deserved someone that had your best interests at heart. I had the passion and ambition to work hard to make our city better. With leadership, hard work, research & creating partnerships, we were able to accomplish a lot in the last few years. I want you to be proud to call Davenport your home! I think our transformation is something you may just want to brag about - & wefe just getting started.

I kept my promise when elected to be accessible, to listen, and represent you. I established a "***Chat with the Mayor***" monthly event by meeting with citizens on the 4<sup>th</sup> Saturday of every month at the gazebo on Bay Street and created a "***Mayor's Corner***" newsletter on the city's website to keep you abreast of ongoing and completed projects.

Most importantly, when I was first elected I made it a priority to change the commission forum to allow citizens to speak on any item not on the agenda before the meeting starts and again on any agenda item. It was a tremendous fight, but it is now your right. It is **YOUR** city - Your voice needs to be heard.

On the next page is a recap of promises I made to you & other projects, initiatives and accomplishments I've done on your behalf over these last few years. You'll find I am "hands on" & a "get 'er done" kind of Mayor.

### **You see, it's my city too!**

Every year I proudly tell you in my **State of the City** address, which lists of projects, achievements & our goals we accomplished or have on tap for the future.

So I think from this list of promises kept, you can see I've been working very hard for you & I try to be as responsive to you as I can - considering I work 12 hour days in Winter Park. So if you need to get in touch with me - you can always email me at [davenportmayor@gmail.com](mailto:davenportmayor@gmail.com) & I will answer you as soon as I can.

**I need your help & strength** to continue the transformation of our

city back into first class shape and into the 21<sup>st</sup> century. We are starting to look pretty good. Much, much more though needs to be done. Are you ready?

What do you say? Lets keep going. Together we can make Davenport great.

Lets work together to insure the Davenport of tomorrow is the same wholesome, friendly town as is the Davenport we love today.

Every month, our visitors tell us how much they enjoy our events because we are such a warm and friendly place with that sense of hometown I've mentioned before.

We are like a diamond in the rough that just needs a little polishing.

**Let's sparkle together**

**I am asking for  
your vote on  
April 2nd**

**Thank you so much**

**B**

# KEEP YOUR RIGHT TO VOTE on APRIL 2ND

## CHARTER BALLOT QUESTION CITY OF DAVENPORT, FLORIDA REFERENDUM ELECTION

### ELECTION OF CITY MAYOR BY CITY COMMISSION FROM AMONG ITS MEMBERS

The Charter of the City of Davenport should be amended to reclassify and renumber the Mayor Seat as Commission Seat No. 5 and require the City Commission to elect the City's Mayor from among the members of the City Commission on an annual basis at the City Commissions first regular meeting in May, following the conclusion of the 2017-2020 term of the Mayor Seat.

\_\_\_\_\_ Yes (for adoption)

  ✓   **No (Against Adoption)**



**C**

On Mon, Jan 28, 2019 at 5:04 PM Rachel Castillo <castillo@mydavenport.org> wrote:  
Darlene,

In response to your email received today. Contact was made to Linda Robinson. She advises that she read the brochure. She took pictures of it with her phone and did not keep it but put it back in the door jamb. She did inform the Meyer's of what she had done:

She extended an apology to you and John.

Rachel Castillo Young, City Clerk

**City of Davenport  
1 South Allapaha Avenue  
Davenport, FL 33837  
(863) 419-3300 ext. 125  
(863) 419-3302 – fax**

Please visit us at [www.mydavenport.org](http://www.mydavenport.org)

No trees were harmed in the sending of this message. However, a large number of electrons were inconvenienced.

---

**Disclaimer:** Under Florida law, e-mail and other personal information is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**From:** D Bradley [mailto:[davenportmayor@gmail.com](mailto:davenportmayor@gmail.com)]  
**Sent:** Saturday, January 26, 2019 9:11 PM  
**To:** Rachel Castillo  
**Subject:** Campaign Theft Violation Complaint

Rachel,

Today, 1/26/19, at approximately 2:15 pm, I was parked directly in front of Paul & Mary Meyer's house, 108 E. Palmetto. They were not home, so I slid one of my flyers inside their door with it barely sticking out.

I have my campaign magnets displayed on my truck; so it was obvious I was campaigning.

I went back to my truck to update my walking list on which homes had received a flyer when Linda Robinson drove very slowly around my truck then parked in Paul & Mary's driveway.

Mrs. Robinson carefully looked around to see if anyone was looking while she went up to their door and took my campaign flyer out of the Meyers' door.

pg. 6

I got out of my truck and asked her "Do you want a flyer"?

She said "No, she had one now".

~~I asked, "So did you just take their flyer?"~~

~~She replied, "Mary does not need it, she votes for Robble".~~

~~She took the flyer and then went to her car where she made a phone call.~~

Isn't removing campaign materials/signs a violation of elections tampering ethics law? Not to mention "stealing" someone's mail?

It would be unfortunate if incidents such as this were to continue during this election season, especially from the Robinson campaign and we look forward to your guidance and forthcoming resolution.

In addition one of my campaign signs was removed from Mr. Leon Higdon's property, 102 E. Lemon Street since yesterday. Please advise if someone brought it to City Hall...or possibly someone stole it.

Should I forward this incident to Chief Holden? Should I call the police if I witness in the future?

Thank you

Darlene

**D**



**HB Rob Robinson**

March 31 ·

Below is a Re-Post of a Note that I placed on my "Mayor" Facebook page earlier today:

**A LETTER FROM YOUR MAYOR H. B. "ROB" ROBINSON (Please Share)**

Well, Folks, here it is! With 2 days to election day, Bradley-Lepley have now sent, via email, the long awaited "re-cycled" personal attacks and lies that is Bradley-Lepley's trademark of previous campaigns against rival candidates. While it should not come as a surprise to me, I am astonished and offended at the viciousness of their lies and personal attacks against me, Commissioner Bobby Lynch, and Commissioner Tom Fellows.

It should not have caught me off guard, because it was not that long ago that John Lepley warned me that I could not win an election because I would not lie ... that I was above lying. He also told me that he and his wife, Darlene

Bradley, would win because they would lie. They have no regard for the law.

Florida Statute 104.271 states, "A candidate may not, with actual malice, make any false statement about an opposing candidate."

Please remember the past arrest records of Bradley-Lepley. Ex-mayor Bradley resigned in disgrace. She made Davenport the laughing stock of the Nation, [See: YouTube "Davenport Mayor Donkey of the Day" from New York]. She has no one to blame but herself that she is no longer mayor! Bradley and her

husband John Lepley are the ones who committed the criminal acts of stealing, altering a handicapped parking placard, and identity theft of a deceased  
altering a handicapped parking placard, and identity theft of a deceased

woman whose husband is a friend and neighbor. While serving as a commissioner, John Lepley was arrested for a road rage incident involving battery on a young man. He pled to a reduced charge and was ordered to community service. I don't see much trust in either of their actions.

I ask you to compare their past history in office with those who they have maligned (Robinson, Lynch and Fellows) in their vicious email; and join me and your fellow citizens in sending Bradley-Lepley back behind their "No Trespass" fence.

Please do not allow any further lies and embarrassment to our City of Davenport. Vote to keep Mayor H. B. "Rob" Robinson and Commissioner Bobby Lynch.

**Rob Robinson**

**Davenport Mayor**

pg. 5

<https://www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-1051414444933457/>

Post 4/1/2019

**TUESDAY, APRIL 2, IS ELECTION DAY IN DAVENPORT (Please Share)**

Over the last several days, I, as well as Commissioner Bobby Lynch, have been the victims of the Bradley-Lepley rancid tongue. We are not alone in this. There are many of us who have seen and been victims of Bradley-Lepley's malicious comments. The extent to which they have taken their lies in this election is appalling. Neighbors -- The choice is yours to make. Make it count for the good of Davenport:

Mayoral candidate H. B. "Rob" Robinson - Army Honorable Discharge; North Miami Police Department; former Davenport Police Chief; interim city manager for Davenport and Dundee; Davenport City Commissioner - Vice Mayor - current Mayor.

Mayoral candidate Darlene Bradley-Lepley - Ex-mayor who resigned in disgrace. She was arrested on 2 felony charges and 1 misdemeanor; plead "no contest" to the misdemeanor. Her actions were not a mistake; she intentionally used the handicap placard over and over again. Nor was it just a parking violation. Just imagine if the parking placard had belonged to your deceased wife, mother, or grandmother? The placard did, in fact, belong to the wife of one of your long-time Davenport neighbors. Each time the news media mentioned the "dead woman's handicapped parking placard", your neighbor, George Letterman, re-lived the day his wife died.

Violations

Use Possess Personal ID of Deceased (FELONY)

Counterfeit License Plates Validation Stickers, Etc. (FELONY)

Unlawful Use Disabled Parking Permit (MISDEMEANOR)

Post 3/31/2019

**A LETTER FROM YOUR MAYOR H. B. "ROB" ROBINSON (Please Share)**

Well, Folks, here it is! With 2 days to election day, Bradley-Lepley have now sent, via email, the long awaited "re-cycled" personal attacks and lies that is Bradley-Lepley's trademark of previous campaigns against rival candidates. While it should not come as a surprise to me, I am astonished and offended at the viciousness of their lies and personal attacks against me, Commissioner Bobby Lynch, and Commissioner Tom Fellows.

It should not have caught me off guard, because it was not that long ago that John Lepley warned me that I could not win an election because I would not lie ... that I was above lying. He also told me that he and his wife, Darlene Bradley, would win because they would lie. They have no regard for the law. Florida Statute 104.271 states, "A candidate may not, with actual malice, make any false statement about an opposing candidate."

Please remember the past arrest records of Bradley-Lepley. Ex-mayor Bradley was forced to resign in disgrace per a plea bargain to avoid trial and possibility of jail time. She made Davenport the laughing stock of the Nation, [See: YouTube "Davenport Mayor Donkey of the Day" from New York]. She has no one to blame but herself that she is no longer mayor! Bradley and her husband John Lepley are the ones who committed the criminal acts of stealing, altering a handicapped parking placard, and identity theft of a deceased woman whose husband is a friend and neighbor. While serving as a commissioner, John Lepley was arrested for a road rage incident involving battery on a young man. He pled to a reduced charge and was ordered to community service. I don't see much trust in either of their actions.

I ask you to compare their past history in office with those who they have maligned (Robinson, Lynch and Fellows) in their vicious email; and join me and your fellow citizens in sending Bradley-Lepley back behind their "No Trespass" fence.

Please do not allow any further lies and embarrassment to our City of Davenport. Vote to keep Mayor H. B. "Rob" Robinson and Commissioner Bobby Lynch.

Rob Robinson  
Davenport Mayor

Post.3/28/2019

**ONLY 5 MORE DAYS 'TIL ELECTION DAY IN DAVENPORT**

Ex-mayor Bradley-Lepley and husband, John Lepley, are now criticizing the decision to close Suwannee Ave. The decision to close Suwannee was made so that the school board could expand and re-open the historical Davenport Elementary School campus. Much thought and debate were given to this issue by the City Commissioners. Initially, I was against closing Suwannee. However, I have come to the realization that with the many new families moving into Davenport it is imperative that this school is re-opened. Never having had children perhaps Bradley & Lepley cannot appreciate the need for, nor understand the value of, a neighborhood elementary school.

Bradley & Lepley say that Suwannee Ave. should not be closed because it is the main thoroughfare through town. We all know that US Highway 17-92 is the primary north-south roadway. Suwannee is a cut-through road extending from US 17-92 to South Boulevard, and has become a convenient route for drivers passing through town. I travel Suwannee frequently and will have to change my travel route, too. As we all know, changes to traffic patterns are based on the needs of the community.

Post 3/27/2019

**ONLY 6 DAYS 'TIL ELECTION DAY IN DAVENPORT.**

The voters of Davenport certainly have heard different and conflicting stories this election cycle. The Bradley-Lepley team have done what they do best ... spread fear and confusion; and they have attempted to pilfer credit for the good work that the current City Commission has accomplished over the past year-and-three-months since Bradley was forced to resign from office. Bradley & Lepley maintain that I, as the mayor, am taking away a person's right to vote. This is one of Bradley's untruthful spins which shows her lack of knowledge. I have supported, and will always support, an elected mayor by the people's vote and will always support the people's right to choose. Bradley & Lepley maintain that I, as the mayor, do not allow people to speak at our City Commission meetings. Another untruthful spin which speaks to Bradley's lack of knowledge of the Florida Statutes. The Florida Statutes demand that the public has the right and must be afforded the opportunity to speak and be heard before their elected officials on any item or anything. I adhere to the Statutes. The need for strong leadership that can be trusted is essential as the City of Davenport moves forward. The definition of legacy is "something that is a part of us that remains". It has always been my goal to leave a legacy of integrity and loyalty to community through my lifetime of service .... Army, law enforcement, a former Davenport police chief, interim city manager, city commissioner, vice mayor and now mayor. The legacy we leave is the quality of our lives ... The differences in candidates are clear. I appreciate your vote on April 2 to re-elect me as your mayor!

Post 1/29/2019

**ALERT:** As the Mayor of Davenport my email address is rrobinson@mydavenport.org. Feel free to email me with any questions or comments about the City of Davenport, or you may email City Hall directly by contacting City Clerk Rachel Castillo Young at rcastillo@mydavenport.org. Darlene Bradley is distributing brochures that gives her email address as davenportmayor@gmail.com. This is NOT my email address nor the email address for Davenport City Hall. I am concerned about her doing this; she could possibly circumvent the day-to-day business of the City.



HB Rob Robinson Davenport Mayor

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Apr 4

ELECTION DAY IN DAVENPORT WAS APRIL 2  
It was a great day for the H B "Rob" Robinson and Bobby Lynch campaigns!

Thank you, Voters, for re-electing me as yo  
See More

0

1 Comment

Like Comment Share

Most Relevant



Write a comment...



Gillian Jean Wolfe Congratulations

Like · Reply · 7w



HB Rob Robinson Davenport Mayor

Apr 1 ·



BRADLEY, TERESA DARLENE

Booking Number: 2017-047567

Race/Sex: W/F

Height: 503

Booking Date: 12/5/2017

Location: BOOKING

Inmate Status: Released

Bond Eligible:

Ready for Bond:

HB Rob Robinson

April 1

TUESDAY, APRIL 2, IS ELECTION DAY IN DAVENPORT (Please Share)  
Over the last several days I, as well as Commissioner Bobby Lynch, have been the victims of the Bradley-Lepley racist tongue. We are not alone in this. There are many of us who have seen and been victims of Dradley-Lepley's malicious comments. The extent to which they have taken their lies in this election is appalling. Neighbors -- The choice is yours to make. Make it count for the good of Davenport.

Mayoral candidate H. B. "Rob" Robinson -- Army Honorable Discharge, North Miami Police Department, former Davenport Police Chief, interim city manager for Davenport and Dundee, Davenport City Commissioner -- Vice Mayor -- current Mayor.

Mayoral candidate Darlene Bradley-Lepley -- Ex-mayor who resigned in disgrace. She was arrested on 2 felony charges and 1 misdemeanor, plead "no contest" to the misdemeanor. Her actions were not a mistake -- she intentionally used the handicap placard over and over again. Nor was it just a parking violation. Just imagine if the parking placard had belonged to your deceased wife, mother, or grandmother? The placard did, in fact, belong to the wife of one of your long-time Davenport neighbors. Each time the news media mentioned the "dead woman's handicapped parking placard", your neighbor, George Letteman, re-lived the day his wife died.

Violations  
Use Possess Personal ID of Deceased (FELONY)  
Counterfeit License Plates Validation Stickers, Etc. (FELONY)  
Unlawful Use Disabled Parking Permit (MISDEMEANOR)

2

1 Share

Like Comment Share



Write a comment...

Visitor Posts



Mashell Kirchhoff



Sheila Baskins



Tony Cassotly



Bailey Lakin



Wes Mallock



Jonna Darilynn Barrett

Be the first to add a p

Create Post



James Meade 47m



Derek Wilham 18m



Shaila Haley 17h

English (US) · Español · Português · Français (France) · Deutsch

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**E**

**LEGACY: Something that is a part of you that remains** (Webster condensed)

You have certainly heard many different stories this election cycle. This election is your opportunity to send a strong message as we re-elect current Mayor Rob Robinson and Commissioner Bobby Lynch. John Lepley and ex-Mayor Teresa Darlene Bradley-Lepley are both members and/or founders of "Davenport Concerned Citizens," the group that lied to you about the sewer system in 2013, both are candidates; both have criminal backgrounds. She was charged with two felonies and a misdemeanor; he with a felony misdemeanor of assault and battery. Two members of the same household on the Commission = opportunity to violate the Sunshine Law (the real definition of INSANITY.) Contrary to their brochures, neither of them initiated the Fourth of July celebration; neither brokered a deal with a primary developer; neither saved the city \$38 million on a new sewer plant; and in 2013 neither stopped a \$5,000 lien on our homes for sewer as the amount was never established.

Mayor Robinson and Commissioner Lynch have never been arrested or charged with a crime. Here are a few of the things they HAVE done.

Mayor HB "Rob" Robinson	Commissioner Bobby Lynch
Current Vice President Ridge League of Cities	Oversight of second well plant
Championed the new fire station on West Side	Assisted in removal/replacement of city sidewalks
Pursued accreditation of Police Department	Approval of hiring new City Manager
Coordinate Toys for Tots	Approved renovations to City Hall
Participates in Mayors/City Mgrs, Coalition	Continual oversight of budget and millage
Negotiate with School Board for schools	Review and assist with grant for city water lines

The Bradley/Lepley camp thrive on spreading fear, chaos and confusion. Don't let that happen. Need honest answers? Call the City Manager, City Clerk, or other Commission members.

No individual can take credit for the accomplishments in our city. They are the result of the combined efforts of the entire Commission working with city staff. We have great projects ahead of us including a new community center. The need for strong leadership that can be trusted as we move forward is essential.

The legacy we leave is the quality of our lives ....The differences in candidates is clear....

**VOTE TO RE-ELECT MAYOR H. B. "ROB" ROBINSON AND COMMISSIONER BOBBY LYNCH.**

Paid political advertisement paid for and approved by HB Rob Robinson Candidate for Mayor And Bobby Lynch Candidate for City Commission Seat 3

**F**

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA

CASE #: 53-2017-CF-010703-A000-XX

AGENCY CASE #: PCSO 2017-050907

VS

DIVISION: F5

TERESA DARLENE BRADLEY

TO THE CLERK OF THE ABOVE STYLED COURT:

THE STATE hereby announces a No Bill of the following charges:

**CRIMINAL USE OF PERSONAL IDENTIFICATION OF A DECEASED  
PERSON**

**KNOWINGLY POSSESS ALTERED/COUNTERFEIT DECAL  
(VALIDATION STICKER).**

The State requests that the above defendant be discharged from custody only on the charges appearing above. The defendant has pled to Unlawful Use of Handicapped Placard.

DATED THIS December 15, 2017.

BRIAN HAAS, STATE ATTORNEY

BY:

BRADFORD H COPLEY  
ASSISTANT STATE ATTORNEY  
FLA. BAR #: 0437662  
P O BOX 9000, DRAWER SA  
BARTOW, FL 33831

cc:

Jail - TERESA DARLENE BRADLEY DOB: 09/05/1957 WF  
Warrants  
PTR  
PCSO 2017-050907



STATE OF FLORIDA, COUNTY OF POLK  
This is to certify that the foregoing is a true  
and correct copy of the document now of  
record in this office. Witness my hand and  
Official Seal on 12/19/17  
This copy has been reviewed, and if required by  
law, redacted.  
STACY M. BUTTERFIELD, CLERK CIRCUIT COURT  
By [Signature] D.C.

FILED POLK COUNTY CLERK OF COURT 12/19/2017 03:40 PM

**G**



**Celebrate July 4<sup>th</sup> 2015**

Join us in the public reading of the

***Constitution of the United States***

**Town Gazebo**

**Market Street, Davenport, FL 33837**

**12 pm Noon**

**Admission Free**

***Bring a lawn chair, a flag and wear red-white-blue or your military uniform to show your pride in our Nation.***

**Invite your friends and neighbors and become part of this new Annual Tradition!**

***All attendees will receive a personal copy of the Constitution of the United States.***

**Davenport Constitution Committee**

**(863) 956-7141**



# Happy July 4th

Welcome	Mayor Darlene Bradley
National Anthem	Aikel Coffie
Pledge of Allegiance	Boy Scouts Troop 528
Prayer for our Country	Pastor Utterback
Declaration of Independence	Polk County Sheriff Grady Judd
God Bless America	Nia Amaro
The Constitution, Section 1	Pete Rust
The Constitution, Section 2	Al Snipes
The Constitution, Section 3	Brynn Summerlin
The Constitution, Section 4	Deborah Adams
The Constitution, Section 5	Polk County Commissioner Ed Smith
The Constitution, Section 6	Delores Wilson
The Constitution, Section 7	Commissioner Crystal Williams
The Constitution, Section 8	Rick Achuff
The Constitution, Section 9	Donna Fellows & Lisa Coffey
The Constitution, Section 10	Larry Sinibaldi, Shavonn Davis, Sara Marfo, & Esther Lubin

**A copy of The Constitution and an American Flag will be provided for all attendees.**

**Appreciation of Support/Sponsors:** City of Davenport, Davenport Fire Department, Mayor Bradley, Vice Mayor Bobby Lynch, Brynn Summerlin, Ridge Community High School, Cremation Services of Mid Florida, George Letterman and Boy Scout Troops 528.

*Special thanks to Bob Avery for his idea of the public reading of our national documents.*

**July 4th, 2015 Celebration**

**In Kind Donations**

Brynn Summerlin donated sound system  
News Leader free advertising of event  
City of Davenport - bottle water, tents, tables, chairs  
Boy Scouts Troop 528 - presenting the colors  
Ridge Community High School - Sigma Students  
Congressman Alan Grayson - 50 Constitution booklets  
Fellows Trucking - 200 Flags  
City of Davenport Fire Dept. grilled hotdogs

**Monetary Donations** **\$ 690.00**

**Expenses**

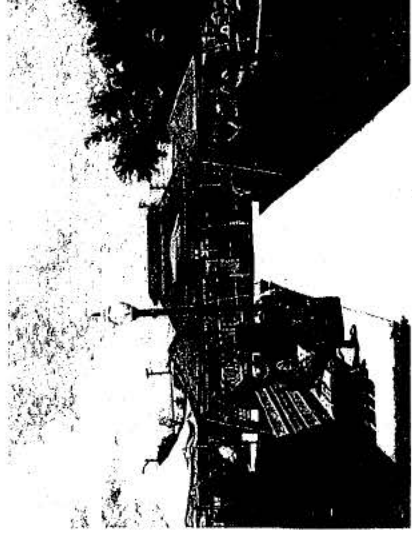
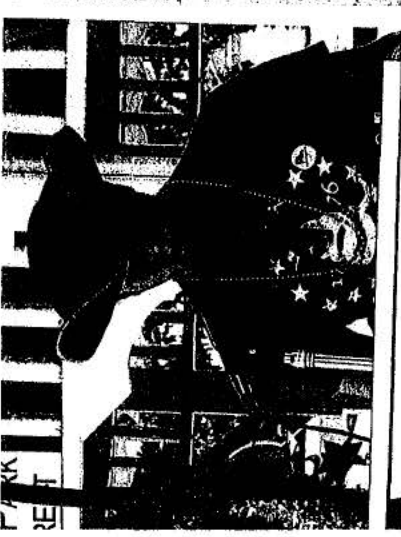
200 Copies Constitution Booklets	\$214.00
Staples Sign	\$ 18.18
Dry Ice for popsicles	\$ 69.25
Publix Ice Cream	\$ 47.50
Stickers - I read The Constitution	\$ 34.98
Banner	\$ 15.00
Hotdogs, Buns, Napkins	\$121.45
Cookies/Brownies for volunteers	\$ 81.88
Mustard, Ketchup, Relish	\$ 10.00
Decorations for gazebo & table cloths	\$ 25.00
Fuel - 2 round trips to Lakeland for Dry Ice	\$ 30.00
Fliers, handouts, toner	\$ 40.00

**Total** **\$707.24**

**Registrants (not all attendees registered)**

Davenport	117
Haines City	16
Lake Alfred	2
Winter Haven	8
Orlando	1
Lakeland	1
Clermont	6
Altamonte Springs	1
	<hr/>
	152





# **Davenport's July 4 Celebration**

**Published: Saturday, July 11, 2015 at 12:01 a.m.**

**On July 4, the city of Davenport commemorated Independence Day with a public reading of the Declaration of Independence and the U.S. Constitution.**

**Mayor Darlene Bradley did a fantastic job involving members from all across the community, including the Davenport Fire Department cooking hotdogs, the Boy Scouts Color Guard and some very talented local students who inspired us with their singing.**

**Sheriff Grady Judd delivered the Declaration of Independence, and various public leaders and citizens read sections of the Constitution.**

**Thank you, Mayor Bradley, and all who participated for the opportunity to celebrate the real meaning of Independence Day.**

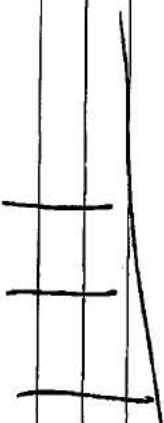
**CHAD DAVIS  
Winter Haven**

**H**

Overall - 50' wide

6/13/17

Game Fats → 00' lots Except Cabana Isld  
50' lots



Parking 4 to 5 through  
Comm/open space

71,000 / home added  
to parks impact fees

$$\begin{array}{r}
 465 \\
 368 \\
 \hline
 833
 \end{array}$$

Commitment to  
connect to Groet  
up amenities

JD said he would

know whether was offered - Commitment for bike trail  
walk

in 2014 re: Community

Center - add on to Cabana. - Do Crossing Signage

[Handwritten signature]



## City of Davenport Commission Minutes of February 5, 2018

---

### APPROVAL OF ORDER OF BUSINESS

**Motion** made by Commissioner Summerlin and seconded by Commissioner Fellows to approve the order of business.

With no further discussion, Mayor HB Robinson called for the vote. Motion carried unanimously.

### PUBLIC COMMENT

Darlene Zeanwick of 4 West Lemon Street and also the Chair for the Recreation Advisory Committee, reported the resignation of Robert Avery. Mrs. Zeanwick requested the appointment of Pastor Jeremy Clark to be placed on the next Agenda so that the Committee would be complete in time for the March 14<sup>th</sup> Open Forum.

Reñnie Heath reminded the Commission that several months ago he had made a commitment to their previous Mayor in trying to be a good neighbor and a good developer. As a result, the builder would pay an additional \$1,000 per house as a park improvement fee.

Jennifer Codo-Salisbury with Central Florida Regional Planning Council (CFRPC) announced the next Community Workshop for February 27<sup>th</sup> 6:30 p.m. at the First Baptist Church.

Wayne Benner of 312 E. Bay Street asked the possibility of a bus stop in town and getting natural gas on east side of town.

The Mayor asked that the City Manager look into this.

Brenda Dolan of 2289 Grantham Avenue and also representing the Davenport Historical Society asked for assistance in storing their items during the renovations.

Discussion ensued with Commissioner Fellows voicing that he felt that the City should step up and help cover these costs and Commissioner Summerlin questioning the insurance coverage cost based on value and what value had they placed on the historical items. He also questioned if the unit would be big enough. Mrs. Dolan responded that the monthly insurance fee would be \$166.58 and the unit size would be big enough.

Commissioner Lynch agreed that they should step up and help the Davenport Historical Society.

The City Manager advised that he would place this on the next agenda upon confirmation of costs.

Commissioner Gonzales asked if they had taken into consideration a company for transporting the items. Mrs. Dolan responded that a family was donating the transportation of the items this week.

J

**City of Davenport Commission Minutes of July 30, 2012**

Mr. Robinson recollects discussion on placing liens on property and the ability to serve charge. The Attorney advised that he did recommend the ability to serve charge.

Mr. Warren further added that as far as liens, the City could put a lien on the home or property.



**City of Davenport**

POST OFFICE BOX 125  
DAVENPORT, FLORIDA 33836

CITY CLERK'S OFFICE

Tel: (863) 419-3300  
Fax: (863) 419-3302

January 31, 2008

TO: Mayor and City Council  
Amy E. Arrington, City Manager  
FROM: Raquel Castillo, City Clerk  
SUBJ: Research of Minutes

As instructed at the last meeting, I have researched the minutes relating to the WWTP in relation to Council's concerns and inquiries and found the following information.

There were several meetings where the sewer project was discussed, but these meetings in particular related to the hookup fees/costs.

**January 22, 2007 - Regular Meeting**

At this meeting the Scope of Services for Phase III of the Wastewater Treatment Plant was presented to Council for approval.

At the meeting Mr. Lepley voiced his concern that before the City paid anymore money that the issue of hookup costs should be resolved. Council's consensus was the need to approve the scope of services and talk about hookup fees at a later time.

**October 29, 2007 - Workshop**

Robert mentioned the following in his presentation on the WWTP.

**Incentive to citizen (offset of cost to connect)**

**\$3,500 impact fee waiver**

**\$1,500 Assistance for septic tank**



**K**

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H-B-"ROB" ROBINSON (2) I.D. Number M2

(3) Cover Period 03 / 02 / 2019 through 03 / 15 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		Amount
03 / 02 / 19 1	Harriet Rewis Rust 1830 Pawnee Trail Lakeland, FL 33803	I	Retired	CHE			\$150.00
03 / 04 / 19 2	Cassidy Holdings Group 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 3	Winter Haven Management Services LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 4	Lakeville Partners LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 5	Heath Construction & Management LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 6	CAS Holdings LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
/ /							

DS-DE 13 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON (2) I.D. Number M1

(3) Cover Period 02 / 01 / 2019 through 03 / 01 / 2019 (4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(6) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
		Type	Occupation				
02 / 04 / 19 1	George Letterman 312 Cypress St. East Davenport, FL 33837	I	Retired	CHE			\$500.00
02 / 08 / 19 2	Warren McKnight 59 B Moore Road Haines City, FL 33844	I	Citrus Industry	CHE			\$200.00
02 / 08 / 19 3	Holly Hill Fruit Products PO Box 708 Davenport, FL 33836	B	Citrus Industry	CHE			\$200.00
02 / 12 / 19 4	Howard and Fatima Gill PO Box 764 Davenport, FL 33845	I		CHE			\$100.00
02 / 14 / 19 5	Abelardo Gonzales 8 Cypress Street East Davenport, FL 33837	I		CHE			\$50.00
02 / 14 / 19 6	Linda Robinson [REDACTED]	I		CHE			\$100.00
02 / 16 / 19 7	Deborah Burress 118 East Bay Street Davenport, FL 33837	I	Retired	CHE			\$150.00

DS-DE 13 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

0

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**L**



## City of Davenport Commission Minutes of March 4, 2019

---

The Mayor opened and closed the Public Hearing with no public comment.

There being no discussion, the Mayor called for the vote. Motion carried unanimously.

### OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 876 REGARDING VOLUNTARY ANNEXATION OF A PARCEL OF LAND. (OWNER: ASTORIA PROPERTIES, LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US-17/92)**

At this time the Attorney was instructed to read Ordinance No. 876 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance. Raymond noted that the metes and bound legal description was included in the Ordinance.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Lynch and seconded by Commissioner Kneeld to approve Ordinance No. 876 on its second reading. Motion carried unanimously with no discussion.

- 2. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 877 TO APPROVE A SMALL SCALE LAND USE PLAN MAP AMENDMENT (LUPA) FROM POLK COUNTY RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL MEDIUM (RM). (OWNER: ASTORIA PROPERTIES, LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US 17/92)**

At this time the Attorney was instructed to read Ordinance No. 877 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance and there were no changes since first reading.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve Ordinance No. 877 on its second and final reading. Motion carried unanimously with no discussion.

- 3. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 878 TO REZONE A PARCEL OF LAND FROM MULTI-FAMILY-3 (MF-3) AND POLK COUNTY RESIDENTIAL MEDIUM (RMX) TO PLANNED UNIT DEVELOPMENT (PUD). (OWNER: ASTORIA PROPERTIES, LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US 17/92)**

At this time the Attorney was instructed to read Ordinance No. 878 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance and no changes have been made since first reading. Raymond further detailed that the total acreage of this PUD consisted of 70.80 acres.

The Mayor opened and closed the Public Hearing with no public comment.

## City of Davenport Commission Minutes of March 4, 2019

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve Ordinance No. 878 on its second reading. Motion carried unanimously with no discussion.

Directing his question to developer Rennie Heath, Vice-Mayor Summerlin questioned when were they looking at annexing the adjacent unincorporated piece to the east of this property? Mr. Heath of the Cassidy Group, 346 E. Central Avenue, Winter Haven answered that their goal was to annex this plus another parcel to the north but could not pinpoint a timeframe.

**4. PUBLIC HEARING AND SECOND READING OF ORDINANCE 882 TO REZONE A PARCEL OF LAND FROM RESIDENTIAL ESTATE 1 (RE-1) TO RESIDENTIAL ESTATE 2 (RE-2). (OWNER: MARK F. BANJAK - GENERAL LOCATION: 327 NORTH BOULEVARD WEST)**

At this time the Attorney was instructed to read Ordinance 882 by title.

City Planner Raymond Perez explained that this ordinance was also being presented for second reading and rezoned the parcel from RE-1 to RE-2.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Fellows and seconded by Commissioner Kneeld to approve Ordinance No. 882 on its second reading. Motion carried unanimously with no discussion.

**5. PUBLIC HEARING AND SECOND READING OF ORDINANCE 883 TO REZONE TWO PARCELS OF LAND FOR SOUTHERN CROSSINGS SUBDIVISION FROM RESIDENTIAL 1 (R-1) TO PLANNED UNIT DEVELOPMENT (PUD). (OWNER: HOLLY HILL FRUIT PRODUCTS CO. INC./CIRCUS INN. INC. - GENERAL LOCATION: SOUTH BOULEVARD WEST)**

At this time the Attorney was instructed to read Ordinance No. 883 by title.

City Planner Raymond Perez explained that this was second reading of the ordinance and there were no changes since its first reading.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Lynch and seconded by Commissioner Kneeld to approve Ordinance No. 883 on its second reading. Motion carried unanimously with no discussion.

### NEW BUSINESS

**2. REQUEST TO APPROVE THE SELECTION OF THE TOP FIVE CONSULTANTS FROM THE REQUEST FOR QUALIFICATIONS FOR CONTINUING ENGINEERING SERVICES #18/19-02 ADVERTISED ON JANUARY 4, 2019**

Utilities Director Mike Stripling explained that Staff had gone out for proposals. Said proposals had been reviewed by selected staff and the top five firms were being presented for approval.

The Mayor opened and closed the Public Hearing with no public comment.

**M**

## City of Davenport Commission Minutes of March 18, 2019

He also felt that the primary problem with the appointed Mayor was that it would be substantially more difficult to get him or her out because the voters would have to wait till off cycles. Mr. Zaharee also questioned if there was a term limit for the Mayor.

The City Commission responded that the Mayor was a Commissioner and was up for election every three years. Commissioner Kneeld further added that the appointed Mayor would be accountable annually because they would be appointed by the Commission annually.

In answer to Mr. Zaharee's question, Commissioner Kneeld provided that he had initially suggested the ordinance to the City Commission.

Mr. Zaharee further voiced that they all cared about the city and he respected this. He wasn't judging any motives but he felt that they should have publicized this a little longer than the 2 months.

In closing, he questioned Commissioner Lynch if he had voted for the Ordinance, to which Mr. Lynch responded that he had not. (SS1 - Amendment 1)

There being no one else the Mayor closed the Public Hearing.

### CONSENT AGENDA

At this time the Mayor opened and closed the Public Hearing with no public input.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the Consent Agenda which included the Minutes of the March 4, 2019 Regular Meeting. Motion carried unanimously with no discussion.

### OLD BUSINESS - None

### NEW BUSINESS

- PUBLIC HEARING AND REQUEST FOR A PRELIMINARY PLAT APPROVAL FOR "SOUTHERN CROSSINGS SUBDIVISION" - GENERAL LOCATION: SOUTH OF SOUTH BOULEVARD. (PROPERTY OWNER: HOLLY HILL FRUIT PRODUCT CO. INC & CIRCUS INN INC.)**

City Planner Raymond Perez announced that this was a request for a preliminary plat for Southern Crossing. The property consisted of a 93 lot single family subdivision, located in the PUD zoning district. Raymond further explained that the Planning Commission had recommended approval earlier in the evening.

At this time the Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Commissioner Kneeld to approve the preliminary plat for Southern Crossings.



## City of Davenport Commission Minutes of March 18, 2019

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Brief discussion ensued with the Vice-Mayor reiterating his comments from the Planning Commission regarding a second entrance.

There being no other discussion, the Mayor called for the vote. Motion carried unanimously.

### **CITY MANAGER REPORT**

The City Manager thanked the Staff members that had attended the Relay for Life event Friday on behalf of the City.

He also announced that the City had received a check for \$322,000 for the School Board's portion for the sewer line project.

**CITY ATTORNEY REPORT** – Nothing to report

**CITY CLERK REPORT** – Nothing to report

### **CITY COMMISSION COMMENTS**

The Vice-Mayor announced that he was unable to attend the Relay for Life event, however he had attended an event in Tenoroc with Sheriff Grady Judd and had the privilege of working with about 20 cadets from the Summerlin Academy in Bartow. He had been so impressed by them that he just had to share with them.

Commissioner Kneeld also thanked all the staff that had worked on the Relay for Life event.

Mayor Robinson expressed that he also had attended and had given the opening address at the event. Mayor Robinson added that next year he would like to see Davenport have their own tent at the event.

There being no further business, a motion to adjourn was made by Commissioner Lynch and seconded by Commissioner Kneeld.

Meeting adjourned at 7:25 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

---

Raquel Castillo, City Clerk

**N**

## City of Davenport Commission Minutes of April 1, 2019

---

Marissa Barmby with the Central Florida Regional Planning Council announced that his was first reading of the Ordinance adopting the Land Development Regulations which also included zoning map changes related to combining zoning districts and rezoning the impacted properties.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 874 on its first reading. Motion carried unanimously with no discussion.

**3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 885 APPROVING A FINAL PLAT FOR "CITRUS POINTE SUBDIVISION" - GENERAL LOCATION: EAST OF HOLLY HILL ROAD, SOUTH OF NORTH BOULEVARD - WEST. (PROPERTY OWNER: HHR EAST, LLC)**

At this time the Attorney was instructed to read Ordinance No. 885 by title.

City Planner Raymond Perez announced that this was a request to approve a final plat ~~for Citrus Pointe subdivision. Raymond further noted that this was a 100 lot subdivision.~~

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Commissioner Kneeld to approve ~~Ordinance No. 885 as read. Motion carried unanimously with no discussion.~~

**4. REQUEST TO APPROVE RESOLUTION 408-19 APPROVING AN APPLICATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND FOR PHASE ONE WASTEWATER TREATMENT FACILITIES LOAN NUMBER WW 53071**

At this time the Attorney was instructed to read Resolution No. 408-19 by title.

Utilities Director Mike Stripling explained that this was the loan application for the phase one upgrades for the wastewater treatment plant with a principal forgiveness of \$504,200.

Mike noted a change to the application in Section III, which should reflect revenue pledges from both water and wastewater revenues.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by both Commissioners Lynch and Kneeld to approve Resolution No. 408-19.

Discussion ensued with the Vice-Mayor questioning the content of the project. Mike responded that it consisted of the gravity system to the school, headworks at the WWTP

**O**

## City of Davenport Commission Minutes of April 15, 2019

There being no further discussion, Commissioner Kneeld amended the motion on the table to approve the LDR's but with the change back to 1,500 sf as they were read on April 1<sup>st</sup>. The second was provided by Commissioner Lynch and carried unanimously.

As a point of order, the Mayor called for the vote on the original motion. Motion carried unanimously.

**2. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 885 APPROVING A FINAL PLAT FOR "CITRUS POINTE SUBDIVISION" - GENERAL LOCATION: EAST OF HOLLY HILL ROAD, SOUTH OF NORTH BOULEVARD WEST. (PROPERTY OWNER: HHR EAST, LLC)**

At this time the Attorney was instructed to read Ordinance 885 by title.

City Planner Raymond Perez explained that this was second reading of the Final Plat for Citrus Pointe and there had been no changes since first reading.

The Public Hearing was opened and closed with no public input.

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance 885 as read. (Motion carried unanimously with no discussion.)

### NEW BUSINESS

**1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 884 APPROVING A FINAL PLAT FOR "HIGHLAND COVE SUBDIVISION" - GENERAL LOCATION: EAST OF HOLLY HILL ROAD, NORTH OF NORTH BOULEVARD. (PROPERTY OWNER: ROOKS, LLC)**

At this time the Attorney was instructed to read Ordinance 884 by title.

City Planner Raymond Perez advised that this was approval for the final plat for Highland Cove subdivision and recommended for approval by the Planning Commission earlier in the evening. He further provided that Staff recommended approval with the change of the minimum living square footage from 1,300 to 1,500.

The Mayor opened the Public Hearing.

Douglas Stamm of 592 Cantabria Drive - Dell Web Community accepted and provided that his home bordered on this subdivision and questioned if the builder was going to do anything to replace the trees that were removed in the right-of-way and asked why had the city approved the removal of the trees.

Raymond provided that he would be glad to meet with Mr. Stamm and the engineer on this project, however this project had met all the requirements of the LDR's.

## City of Davenport Commission Minutes of April 15, 2019

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~~Rennie Heath with Heath Construction & Management LLC and representative of 4 Rooks LLC asked for clarification from Raymond that he was recommending approval of this final plat with the change from 1,300 sf to 1,500 sf. Raymond responded that he was and the reason for this was because of the Commission's decision to keep the R3 minimum living area of 1,500 sf.~~

There being no one else, the Mayor closed the Public Hearing.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the final plat for Highland Cove subdivision.

Discussion ensued with the Commission questioning if the right-of-way was a road right-of-way or a utilities right-of-way and had it been closed. Raymond responded that it was a road right-of-way and it had been closed.

Brief discussion ensued on the ownership of the abutting property of the right-of-way and Raymond was asked to look into this.

~~There being no further discussion, the Mayor called for the vote. Motion carried unanimously.~~

### **2. REQUEST TO APPROVE THE FY 19/20 STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**

The City Manager explained that this was an annual agreement with a slight increase of \$152 from last year.

At this time the Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Kneeld and seconded by Vice-Mayor Summerlin to approve the 19/20 State Highway Lighting Agreement with Florida Department of Transportation. Motion carried unanimously with no discussion.

### **3. APPROVE AN AGREEMENT WITH THE POLK COUNTY TAX COLLECTOR FOR THE UNIFORM COLLECTION OF A NON-AD-VALOREM ASSESSMENT FOR STORMWATER MANAGEMENT**

The Public Hearing was opened and closed with no public input.

Utilities Director Mike Stripling explained that this agreement would establish the terms and conditions in which the Tax Collector would collect and enforce the collection of this assessment. This would be assessed on an annual basis on the tax bill.

**Motion** by Commissioner Fellows and seconded by Commissioner Lynch to approve the Agreement with the Polk County Tax Collector for the collection of a non-ad-valorem assessment for stormwater management. Motion carried unanimously with no discussion.

**P**

## City of Davenport City Commission Minutes of May 6, 2019

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### CONSENT AGENDA

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve the Consent Agenda which consisted of the Minutes of the April 15, 2019 Planning Commission and the April 15, 2019 Regular Meeting. Motion carried unanimously with no discussion.

At this time the Mayor opened and closed the Public Hearing with no public input.

### OLD BUSINESS

1. **PUBLIC HEARING AND SECOND READING OF ORDINANCE 879 TO APPROVE A LAND USE PLAN AMENDMENT (LUPA) OF TWO SEPARATE SUBDIVISIONS FROM RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL). (OWNERS: MYSTERIOUS PINK APARTMENTS, LLC AND NVR INC. - GENERAL LOCATION: MYSTERY HOUSE ROAD, WEST OF PINK APARTMENT ROAD)**

At this time the Attorney was instructed to read Ordinance No. 879 by title.

City Planner Raymond Perez provided that this was the LUPA of 19.26 acre parcels along Mystery House Road (Pleasant Hill Estates) and staff recommended approval.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 879 as read. Motion carried unanimously with no discussion.

2. **PUBLIC HEARING AND SECOND READING OF ORDINANCE 880 FOR THE REZONING OF TWO SEPARATE SUBDIVISIONS FROM RESIDENTIAL SUBURBAN EXTRA (RSX) TO PLANNED UNIT DEVELOPMENT PUD. (OWNERS: MYSTERIOUS PINK APARTMENTS, LLC AND NVR INC. - GENERAL LOCATION: MYSTERY HOUSE ROAD, WEST OF PINK APARTMENT ROAD)**

At this time the Attorney was instructed to read Ordinance No. 880 by title.

Raymond explained that this was for the rezoning of the same parcel.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Kneeld and seconded by Commissioner Fellows to approve Ordinance No. 880 as read. Motion carried unanimously with Commissioner Kneeld questioning if there were any changes since the last hearing to which Raymond responded that nothing had changed.

3. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 884 APPROVING A FINAL PLAT FOR "HIGHLAND COVE SUBDIVISION" - GENERAL LOCATION: EAST OF HOLLY HILL ROAD, NORTH OF NORTH BOULEVARD. (PROPERTY OWNER: 4 ROOKS, LLC)**



## City of Davenport City Commission Minutes of May 6, 2019

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At this time the Attorney was instructed to read Ordinance No. 884 by title.

Raymond provided that this was for the final plat of the Highland Cove subdivision. The R-3 zoning in this subdivision required a minimum living area of 1,500 sq.ft. Raymond advised that there had been no changes since the last hearing and recommended approval.

The Mayor opened the Public Hearing.

Bill Blake of 580 Cantabria Drive accepted and questioned why the trees had been removed and what the intention was to restore the property. Mr. Blake further added that the trees had provided a nice barrier to all the abutting residences.

Raymond responded that the Developer had complied with all the Land Development Regulation requirements. The engineer was present in the audience to provide any further comments or information on this.

Rodney Gadd with GADD & Associates located at 1925 US 98 South, Lakeland added that the 30' was a public right-of-way and half was in the County and the other half was in the City. It was their intention to have this right-of-way vacated. The right-of-way in general didn't by default leave a vegetative buffer between two developments. They were seeking the subdivision of land for the improvements and if any trees were taken down outside of anything that wasn't allowed would be a Code Enforcement issue. They could definitely attempt to get the contractor to make it right however anything that was removed would have been approved by Staff.

Commissioner Kneeld noted that they had discussed this in length at their last meeting but looking at the map, the County ROW was closed and given to Del Webb and the other was closed for this new development so both properties were abutting directly up against each other.

Vice-Mayor Summerlin questioned when they had abandoned their portion. Commissioner Kneeld responded that it had been done when they had approved this development. Mr. Gadd interjected and added that what they were approving tonight would abandon the east portion abutting the property however the remaining portion that went out to Forest Lake Drive would not be and would be used for utilities and a partial roadway.

Mr. Blake took the floor again and corrected the record by pointing out that the strip of land was not owned by anybody. His position would be that they not approve the plat until this issue was resolved. He believed that it was important not to vacate public land without the right conditions set on it and the conditions should be that the developer and landowners agree on a replacement of the trees or some barrier to replace what was taken down.

There being no other public input, the Mayor closed the Public Hearing and entertained a motion.

## City of Davenport City Commission Minutes of May 6, 2019

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~~Motion by Commissioner Kneeld and seconded by Commissioner Fellows to approve Ordinance No. 884 approving the final plat for Highland-Gove Subdivision.~~

The Mayor questioned Raymond if the city had met all the rules and regulations and laws of the State, the County and the City. Raymond responded that it had and the City had complied with the City's Land Development Regulations.

Vice-Mayor Summerlin further voiced his concerns with the abandonment of the right-of-way. The City Manager explained that the portion that would be abandoned ran into the Marbella Subdivision and this was where the right-of-way stopped and didn't go any further. In answer to the Vice-Mayor's next question, he answered that there would not be any need for the City to use this piece of property since everything was already developed in the area.

He understood Mr. Blake's concern with the buffer but if the city didn't own the piece of property it wasn't up to the City to say whether or not the trees could be removed or replaced. This would be between the County and the developer. He wanted to go on record by stating that any utility right-of-way that they now had they had to maintain because they may need it in the future; and if there was a possibility that they may need it, he didn't want to give it away.

Commissioner Kneeld added that this was an excellent point and this is was something to take into consideration going forward and hoped that staff would point it out to them.

The City Manager asked Mr. Gadd if he could talk to the developer to see if they could replace some of the trees or place some kind of buffer. Mr. Gadd responded that he couldn't speak for the developer but he would ask.

Commissioner Lynch further noted that he had questioned ownership of the property and wanted to be absolutely sure. Mr. Gadd shared that a title search had been done and reviewed by all parties.

Commissioner Fellows felt that they need to extend the good neighbor policy.

Before voting, Vice-Mayor Summerlin pointed out that no trees would be placed in utility easements anyways.

~~There being no further discussion, the Mayor called for the vote. Motion carried unanimously.~~

### **NEW BUSINESS**

#### **1. APPOINTMENT OF VICE-MAYOR**

The Mayor opened the floor for nominations for Vice-Mayor.

Commissioner Fellows motioned to reappoint Brynn Summerlin as Vice-Mayor. The seconded was provided by Commissioner Lynch.

Q

## City of Davenport Commission Minutes of May 20, 2019

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### **2. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 891 ADDRESSING TRAFFIC CONTROL ON ESCAMBIA AVENUE AND MIAMI AVENUE**

At this time the Attorney was instructed to read Ordinance No. 891 by title.

Chief Holden advised that there were no changes since the last meeting and proceeded to briefly identify the locations involved.

The Mayor opened the Public Hearing with no public input.

**Motion** by Commissioner Kneeld and seconded by Commissioner Lynch to approve Ordinance No. 891.

Discussion ensued with Vice-Summerlin asking when they were going to do an evaluation to add more and further added the needed to set a specific timeframe to reevaluate the need.

Mayor Robinson opposed this idea and voiced that he personally did not like it. They had enough heartburn without adding stop signs at every intersection.

Commissioner Kneeld asked if Staff was still pursuing the school board about changing the bus stop from Lemon Street to Palmetto Street. Staff responded that they had not but would be talking to them at the May 28<sup>th</sup> meeting at the Community Center.

He also questioned why the stop signs were put up before second reading of the Ordinance. The City Manager responded that staff felt that it was an emergency situation because of the complaints the City had received. In addition, they wanted to know what kind of feedback it would get before second reading. There had been negative comments but the majority were positive.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

### **NEW BUSINESS**

### **1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 889 AMENDING THE BOUNDARIES OF THE HIGHLAND MEADOWS II CDD**

At this time the Attorney was instructed to read Ordinance No. 889 by title.

The Attorney advised that there was statutory criteria that should be considered when granting or denying a petition. In addition, whenever there was an expansion or contraction, the State required them to consider these criteria as well.

City Planner Raymond Perez explained that this was a request to amend the District and had been recommended for approval by the Planning Commission earlier in the evening. Raymond further advised that he would be including the Petition at second reading of the Ordinance.

Roy VanWyk with Hopping Green & Sams located at 119 South Monroe Street, Tallahassee took the floor and explained that they were there tonight to expand the District by approximately 44 acres. He noted that the Petition had been filed with both Haines City and Polk County prior to tonight. In addition, he was providing the following for inclusion into the record.

## City of Davenport Commission Minutes of May 20, 2019

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- Affidavits of Pre-filed Testimony
- Affidavit of Publication of Public Hearing

Mr. VanWyk asked for approval of the Ordinance on its first reading and stood for questions.

Vice-Mayor Summerlin noted that to his knowledge they had not had any issues with the CDD since its establishment. Staff confirmed that there weren't any.

The Mayor opened and closed the Public Hearing with no public input.

~~Motion by Vice-Mayor Summerlin and seconded by both Commissioner Kneeld and Lynch to approve Ordinance No. 889 on its first-reading. Motion carried unanimously with no discussion.~~

~~2. PUBLIC HEARING AND 1<sup>ST</sup> READING OF ORDINANCE NO. 890 REZONING A PARCEL OF LAND FROM R-3 (RESIDENTIAL-3) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE HIGHLAND COVE SUBDIVISION LOCATED EAST OF HOLLY HILL ROAD AND NORTH OF NORTH BOULEVARD (PROPERTY OWNERS: AROOKS, LLC)~~

At this time the Attorney was instructed to read Ordinance No. 890 by title.

City Planner Raymond Perez advised that this had not been recommended for approval by the Planning Commission. This request was for a zoning change from R-3 to PUD and a reduction of the minimum living area from 1,500 sq. ft. to 1,300 sq. ft.

The Mayor opened and closed the Public Hearing with no public input.

~~Motion by Commissioner Kneeld and seconded by Vice-Mayor Summerlin to deny the zoning request. Motion carried unanimously with no discussion.~~

~~3. PUBLIC HEARING AND APPROVAL OF RESOLUTION NO. 412-19 APPROVING THE FINAL PLAT FOR THE CHAMPION TOWNHOME SUBDIVISION LOCATED NORTH OF CR 547 (DAVENPORT BOULEVARD) AND EAST OF HIGHWAY 27~~

At this time the Attorney was instructed to read Resolution No. 412-19 by title.

City Planner Raymond Perez explained that this was for approval of a final plat for Champion Townhome Subdivision. This encompassed an area of 13.759 acres and no changes had been made since the preliminary plan. Raymond further added that this request had been reviewed by Staff and found to be consistent with the policies and goals of the City's Land Development Regulations and the Comprehensive Plan and recommended approval.

The Mayor opened the Public Hearing.

Sharon Garrett of Carl Boozer Road and owner of the adjacent property to the east accepted the invitation and proceeded to voice the challenge of keeping debris off her property. In addition, there was no fence between this subdivision and her property and the kids were constantly using her property as a playground. The City had incorporated fences all around yet there wasn't one at this development and asked why.

**R**

## A MESSAGE TO THE RESIDENTS OF DAVENPORT

It's election time again and the fearmongers and naysayers are hard at work. Don't be misled by the half-truths, innuendos, and flat-out lies that are being spread all over town.

You were misled a few years ago regarding the sewer. Now it's becoming increasingly clear that we will have to address this issue again. Before, we had a grant to pay for it; now it will be at the residents' expense.

You are being told that the current commission is trying to take your right to vote for mayor away. This is simply not true. Amendment 1 gives you, the voter, the choice.

The constant criticism of the current administration by a disgruntled few is unwarranted and untrue. The details above are just a few examples, but you get the picture. **In short, beware of messengers that walk all over town spreading lies and half-truths who then use the handicap parking space at City Hall.**

If you have questions concerning our great city, please reach out to Mayor Robinson, our City Commission or City Manager Kelly Callihan to have your questions accurately and appropriately answered.

**GOD BLESS DAVENPORT**

**Davenport is one of the fastest growing cities in Florida.  
It needs strong and proven leadership.**

**Here are a few examples of what the  
current administration has accomplished:**

- 1) Fully-accredited Police Department, one of only a handful statewide, making for a safer community
- 2) First-class Fire Department with an ISO rating of 2, resulting in lower insurance rates for the residents
- 3) An aggressive plan for repair and replacement of sidewalks and repairing of streets for all of Davenport
- 4) Department of Public Works that has been awarded the funding (\$10,000,000) to replace our water lines
- 5) Parks and Recreation Department that puts on some of the best events in Polk County
- 6) A fiscally-responsible staff that has provided a balanced budget and a healthy reserve balance without raising taxes
- 7) Full-time Professional Planning Department to help Davenport manage our tremendous growth and potential

**Davenport has come a long way and the future is bright.  
Working together and in the spirit of cooperation has proven  
to be a better way. Let's not go back to the divisive and  
confrontational politics of our past.**

**Your choice is clear.**

5\*6\*\*\*\*\*AUTO\*\*ALL FOR AADC342 0003932  
T Darlene Bradley  
PO Box 3318  
Haines City FL 33845-3318

Presorted  
Standard  
U.S. Postage  
**PAID**  
Lake Wales, FL  
Permit No. 1205



**S**

By now you have heard all the pros  
& cons about the upcoming election.

The question is —  
**are you going to be misled again?**



The challengers offer you  
lies, half-truths, innuendos,  
conflict and controversy.



The incumbents give you  
honesty, integrity, proven  
leadership and results.

**VOTE**

**More Progress**

**Less Embarrassment**

**Keep Davenport Moving Forward**



**Protect Our Integrity**



**Your Choices are Clear**

Ya ha escuchado todos los pros y los  
contras de las próximas elecciones..

**La pregunta es  
¿vas a ser engañado de nuevo?**

**X** Los retadores te ofrecen  
mentiras, verdades a medias,  
insinuaciones, conflicto y controversia.

**✓** Los titulares te dan  
honestidad, integridad, probado  
Liderazgo y resultados.

**VOTE**  
Más progreso

**Menos vergüenza**

**Mantenga a Davenport avanzando**

**Proteger nuestra integridad**



**Sus opciones son claras**



121.....ECRWSH\*\*R 018 000283  
DAVENPORT FL 33837-4134



**T**

Both campaigns (Robinson and Lynch) assembling, stuffing, mailing their flyer "A legacy a part of you that remains", a malicious flyer with false statements that was paid for by both parties; but not mentioned on either campaign's financial reports.

In attendance: From Left Linda Robinson, Treasurer for Robinson Campaign, Robert "Bob" Lynch, Candidate Seat 3 Commissioner, on far right is Denise Lynch, Treasurer for Lynch Campaign.

Posted on Robinson's Facebook:

[www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-105141444933457](http://www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-105141444933457)



U

## A life dedicated to service Veteran-Police Officer-Public Servant

- Voluntary Enlistment-US Army/  
Honorable Discharge
- 53 Years municipal government  
experience. 19 of these years was  
service to the residents of of  
Davenport as your chief, city  
manager, city commissioner/vice  
mayor, and now your MAYOR
- Current Vice President, Ridge  
League of Cities
- Member, Florida League of  
Mayors
- Life Member - Polk County Police  
Chiefs Association, Florida Police  
Chiefs Association, FBI National  
Academy Associates

## Personal

- Resident of Davenport since  
May, 1992
- Deacon, First Baptist Church  
of Davenport
- 4th Generation Floridian
- Bachelor of Science Degree from  
Florida International University
- Attended FBI National Academy  
for Law Enforcement.
- Attended Florida League of Cities  
Institutes for elected officials
- Married to my wife, Linda, for  
(soon-to-be) 48 years. We have 2  
children and 4 grandchildren.

Political advertisement paid for and approved by  
H.B. "ROB" ROBINSON Candidate for Mayor,  
PO Box 1257, Davenport, FL 33836

PRESORT STANDARD  
U.S. POSTAGE  
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PERMIT #1403  
ORLANDO, FL

T Darlene Bradley  
PO Box 3318  
Haines City FL 33845-3318

**Vote**

**ROBINSON** for Mayor on April 2nd

H. B. "ROB" ROBINSON  
CAMPAIGN FOR MAYOR  
PO BOX 1257  
DAVENPORT, FL 33836

**FOR MAYOR**  
City of Davenport

*A Better Future for our City  
A Better City for Our Future*

*"The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in office." President Dwight D. Eisenhower*

## Vote for integrity Re-Elect H.B. "Rob" Robinson as your Mayor

Above all else, *I believe in honest and integrity.* I do not make misleading or ambiguous statements and promises. I have **never** been arrested for a misdemeanor or a felony.

**I am very proud to be your Mayor.** My term in office has been very productive.

**As your Mayor,** the teamwork between the City Commission and City staff has produced outstanding results with moving the City forward to meet current and future needs of our residents.

**As your Mayor and former Vice Mayor,** my voting record has always been for all citizens of Davenport. **My voting record speaks for itself... it is the truth!**

**As your Mayor,** the integrity and good standing of the Mayor's Office within this community has been restored.

**As your Mayor,** I will continue to represent all residents of Davenport and continue to make sure that services are enhanced and inline with our growth.

**As your Mayor,** I am proud to see that we have a **City Commission** that is cohesive and works together to foster relationships for the betterment of the City.

**As your Mayor,** I worked to make Davenport a city to be proud of. I have represented the City at meetings throughout Polk county, the State of Florida and in Tallahassee.

**As your Mayor,** I participate in a Mayors/City Managers Coalition with other cities along the US 27 corridor to achieve common goals and to provide better services for our residents.

**As your Mayor,** I will continue to monitor the manner in which your tax dollars are spent.

**Achievements as your Mayor working with City Commission and Staff (as a TEAM) include:**

**Recognizing a need, I championed** for a new fire station on the west side of the City; which is currently moving forward.

I was proud to **coordinate the Toys for Tots Program in Davenport** with the assistance of Davenport Historical Society, First Baptist Church, and City Staff. This program netted 20,000 overall contributions for families throughout Polk County.

**Transformation** of the overall appearance of the City. *RB*

**Support and Encourage** development of a commercial district.

**Increase** Police Department to provide better services to our residents.

**As a former Police Chief, I recognized** the need for and was a strong **proponent** of State accreditation of our Police Department.

**Develop and approve** plans for the new Community Center. *RB*

**Cooperation** with the Polk County School Board for the renovation and re-opening of the historical school building.

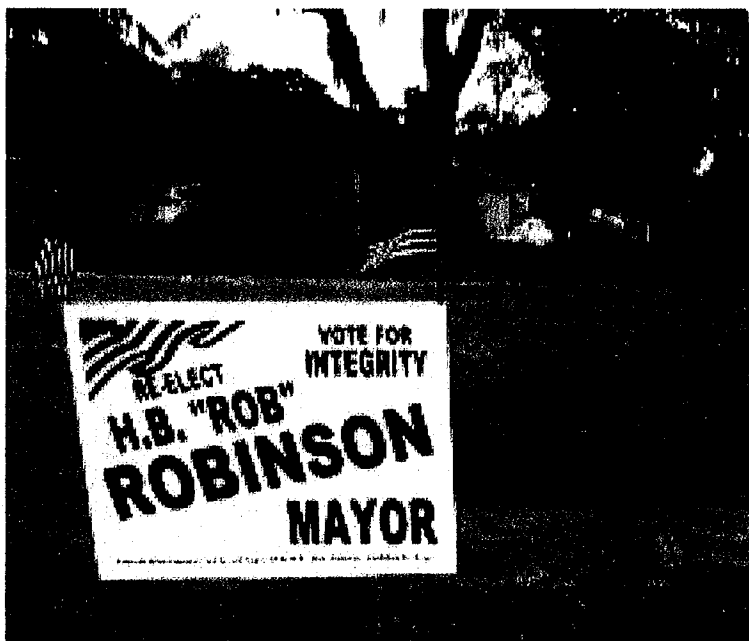
**Completion** of new construction and renovations to City Hall buildings. *RB*

**Continue** to review policies and benefit programs for City employees.

**Expansion and repair** of City utilities, such as our water plant, sewer plant, streets, and sidewalks. *RB*

**Expansion** of city boundaries.





**V**

OFFICE USE ONLY

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

I, \_\_\_\_\_,

candidate for the office of \_\_\_\_\_;

~~(have been provided access to read and understand the requirements of;~~

~~Chapter 106, Florida Statutes.~~

X

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



Board of County Commissioners

330 W. Church St.  
P.O. Box 9005  
Bartow, FL 33831  
(941) 534-6090  
Fax (941) 534-6055

Public  
Information  
Office

DATE: April 23, 1997  
TO: Barbara Osthoff, Supervisor of Elections Office  
FROM: Sara Cheney, <sup>yc</sup>Public Information Office  
SUBJECT: ~~Campaigning in Government Facilities~~

As we discussed, ~~County policy prohibits campaign solicitation in government facilities.~~  
Attached is a memo recently sent to all Board of County Commissioners' department and  
division directors reminding them of the policy.

Please include this information in the packets you provide to candidates. Since candidates  
coming to your office may be unaware of this policy, we want to ensure that everyone is aware of  
the rules in order to prevent violations from occurring. I am also requesting that you make sure  
that any candidates who have already qualified receive this information as well.

Thanks for your help.

Attachment

xc: Jim Keene, County Manager

JIM W. KEENE  
County Manager

JIM RODEN, JR.  
Deputy County Manager



Board of County Commissioners

330 W. Church Street  
Drawer CA01  
Post Office Box 9005  
Bartow, FL 33831-9005  
(941) 534-6444  
Fax (941) 534-7069

MEMORANDUM

DATE: April 15, 1997  
TO: Department/Division Directors  
FROM: Jim W. Keene, County Manager  
SUBJECT: CAMPAIGNING IN GOVERNMENT FACILITIES

Pursuant to the Facility Physical Security Standard Operating Procedures (SOP), approved by the Board on March 11, 1997, I would like to remind all Department and Division Directors that this SOP governs the appropriate use of all County facilities. One of the building rules and regulations outlined in the SOP is:

**Soliciting, panhandling or petitioning is prohibited.**

This regulation applies to candidates campaigning for elected office. Staff is instructed to intercede whenever a violation of the rules contained in the Standard Operating Procedure is noted.

Should you have any questions, please contact Mark Donald, Facilities Management Director at 534-0340.

Thank you for your attention to this matter.

JPF/mcd

# Davenport Mayor Relieved By Attacker's Sentencing

By Cody Dulaney  
LEDGER MEDIA GROUP

Published: Saturday, May 17, 2014 at 2:00 a.m.

WINTER PARK | **Davenport Mayor Darlene Bradley** said Friday she no longer feels the need to keep looking over her shoulder, and that's a big relief.

*"I might be able to sleep at night," Bradley said. "We can all breathe easier now."*

That's because the 30-year-old man who kidnapped and robbed her may spend the rest of his life in prison. An Orange County jury Thursday convicted her assailant, **Farley Curry**, and a judge sentenced him to 60 years in prison.



While **Bradley** said the sentence is a relief, she had to spend the past few days reliving the most traumatic experience of her life.

*"It was scary, but I had to tell my story," Bradley said Friday of the testimony she gave.*

*"I must have been rocking the courthouse with how bad I was shaking in my chair."*

It was a dark and rainy morning Oct. 25, 2012, **Bradley** said, when she pulled into the parking lot at **Terracon** in Winter Park, the engineering company where she works.

Before she knew what was happening, she said, a man shoved a gun in her face and forced his way into her car.

While Curry was fighting to get inside, **Bradley** was on the phone with her husband, **John Lepley**.

What started as a normal conversation, **Lepley** said, ended with Bradley screaming and shouting for his help.

Then the line went dead.

*"At that point, panicking won't get you anywhere," Lepley said. "I just called 911 and told them to get down there."*

Meanwhile, Curry was demanding money from **Bradley**, but she was only able to give him \$64 in cash and a \$2 winning lottery ticket.

## HANDS AROUND HER NECK

Curry then drove **Bradley** to a house in Eatonville and got out to speak to a man on a bike. He left the door open, Bradley said, and she thought she had a chance to escape.

She managed to get one hand on the door and one foot out, but then Curry's hands wrapped around her neck, **Bradley** said.

He choked her and threw her down to the floor board, she said.

Curry then made **Bradley** get in the backseat while he drove down the street to another house.

There, Curry stopped at a two-story home where the **upper-level windows were blacked out.**

**Four men** approached the car from behind the house, **Bradley** said, and Curry shut off the engine and took the keys as he got out to speak with them.

**"At that point, I thought I was going to be raped and killed,"** she said.

With shaking hands and a pounding heart, **Bradley** said she found a second set of keys. Then she jumped into the driver's seat, started the car and wildly sped off down the street.

She was afraid they were chasing her, **Bradley** said, but she managed to wave down a Cassleberry police officer for help.

It took six weeks for police to match Curry's DNA to the car and make an arrest.

Police said Curry had committed a similar abduction just weeks before his attack on **Bradley**. In that case, Curry is charged with carjacking **Erin Hindle** of Winter Park and forcing her to withdraw money from an ATM. No date has been set for that trial.

With a criminal history dating to 1999, Curry is no stranger to police. His record includes cases of battery, battery on a law enforcement officer and possession of drugs.

For the past 1½ years, **Bradley** said, she kept this part of her past a secret for a couple reasons — **fear of retaliation** and a **fear of public perception.**

Even though Curry was in jail awaiting trial, **Bradley** said, **she had a constant fear of the four men who were walking toward her car that morning.** **The thought of those men coming to find her kept her up many nights.**

During that time, **Bradley** was also preparing to run for office in the city of Davenport, and she didn't want to bring up the case.

*"I wanted to be elected based on my ideas and what I wanted to do for the city," she said. "I wasn't looking for a sympathy vote."*

## **WORK AS THERAPY**

Getting out of your car.

Walking into a building with your hands full.

Going places by yourself.

Those are things most people take for granted every day. After Bradley's experience, however, they are everyday reminders of what happened.

*"He took away my freedom, my sense of security," she said. "Everything I do now is very different."*

To help cope with the events of that October morning, **Bradley** said, she talks to groups about self-defense and being prepared for anything.

She also encourages people to hide a second set of keys somewhere in their car.

*"Lucky for me I had a second set of keys," Bradley said. "Otherwise, I'd just be another statistic."*

Most important, however, is not making yourself an easy target, she said.

*"Anything I can do to make sure no one else has to go through what I did is therapy enough for me."*

Since the attack, **Lepley** said his wife has immersed herself in the city of Davenport.

*"It kept her mind off the horrible events of that day," he said of her work as mayor. "Working for the city has served as therapy."*

But not a day goes by in which she isn't reminded of what happened, though, **Bradley** said.

*"There are good and bad people, and then there's evil people," she said. "I met the evil that day."*

[ Cody Dulaney can be reached at [cody.dulaney@newschief.com](mailto:cody.dulaney@newschief.com) or 863-401-6969.

<http://www.theledger.com/article/20140517/NEWS/140519364/1338/news00?Title=Davenport-Mayor-Relieved-By-Attacker-s-Sentencing>





## Community Involvement

**Mayor**

**City of Davenport**

**Host/Organizer Davenport  
2<sup>nd</sup> Saturday Cruise-In**

**2008 Davenport Chamber  
Presidents Award Honoree**

**Host/Organizer 2008/9 Davenport  
WinterFest & Christmas Parade**

**Polk Leadership Institute  
Valedictorian**

**RCHS Sigma Honorary Member**

### **Mayor Darlene – Promises kept:**

As I promised you in 2013, I do not take a salary as Mayor.

I was able to persuade **Duke Energy** to replace the **street lights** from 100 to 250 watts at all intersections in Davenport....[at no cost ] I persuaded them to add street lights on CR547 too. You asked me – it's done

I contacted **Polk County Sheriff's** office & saved us \$80,000 a year with free jail workers. Free is much better don't you think?

I instituted a new city tradition for **July 4<sup>th</sup>** with the reading of the **Constitution** and **Declaration of Independence**. What did you think of the **new fireworks** we did for you this year – sponsors paid for it all.

I requested **FDOT** to add a left turn signal on the street light at **Bay Street & 17-92** & they did...Then I asked for a fix for the **17-92 & South St interchange** - wow are they great or what? [at no cost to you.]

**Adair Park** – redone with Lowes Heroes  
**Lewis Mathews** completely redone with partnership with Haines City. **Jamestown Park** – refurbished with new bathrooms.

All our sidewalks are fixed to top-notch shape.

Saved us \$38 million on our **new Sewer Plant** that was paid for by developer impact fees.

Our new **Event/Community Center** is in progress - with a special agreement I made with a very special developer that covers \$4 million of the cost. It will have a gym, exercise area, convention center, entertainment center & even a crafting area. The best in NE Polk!

# Elect

# Darlene

# Bradley

For

# MAYOR

# VOTE

# April 2nd

Paid Pol. Adv. for Darlene Bradley for Mayor  
Campaign - PO Box 2791, Davenport, FI 33836

Proudly, I want you to know that it has been an honor to represent you, my neighbors & the citizens of Davenport as your Mayor for the last few years. I would like the privilege to serve another term & ask for your vote on April 2nd. I want to thank you for taking a chance on me.

I ran for Mayor in 2013 without any political experience - after our last mayor told you to your face - that he didn't care what the citizens wanted. You deserved someone that had your best interests at heart. I had the passion and ambition to work hard to make our city better. With leadership, hard work, research & creating partnerships, we were able to accomplish a lot in the last few years. I want you to be proud to call Davenport your home! I think our transformation is something you may just want to brag about - & we're just getting started.

I kept my promise when elected to be accessible, to listen, and represent you. I established a "**Chat with the Mayor**" monthly event by meeting with citizens on the 4<sup>th</sup> Saturday of every month at the gazebo on Bay Street and created a "**Mayor's Corner**" newsletter on the city's website to keep you abreast of ongoing and completed projects.

Most importantly, when I was first elected I made it a priority to change the commission forum to allow citizens to speak on any item not on the agenda before the meeting starts and again on any agenda item. It was a tremendous fight, but it is now your right. It is **YOUR** city - Your voice needs to be heard.

On the next page is a recap of promises I made to you & other projects, initiatives and accomplishments I've done on your behalf over these last few years. You'll find I am "hands on" & a "get 'er done" kind of Mayor.

### **You see, it's my city too!**

Every year I proudly tell you in my **State of the City** address, which lists of projects, achievements & our goals we accomplished or have on tap for the future.

So I think from this list of promises kept, you can see I've been working very hard for you & I try to be as responsive to you as I can - considering I work 12 hour days in Winter Park. So if you need to get in touch with me - you can always email me at [davenportmayor@gmail.com](mailto:davenportmayor@gmail.com) & I will answer you as soon as I can.

**I need your help & strength** to continue the transformation of our

city back into first class shape and into the 21<sup>st</sup> century. We are starting to look pretty good. Much, much more though needs to be done. Are you ready?

What do you say? Lets keep going. Together we can make Davenport great.

Lets work together to insure the Davenport of tomorrow is the same wholesome, friendly town as is the Davenport we love today.

Every month, our visitors tell us how much they enjoy our events because we are such a warm and friendly place with that sense of hometown I've mentioned before.

We are like a diamond in the rough that just needs a little polishing.

### **Let's sparkle together**

# **I am asking for your vote on April 2nd**

**Thank you so much**

# MEMBER PROFILE

## Frederick John Reilly

Member in Good Standing

Eligible to Practice Law in Florida

**Bar Number:**

607800

**Mail Address:**

33 North Sixth Street, No. 4  
PO Box 2039  
Haines City, FL 33845-2039  
United States

Office: **310-927-3954**

Cell: **310-927-3954** - No Text Messages

Fax: 310-927-3954

**Email:**

**fredreilly@attorney-solicitor.com**

**Personal Bar URL:**

<https://www.floridabar.org/mybarprofile/607800>

**vCard:**



**County:**

Polk

**Circuit:**

10



**Admitted:**

10/31/1986

**10-Year Discipline History:**

None

**Law School:**

Samford University, Cumberland School of Law, 1986

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## FLORIDA ELECTIONS COMMISSION

REVIEW OF COMPLAINT FOR LEGAL SUFFICIENCY			
~ PRELIMINARY INFORMATION ~			
Date Received: 09/12/19	Reviewer: Cole	Case #: 19-519	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDED
Complainant: <b>Darlene Bradley</b>		Respondent: <b>Rob Robinson</b>	
<b>Complainant:</b>	Complainant was one of Respondent's opponents in the race for Davenport Mayor. She was defeated in the election held on 04/02/19		
<b>Respondent:</b>	Respondent was a candidate for election to the office of Mayor of Davenport. He was elected in the election held on 04/02/19.		
<b>Background:</b>	This case was split from 19-516, an expedited case. Respondent is represented by Fred Reilly, Esq.		
~ VIOLATIONS ~			
<b>Violations in complaint:</b>	§104.0615, 104.071, 112.3143, 106.08(5)(a), 106.15, 106.143, 106		
<b>Violations for CMS:</b>	§104.0615, 104.071(1)(d), 106.08(5)(a), 106.15(4), 106.143(1)(a), 106.19(1)(c)		
~ COMPLAINT ISSUES ~			
1.	Respondent's wife/campaign treasurer removed campaign literature from an elector's door jamb.		
2.	Respondent accepted excessive contributions made through or in the name of another.		
3.	Respondent failed to abstain from voting on developers' projects after receiving contributions from them.		
4.	Respondent campaigned in a government building.		
5.	Respondent failed to include disclaimers on two mailers and failed to report expenditures for them.		
6.	Respondent failed to report expenditures related to his 50% share of a joint political advertisement.		
~ REVIEW OF COMPLAINT ISSUES ~			
1.	<p>Complainant alleged Respondent's wife/campaign treasurer removed some of her campaign literature from the door jamb of an elector and characterized this as voter suppression/intimidation in violation of Section 104.0615, F.S. She provided an email from the City Clerk allegedly confirming that this happened. However, the email merely states that Ms. Robinson told the Clerk she read the literature but placed it back where it had been, which is not the same thing as taking it. Regardless, this allegation is directed against Respondent's wife, not Respondent. Despite that she was Respondent's treasurer, this action appears to have been allegedly committed on Ms. Robinson's own volition and without alleged instruction from Respondent. In response to the complaint, Respondent stated that he is not vicariously liable for the conduct of his wife.</p> <p style="text-align: center;">Legally Insufficient</p>		

2. Complainant alleged Respondent violated Section 106.08(5)(a), F.S., which prohibits making a contribution through or in the name of another. She pointed to 5 contributions listed on Respondent's 2019 M2 report, each for \$1,000. Each contribution was reported as having been received from a different corporate entity. Complainant alleged that all \$5,000 was really contributed by Rennie Heath, a developer. Complainant further alleged that this exceeded contribution limits.

In response to the complaint, Respondent pointed out that each of the 5 entities was a distinct "person" within the meaning of the Election Code's definition of that word. Therefore, the 5 contributions represented 5 contributions from separate, distinct "persons."

Rennie Heath is the CEO of Heath Construction and Management, LLC, which is one of the corporations that contributed to Respondent. He also reportedly is in charge of land development for Cassidy Homes, a local holding company also known as the Cassidy Organization, Inc. Principal persons of that organization include Steven L. Cassidy and Albert B. Cassidy, who are both directors of one of the other corporations that contributed to Respondent (Cassidy Holdings Group, Inc.). Albert Cassidy is a director of two of the other corporations (CAS Holdings, LLC and Lakeville Partners, LLC). The principal and mailing addresses of four of the corporations (all of them except Heath Construction and Management, LLC) are identical.

Although these corporate entities appear to be operationally and/or organizationally related, each corporation is a separate "person" within the meaning of the Election Code, so each was entitled to contribute up to \$1,000 to Respondent's campaign. No evidence was provided to suggest that Mr. Heath was behind all five contributions. No evidence was provided to suggest that the funds coming from any one of the specific entities derived from Mr. Heath's personal funds, rather than its own corporate holdings, such that Respondent accepted a contribution made in the name of another.

Legally Insufficient

3. Complainant alleged Respondent failed to "disclose" or "abstain" from votes on Mr. Heath's and Mr. McKnight's projects after receiving \$5,400 in donations from those developers. As noted in section 1 above, no evidence was provided suggesting Respondent received more than \$1,000 from a corporation of which Mr. Heath is director, and no evidence was provided to suggest that Respondent received money directly from Mr. Heath. Warren McKnight contributed \$200 to Respondent on 02/08/19, and Holly Hill Fruit Products, a corporation of which Mr. McKnight is CEO, contributed \$200 to Respondent on the same day. These were disclosed on Respondent's 2019 M2 report. Complainant specified 10 votes: three on 03/04/19, one on 03/18/19, one on 04/01/19, two on 04/15/19, one on 05/06/19, and two on 05/20/19. She provided minutes from the meetings in which the votes were taken.

In response to the complaint, Respondent noted that the referenced statute, Section 104.071, F.S., relates to remuneration by a candidate for services or support. Respondent stated that he did affirmatively disclose his campaign contributions, including the ones referenced by Complainant, on the 2019 M2 report, which was filed on 03/22/19. Subsequent to this disclosure, he performed his "affirmative duty as an elected official to vote on all matters before the City Commission," including the matters cited by Complainant. Respondent stated he did not abstain from those votes because there was "no special private gain or loss which would be the basis" for disqualification." Respondent stated Complainant has not provided clear and convincing evidence establishing probable cause of an illegal quid pro quo with real estate developers.

	<p>None of the subsections of Section 104.071, F.S., would apply to this situation. The closest one is Section 104.071(1)(d), F.S., but it specifically relates to candidates giving things of value to people for purposes prohibited by <u>election laws</u>. The law at issue is not an election law. Section 112.3143(3)(a), F.S., sets forth prohibitions on municipal officers from voting on matters that might inure them with a special gain. The FEC lacks jurisdiction to investigate matters under that chapter. This matter is one for which the Florida Commission on Ethics might have jurisdiction.</p> <p style="text-align: center;">Legally Insufficient</p>
4.	<p>Complainant alleged Respondent “commandeered the Davenport Commission Chambers” during business hours to conduct two interviews for television to promote his campaign. Complainant provided a link to a news article with associated news video in which a local reporter interviewed Respondent and Complainant’s husband, John Lepley. The news report focused a lot on Complainant, with screen time given to both Complainant’s husband and Respondent. The portion of the interview with Respondent took place in what appears to be the City Commission meeting area, but Respondent was Mayor at the time.</p> <p>Section 106.15(4), F.S., prohibits a person from soliciting or accepting contributions in a government-owned building, which is not what was alleged. Conducting a television interview in a government-owned building is not prohibited by any subsection of Section 106.15, F.S. Furthermore, Respondent did not specifically request that contributions be made to his campaign during the interview. In response to the complaint, Respondent stated conducting interviews in municipal buildings is not a violation of Section 106.15, F.S.</p> <p style="text-align: center;">Legally Insufficient</p>
5.	<p>Complainant alleged that Respondent failed to include disclaimers on two mailers and failed to report expenditures associated with them. Respondent stated they were anonymous communications and denied that he paid for, authorized, approved, or had any connection to the literature.</p> <p>The first mailer looks like an electioneering communication. Though it speaks favorably about the current administration and invites the reader to ask questions concerning the City to the Mayor (Respondent), the City Commission, or the City Manager, it does not have any content that would attribute it to Respondent.</p> <p>The second mailer (front/back, English/Spanish) again supports the “incumbents” and asks the reader to “vote more progress less embarrassment,” but it does not name a specific candidate nor contain content that would attribute it to Respondent.</p> <p style="text-align: center;">Legally Insufficient</p>
6.	<p>Complainant alleged Respondent failed to report expenditures associated with a joint political advertisement. In response to the complaint, Respondent noted that his 2019 M3 report disclosed two expenditures to Staples on 03/16/19 and 03/23/19 for the cost of paper, ink, and envelopes. The total expenditures reported were \$402.11. While the expenditures do not specifically state that they were related to the cost of that mailer, they do state that they were for the cost of items needed for printing and distributing such a mailer. Respondent also attached an invoice for these items noting that Respondent was supposed to pay at least \$359.33 for his share. The invoice included the cost of paper, envelopes, and ink.</p> <p>Complainant attached a “campaign flyer” as attachment U, but she did not allege any issues with it.</p> <p style="text-align: center;">Legally Insufficient</p>
<b>~~~~ REVIEWER’S RECOMMENDATION AND COMMENTS ~~~~</b>	
I recommend the complaint is Legally Insufficient for the reasons set forth above.	

October 20, 2019

Mr. Tim Vaccaro  
Executive Director  
**Florida Elections Commission**  
107 West Gaines Street  
Suite 224  
Tallahassee, FL 32399-1050

**Re: Case No.: FEC 19-516; Respondent: Rob Robinson**

Dear Mr. Vaccaro:

I received your judgement on Saturday 10/12/19 and I am very disappointed that you obviously did not read my submittal.

The court case that you cited states: *"The Court held that "actual malice" requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false."*

My submittal dated 9/9/19 includes **70 pages of evidence of malicious, false, willful statements** made by Mr. Robinson. He sent numerous mailings to each resident repeating the same lies about me and my accomplishments, knowing they were false and malicious statements.

Your judgement also states **erroneous** facts stating I pled guilty to criminal use of the personal identification of a deceased person and knowingly possessing an altered/counterfeit decal. Obviously, you did not read the documents I sent showing these charges were dropped immediately....it clearly states "**no bill**" for these charges on the Polk County Clerk of Courts document I provided. I pled to the **unlawful use of a handicap placard and paid a \$250 parking ticket with adjudication withheld**, signed by State Attorney Brian Haas on 12/15/17. Mr. Robinson's facebook also states all 3 were my "violations"; which is false. **(Attachment F)**

Mr. Robinson knows those charges were dropped, yet he has "reckless disregard of whether the statements he made was true or false" when he included this in his campaign literature, flyers, letters, post cards and postings on his facebook.

I **DID** initiate the Fourth of July Celebration in Davenport in 2015. When Mr. Bob Avery came to me and told me it was his dream to have a public reading of The Constitution and Declaration of Independence, I made it happen, I "**initiated**" it. First, I got permission to host this event at the city's gazebo, then I created the program and obtained volunteers/speakers/sponsors for this event. Before this event, there had never been any type of celebration for Independence Day ever



Complainant: Bradley Respondent: Robinson

in Davenport. This was the FIRST time ever a July 4<sup>th</sup> celebration occurred in Davenport and I initiated it and Mr. Robinson knows that I initiated it. This can be verified with Mr. Bob Avery (863) 852-7545. **(Attachment G)**

Mr. Robinson's took the accomplishments listed in my campaign brochure and created a flier denying everything that I listed that I accomplished as Mayor. I have provided 70 pages of evidence to you in my submittal that Mr. Robinson knowingly willfully lied about my accomplishments.

On 6/3/17, Kelly Callihan, City Manager, arranged a meeting with Rennie Heath, Fmr. Senator JD Alexander, John Lepley and myself at **Southern Dunes Restaurant in Haines City**. The purpose of this meeting was for Rennie Heath to apologize to Mr. Lepley for threatening him at a commission meeting in May, 2017. It was at this meeting where Rennie Heath offered to myself and Mr. Lepley to give the City of Davenport \$1,000/house he sells for the proposed Davenport community center. Rennie Heath signed his name agreeing to his promise and Fmr. Senator JD Alexander provided his cell number and made a promise to backup whatever commitments Rennie Heath had made to the city regarding a recreation area for a new subdivision in Highland Homes. Mr. Heath signed his name to this promise on a spiral notebook that I had with me. I have the original document Mr. Heath signed promising to give \$1,000/house that he sells, which I have provided a copy to you. **Your conclusion summary states this meeting took place at a commission meeting, which confirms you did not read my submittal.** On 2/5/2018 at a city commission meeting, two months after I resigned as Mayor of Davenport, Rennie Heath reiterated once again and confirmed his promise he had made earlier to me and Mr. Lepley that he would donate \$1,000/home to the city that he sells in Davenport to go towards building the Davenport Community Center. **(Attachments H and I)**

Mr. Robinson's flyer implied that I lied about the cost of a \$5,000 lien on citizens homes...that the amount was never established. The POINT is, not the amount, as I provided proof to you that the amount was verified with city documents; but that he implied I lied about a lien. Mr. Robinson knew his statement was false and malicious. Commission minutes from 10/29/2007 confirms Mr. Robinson's discussed a lien on citizen's home/property for a sewer. **(Attachments E and J)**

Retired Police Chief Robinson is fully aware and very knowledgeable about: (1) how the court system works (2) is next door neighbors to Mr. Avery and fully aware of the birth of the 4<sup>th</sup> of July startup (3) Mr. Robinson was a major sponsor of the efforts to stop the sewer efforts and a commissioner at the time the lien was brought to the fore. Mr. Robinson is not an innocent nor naïve candidate.

Complainant: Bradley Respondent: Robinson

The complaint form instructions state this form is for violations of FS 104 and 106; yet you did not address any of Mr. Robinson's campaign/finance violations related to FS 106 that I submitted:

1. You did not address voting conflicts when Mr. Robinson accepted \$5,000 donations from Rennie Heath and then voted in favor of his projects the next day. Mr. Robinson never abstain/recused himself from voting on his projects after accepting his campaign donations. In my submittal are commission minutes verifying Mr. Robinson voted in favor of Mr. Heath's and Mr. McKnight's projects upon receiving campaign donations from them. (**Attachments L, M, N, O, P and Q**).
2. The campaign Flyer "*Legacy: Something that is a part of you that remains*" created and distributed jointly by Mr. Robinson and Mr. Lynch; yet not listed on his finance campaign reports as paying 50% for printing/mailing expenses. (**Attachment E**)
3. The most someone can donate in a municipality election is \$1,000. Yet Mr. Robinson accepted \$5,000 from Rennie Heath. His finance reports M1 and M2 are **Attachment K**. Our City Clerk/Election Supervisor said that was the most money ever donated in a Davenport campaign.
4. You did not address two campaign post cards which **did not** include a disclaimer "paid for by" and was not listed on his finance campaign reports as "in kind" or not. (**Attachments R and S**)
5. You did not address Linda Robinson, his campaign treasurer, who took my literature out of the door jamb of a citizen's home because she said she knows what's best for who they vote for. Isn't this voter suppression/intimidation? (**Attachment C**)
6. You did not address Mr. Robinson campaigning in Davenport City Commission Chambers; i.e. tv interview during normal business hours in city hall. (**Link for the tv interview in city hall – Item 6.**)

I listed a few of my accomplishments as Mayor in my campaign brochure and Mr. Robinson's campaign literature intentionally lied and said these were not true. So what part of "false" "intentional" "malicious" statements he made does not meet FEC violations?

I read the violations for FS Chapter 104 and 106 and I provided the hard facts evidence of Mr. Robinson's violations. FS Chapters 104 and 106 doesn't state "half truths" or "white lies" are acceptable, it says "false, intentional, malicious statements" are violations.

Complainant: Bradley      Respondent: Robinson

I am asking that you reread my submittals and pass it on to the Florida Elections Commission for their review. I find it hard to believe that you don't see the false, intentional, malicious statements he made in his campaign literature, mailings, social media, and post cards. Especially since you ignored so many areas submitted to you without comment. Not even dismissals.

I find it hard to believe that Fred Reilly, city attorney of Haines City & Belleair Beach caused you to summarily reject out of hand, hard evidence presented to the commission. Candidate Bobby Lynch whom co-paid for the joint advertisements with Mr. Robinson is an employee for City of Haines City. Fred Reilly is the Haines City attorney whose legal efforts for the city may have a direct effect on Mr. Lynch and/or his employment. Is this not either a recognizable conflict of interest nor conflict of ethical standards and requirements?

The speed at which your conclusions were reached is astounding in the history of the FEC. We know of NO FEC case, especially one so voluminous, dealt with by the FEC in less than a week. You received mine and Mr. Lepley's cases on 9/11 and you sent your rejection on 10/8. Considering there was a 5 business day response period, followed by a 14 business day response period – that left you less than a week to reach a determination. That is, unless you prejudged these complaints beforehand and without reading the 70 pages of evidence I submitted.

In FEC Case 17-094 which you received 3/9/17 and was of limited scope and volume – yet it took your office until 5/22/18 to finalize resolution. That's 14 months.

Yet my complaints which were so voluminous that a hard binder was necessary to present it – is resolved in less than a week. Really? Hard to believe isn't it? Especially since your response showed that much of my submittal was not read. Plus many individual complaints were not even addressed in your dismissal. I've included the attachments for the sections not addressed.

I respectfully ask you to reconsider your judgement and reopen your investigation and give it the full effort of your offices attention that we as citizens deserve.

I look forward to your assistance.

Thank you,

Darlene Bradley

Attachments

## Run the Getaway: St. Pete

A Distance for Everyone:  
5K, 10K, 15K and Kids  
Fun Run



### Former Davenport Mayor Who Illegally Used Handicap Tag to Run Again

By Stephanie Claytor | Polk County

UPDATED 9:05 AM ET Mar. 09, 2019

SHARE

DAVENPORT, Fla. — The former mayor of Davenport who made national headlines for illegally parking in a disabled parking spot is running again against incumbent and former police chief H. B. “Rob” Robinson.

- Former Davenport mayor to run again
- Teresa Bradley resigned in 2017 after illegally using handicap placard
- Bradley to run against police chief Rob Robinson

Robinson, an Army veteran who also served Davenport as a city manager and commissioner, said the people asked him to run for re-election.

"People who ran against me in other elections. People who actually said they didn't like me...have come and asked me if I'd run please," said H.B. Robinson.

Teresa Bradley's husband John Lepley said the people have been begging his wife to run too. Lepley spoke on behalf of his wife, who was at work.

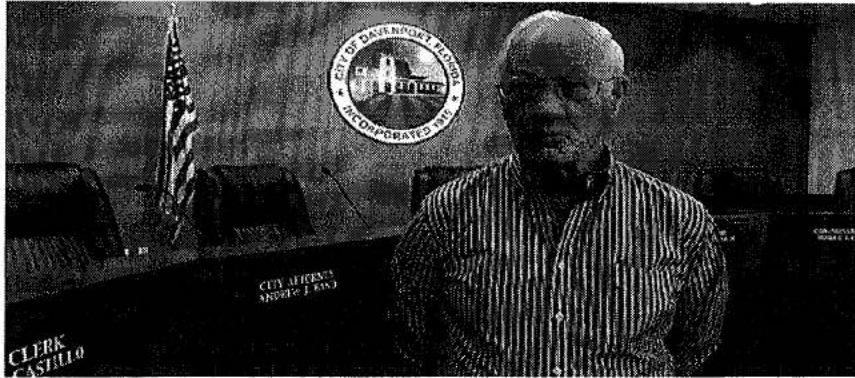
"We've had tons, tons of citizens follow her home. From the post office. From the grocery store asking her to run again," said Lepley.

Bradley was mayor for five years before she resigned in December of 2017, after pleading no contest to unlawful use of a handicap placard. The ordeal made national news because she was initially accused of using a dead person's placard. She finished her probation on June 14, 2018.

"She apologized at the time. I mean it's a long past, it's a parking ticket. It's a misdemeanor. If you get a traffic ticket, it's a misdemeanor. She did a lot of good for this city. Ask the commissioners, they're all taking credit for it," Lepley said.

Lepley gave Spectrum Bay News 9 a statement from his wife that he said explained the incident and her reasoning for parking in the disabled parking spot.

"She's got a lot of moxie to come back so soon after what she did to the city. She hurt the city, we all know that," said H.B. Robinson.



*H.B. Robinson is the Davenport incumbent mayor and former police chief.  
(Spectrum News image)*

Robinson has been mayor since 2018 and said he's pushed for new sewer lines and a fire station.

"I'm running on integrity. I have a reputation as being fair, being honest. As having high integrity," Robinson said.

His campaign brochure says he will work to make "Davenport a city to be proud of," "support and encourage a commercial district," and "increase the police department."

Lepley said his wife wants a second chance.

"You're killing yourself, you're cutting off your own throat if you don't elect her. She's done too much. There's too much to do and it ain't going to get done with these clowns," Lepley said.

Bradley's campaign brochure says she established a "Chat with the Mayor," repaired sidewalks, saved \$38 million on a new sewer plant, and secured a special agreement with a developer to cover \$4 million of the new community center cost.

Lepley, a former Davenport commissioner, is also running in this election. He is seeking the Commission 3 seat against incumbent Bobby Lynch and Headley Oliver. Lepley also has a criminal record. He was convicted of battery for grabbing a 19-year-old by the neck during a road rage incident in 2007, according to a Davenport police report. He was sentenced to probation.

Also on the ballot is an amendment, which would amend the city's charter to reclassify the mayor's seat to a commission seat in 2020. The commission would then appoint a mayor amongst the commission on an annual basis.

The Davenport municipal election is on April 2. The polls will be open at the Davenport Community Center from 7 a.m. to 7 p.m.



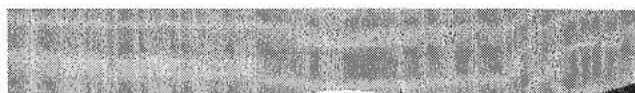
**Lockheed Martin Expands Apprenticeship Program to Polk County**

Polk County | 15 hours ago



**Lakeland Seeking to Implement New Traffic Light Tech to Prevent Crashes**

Polk County | 17 hours ago





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## Detail by Entity Name

Florida Profit Corporation

HOLLY HILL FRUIT PRODUCTS CO., INC.

### Filing Information

**Document Number** 240936  
**FEI/EIN Number** 59-0293810  
**Date Filed** 10/07/1960  
**State** FL  
**Status** ACTIVE  
**Last Event** AMENDMENT  
**Event Date Filed** 03/24/1987  
**Event Effective Date** NONE

### Principal Address

315 HWY. 17-92 NORTH  
DAVENPORT, FL 33837

Changed: 04/21/2009

### Mailing Address

P.O. BOX 708  
DAVENPORT, FL 33836

Changed: 04/21/2009

### Registered Agent Name & Address

MCKNIGHT, L WARREN JR  
315 HWY 17-92 NORTH  
PO BOX 708  
DAVENPORT, FL 33837

Name Changed: 04/16/2007

Address Changed: 03/21/2016

### Officer/Director Detail

#### **Name & Address**

Title Treasurer, Director

HOOSIER, WILLIAM III  
200 DESOTO RD. S.E.  
WINTER HAVEN, FL 33884



Title President, Director, CEO

MCKNIGHT, L WARREN JR  
 59 B MOORE RD  
 HAINES CITY, FL 33844

Title Director

ALTERMAN, RICHARD  
 Palace Gardens #221  
 3100 Campbell Dr.  
 Homestead, FL 33033

Title Director

PINNER, ERNEST S  
 1848 Woodpointe Dr.  
 Winter Haven, FL 33884

Title Secretary

Kerr, Carolyn F  
 2010 E. Palm St.  
 Davenport, FL 33837

Title Director

Putnam, Thomas B, Jr.  
 125 Lake Otis Road  
 Winter Haven, FL 33884

**Annual Reports**

Report Year	Filed Date
2017	03/17/2017
2018	03/19/2018
2019	03/15/2019

**Document Images**

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<a href="#">04/01/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">01/26/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">04/07/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>

<a href="#">04/16/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/10/2006 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/11/2005 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">04/08/2002 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">04/19/1995 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations

Rennie Heath



## Rennie Heath

CEO

Winter Haven, Florida · 300 connections

Heath Construction &  
Management, LLC

University of South Florida

Join to Connect

## Experience

### CEO

Heath Construction & Management, LLC

1983 – Present · 36 years

Winter Haven, Florida

Land Development, Permitting, Land Use and Zoning

## Education

### University of South Florida

Bachelor of Science (B.S.) · Business Administration



## Winter Haven Developer Rennie Heath Files to Run for County Commission

By TOM PALMER / NEWS CHIEF

Posted Aug 6, 2015 at 11:34 PM

Winter Haven developer Rennie Heath has joined the race for the District 3 County Commission seat.

BARTOW | Winter Haven developer Rennie Heath has joined the race for the District 3 County Commission seat.

Heath, 58, is a Republican. He is in charge of land development for Cassidy Homes.

He is seeking the seat being vacated next year by County Commissioner Ed Smith, who is stepping down because of term limits.

Heath said he is running as a pro-business, pro-law enforcement and anti-tax conservative.

"My big thing is that government is not about regulating, it's about facilitating," he said. "I don't believe in a lot of regulations."

Heath, who's a Winter Haven native, said he had been approached in the past about running for the commission, but until now his business commitments didn't provide him enough time to serve.

Heath, who has been in the development business since 1983, has served in various other government positions.

He served two terms as a commissioner on the board of the Lake Region Lakes Management District, was a member of the Polk County Charter Review Committee and currently serves on the Polk County Planning Commission.

"Polk County is a very special place for me and my family," he said. "I've spent decades actively involved in the community and would like to take that civic and community experience to the County Commission."

He and his wife Pam have four children and five grandchildren.

County commissioners must live in the district they represent but are elected countywide.

They serve four-year terms. The current salary is \$42,030 a year.

[ Tom Palmer can be reached at [tom.palmer@theledger.com](mailto:tom.palmer@theledger.com) or 863-802-7535. Read his blog on the environment at [environment.blogs.theledger.com](http://environment.blogs.theledger.com) and his blog on county government at [county.blogs.theledger.com](http://county.blogs.theledger.com). Follow on Twitter [@LedgerTom](https://twitter.com/LedgerTom). ]

# Better Business Bureau®

[Home](#) > [Florida](#) > [Winter Haven](#) > [Holding Company](#) > Cassidy Homes

## Cassidy Homes

Holding Company

### Accreditation

THIS BUSINESS IS NOT BBB ACCREDITED

**Years in Business:** 36

### Customer Complaints

THIS BUSINESS HAS 0 COMPLAINTS

### BBB Rating

**A+**

Customer Reviews are not used in the calculation of BBB Rating

### Customer Reviews

THIS BUSINESS HAS 0 REVIEWS

## Customer Complaints

0 Customer Complaints

## Customer Reviews

0 Customer Reviews

Mr. Steven L. Cassidy, Vice President

Other Contacts

Mr. Albert B. Cassidy, President

Ms. Donna L. Matura, Administrative Assistant to Director of Sales

Mr. John Murphy, Director of Sales

**Additional Contact Information**

Phone Numbers

(941) 325-8850

Email Addresses

Email this Business

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## Detail by Entity Name

Florida Limited Liability Company  
HEATH CONSTRUCTION AND MANAGEMENT, LLC

### Filing Information

**Document Number** L06000106691  
**FE/EIN Number** 20-8787505  
**Date Filed** 11/02/2006  
**State** FL  
**Status** ACTIVE  
**Last Event** REINSTATEMENT  
**Event Date Filed** 10/20/2016

### Principal Address

2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL 33884

### Mailing Address

2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL 33884

### Registered Agent Name & Address

HEATH II, WARREN K  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL 33884

Name Changed: 10/01/2015

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

HEATH II, WARREN K  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL 33884

### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2017	03/22/2017
2018	06/26/2018
2019	01/20/2019



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<a href="#">11/02/2006 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L06000106691  
FILED 8:00 AM  
November 02, 2006  
Sec. Of State  
gmcleod.

**Article I**

The name of the Limited Liability Company is:  
HEATH CONSTRUCTION AND MANAGEMENT, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL. US 33884

The mailing address of the Limited Liability Company is:  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL. US 33884

**Article III**

The purpose for which this Limited Liability Company is organized is:  
ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The name and Florida street address of the registered agent is:  
WARREN K HEATH II  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL. 33884

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: WARREN K. HEATH II

**Article V**

The name and address of managing members/managers are:

Title: MGR  
WARREN K HEATH II  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL. 33884 US

Title: MGR  
PAMELA S HEATH  
2415 CYPRESS GARDENS BLVD.  
WINTER HAVEN, FL. 33884 US

Signature of member or an authorized representative of a member

Signature: WARREN K. HEATH II

L06000106691  
FILED 8:00 AM  
November 02, 2006  
Sec. Of State  
gmcleod



Department of State / Division of Corporations / Search Records / Detail By Document Number /

**Detail by Entity Name**

Florida Profit Corporation  
CASSIDY HOLDINGS GROUP, INC.

Filing Information

<b>Document Number</b>	P09000099911
<b>FEI/EIN Number</b>	27-1515275
<b>Date Filed</b>	12/11/2009
<b>State</b>	FL
<b>Status</b>	ACTIVE

Principal Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 01/18/2013

Mailing Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 01/18/2013

Registered Agent Name & Address

CASSIDY, ALBERT B  
346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Address Changed: 01/18/2013

Officer/Director Detail

**Name & Address**

Title D

CASSIDY, ALBERT B  
346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Title D

CASSIDY, STEVEN L  
346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2017	02/01/2017
2018	01/25/2018
2019	01/20/2019

**Document Images**

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<a href="#">12/11/2009 -- Domestic Profit</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations

FILED

2009 DEC 11 PM 4: 30

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION  
OF  
CASSIDY HOLDINGS GROUP, INC.**

The undersigned subscriber to these Articles of Incorporation, competent to contract, hereby forms a corporation for profit under the laws of the State of Florida.

**ARTICLE I - NAME**

The name of the corporation is CASSIDY HOLDINGS GROUP, INC., whose mailing address is: 250 Avenue K, SW, Suite 100, Winter Haven, Florida 33880 and whose physical address is: 250 Avenue K, SW, Suite 100, Winter Haven, Florida 33880.

**ARTICLE II - PURPOSE**

The Corporation may engage in any activity or business permitted under the laws of the United States and of the State of Florida.

**ARTICLE III - CAPITAL STOCK**

The total authorized capital stock of this Corporation shall be 7,500 shares of common stock at \$1.00 par value, all of said common stock fully paid and non-assessable.

**ARTICLE IV - PREEMPTIVE RIGHTS**

The shareholders of this Corporation shall have preemptive rights to the Corporation's common stock.

**ARTICLE V. - TERM OF EXISTENCE**

The Corporation shall have perpetual existence, unless sooner dissolved according to law.

**ARTICLE VI - ADDRESS**

The principal office of this Corporation shall be 250 Avenue K, SW, Suite 100, Winter Haven, Florida 33880, but the Corporation shall have the power to establish branch offices and



**CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE  
FOR THE SERVICE OF PROCESS WITHIN THIS STATE,  
NAMING AGENT UPON WHOM PROCESS MAY BE SERVED**

**FILED**  
**2008 DEC 11 PM 4:30**  
**SECRETARY OF STATE**  
**TALLAHASSEE, FLORIDA**

In Pursuant of Chapter 48.091, Florida Statutes, the following is submitted, in compliance with said Act:

**FIRST--- CASSIDY HOLDINGS GROUP, INC.**, desiring to organize under the Laws of the State of Florida, with its principal office, as indicated in the Articles of Incorporation, in the City of **WINTER HAVEN**, State of **FLORIDA**, has named, **ALBERT B. CASSIDY**, located at 250 Avenue K, SW, Suite 100, Winter Haven, Florida 33880, as its Agent to accept Service of Process within this State.

**ACKNOWLEDGMENT:** (Must be signed by Registered Agent).

Having been named to accept service of process for the above stated Corporation, at the place designated in this Certificate, I hereby accept to act in this capacity, and agree to comply with the provisions of said act relative to keeping open said office.

  
\_\_\_\_\_  
**ALBERT B. CASSIDY**





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Limited Liability Company  
CAS HOLDINGS, LLC

### Filing Information

<b>Document Number</b>	L06000107434
<b>FEI/EIN Number</b>	20-5852887
<b>Date Filed</b>	11/06/2006
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMENDMENT
<b>Event Date Filed</b>	02/23/2007
<b>Event Effective Date</b>	NONE

### Principal Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 02/06/2013

### Mailing Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 02/06/2013

### Registered Agent Name & Address

STRAUGHN & TURNER, P.A.  
255 MAGNOLIA AVE., S.W.  
WINTER HAVEN, FL 33880

Name Changed: 04/14/2008

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

Cassidy, Albert B  
346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

### Annual Reports

Report Year	Filed Date
2017	02/01/2017
2018	01/25/2018
2019	01/20/2019

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Florida Department of State, Division of Corporations

**ARTICLES OF ORGANIZATION  
OF  
CAS HOLDINGS, LLC**

**FILED**  
06 NOV - 6 PM 2:07  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

The undersigned, for the purpose of forming a limited liability company under the Florida Limited Liability Company Act, F.S. Chapter 608, hereby make, acknowledge, and file the following Articles of Organization.

**ARTICLE I - NAME**

The name of the limited liability company shall be CAS HOLDINGS, LLC, ("company").

**ARTICLE II - ADDRESS**

The mailing address and street address of the principal office of the company is 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880.

**ARTICLE III - REGISTERED OFFICE AND AGENT**

The name and street address of the registered agent of the company in the state of Florida are:

**J. KEMP BRINSON**

255 Magnolia Avenue, SW, Winter Haven, Florida 33880

**ARTICLE IV - MANAGERS**

The company is manager-managed. The name and address of each manager are as follows:

Albert B. Cassidy, 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880

Steven L. Cassidy, 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880

  
\_\_\_\_\_  
J. KEMP BRINSON

**ACCEPTANCE OF REGISTERED AGENT**

Having been named as registered agent and to accept service of process for CAS HOLDINGS, LLC at the 255 Magnolia Avenue, SW, Winter Haven, Florida 33880, I hereby accept appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in F.S. Chapter 608.

  
\_\_\_\_\_  
J. KEMP BRINSON



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Limited Liability Company  
LAKEVILLE PARTNERS, LLC

### Filing Information

<b>Document Number</b>	L06000107435
<b>FEI/EIN Number</b>	20-5852941
<b>Date Filed</b>	11/06/2006
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMENDMENT
<b>Event Date Filed</b>	02/23/2007
<b>Event Effective Date</b>	NONE

### Principal Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 02/06/2013

### Mailing Address

346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

Changed: 02/06/2013

### Registered Agent Name & Address

STRAUGHN & TURNER, P.A.  
255 MAGNOLIA AVE., S.W.  
WINTER HAVEN, FL 33880

Name Changed: 04/14/2008

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

Cassidy, Albert B  
346 E. CENTRAL AVENUE  
WINTER HAVEN, FL 33880

### Annual Reports

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2017	02/01/2017
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<a href="#">11/06/2006 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations

**ARTICLES OF ORGANIZATION  
OF  
LAKEVILLE PARTNERS, LLC**

The undersigned, for the purpose of forming a limited liability company under the Florida Limited Liability Company Act, F.S. Chapter 608, hereby make, acknowledge, and file the following Articles of Organization.

**ARTICLE I - NAME**

The name of the limited liability company shall be LAKEVILLE PARTNERS, LLC ("company").

**ARTICLE II - ADDRESS**

The mailing address and street address of the principal office of the company is 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880.

**ARTICLE III - REGISTERED OFFICE AND AGENT**

The name and street address of the registered agent of the company in the state of Florida are:

J. KEMP BRINSON ...

255 Magnolia Avenue, SW, Winter Haven, Florida 33880

**ARTICLE IV - MANAGERS**

The company is manager-managed. The name and address of each manager are as follows:

ALBERT B. CASSIDY, 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880


STEVEN L. CASSIDY, 250 Avenue K, SW, Suite 103, Winter Haven, Florida 33880

  
\_\_\_\_\_  
J. KEMP BRINSON

**FILED**  
06 NOV - 6 PM 2:07  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ACCEPTANCE OF REGISTERED AGENT**

Having been named as registered agent and to accept service of process for LAKEVILLE PARTNERS, LLC at the 255 Magnolia Avenue, SW, Winter Haven, Florida 33880, I hereby accept appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in F.S. Chapter 608.

  
\_\_\_\_\_  
J. KEMP BRINSON



### Detail by Entity Name

Florida Limited Liability Company  
 WINTER HAVEN MANAGEMENT SERVICES, LLC

Filing Information

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Principal Address

346 E CENTRAL AVE.  
 WINTER HAVEN, FL 33880

Mailing Address

346 E CENTRAL AVE.  
 WINTER HAVEN, FL 33880

Registered Agent Name & Address

STRAUGHN, RICHARD E  
 255 MAGNOLIA AVE. SW  
 WINTER HAVEN, FL 33880

Authorized Person(s) Detail

**Name & Address**

Title MGR

PRICE, GARY  
 346 E CENTRAL AVE.  
 WINTER HAVEN, FL 33880

Title MGR

ROUNDS, SHEILA D  
 346 E CENTRAL AVE  
 WINTER HAVEN, FL 33880

Annual Reports

Report Year	Filed Date
2018	06/26/2018
2019	01/20/2019

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**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L17000244246  
FILED 8:00 AM  
November 29, 2017  
Sec. Of State  
jafason

**Article I**

The name of the Limited Liability Company is:

WINTER HAVEN MANAGEMENT SERVICES, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

346 E CENTRAL AVE.  
WINTER HAVEN, FL. US 33880

The mailing address of the Limited Liability Company is:

346 E CENTRAL AVE.  
WINTER HAVEN, FL. US 33880

**Article III**

The name and Florida street address of the registered agent is:

RICHARD E STRAUGHN  
255 MAGNOLIA AVE. SW  
WINTER HAVEN, FL. 33880

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: RICHARD E STRAUGHN

**Article IV**

The name and address of person(s) authorized to manage LLC:

Title: MGR  
GARY PRICE  
346 E CENTRAL AVE.  
WINTER HAVEN, FL. 33880 US

L17000244246  
FILED 8:00 AM  
November 29, 2017  
Sec. Of State  
jafason

Signature of member or an authorized representative

Electronic Signature: MARIE STRAUGHN

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

Select Year:  

## The 2019 Florida Statutes

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Title X  
PUBLIC OFFICERS, EMPLOYEES,  
AND RECORDS

Chapter 112  
PUBLIC OFFICERS AND EMPLOYEES:  
GENERAL PROVISIONS

[View Entire Chapter](#)

### 112.3143 Voting conflicts.—

(1) As used in this section:

(a) “Principal by whom retained” means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(b) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer’s special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public

officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

(6) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

**History.**--s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2; s. 6, ch. 2013-36.

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78 F.3d 494  
United States Court of Appeals,  
Eleventh Circuit.

Mary GEORGE; Charles L. Stovall;  
Martha Ray Bethel; W.O. Wells, Reverend;  
Joann Stovall; Barbara Jenkins;  
Sylvester Weaver, Plaintiffs–Appellants,

v.

CITY OF COCOA, FLORIDA: Cocoa City Council;  
Lester Campbell, Mayor–Councilmember  
of the City of Cocoa; Ray Debord, John Lee  
Blubach, Dave Salisbury, members of the Cocoa  
City Council, et al., Defendants–Appellees,  
Ray Griffin, Member of the Cocoa City  
Council; Fred Galey, Brevard County  
Supervisor of Elections, Defendants.

No. 94–3453.

Feb. 29, 1996.

**Synopsis**

An action was brought alleging that at large method for electing city council members diluted minority voting strength in violation of the Voting Rights Act. After one of the African-American plaintiffs was appointed to fill vacant city council seat, he withdrew as plaintiff and was named defendant. Following settlement negotiations, city council voted to replace system of at-large elections for all five members of system with a system under which four members would be elected from single-member districts and fifth council member would be elected at large. On motion to enter consent decree, the United States District Court for the Middle District of Florida, No. 93–257–CIV–ORL–18, G. Kendall Sharp, J., denied motion, and plaintiffs appealed. The Court of Appeals held that district court misapplied Florida law in disqualifying council member's vote on redistricting plan.

Reversed and remanded.

West Headnotes (8)

[1] **Municipal Corporations**  
⊕ Disqualification by interest

[5] **Municipal Corporations**  
⊕ Disqualification by interest

**Public Employment**

⊕ Duties

**Public Employment**

⊕ Ethics and conflicts of interest in general

Under Florida law, elected officials have an affirmative duty to vote on all matters before them, and abstaining from a vote is prohibited unless there is or appears to be a possible conflict of interest. West's F.S.A. § 286.012.

[2] **Municipal Corporations**

⊕ Disqualification by interest

Under Florida provision governing mandatory abstention from city council voting, the identification of a “special private gain or loss” to the city council member as result of his or her vote is a necessary condition for disqualification. West's F.S.A. § 112.3143(3)(a).

[3] **Municipal Corporations**

⊕ Disqualification by interest

Under Florida provision governing mandatory abstention from city council voting, “special private gain” described by voting conflict statute almost always, if not always, refers to financial interest of public official that is directly enhanced by the vote in question. West's F.S.A. § 112.3143.

1 Cases that cite this headnote

[4] **Municipal Corporations**

⊕ Disqualification by interest

Under Florida law, public official's ideological interest in changing way the city council members were elected did not involve kind of “special private gain” that disqualified an elected official's vote; person who holds preconceived and publicly expressed opinion on particular matter is not barred from voting on that matter as a public official. West's F.S.A. § 112.3143.

1 Cases that cite this headnote

Under Florida law dealing with mandatory abstention from city council voting, possibility of gain to council member must be direct and immediate, not remote and speculative, to constitute prohibited voting conflict. West's F.S.A. § 112.3143.

[6] **Municipal Corporations**

↔ Disqualification by interest

Under Florida voting conflicts provision, at-large city council member's interests as potential candidate under newly proposed representations system were too speculative and remote to warrant disqualification of his vote; proposed plan replaced system of at-large elections for all five members of systems with system in which four members would be elected from single-member districts and fifth council member would be elected at large, transformation to single-member districts actually could have impaired member's interest as candidate by increasing competitiveness of elections, and every one of the incumbent city council members had interest in shaping districts favorably to his or her reelection. West's F.S.A. § 112.3143.

[7] **Municipal Corporations**

↔ Disqualification by interest

Race could not be valid basis for disqualifying an elected official's vote under Florida voting conflicts provision. West's F.S.A. § 112.3143.

[8] **Municipal Corporations**

↔ Disqualification by interest

Any benefit enjoyed by hundreds of African-American citizens of city by having African-American city council member vote on proposed redistricting was not a "special private gain" within meaning of Florida's voting conflict statute and thus did not disqualify council member from voting. West's F.S.A. § 112.3143(3)(a).

2 Cases that cite this headnote

**Attorneys and Law Firms**

\*495 Cristina Correia, Florida Rural Legal Services, Inc., Tallahassee, FL and Jacqueline A. Berrien, NAACP Legal Defense and Educational Fund, Inc., New York City, for appellants.

Bradly Roger Bettin, Amari, Theriac & Eisenmenger, P.A., Cocoa, FL, for appellees.

George N. Meros, Jr. and Mary W. Chaisson, Rumberger, Kirk & Caldwell, P.A., Tallahassee, FL, for all amicus.

Appeal from the United States District Court for the Middle District of Florida.

Before ANDERSON and BLACK, Circuit Judges, and HENDERSON, Senior Circuit Judge.

**Opinion**

PER CURIAM:

This case comes to us on appeal from the district court's order denying the parties' joint motion to approve a consent decree and enter judgment. We have jurisdiction and for the reasons set forth in this opinion, we reverse and remand for further proceedings not inconsistent with this opinion.

*Factual and Procedural Background*

On April 12, 1993, appellants filed a complaint in the United States District Court for the Middle District of Florida; they alleged that the at-large method of electing city council members in Cocoa dilutes minority voting strength in violation of section 2 of the Voting Rights Act of 1965.<sup>1</sup> In July 1993, the Cocoa City Council appointed Rudolph Stone, one of the African-American plaintiffs in the voting rights litigation, to fill a vacant council seat. Immediately upon his appointment, Stone withdrew as a plaintiff and was named a defendant. In November 1993, Stone was elected under the at-large system to keep his council seat for another three-year term.

Settlement negotiations in the voting rights litigation ultimately led to an agreement. \*496 The Cocoa City Council voted to replace the system of at-large elections for all five of its members with a system under which four



members would be elected from single member districts and the fifth council member, who also serves as the mayor, would continue to be elected at-large. African-American voters would constitute a majority of the voters in one of the proposed single member districts. Three members of the city council, including Stone, voted in favor of the proposed consent decree; the remaining two members voted against it.

On July 28, 1994, the parties to the voting rights litigation filed a joint motion in the district court to enter the consent decree. Four Cocoa voters, appearing as *amici curiae* in opposition to the proposed consent decree, suggested to the district court that Stone should have abstained from the city council's decision whether to adopt the redistricting plan. The district court ordered a hearing on the consent decree, and instructed the parties and *amici* to limit their arguments to the issue of Stone's participation in the city council's consideration of the redistricting plan. Following this hearing, the district court concluded that Stone's participation in the vote constituted a conflict of interest under Florida's ethics statutes, and that Stone's vote could not be counted. In its October 25, 1994, order, the court explained:

In this case, Mr. Stone was in a unique position to gain from the redistricting decision made by the Cocoa City Council. Mr. Stone had originally filed this suit as a plaintiff seeking to increase the voting power of Cocoa's black community. Though Mr. Stone had been dropped as a plaintiff and had been elected along with the other council members through the at-large process, as an African-American candidate he stood to gain inordinately from the vote. The consent decree's solution to the problem of increasing black voting power would create a district where the black majority was expected to elect a black representative, and Mr. Stone would be a resident of that district. In short, by voting on this decree, Mr. Stone facilitated his own chances for reelection and involved himself in a situation fraught with the potential for conflicting interests.

R2-40-6-7. With the disqualification of Stone's tie-breaking vote, the remaining city council members were deadlocked (two-two) on the redistricting plan. The district court thus held that the consent decree was void and refused to enter judgment.

#### Discussion

The issue is whether the district court misapplied Florida law in disqualifying Stone's vote on the redistricting plan.<sup>2</sup> Neither party argues in support of the district court's decision; both parties agree that Stone's vote should not have been disqualified. We also conclude that the district court erred.

[1] [2] Florida law imposes on elected officials an affirmative duty to vote on all matters before them; abstaining from a vote is prohibited unless "there is, or appears to be, a possible conflict of interest under § 112.311, § 112.313, or § 112.3143," Fla.Stat. Ann. § 286.012 (West 1995). Section 286.012 speaks only of when a public official *may* abstain from voting; it does not describe the circumstances under which a public official *must* abstain from voting. The statutory provision dealing with mandatory abstention from city council voting is Fla.Stat. Ann. § 112.3143(3)(a) (West 1995); it provides that "[n]o county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain or loss...." Under § 112.3143(3)(a), the identification of a "special private gain or loss" to the city council member as a result of his or her vote is a necessary condition for disqualification.

[3] A "special private gain" described by the voting conflicts statute almost always (if not always) refers to a financial interest of the public official that is directly enhanced by the vote in question. See *Isaac Walton League of America v. Monroe County*, 448 So.2d 1170, 1173 n. 8 (Fla.App. 3 Dist.1984) (explaining that § 112.3143 does not apply "to bias or prejudice on the part of a public \*497 officer based on other than private economic interests or relationships" (quoting Op.Fla.Comm. Ethics 79-14 (1979))); see also Op.Fla.Comm. Ethics 90-20 (1990) (holding that a city council member, whose property would be affected by proposed special assessment, must abstain from voting, "[g]iven the *direct, personal financial effect* striking the assessment would have on [his] interests) (emphasis added); Op.Fla.Comm. Ethics 79-14 (1979) (holding that

a city council member may *not* abstain from voting on matters involving his personal foe and stating that "it is clear that, when adopting the Code of Ethics, the Legislature was concerned primarily with the effect of a public official's economic interests and relationships upon the performance of his public duties, rather than the effect of his personal preferences or animosities.").

Stone's vote on the redistricting plan did not result in any direct financial benefit to him. If a "special private gain" under § 112.3143(3)(a) is limited to a financial gain, then Stone's vote should not have been disqualified. The district court, however, stated that it would be "inappropriate" to limit the application of § 112.3143 to conflicts surrounding finances,<sup>3</sup> and held that Stone's status as a potential African-American candidate in a district in which the majority of voters were also African-American was a "special case" that presented a "heightened potential for conflict." R2-40-8.

Assuming *arguendo* that § 112.3143(3)(a) is not limited to financial matters, we address potential non-economic "interests" of Stone. We can imagine only two such putative "interests" that may have been affected by his vote: his ideological interests as an African-American voter and former plaintiff in the voting rights litigation; and his political interests as an incumbent city council member planning to run for reelection. Neither of these interests would have required Stone to abstain from voting.

[4] Because Stone is a former plaintiff in the voting rights litigation, it may be reasonable to infer that Stone has an ideological interest in changing the way that city council members in Cocoa are elected. The plaintiffs in the voting rights litigation contended that the at-large electoral system unlawfully diluted minority voting strength, and sought to have it replaced with a system of single-member districts. Because the city's redistricting plan adopts some of the relief requested in the voting rights litigation, Stone's putative ideological interest was no doubt furthered by his vote as a city council member. Nevertheless, an ideological victory is *not* the kind of "special private gain" that disqualifies an elected official's vote. The *Izaak Walton* case clearly establishes that a person who holds a preconceived and publicly expressed opinion on a particular matter is not barred from voting on that matter as a public official. *See id.*, 448 So.2d at 1171 (holding that "political officeholders may not be prevented from performing the duties they have been elected to discharge [i.e., voting] merely because ... they have previously expressed, publicly or otherwise, an opinion on

the subject of their vote"); *see also* Op.Fla.Comm. Ethics 88-18 (1988) (same). If ideology presented a conflict of interest situation, no public official could vote on any of his or her campaign promises. More specifically relevant to this case, there is precisely the same inference of an ideological interest on the part of the other council members arising from their status as defendants in the litigation and the positions they apparently took in the case.

[5] [6] The district court recognized that Stone's ideological interests as a former plaintiff in the voting rights litigation could \*498 not serve as a valid basis for disqualification,<sup>4</sup> and focused instead upon Stone's political interests as an incumbent city council member planning to run for reelection in one of the new single member districts. The district court reasoned that Stone's vote on the redistricting plan inured to his "special private gain" because it "facilitated his chances for reelection." R2-40-7. To constitute a prohibited voting conflict, however, the possibility of gain must be direct and immediate, not remote and speculative. In Op.Comm. Ethics 93-4 (1993), for example, a city council member asked the ethics commission whether he could vote on rent increases at the city's mobile home park, where he proposed to build a similar park across the street. The ethics commission found that the assumption that the city commissioner could charge higher rents at his "still to be built" park was too remote and speculative to create a voting conflict. *See also* Op.Fla.Comm. Ethics 94-018 (1994) ("[W]here the official's ... gain (or loss) would require many steps and be subject to many contingencies, with the outcome by no means certain, any gain or loss would be remote and speculative."). In this case, the district court speculated that Stone planned to run for reelection in 1996<sup>5</sup> and that Stone's chances for reelection were improved by the redistricting plan. As an incumbent who won an election under the at-large system, however, the transformation to single-member districts actually may have impaired Stone's interests as a candidate by increasing the competitiveness of elections. *See, e.g., McMillan v. Escambia County*, 748 F.2d 1037, 1045 (5th Cir.1984) (noting that at-large electoral systems may deter candidacies, particularly by African-American candidates, for elected office). In short, Stone's interests as a potential candidate were too "speculative and remote" to warrant disqualification of his vote.

Furthermore, every one of the incumbent city council members, not just Stone, had an interest in shaping districts favorable to his or her reelection. For example, district boundaries may have been drawn to avoid future contests

between incumbent city council members. *Cf. Karcher v. Daggett*, 462 U.S. 725, 740, 103 S.Ct. 2653, 2663, 77 L.Ed.2d 133 (1983) (describing the avoidance of contests between incumbents as a "legitimate objective" in legislative redistricting); *Gaffney v. Cummings*, 412 U.S. 735, 752-54, 93 S.Ct. 2321, 2331-32, 37 L.Ed.2d 298 (1973) (recognizing that legislators involved in redistricting decisions inevitably take into account various "political considerations" in drawing district lines). In this regard, there is no difference in principle between Stone and the other city council members: each member's chances for reelection was directly affected by the drawing of district lines. It would be absurd to interpret Florida's voting conflicts statute in such a way that would disqualify all members of legislative bodies from participating in legislative redistricting decisions. *Cf. United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 66 L.Ed.2d 392 (1980) (construing the judicial disqualification statute as implicitly incorporating a common-law "rule of necessity" exception, which applies when all federal judges have an interest in the outcome of a case); *Op.Fla.Comm. Ethics 86-57* (1986) (advising that the threat of a lawsuit arising from a vote does not require disqualification; "otherwise, any person might be able to disqualify an entire board").

[7] In its order disqualifying Stone's vote, the district court appears to understand that its interpretation of Florida's voting conflicts statute could undermine the ability of all legislators to participate in the redistricting process.<sup>6</sup> To distinguish Stone from the other city council members, the district court reasoned that Stone was somehow in a \*499 "unique position to gain from the redistricting decision." R2-40-6. However, the district court was vague in its identification of Stone's supposed unique position. As demonstrated above, there is no legitimate basis to distinguish Stone from the other council members.

[8] If the district court relied on Stone's race to distinguish Stone and disqualify his vote,<sup>7</sup> that reliance was inappropriate. Any benefit enjoyed by hundreds of African-American residents of Cocoa is not a "special private gain" within the meaning of Florida's voting conflicts statute, § 112.3143(3)(a). *See Op.Fla.Comm. Ethics 93-012* (pension board trustee, who is also a participant in a class action against the city regarding the pension plan, is *not* disqualified from voting on measures concerning the lawsuit, because the number of persons who stand to benefit from such measures (297) is sufficiently large that any gain to the trustee would not be "special"). Moreover, any interpretation of § 112.3143(3)(a) that disqualifies an elected official's vote on a matter of public concern because of race obviously could not withstand scrutiny. *Cf. Brown v. Moore*, 583 F.Supp. 391, 395-96 (M.D.Ala.1984) (African-American school commissioner is not disqualified from voting on a school desegregation consent decree on the basis that the plaintiff class is composed of members of his race). We therefore hold that race could not be a valid basis for disqualifying an elected official's vote under § 112.3143(3)(a).

#### Conclusion

For the foregoing reasons, the judgment of the district court is REVERSED and REMANDED for further proceedings not inconsistent with this opinion.

#### All Citations

78 F.3d 494

#### Footnotes

1 Pub.L. No. 89-110, § 2(b), 79 Stat. 437, codified at 42 U.S.C. § 1973(b) (1988).

2 We do not address the merits of the proposed consent decree.

3 The only authority cited by the district court for this proposition is *Garner v. State Com'n on Ethics*, 439 So.2d 894 (Fla. App. 2 Dist. 1983)—a case that has nothing to do with voting. In *Garner*, the ethics commission considered a complaint alleging that a college president abused his official position by seeking sexual favors from female subordinate personnel. The ethics commission found that this behavior violated Fla.Stat. Ann. § 112.313(6) (West 1994), which provides that "No public officer or employee of an agency ... shall corruptly use or attempt to use his official position ... to secure a special privilege, benefit, or exemption for himself or others." The Florida appeals court held that sexual favors constitute a "special benefit" within the meaning of the statute. *Garner*, 439 So.2d at 895.

4 *See* R2-40-5 ("Respect for a citizen's right to express opinions on matters of public importance requires courts to permit officials to vote on issues even when they have previously filed suits to protest the burdening of their rights.").

5 The record indicates that Stone was elected under the at-large system in November 1993, and that city council members in Cocoa serve three-year terms. Stone would therefore be up for reelection in November 1996—more than two years after the district court entered its order in this case.

6 The court cautioned that "[t]his holding should not be construed to disqualify all legislators from participating in all issues related [to] voting and elections." R2-40-7.

7 In the hearing on the proposed consent decree, counsel for *amici* (Mr. Meros) repeatedly emphasized Stone's race as a basis for distinguishing him from the other city council members. When asked by the court what "stake" Stone had that would create a "special private gain," Mr. Meros responded as follows:

His stake was, number one, as a voter of the council, which is more general. Number two, as an African-American. He was asserting that he, that his rights as an African-American were not sufficiently protected and as a result of that he wanted the opportunity to have his vote enhanced by virtue of the creation of single member districts. That is a personal stake by Councilman Stone.

....  
What personal stake did he have in this? His personal stake as an African-American.

R3-6-7.

In closing his argument, Mr. Meros repeated:

I would suggest that when you talk about a "special private gain," special means as opposed to communal, individual as opposed to group, and Councilman Stone in this litigation asserted that he had a private direct interest in this litigation, clearly special and individual due to his race as an African-American.

R3-13.

Although some of the district court's language could be construed to indicate that the district court accepted the foregoing invitation to consider race, we decline to believe that. Rather, we surmise that the district court simply failed to think the matter through thoroughly.

**Per Rule 2B-1.0041, FAC**

**This case has  
been separated  
from FEC 19-516**