

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,
Petitioner,

Case No: FEC No. 13-125
DOAH No. 13-4759F

vs.

SHARON L. YEAGO,
Respondent and Claimant/Petitioner as to Attorneys' Fees and Costs,

vs.

ROBERT J. BARNAS,
Respondent as to Attorneys' Fees and Costs.

_____ /

**SHARON L. YEAGO'S RESPONSE TO MR. BARNAS'
EXCEPTIONS TO RECOMMENDED ORDER**

Sharon L. Yeago, here as petitioner for fees and costs, files this response to Mr. Barnas' Exceptions and would show this Commission as follows:

I. Procedural posture of this case and the status of the proceedings before the Florida Elections Commission (FEC).

A. Why this case is similar to other FEC cases and why it is also substantially different.

This Commission currently has before it the Recommended Order from the experienced ALJ who, after the better part of two days of hearings, extensive arguments, and proposed orders, entered a detailed and comprehensive factual and

legal analysis of this case, finding Mr. Barnas' conduct deplorable and him responsible for Ms. Yeago's attorneys' fees and costs under the correct legal standard.

This Commission in its regular work addresses many complaints about individuals and organizations who participate in our electoral system. The vast majority of those matters, whether handled at the Commission level or whether resolved following a DOAH hearing, deal with the technical construction and application of election laws committed by the legislature to this Commission's charge.

This case is similar in that the Commission has been presented with a detailed and thoughtful recommended order. But it is also different because of the focus and thrust of that order. Rather than addressing factual and legal issues as to whether a candidate or organization complied with the election laws (this Commission's usual and primary mission) the FEC now has before it an unusual proceeding where an individual in the State of Florida (Mr. Barnas) has abused and misused the FEC complaint procedures before this Commission to wrongfully charge another individual (Ms. Yeago) with violations of law that in fact never occurred and which the original petitioner – Mr. Barnas – knew to be false, but proceeded with regardless. While this Commission's regular mission of enforcing

the electoral laws is a critical one in our system of government, it is just as important for this Commission, in those few and unusual cases where someone has abused the system and wrongfully, willfully, and maliciously attacked another individual, to exercise its appropriate statutory powers and, when proven (as here), impose the attorneys' fees and cost obligation that Florida law requires this Commission to impose upon such a wrongdoer.

Florida Statute §106.265(6) and this Commission's Rule 2B-1.0045 each call for the adoption of a final order requiring the original petitioner to pay the fees and costs of an individual wrongfully and maliciously accused of an electoral law violation, and to continue to pay those attorneys' fees and costs so long as the issue of entitlement is being contested by the wrongdoer. Inasmuch as Mr. Barnas continues to resist his obligation to pay Ms. Yeago's attorneys' fees and costs, Mr. Barnas' future obligation for fees and costs continues through this recommended order procedure, continues through the hearing (if any) before the Florida Elections Commission, and continues on through any appeal that Mr. Barnas may choose to take from the final order of this Commission, assuming that this Commission proves the final order of the Administrative Law Judge in this matter as Ms. Yeago here requests. While the Recommended Order here does not deal directly with electoral misconduct, its focus on the abuse of the complaint

procedures for claimed electoral misconduct is every bit as important, if not more so, to ensure that individuals such as Mr. Barnas who file such wrongful complaints pay the price that Florida Statutes and this Commission's rule impose upon them.

- B. The standard against which the Administrative Law Judge correctly evaluated the conduct of Mr. Barnas, both in the filing of the original sworn complaint, as well as in his sworn responses and testimony before the Division of Administrative Hearings is identical, whether viewed from the statutory or rule context.

That standard requires that if

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

The language of the foregoing rule, and the statute from which it was derived, have been explicitly interpreted and explained by the First District Court of Appeals in the case of Brown v. Fla. Commission on Ethics, 969 So. 2d 535 (Fla. 1st DCA 2007). There, in an Ethics Commission case using a statute with identical language to that found in the Elections Commission statute, the First

District carefully analyzed the requirements of that statute and recognized that there was absolutely no constitutional or other requirement that the statute show the type of actual malice, hatred, or spite that might be supposed in the generic meaning of the word “malice”, or in the type of defamation case that could be brought against a public official. The Recommended Order before this Commission carefully tracks Mr. Barnas’ from the filing of his legally insufficient conduct up to and including his testimony before the Division of Administrative Hearings which was found to be INcredible – not capable of belief – and found it specifically wanting and worthy in all respects of the obligation imposed by the statute for Ms. Yeago’s fees and costs.

It is particularly interesting to note that this Commission’s rule requires that the proof that Ms. Yeago put forth to obtain this Recommended Order had to be such that the elements of her case were established by “clear and convincing evidence”, a standard beyond that normally found in any civil case which requires the prevailing party establish his or her case by a only a preponderance of the evidence. The Administrative Law Judge in her Recommended Order expressly recognized that standard, fully understood the meaning of that standard, and affirmatively found that the proof and the inferences reasonably drawn from that proof by that Administrative Law Judge fully met that standard. In short, this was

not a “close call” in front of the Administrative Law Judge. The order conclusively demonstrates that Ms. Yeago established her case by clear and convincing evidence and is entitled to the relief afforded by the Recommended Order, plus additional attorneys’ fees as required by the statute until such time as Mr. Barnas accepts his responsibility and obligation to pay her fees and costs.

C. The various forms of evidence which support, if not compel, the findings of fact (and conclusions of law) of the Administrative Law Judge in her Recommended Order.

In considering the ALJ’s Recommended Order for use as the final order for this Commission, the FEC has before it a welter of different evidence and different forms of evidence that establish that Mr. Barnas made numerous false charges in his complaint against Ms. Yeago, “doubled down” in his argument in November of 2013 before this Commission on whether the matter would go to the Department of Administrative Hearings and continued the tone of his false testimony in over a day and a half of evidentiary hearings before the Administrative Law Judge. That evidence generally falls into several categories.

First of all, there are a number of documents, submitted by both parties, that bear directly on the charges that Mr. Barnas made. Documents generally are “direct” evidence. For example, if Mr. Barnas were able to have garnered and offered a document in which Ms. Yeago or the organization with which she was

working (the Concerned Citizens For Better High Springs) had expressly advocated for the election or defeat of a candidate or expressly for or against the borrowing limitation ordinance on the ballot, it would have been a very simple thing for him to supply direct evidence of that. That evidence would have looked like a piece of paper with typewritten words written thereon which “expressly advocated” what Mr. Barnas claimed existed. There were no such documents and therefore his evidence was lacking.

Secondly, an additional form of possibly direct evidence is the sworn testimony of the parties or other witnesses. If Mr. Barnas had been able to elicit the live testimony of a representative from the Concerned Citizens Group who testified, under oath, that the organization had in fact expressly advocated for or against people or issues on the ballot, that could have also been direct evidence.

Direct evidence, however, does not necessarily mean that it is credible, valuable, or useful evidence. For example, Mr. Barnas testified as to certain allegations against him and the ALJ specifically found that his testimony lacked credibility (see paragraph ___ of the Recommended Order). In other words, Mr. Barnas’ testimony was incredible. It lacked credibility. It was not truthful. Consequently, the mere fact that a witness says something (especially Mr. Barnas’ florid self-serving statements of “innocence”) does not bind the finder of fact to

accept that statement, particularly when the witness who has been charged with wrongful conduct testifies in his defense in a fashion that the finder of fact concludes is not credible, believable, truthful or accurate.

Finally, and perhaps most importantly, a finder of fact is allowed to draw logical deductions – or inferences – from facts or testimony, or a group of facts. For example, when the Administrative Law Judge finds that Mr. Barnas’ allegations of why the Concerned Citizens Group was founded, that that group advocated for the election of certain individuals, and that that group advocated against the passage of the borrowing limitation ordinance, and yet finds no facts whatsoever to support that and ample substantial facts to refute the claims and further finds the testimony of Mr. Barnas incredible, that group of facts allows the inference that Mr. Barnas had a wrongful or malicious intent to harm by filing that false complaint. Issues with respect to motive, intent, and malice are often incapable of proof by direct evidence and thus are often proven by the inferences and observations of the trier of fact, here the Administrative Law Judge (the “bad guy” seldom stands up and “confesses”). Those inferences, however, just as much “evidence” as is direct evidence. Accordingly, the absence of live testimony from Mr. Barnas as to his malevolent intent is irrelevant if that intent can be inferred from his conduct and demeanor. And the ALJ found that it could be so inferred.

D. Specific incidents related to Mr. Barnas' allegations in his complaint and his testimony and his failed attempt to substantiate any of them demonstrate these evidentiary principles.

1. His false testimony and sworn statements regarding the signs: The first incident related to Mr. Barnas in his complaint at Page __ that the Concerned Citizens group (which Ms. Yeago was being charged with being responsible for), had posted 4 foot by 4 foot signs urging a no vote on the borrowing limitation ordinance. The signs, according to the sworn complaint and testimony of Mr. Barnas, contained the logo of the Concerned Citizens Group and a disclaimer, as well as other written information. He argued accordingly that these signs were express advocacy against the ordinance. He also stated in his complaint, under oath, that he had witnesses that could substantiate these facts and allegations. No such witness ever appeared; no photographs of any such signs were ever displayed; and no copies of any signs ever appeared. Instead, Ms. Yeago produced a local citizen who, out of the personal funds of her husband and herself, and with the help of no one else (and specifically without any coordination with or help from the Concerned Citizens Group) created two four foot by four foot signs (same size as alleged) with the words vote no on them and without any written explanation and without any disclaimer or identification whatsoever that the signs were linked to the Concerned Citizens Group or to Ms. Yeago – because they

weren't. This individual, Ms. Hewlett, testified at length in the hearing and presented direct evidence that there were only the signs prepared by she and her husband, that the Concerned Citizens Group had no such involvement in them, and that there were no other similar, 4' x 4', white signs saying vote no. Despite this direct and one might say compelling evidence that Mr. Barnas' allegations in the complaint were false and clearly known by him (or easily knowable) to be false, Mr. Barnas attempted to say that there must have been some other signs that he could never identify or present any evidence of. It was this testimony that the Administrative Law Judge specifically identified as being incredible. Paragraph 29 of Recommended Order. On the one hand there was live testimony of a disinterested witness versus the categorical denials of the individual who was being asked to pay over \$40,000 because of his false allegations. The Administrative Law Judge properly saw and evaluated all of the direct evidence, heard the testimony, and drew the appropriate inferences. Mr. Barnas was willfully and maliciously trying to cover up his false allegations. These circumstances are described at paragraphs 26-31 of the Recommended Order.

2. The second incident concerned a Facebook page that the Concerned Citizens Group opened at the end of September in 2012. On the first day that the site was available, a citizen in High Springs posted a comment, in his own name

and not identified as being on behalf of the Concerned Citizens Group. It was a personal comment, recommending the election of a candidate in the November election. Mr. Barnas attached the edited website page using only the comment of the citizen as support for his false allegation that that statement somehow bore the approval and imprimatur of the Concerned Citizens Group and therefore Ms. Yeago as well. The direct evidence in the trial, however, was that the immediately following entry, entered in less than an hour later on a weekend evening by the Concerned Citizens Group itself, was an express disclaimer of the post and partisan statements and distanced itself from any partisan activity in the election whatsoever and specifically stated that it would take no position on any issue in the race. The Administrative Law Judge referred the testimony concerning this devious attempt to misstate the position of the Concerned Citizens Group by Mr. Barnas, heard his testimony and explanation and attempt to avoid that false allegation, and rejected it, drawing the appropriate inference that such wrongful allegations were willful, malicious, and deliberate. See Paragraphs 11-15 of the Recommended Order.

3. The next circumstance about which there was substantial testimony concerned a claim before the FEC that the documents had been altered by Ms. Yeago or her counsel and Mr. Barnas, in live testimony and in written submissions

to this Commission and the DOAH asserted that one document had been changed – “altered” – so as to eliminate a complete paragraph in some apparent effort to mislead this Commission as to the Concerned Citizens purposes. In fact, as the Administrative Law Judge clearly heard and found, Mr. Barnas was conflating two completely different documents, one which happened to have five numbered paragraphs and one which happened to have four numbered paragraphs. The ALJ, hearing that testimony and reading the sworn allegations in the complaint and in his submittals to this Commission, was fully entitled to draw the appropriate negative inference of willfulness, maliciousness, and deliberateness in attempting to mislead this Commission and the Administrative Law Judge. See the discussion of these documents at Paragraphs 18-26.

4. In a case where the motivation, intent, and scheme of the individual charged with wrongdoing (here Mr. Barnas) is critical to the conclusions and the findings of the Administrative Law Judge, one cannot look solely to the documents or to the words on a transcript page to ascertain the evidence that the Administrative Law Judge was able to use. Rather, the demeanor of the witness when testifying, the believability – or lack of believability – of the witness when testifying, the interest that the witness might have (here Mr. Barnas) in avoiding a personal exposure for in excess of \$40,000, all bore heavily on the otherwise

compelling mass of direct evidence to create a body of evidence – direct, circumstantial, character, inference, and photographic – to paint a compelling picture of Mr. Barnas’ malicious wrongdoing in this matter.

E. Procedural history.

There is no substantial, factual, or legal question concerning the course of this proceeding. In April of 2013 Mr. Barnas filed a sworn complaint which contained numerous patently false allegations of statutory violations against Sharon Yeago. After Ms. Yeago responded, this Commission determined that the complaint was legally insufficient and notified him accordingly. He took no further step.

Thereafter, in a timely fashion, Ms. Yeago filed a petition for attorneys’ fees and, pursuant to the express requirements of this Commission’s rules, served it only on the Commission who had the obligation thereafter to serve it on Mr. Barnas. See Ms. Yeago’s Response to Motion to Dismiss filed contemporaneously herewith and Rule 2B-1.0045(2).

For whatever reason, the Commission did not immediately serve Mr. Barnas and accordingly he did not learn of the petition for attorneys’ fees until the hearing on November 13th was first noticed in late October. He was presented with the circumstances surrounding the delayed notice by FEC staff and asked on October

28th whether he wished to proceed. On two separate occasions – then and at the hearing on November 13th – Mr. Barnas expressly indicated that he preferred to proceed directly, at that time, and did not wish to ask for any sort of a continuance or delay. He sought no other relief.

The first of these came in his written response to this Commission on October 29, 2013, when he stated so in writing and then thereafter appeared at the Commission meeting on November 13.

Thereafter, on November 13, 2013, Mr. Barnas again, in sworn testimony to this Commission, stated that he did not wish to delay the proceedings further and wished to go forward. See transcript of November 13, 2013 hearing at Page 16, attached to the Response to Motion to Dismiss.

After a substantial basis for the allegations in Ms. Yeago's Petition were accepted by this Commission by a vote of five to two, the matter proceeded to a full and complete and detailed hearing before the Department of Administrative Hearings, over two separate days with full and complete argument of counsel and proposed recommended orders. That proceeding resulted in the Recommended Order which is currently before this Commission for entry as a final order.

Two brief points. First, as will be separately replied to, Mr. Barnas argues, once again, that the fact that he did not get immediate service of the petition for

attorneys' fees somehow renders the filing of the petition late. There is no support for that since the petition was timely filed. The delay of service would certainly have entitled Mr. Barnas to a delay of whatever time was reasonable, had he requested it. Ms. Yeago at no time ever objected to an extension of time nor argued there should be none; rather, it was on two different occasions, Mr. Barnas' express decision to go forward with this proceeding since he was fully prepared.

Lastly, Mr. Barnas now raises, for the first time, two legal arguments that are both without merit and have never been argued before in this proceeding. As such, they have been waived. One is that somehow he is entitled to an even higher burden of proof by Ms. Yeago of his proven malice, despite the express ruling of the First District on the precise same language in Brown v. Florida Ethics Commission, supra. As will be noted hereafter, in a similar action in Brown, the 1st DCA rejected the use of the First Amendment as a defense to the filing of a false complaint. There is no basis for the argument in law nor was it preserved in the proceeding below. Similarly, the argument that Mr. Barnas' wrongful falsehoods were not violative of the law when he made them in April of 2013 is without basis. This substantive law has not changed since that time and his wrongful conduct was just as wrong then as it is now. And, again, the issue has never been preserved.

F. As noted in the exceptions filed by Mr. Barnas, this Commission cannot overturn the findings of fact (whether based on direct, circumstantial, inferential, or other evidence) so long as they are supported by some substantial competent evidence.

Legal issues can be appropriately revisited by this Commission, but as has been and will be presented, the Administrative Law Judge thoroughly considered the arguments of counsel and correctly analyzed the law applicable to each component of this case.

The statute and rule in question allow the imposition of attorneys' fees and costs against a petitioner who filed a complaint, maliciously to injure the reputation, filed the complaint as knowingly false or filed it with reckless disregard for its truthfulness. The definition of malice, as will be spelled out hereafter and was argued to the Administrative Law Judge, comes from a proper understanding of the Brown v. Florida Commission on Ethics case, supra which carefully explained that the definition of malice as neither the actual mental spite or anger that the word malice has in common usage, nor is it the technical "actual malice" that derives from defamation case, New York Times v. Sullivan. Rather it is the deliberate doing of the filing of false allegations, knowing them to be false or recklessly in disregard of the truth under circumstances that allow conclusion that that filing was done with a malicious intent.

Here, as the Administrative Law Judge specifically found, Mr. Barnas, who had been the source of substantial discord in the City of High Springs and whose flagrant conduct was the reason the Concerned Citizens Group organized to return good government to High Springs, decided to go after this group and a spokesman for this group in retribution for what he perceived to be actions against him. As Ms. Yeago set forth in her limited exceptions on the admission of evidence of similar conduct point, Mr. Barnas has a common plan, scheme, or design of going after City officials and citizens (the City Attorney, the City Manager, the local newspaper publisher, a prominent attorney who successfully brought an action against the city) by filing ethics or Bar complaints against them. Each of those complaints was dismissed by the appropriate entity as being legally insufficient.

Mr. Barnas continued this unfortunate pattern, even as City Commissioner, without regard to whether his allegations of violations of law against Ms. Yeago were true, false, or something else. They were, as demonstrated by the overwhelming weight of the evidence – the clear and convincing weight of the evidence – false and there was no way he could not know it.

There has probably seldom been a proceeding brought before this Commission with wrongful actions of an individual in going after someone else that has been as carefully proven to have been calculated, willful, malicious, and

deliberate, as the overwhelming record pending before this Commission shows this case was.

G. References in this Response.

For the simplicity, references contained in this Response will contain the same abbreviation format as noted on Page 8 of the exceptions by Mr. Barnas. The only addition would be that page references to the hearing before this tribunal on November 13 will be identified as FEC Hearing at _____.

II. Specific responses to specific exceptions.

At the outset, numerous paragraphs of the Recommended Order had no exceptions addressed to them and therefore no response will be made of any sort. Only responses to specific paragraphs that require a response not already presented in the introductory comments in this document will be included hereafter. It is critical for this Commission to appreciate, at this point, that the fact that Mr. Barnas, whose testimony was discredited and whose filings have been found to be broadly falsified, may have testified to something (“1+1=3”) but does not make that an uncontested “fact” UNLESS the ALJ credits that “1+1=3” testimony.

Paragraph 1. Ms. Yeago agrees that the paragraph is essentially not material to the final order awarding fees and costs, but the troubles in the City of High

Springs were supported by the direct testimony and inferences therefrom of Ms. Yeago at (T1,___). Additionally, the newspaper publications attached to Mr. Barnas' complaint concerning the formation of the Concerned Citizens Group in Fall of 2012 reflected the group's concern over financial and attitudinal difficulties in the City of High Springs. App. p. A1.

Paragraph 3. This paragraph, which again is background to the difficulties in the City of High Springs, was supported by the testimony in the affidavit of Ms. Yeago submitted in evidence in this cause, and the materials referred to in Paragraph 1 above.

Paragraph 5. Mr. Barnas' objection to paragraph 5 demonstrates a lack of understanding of the types of evidence submitted. Mr. Barnas' own materials attached to his complaint including the newspaper articles reflecting the formation of the Concerned Citizens Group, clearly and continuously identified as the steering committee for the group four individuals, none of whom was ever named in this matter. See App. A 16, 17, 32. While Ms. Yeago was at times a spokesman for the group, she was never on the steering committee nor ever identified as such. Consequently, paragraph 5 is fully supported by the record.

Paragraph 9. Again, Mr. Barnas misunderstands the difference between a spokesperson and those responsible for guiding the organization. Just as the Press

Secretary for the President of the United States may be the spokesman for the President, he does run the organization. Similarly, the uncontradicted record demonstrates that there were four identified individuals who consistently and throughout all relevant periods controlled the organization. Ms. Yeago was, indeed a spokesman for them, but no more. See Response to Paragraph 5.

Paragraph 12. Since the post in question of Mr. Gene Levine did not purport to speak for the Concerned Citizens Group and since the Concerned Citizens Group immediately posted a complete and total disclaimer (that Mr. Barnas edited out of his materials submitted to this Commission to create a false impression), the ability to take things down is not the issue. App. At A5 and 25. The posting of the information by Mr. Levine was his right as it was for the others who posted various things on the Facebook page.

Paragraph 17. The commission seat won by Mr. Jamison in the November 2012 election was uncontested at the time of the election and at all times the Concerned Citizens Group was in existence. There was no evidence to the contrary. Much more importantly, however, there was no evidence – ever – that the Concerned Citizens Group ever advocated for his election in any way, shape, or form.

While Mr. Barnas may choose to “take exception” to the fact that he

selectively edited Gene Levine's posting on the Facebook page for the express purpose of attempting to show – falsely – that the Concerned Citizens Group supported that statement, the undisputed testimony and documentary evidence established that the Concerned Citizens Group disavowed any partisan involvement whatsoever, stated that it would not place any political postings on its own Facebook page, and would not become involved in elections issues. By deliberately excising from that posting the careful disavowal of the Group (which was made late on a weekend evening and within one hour of Gene Levine's posting) Mr. Barnas attempted to raise an inference that the group was partisan. App. A5 and 25. It was false and Mr. Barnas had the evidence in his file to know it. Mr. Barnas' protestations concerning Mr. Jamison are similarly without merit. He falsely alleged that the Concerned Citizens Group (and Ms. Yeago) were formed to advocate for the election of Mr. Jamison. Nevertheless, there was never a single piece of evidence – whatsoever – that linked the Concerned Citizens Group let alone Ms. Yeago to any express advocacy for Mr. Jameson or against his one-time opponent. That is the one critical feature and the false nature of Mr. Barnas' complaint against Ms. Yeago.

Paragraph 22. The response to Mr. Barnas' objections to paragraph 22 are simple. The document in question was in evidence and the Court was able to read

it in the context of the election and the issues that were pending before the electorate. As such, the ALJ very simply found and concluded that the document was not express advocacy since objective fair comment on a particular topic is fully allowed under the Constitution and the election laws. What is prohibited is express advocacy without registration. The telling blow to Mr. Barnas' attempt to avoid his attack against Ms. Yeago on this point is that when questioned during the hearing Mr. Barnas acknowledged that the statement contained in this paragraph was in fact an accurate statement of what the law would do if passed.

Paragraph 23. The simple answer to Mr. Barnas' exceptions to this paragraph is that his complaint was against Ms. Yeago and consequently she was the one charged with the violation of the law by allegedly expressly advocating for a topic that clearly was never the case and was so found, as a matter of fact by the ALJ. The fact that Mr. Barnas dislikes the equally clear fact that none of the many documents published by the Concerned Citizens do expressly advocate for anything in the election is not surprising but that fact is fully supported by the ALJ's own reading of the documents in question. They simply did not advocate anything and Mr. Barnas' allegations to the contrary were false, known to be false, and maliciously published.

Paragraph 24. Mr. Barnas' exception to what is not stated in paragraph 24 is

truly upside-down. He wishes that the ALJ would somehow give him some positive points for wondering what the (legally correct and accurate) disclaimer that the Concerned Citizens Group put in its literature to the effect that it was not a political committee might have meant. Even if in his warped attempt to go after Ms. Yeago and this organization he somehow wondered whether this disclaimer actually was really a false front, the fact remains that there was absolutely no evidence – zero – that the organization ever did expressly advocate for or against any individual or an issue on the ballot. As a result, whether the organization stated that it was or was not a political committee is irrelevant if in fact that group never, ever issued a political statement. The Concerned Citizens did not. Sharon Yeago did not. And Mr. Barnas submitted absolutely no information to support his false allegations that the organization was formed for those political purposes and implemented them.

Paragraph 26. There is nothing in the second sentence of paragraph 26 which implies, let alone states, that the Concerned Citizens Group was attempting to “opt-out” of the law by simply stating that it was not a political committee. The sentence does not say that and the ALJ never found that. The Concerned Citizens Group stated that it was not a political committee because ... it was not a political committee. The final sentence of paragraph 26 where the ALJ, having read and

seen as a fact, each of the statements of the Concerned Citizens Group, that no reasonable person could find express advocacy in them, is simply factually correct. It is a statement of fact and the documents speak for themselves.

Paragraph 27. The ALJ's description of Mr. Barnas' complaint is a fair reading and inference from that reading to the effect that he was accusing Ms. Yeago of attempting to avoid, or thwart, the force and effect of the political committee regulations in the State of Florida. There cannot be a serious question about the accuracy of that factual statement by the ALJ. See App. At A3-6.

While the second sentence of paragraph 27 is not suggested to be a quotation from Mr. Barnas' complaint, he clearly alleged that the group was hiding his advocacy by pretending not to be a political committee. The statement is absolutely correct. *Id.*

The fourth sentence of paragraph 27 is self evident. Had Mr. Barnas investigated what this group did and had he done it in a fair and objective way, rather than in a willful and malicious way, he would have learned that the group at no time advocated for anything in the election. As such, he clearly failed to investigate the truth, creating a reckless disregard if not a flat out knowledge of the falsity. To suggest that he did extensive research when that research yielded nothing – zero – that supported the allegations of his complaint shows that he is

either completely ignorant, or a malicious and willful teller of falsehoods. The ALJ obviously felt, based on all of the evidence and Mr. Barnas' demeanor and testimony, that the latter was the appropriate finding to make.

Mr. Barnas' final exception to paragraph 27 seems to be that if one could honestly accept that he personally believed all of the falsehoods that he put into his complaint then he presumably would argue that he was innocent of wrongdoing. The ALJ, however, took the overwhelming massiveness of his falsehoods from the complaint, his written supporting materials in the FEC, and his testimony before her to conclude that no reasonable person could have failed to know the truth had they looked. As such, she drew the logical and legitimate inference that his conduct against this organization that sought good government in the City of High Springs was for a malicious and bad motive. Mr. Barnas might wish that the narrative was written in a manner more favorable to him, but it is clear that the ALJ was thoroughly disgusted with the conduct of this elected city official who went out of his way to attack a public-spirited citizen who had a public reputation in the community. Paragraph 27 is an accurate statement of conclusions and findings from the facts in the case.

Paragraph 29. Mr. Barnas' exceptions to paragraph 29 are sheer folly. The competent and substantial evidence allowed the conclusion (if not compelling it)

that the only four foot by four foot white signs with the words vote no on them were those created by Mr. and Mrs. Hewlett without the involvement of the Concerned Citizens and without any markings or other indications on them that tied them to any group whatsoever. The fact that Mr. Barnas refused to acknowledge this fact in testimony when confronted with the actual four foot by four foot signs during the trial itself is beyond belief. His refusal to recognize that which his eyes saw and which the ALJ physically observed. This obviously had a substantial influence in convincing the ALJ that Mr. Barnas' testimony was incredible, that he was a profligate teller of falsehoods, both in his complaint, in his submissions, and that his live testimony and that his version of there being other signs was a mere fabrication. Paragraph 29 is absolutely correct and demonstrates the depths to which Mr. Barnas has sunk in this matter.

Paragraph 30. Mr. Barnas' exception to paragraph 30 is that it is not an exact quote of his complaint. But it wasn't claimed to be and doesn't have to be. The ALJ's findings are accurate, based on the record, and certainly supported by the statements contained in his complaint as quoted.

Paragraph 31. Paragraph 31 accurately summarizes the testimony and evidence with respect to Mr. Barnas' many false allegations. Certain individuals in the City of High Springs did in fact take political positions on certain issues and

some of those people were members of the Concerned Citizens Group. None of those positions, however, were ever expressed as being on behalf of the Concerned Citizens Group, nor were they stated to be on behalf of the Republican Party, the First Baptist Church, the Women's' Club or the Masons. The fact that an individual may be a member of an organization (or twenty organizations) does not make those organizations responsible when individuals, in their individual capacity make political statements. The organization, Concerned Citizens, and Ms. Yeago personally were falsely accused of expressly advocating for something that they never advocated for, expressly or otherwise.

Mr. Barnas' argument that this is the equivalent of a defamation claim is simply without basis in law or fact. The cause of action is a very simple one based on the provisions of 106.265(6) and the rule of this Commission upon which that is based. It almost goes without saying that individuals who are accused in this fashion as Ms. Yeago was will be to some extent in the public eye, but there is no exception for nor any reported decision that accepts Mr. Barnas' argument that there is a standard different than that which was established by the First District of Appeal in Brown v. Florida Ethics Commission, supra. See discussion of law infra.

Further, there is no subtle distinction between the intent of the Legislature

in passing that language for use by the ethics commission versus under the same language for this Commission. The wording, it must be noted, is exactly, verbatim, the same as the Ethics Commission language ruled on in Brown. As such, regardless of where that language which is found concerning the malicious intent and reckless disregard demonstrated by Mr. Barnas, the test of what that language means is precisely set forth in careful detail in the First District's decision. The Brown decision was carefully briefed to the ALJ by the undersigned counsel on behalf of Ms. Yeago and, following that construction precisely, the ALJ adopted and implemented the effect of that decision so as to give meaning to the malice standard created by the Legislature in 106.265(6). Similarly, the words "reckless disregard" have common and accepted meaning throughout the State of Florida and the conduct by Mr. Barnas in failing to correct any of his many false statements demonstrates, if not knowledge of the falsity, certainly a reckless disregard for the absence of truth in his many statements.

While Mr. Barnas (in what was probably the most embarrassing moment of self-serving testimony in the history of Florida Administrative Law), may have denied that he meant Ms. Yeago any harm over and over, the evidence, the facts, the photographs, and most of all the inferences drawn therefrom demonstrate that no reasonable human being could have taken the steps he did without having the

malice and reckless disregard for Ms. Yeago and her public career that the ALJ found to be the case. Contrary to the suggestion on page 26 of Mr. Barnas' exceptions, Ms. Yeago did not voluntarily insert herself into the vortex of an ongoing political controversy. Quite the contrary. By the overwhelming and indeed uncontradicted mass of testimony and evidence submitted to the ALJ, Ms. Yeago and the Concerned Citizens specifically did not inject themselves into a political controversy. Rather, they acted solely out of a concerned effort on the part of over 200 citizens to improve the quality of government in the City of High Springs after it had sunk to the depths of personal attack exemplified by Mr. Barnas' scurrilous attack against Ms. Yeago before this Commission. Finally, and from a purely legal perspective, the arguments now crafted at the 13th hour that there is some ex post facto problem before this tribunal or that there is a First Amendment protection, in addition to being wrong, were never presented to the ALJ and as such cannot be injected at this time since there can be no exception to a ruling that the ALJ was never asked to make.

Mr. Barnas' exceptions to paragraph 31 are motivated not by legal concern but by the obvious realization that the ALJ pegged his conduct right on the money.

Paragraph 32. Mr. Barnas' exceptions to paragraph 32 again are without merit. In what can only be described generically as bullying, Mr. Barnas through

his conduct was attempting to silence and get even with a group concerned with the ill will demonstrated by Mr. Barnas through his activities as a City Commissioner in the City of High Springs. As discussed in detail in the opening portions of this response, it does not take a written statement about Mr. Barnas or direct testimony by him that he was out to silence his “good government” opponents by the filing of a false and scurrilous attack such as the one he filed against Ms. Yeago. It is a legitimate if not compelling inference that is legitimately drawn by the ALJ by the overwhelming evidence in this case. The exceptions to paragraph 32 are without merit.

Paragraph 33. Mr. Barnas’ objection to paragraph 33 is to the ALJ’s characterization of the second person who was a member of the Concerned Citizens Group as a “co-conspirator.” While he never used those words, it was Mr. Barnas’ allegations that Ms. Yeago on behalf of the Concerned Citizens Group was attempting to disguise its true unlawful purposes through its disclaimers and activities on the fringe of legality. Had he been correct and had there been even a scintilla of legitimate testimony to support illegal conduct, then Ms. Jones, the second woman, would have been indeed a co-conspirator as he had suggested. Instead, however, each was a good citizen of the City of High Springs, committed to good government, and found by the ALJ based on the mass of evidence

submitted below to have been acting properly and well within the election laws in the State of Florida. The exceptions to paragraph 33 are without merit.

Paragraph 35. The first sentence of paragraph 35 is a simple declaratory statement and if Mr. Barnas' fear that there may be some hidden implication there simply without rational basis. The singling out of Ms. Yeago, and later Ms. Jones is truly mystifying, as it was to the ALJ, since the four steering committee members were identified from the very first publication and did not change at any material time during this case. Mr. Barnas selected the one person who had a highly sensitive public career as a consultant for governmental enterprises to allege that she had in some way violated election laws. As to his motivation for filing it on April Fool's Day, Mr. Barnas testified directly that someone had called him a fool and that was the reason for the filing. It is of note that this allegation was found in Ms. Yeago's original petition and was one of the material allegations that convinced this Commission to allow the complaint to go forward to the Department of Administrative Hearings. The ALJ obviously thought the same based on Mr. Barnas' testimony.

It is a rare day in the proof of why someone did something – or their “intent” – that there is compelling direct, hard, first-hand evidence. Rather, it is for the finder of fact after looking at all the circumstances of the growing dispute in

the City of High Springs, Mr. Barnas' repeated statements on his blog, his messianic zeal to punish those who disagree with him, his unwillingness to seek professional assistance to ascertain whether his complaints are valid or not, his complete misreading of numerous publications to draw unfounded and illegitimate inferences therefrom, his demeanor while testifying, his refusal to acknowledge blatant errors in his sworn complaint and his willingness to accuse everyone, including opposing counsel of altering documents because, as he says it, "you just can't make this stuff up" to decide motive, intent and malice. But Mr. Barnas can and does "make stuff up" and based on that, the ALJ's conclusion of a malicious and malevolent intent on Mr. Barnas' part was fully and completely justified based on the evidence before her.

Paragraph 36. The objection to the two portions of this paragraph again demonstrate Mr. Barnas' complete lack of grasp of circumstantial or inferential testimony. The names of the four leaders of this organization were known well before the election and could have been singled out at that time. It is a reasonable if not compelling conclusion based on the inordinate delay as Mr. Barnas "gathered his facts" that Ms. Yeago was indeed singled out as the one person with an important public reputation to preserve. Mr. Barnas' testimony as to what he believed has already been established by the ALJ to be without credibility because

of his propensity to testify, under oath, and say whatever was necessary to try to defeat Ms. Yeago's claim in this matter. Ms. Yeago retained counsel because it is a reasonable thing to do when a person with a publicly-sensitive profession and reputation in the public light is accused of violating public election laws. She is not only entitled but well advised to seek the best counsel that she can to protect herself. She did that.

Paragraph 38. The document relating to non-service is the FEC's Rule No. 2B-1.0045(2) which specifically addresses the topic of petitions for attorneys' fees and directs that they be filed with the Commission and the Commission thereafter fulfilling its responsibility for service pursuant to its rules.

Paragraph 39. Actually, the precise language used by the Florida Elections Commission in its June 10, 2013, letter to Mr. Barnas was that his complaint had been reviewed and found to be "legally insufficient" and not facially insufficient. The distinction is that part of the finding of its legal insufficiency was aided by the fact that Ms. Yeago had submitted a detailed analysis of the insufficient complaint to assist the Commission in its initial legal review. It is always surprising to the undersigned when a party who wrongfully filed a complaint and thereby caused his opponent to necessarily retain counsel invariably suggests that that retained counsel should have spent less time than he actually did spend in proving the

complaint to be completely and legally insufficient. While perhaps some lawyers would have spent less time and hoped it was enough, the time spent was spent appropriately, professionally, and completely accepted by the Administrative Law Judge as a matter of fact. It is unseemly for Mr. Barnas to suggest that too much time was spent proving that his false and malicious complaint was inappropriate.

Paragraph 41. In fact, the reason that no copy of the attorneys' fee petition was served was because a rule of this Commission requires that the petition be filed with the Commission itself (it was) and that the Commission thereafter has the obligation to serve Mr. Barnas. It was that subsequent service that was delayed until October. The petition was timely filed, but it was the service that was delayed.

Paragraph 44. Again, it is not surprising to see an individual whose complaint was found to be maliciously and recklessly filed argue that the opposing lawyer spent too much time in proving the falsity and maliciousness of the act. However, the fact finding of the Administrative Law Judge was based upon the testimony of the attorney who performed each and every hour of that work, as well as based upon the expert testimony of a skilled and experienced election lawyer, Mark Heron. As such, to make even the hint of a suggestion that the finding of fact as to the reasonableness of time spent was not supported by the competent and

substantial evidence is simply without basis and should be rejected by this Commission.

III. Conclusion of law and argument.

The more common case which comes back to a Commission in Florida after a hearing before the Department of Administrative Hearings returns with legal issues in the Recommended Order that relate to the technical statutes concerning that Commission's special areas of expertise geared for the Florida Elections Commission. That might include statutes dealing with the nature of political advertisements, the intricacies of campaign finance and finance reporting and related topics. This Commission being charged with responsibility for those technical statutes is not only allowed to review legal issues present below de novo, it also is allowed to view such statutes specially as experts in the field.

As this Commission knows full well in this matter, there are no legal issues that were presented in the DOAH hearing to the ALJ which deal with technical violations of election laws, but only the attorneys' fees and compensation provisions relating to those individuals in Florida who wrongfully invoke the election laws against an individual who is proven to be innocent of any such violations. These sorts of issues dealing with attorneys' fees, costs, burdens of proof and the like are those issues normally handled by the courts and or ALJ's.

Nevertheless, this Commission is charged with reviewing the issues carefully presented to and considered by the ALJ and ultimately has to determine whether they concur in their final order with those conclusions. In beginning this process, however, the Florida Elections Commission is presented here with (1) no special issues for review that deal with technical interpretations of the elections laws themselves and (2) some of Mr. Barnas' arguments that he now attempts to raise at the 13th hour (such as a First Amendment argument) which were never raised below and procedurally defective as well as being substantively wrong. For an issue to be considered by this Commission de novo, by definition it must have been first been considered at the DOAH by the Administrative Law Judge. Otherwise, that process is a legal nullity.

The most relevant single decision to this Commission's decisions concerning Mr. Barnas' malicious conduct is certainly the case of Brown v. Florida Commission on Ethics, 969 So. 2d 553 (Fla. 1st DCA 2007). In Brown, the Court construed the identical language as that which is found in the Florida Elections Commission statute [§106.265] in a case dealing with attorneys' fee under the Florida Commission on Ethics.

The Brown case largely focused on whether the Florida Legislature intended the "malicious intent" standard found in both the Ethics Commission [now Fla.

Stat. §112.317(7)] and Elections Commission statutes to rise to the substantial level of proof of "actual malice" as was required by the United States Supreme Court in *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S. Ct. 710, 11L. ed. 2d 686 (1964). After a detailed and complex analysis, the First District carefully concluded that, because the word "actual" is excluded from the statutory language and because the statute itself directs proof from the filing of knowingly false or recklessly false statements, the standard was clearly not the higher "actual malice standard" of *New York Times v. Sullivan*.

It is interesting and important to note at the outset that Mr. Barnas has actually argued for the dictionary definition of malice, requiring ill will or spite. That standard, higher and even more onerous than the New York Times standard, has never been accepted as the standard of proof for malicious claims such as this and demonstrates a basic misunderstanding of the concept of malice in the law. In explaining how even the high New York Times standard did not rise to the ill will or spite level, a leading treatise on constitutional law described it in this fashion:

[C]onfusion still exists over the "actual malice" standard, mostly because the Supreme Court unfortunately chose the term "malice" to describe the mental state a reporter must possess to lose his qualified privilege. The "dictionary" meaning of the term "malice"- "[t]he desire to harm others, or to see others suffer; ill will; spite" (*American Heritage Dictionary of the English Language* 790 (1975))-differs completely from the meaning given to it by the Supreme Court as a term of art in

libel cases involving a reporter's comments about public figures. As commentators have noted, although 'the Court used the word 'malice,' it was not referring to the old, common law libel meaning of 'malice' as hatefulness or ill will; [instead], from its definition, the Court meant '*scienter*.'

(4 R. Rotunda & J. Nowak, Treatise on Constitutional Law § 20.33, at 202 (2d ed.1992).)

This analysis, which flatly rejects the erroneous construction on this statute urged by Mr. Barnas in this case, was not lost on the First District in Brown. In rejecting that misplaced standard, the First District recognized that even the New York Times Co. v. Sullivan standard rejected this as too strict a proof standard and stated:

The term, "actual malice," is used in *Sullivan* not to refer in its ordinary sense to feelings of ill will about the person who was the subject of the statement, but rather to signify the likelihood that the speaker knew the statement was false.

969 So. 2d at 557.

And the key point is that it was that standard -- the New York Times standard -- which was thought to be even too rigid for the application to the precise language of the statute that we have before us today.

The First District in Brown decried the possibility that a person who filed such a false or reckless complaint could shield himself from this precise liability

by seeking a proof of something akin to actual malice. And yet that is what Mr. Barnas has asked for.

What the Brown Court did find is that the comparable statute -- now Florida Statute §112.317(8) -- did not even require "evidence of a high awareness of probable falsity, or proof that the complainant in fact entertained serious doubts as to the truth of the allegations in the complaint." 969 So. 2d at 558. It noted that those higher levels of proof would be required if the Legislature had meant to incorporate the New York Times Co. v. Sullivan actual malice standard.

Rather, the statute clearly states, and the First District in Brown recognized, the clarity of the statutory statement that the malicious intent to injure the reputation of the person complained against may be proven and is established **by** the very terms of the following language in the statute: "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." Fla. Stat. §106.265(6).

The parties seeking fees in the Brown case were in exactly the same situation as Ms. Yeago is before this tribunal. The original petitioners there [here Mr. Barnas] initiated legal proceedings against the individual [here Ms. Yeago] and swore under oath [as did Mr. Barnas] that the attorney's fees claimant [here

Ms. Yeago] had committed acts in violation of the Florida Statutes dealing with the ethics of public officials in the State of Florida. The Brown Court went on at page 560 to note that in Sullivan the First Amendment was used as a shield to protect speakers and writers, but in Brown, as here, Mr. Barnas actually attempts to use that very protection as a sword to "justify baseless litigation" Id. at 560.

The Court went on, in language directly applicable to the present matter, and stated that when the Brown original petitioner [like Mr. Barnas] filed the ethics complaints against their target, they "drew him into the legal system involuntarily, and he had no choice but to defend himself. He was not seeking damages or penalties; he was merely trying to recover the costs and expenses he incurred in defending himself." Id. at 560

And if there were need for further reason to categorically reject the baseless and strict argument which Mr. Barnas would have this Court adopt, the Brown Court went even further and explained the effect of the First Amendment on this discussion of malice:

The distinction [between a person using the First Amendment as a defense and using it, as Mr. Barnas would attempt to do here, as a sword] is critical. The First Amendment guarantees the right to freedom of expression, but it would be a far cry to extrapolate from this proposition that the First Amendment also guarantees a right to initiate a legal proceeding based on false allegations. If that were the case, the "actual malice" standard

would shield a claim of malicious prosecution in the same way that it shields a defamation claim.

Id. at 560. Emphasis added.

This exposition of the law on this same language found in the First District's controlling decision in Brown is by no means unusual. The issue of a person's state of mind, intent, or *mens rea* is one that the law recognizes as almost impossible to establish by direct personal proof. Mr. Barnas' protestations of innocence and "lack of malice," beyond being painfully self-serving, are also legally insufficient and flatly contrary to the evidence establishing that his complaint was false, he knew it and he recklessly filed it anyway. Thus, consistent with a long and deep line of Florida authority that is no where contradicted and concludes in the Brown decision, "intent, being a state of mind, must in most cases be inferred from the circumstances." See Williams v. State, 239 So. 2d 127, 130 (Fla. 4th DCA 1970). See also Adams v. Whitfield, 290 So. 2d 49 (Fla. 1974). Mr. Barnas will be liable for the attorney's fees incurred by Ms. Yeago in this cause if Ms. Yeago can establish, by clear and convincing evidence, that Mr. Barnas had that malicious intent to injure her reputation. That specific malicious intent, as stated in the Statute and confirmed by the Brown Court, may be inferred by one of two alternatives, each of which is compellingly present in the facts before this tribunal.

Either that Mr. Barnas filed material statements in his complaint which were known to be false and/or he filed those false statements with reckless disregard for whether they were true or false.

From this analysis by the First District several key points can be extracted. First of all, the notion raised only now by Mr. Barnas that he is somehow given a First Amendment right to maliciously and falsely attack citizens in the State of Florida as quoted above is wrong. The First District has expressly rejected that freedom of speech guarantees a right to being a legal proceeding based on false allegations which have now been proven conclusively and without question, to have been false, knowingly false, and recklessly filed maliciously against Ms. Yeago. Secondly, the definition of malice is not the “ill will and spite” hatred-type meaning that is found in the dictionary. Under the Brown decision it is not even the legal malice type standard set forth in the New York Times v. Sullivan case, although Mr. Barnas would qualify for that as well. Here, the ALJ has made specific findings and conclusions concerning Mr. Barnas’ state of mind, a fact which is seldom proven by the words of the person who acted maliciously. Mr. Barnas testified at length, and his legal memorandum goes on, at length, to recite Mr. Barnas’ repeated self-serving statements that he meant no harm and certainly did not have any malicious ill will towards Ms. Yeago or her reputation. The facts

of this case, however, based on his credibility, his demeanor, his testimony, and the proven fact that he repeatedly has lied and misrepresented the truth to not only this Commission in his original complaint, but in all subsequent filings and his live testimony before the Court gave the ALJ broad, ample, competent, and substantial evidence to correctly conclude that Mr. Barnas acted willfully, maliciously, as well as recklessly, with an intent to injure Ms. Yeago's reputation which is inherent in the filing of a legal complaint against a person whose public reputation and relationship with governments is critical, as was the case with Ms. Yeago.

When the dust settles on Mr. Barnas' efforts to avoid the well-reasoned analysis by the Administrative Law Judge following hearings in this matter, the following is clear. The ALJ knew exactly what her powers and obligations were and carefully defined them in the opening portions of her conclusions of law. Mr. Barnas takes no exception to those because there can be no exception to those. Then, after her detailed and accurate analysis of the law, recognizing her findings of malice, recklessness disregard and, essentially, conduct that this Commission could never condone, she concludes that all of the requirements of the agreed upon standard were fully met by the evidence and she imposes the obligation to pay attorneys' fees and costs on Mr. Barnas, as she should have. The fact that she did

not use the precise language of the statute is nowhere required in the law (and no case has been cited to suggest that it is). But in her 27 pages of text the ALJ was well aware that Ms. Yeago's profession involved working with local governments and people of all political persuasions (see paragraph 9 of Recommended Order) and the malicious filing of a complaint against her, under the Brown standard results in the precise statutory foundation for attorneys' fees the ALJ accepted. While no law requires that this Commission's final order includes the precise language from the statute, to the extent that this Commission disagrees, that language can be found in the verbiage of the standard that the ALJ found was fully met.

The law wisely and correctly and jealously guards the obligation to award attorneys' fees against another party, but on the facts and the law this case, the ALJ could have not seen it more clearly in her 27 page, detailed and almost at times angry order should communicate to this Commission the depth of conviction acquired by the ALJ after being exposed to Mr. Barnas in his tactics in this matter.

The legal conclusions, each and every one of them by the ALJ should be readily adopted as fully and completely in compliance with the statutory standard. The final order should be entered by this Commission virtually as written by the ALJ with the addition of the prior complaints that Mr. Barnas has filed against

other citizens in the City and area of High Springs, and with the further addition of the additional attorneys' fees as is required by the statute which allows Ms. Yeago to continue to receive her attorneys' fees for fighting this matter until there is a final determination of liability which is no longer challenged by Mr. Barnas.

Paragraphs 49, 51, and 52. See foregoing discussion of legal analysis and standard applicable to this matter.

Respectfully submitted,

/s/ Paul R. Regensdorf

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CERTIFICATE OF SERVICE

I certify that on September 18, 2014, I served this document by email on Joseph W. Little, attorney for Robert J. Barnas at Littlegnv@gmail.com and on the Florida Elections Commission at fec@myflorida.com.

Respectfully submitted,

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STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,
Petitioner,

Case No: FEC No. 13-125
DOAH No. 13-4759F

vs.

SHARON L. YEAGO,
Respondent and Claimant/Petitioner as to Attorneys' Fees and Costs,

vs.

ROBERT J. BARNAS,
Respondent as to Attorneys' Fees and Costs.

SHARON L. YEAGO'S RESPONSE TO MOTION TO DISMISS

Sharon L. Yeago, by and through her undersigned counsel, files this response to the motion to dismiss filed by Mr. Barnas in this matter and will show the Court as follows:

1. The motion to dismiss is without merit and should be denied by this Commission, as it was by the Administrative Law Judge.

2. While there are several reasons for this dismissal, the simplest is that there is no question that the Petition for Attorneys' Fees in this matter was timely filed. As such, jurisdiction vested before this Commission for fees, it was so found November of 2013, and the matter was properly referred to the Division of Administrative Hearings. Accordingly, from a jurisdictional standpoint, all of the prerequisites for

establishing jurisdiction were fully met and complied with and so found by the Administrative Law Judge as well, in denying this motion.

3. The thrust of this once again renewed motion is that Mr. Barnas was apparently not served thereafter by the FEC until October of 2013. That appears to be the case inasmuch as Ms. Yeago did not serve Mr. Barnas with a copy of the petition. The reason for that, however, is simple. This Commission has enacted a specific rule and the body of that rule was communicated to the undersigned which provides in part as follows:

(2) to claim costs and attorneys' fees, the respondent shall file a petition with the Commission clerk within 30 days following dismissal of the complaint. The petition shall state with particularity the facts and grounds that prove entitlement to costs and attorneys' fees. The Commission clerk shall forward a copy of the petition to the complainant by certified mail at the most recent address on file with the Commission. (Emphasis added).

Again, there is no question nor is there any allegation that the petition was not timely and appropriately filed with this Commission. It does appear that service was delayed by the Commission for reasons unknown to the undersigned. That service was remedied, however, in October of 2013.

4. Mr. Barnas has cited no authority, compelling dismissal, or even authorizing it, for the simple reason that there is absolutely no authority in the law of this Commission, the law of Administrative Procedure, or the law in the State of Florida, that requires or even allows the dismissal of a complaint

if it is filed timely, but not immediately served. Consequently, the request for dismissal because of delayed service is simply without merit and not supported by any authority cited in the motion, or elsewhere.

5. Rather, the standard remedy for such delay in service is the offering to the defendant (here original petitioner) such extensions of time as may be necessary to avoid any possible prejudice that the delay has occasioned.

6. In this case, however, Mr. Barnas as he acknowledged in his Exceptions, expressly told the Commission that he did not intend or want to delay the matter, did not want to continue it, and wanted to proceed with the hearing on November 13th. See Barnas' Response to this Commission dated October 29, 2013.

Moreover, at the hearing on November 13, 2013 before the full Commission, Mr. Barnas, again, expressly waived any possible right to claim prejudice from the delay in service and stated that he wished to go forward at that time, which he did. See transcript of proceeding of this Commission dated November 13, 2013 at 16 attached hereto as Exhibit A.

As such, Mr. Barnas' motion is completely without merit, not supported by the law. Further, any rights he may have had to delay the proceedings were waived by him not once but twice. As such this motion is without merit and should be denied.

Moreover, the very general rule (as opposed to this Commission's specific rule) cited by Mr. Barnas (Rule 28-106.204) dealing with motions states that motions to dismiss shall be filed no later than 20 days after the assignment of the presiding officer. The original motion filed before DOAH on February 7, 2013 was late, as is this motion which was not filed obviously before this Commission until September 8, 2014. Since the jurisdiction of this tribunal is not at issue due to the timely filing of the petition for attorneys' fees, the renewed motion by Mr. Barnas is fatally defective for this additional reason as well.

For all these reasons, there being no basis in law or fact for the granting of this motion to dismiss, it is respectfully urged that this Commission deny Mr. Barnas' motion to dismiss.

Respectfully submitted,

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EXHIBIT "A"

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Sharon L. Yeago Case No. FEC 13-125

Hearing on Motion for Attorneys Fees

DATE: November 13, 2013
PLACE: Florida Elections Commission
 Senate Office Building
 Room S-110
 404 South Monroe Street
 Tallahassee, Florida 32399

Proceedings transcribed by:

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1 STATE OF FLORIDA
2 FLORIDA ELECTIONS COMMISSION
3 CHAIRMAN HOLLADAY: Next case. My name
4 is Tim Holladay, Chairman of the Florida
5 Elections Commission. This hearing is to review
6 a request of costs and fees, filed by Paul.

7 MR. REGENSDORF: On behalf of Sharon
8 Yeago, who was named as a respondent in Case No.:
9 FEC13-125.

10 The complainant was Robert Barnas.
11 The motion for fees, Rule 2B-1.0045, the
12 commission's rule on petition for attorney's fees
13 and related documents appear in the commission's
14 agenda.

15 The respondent is represented in this
16 matter by Paul Regensdorf.

17 MR. REGENSDORF: Yes, sir.

18 CHAIRMAN HOLLADAY: Mr. Regensdorf,
19 please present your motion for attorney's fees.

20 MR. REGENSDORF: Thank you, Mr. Chair,
21 Members of the Commission. Thank you for having
22 us today.

23 My name is Paul Regensdorf. I'm with
24 Holland & Knight in Jacksonville. I represent
25 Sharon Yeago.

1 Sharon is a woman with a substantial
2 reputation in the farmer and food to the
3 underserved community market in the state of
4 Florida.

5 We're here on a petition for fees under
6 the Statute 106.265 in the Rule 1.0045 for
7 attorney's fees and costs because of the petition
8 or a complaint was filed against Sharon which was
9 blatantly false, maliciously and recklessly
10 filed, in our opinion.

11 It's essentially the same as 57.105, Rule
12 11 type sanction, although the sanction standards
13 are substantially different. The issue for this
14 commission today is simple, and that is have we
15 submitted sufficient facts to allow this matter
16 to go forward to a trial, to a hearing to
17 determine whether or not our petition is correct
18 or not.

19 We're not here to seek summary judgment
20 or determination on him. Our goal is only to
21 achieve the standard of sufficient facts, and I
22 think we've done that and more.

23 I'm not a frequent practitioner before
24 you guys, and I realize that. You have most of
25 your work done in the area of enforcing laws and

1 rules that are designed to control people who are
2 running for elections and groups actively
3 participating in it.

4 But there is a small but very important
5 sliver of cases given to your charge and that is
6 when there is a complaint filed that is
7 maliciously filed against a person or with
8 reckless disregard -- and we can talk about that
9 in just a minute. Then in that unusual case, and
10 this is one of them, then that -- this commission
11 needs to step in on that side as well.

12 And that's all we're asking for today, an
13 opportunity to go forward based on the numerous
14 facts that we've described.

15 This was a very simple complaint that
16 could have been filed. The allegation was that
17 Ms. Yeago, on behalf of an organization,
18 expressly advocated for an issue on the ballot
19 and spent more than \$500 on that issue.

20 Mr. Barnas in his complaint, attached a
21 ream of documents in an attempt, a futile
22 attempt, to convince this commission that there
23 was somewhere some expressed advocacy of an issue
24 or some money spent in that expressed advocacy.

25 And there was simply nothing there. And

1 we painfully demonstrated that in our response.
2 It should never have been filed. It was clear on
3 its face, anybody could have read the documents
4 and seen them.

5 Mr. Barnas as I've set forth, in painful
6 detail, is not a newcomer. He is a frequent
7 filer of complaints against people in the High
8 Springs area that he disagrees with. Those
9 complaints are almost universally found to be
10 legally insufficient.

11 With respect to this one, we decided that
12 we should utilize the available remedy of this
13 statute and that your rules provide, and that is
14 to reimburse for attorney's fees and costs.

15 Because of the length of the attachments
16 to his original complaint, we spent a great deal
17 of time going through them point by point in both
18 the response and in the petition for attorney's
19 fees so that when we got to this hearing today,
20 you would have no difficulty recognizing that
21 there are sufficient facts to allow this to go
22 forward.

23 Mr. Barnas will certainly have his day in
24 court to decide or have someone else decide
25 whether, in fact, there is malicious actions or

1 reckless disregard.

2 But I respectfully suggest that you will
3 find that there is such conduct. And I think
4 it's interesting to note -- again, the reckless
5 disregard, the maliciousness is because Ms. Yeago
6 and the organization was trying to change good
7 government and create good government in the city
8 of High Springs, the government significantly
9 managed by Mr. Barnas at the time.

10 But Mr. Barnas wasn't on the ballot, and
11 the issues they raised were not on the ballot,
12 and yet he went after her for that.

13 But I think do show the reckless
14 disregard, in addition to the fact that none of
15 the documents support the claim of express
16 advocacy.

17 When Mr. Barnas came to this commission
18 in the last couple of weeks and filed a response
19 to this petition, the type of conduct that he
20 used demonstrates exactly the same of lash out,
21 slash and burn, reckless disregard that was
22 evident in this complaint.

23 If you'll notice in the third page of his
24 response, he comes after me, as much as anything,
25 and makes an argument that the -- that the

1 lawyer, meaning me, has somehow altered a
2 document in trying to go after Mr. Barnas for the
3 fees that the statutes allow.

4 And all I would ask you to do is to take
5 a look at the two documents that he suggests were
6 altered. Now, anyone looking at those documents
7 would see that they weren't altered at all.
8 They're two completely different documents.

9 Both of them have the title at the top,
10 "Concerned Citizens." Both of them have the
11 mission statement at the top. That's fine. But
12 the documents are completely different. One, is
13 the -- one of the documents is the guiding
14 principles of the organization upon which this
15 organization was formed, four guiding principles.

16 They don't say anything about the ballot
17 initiative that he's talking about. They don't
18 say anything about it, the four guiding
19 principles. And they do contain the numbers --
20 one, two, three, four, because there's four
21 guiding principles.

22 The second document is a document
23 entitled, "Five Key Areas of Principal Concern."
24 It deals with completely different things. For
25 example, the dispatch center that Mr. Barnas has

1 brought in, the fact that he fired the
2 professional manager to hire a lady who is an
3 office worker to be the office manager.

4 I mean, these were good government
5 concepts, but the point is the two documents,
6 which are our responses, are two completely
7 different documents.

8 And his, before this tribunal, is not to
9 say I didn't do anything wrong. It's to lash out
10 and to contend that there's been some alteration
11 of documents, as though that would in some way
12 defend him.

13 This is a situation in which we fought
14 squarely within the statute, squarely within the
15 rules, and we have amply demonstrated an
16 extensive documentation to this communal that
17 there is malice and reckless disregard of a very
18 simple complaint that could have been filed.

19 We would ask this court to pass the
20 matter along and approve it for a full hearing
21 and a full proceeding for all sides.

22 CHAIRMAN HOLLADAY: Thank you, sir.

23 Procedurally, just two question to add.
24 Can you walk through the process on this?

25 It would go -- if we say -- basically,

1 sending this to DOA?

2 MR. REGENSDORF: Yes, that is correct.

3 CHAIRMAN HOLLADAY: We're not actually
4 deciding the issue?

5 MR. REGENSDORF: No, you're not deciding
6 the issue.

7 CHAIRMAN HOLLADAY: So what is it that we
8 need to find in order to send it to DOA?

9 MR. REGENSDORF: It seems to me that you
10 have --

11 FEMALE VOICE: I have the language if you
12 want me --

13 MR. REGENSDORF: Well, I have it right in
14 front of me also right now.

15 FEMALE VOICE: Okay.

16 MR. REGENSDORF: The rule basically says
17 that the commission shall determine whether
18 petition contains sufficient facts and grounds to
19 support a claim for costs and attorney's fees.

20 If the petition does not contain
21 sufficient facts and grounds to support such a
22 claim, the commission shall dismiss it.

23 If it contains the sufficient facts and
24 grounds to support such a claim, they shall order
25 a hearing involving disputed issues and material

1 fact to be held before the commission or a
2 commissioner or commissioners designated by the
3 commission or refer the petition to the Division
4 of Administrative Hearings for a DOA hearing.

5 CHAIRMAN HOLLADAY: Which has already
6 been requested.

7 MR. REGENSDORF: Yes. So you hear it if
8 you'd like to, or you can appoint an individual
9 commissioner or a panel of commissioners to hear
10 the case, or it can go to DOA.

11 CHAIRMAN HOLLADAY: So the question is
12 then, so does the petition -- which is very
13 detailed -- I'm just making sure that I
14 understand it.

15 The question is whether the petition
16 states a claim enough to go forward?

17 MR. REGENSDORF: Right. And the claim
18 would have to be that there was malicious intent
19 to injure the reputation of the respondent by
20 filing the complaint with knowledge that the
21 complaint contains one or more false allegations
22 or with reckless disregard for the complaint
23 contains false allegations of fact material to
24 violation of Chapter 104.106.

25 CHAIRMAN HOLLADAY: Okay. Thank you.

1 Now, at least I understand what we're talking
2 about.

3 FEMALE VOICE: Mr. Chair, if I might. I
4 know that the complainant is here, and you're
5 going to call him next.

6 I do want to bring to the commission's
7 attention that the filings by the complainant,
8 the response to this petition, are part of the
9 hard copy supplement. I do -- I do think that
10 they are documents -- or recommend that the
11 commission consider them.

12 The complainant is here, and he can speak
13 to their contents. They did come in after the
14 deadline, but this case is one that's a little,
15 you know, more unusual than some of our other
16 ones.

17 It's my understanding that the
18 complainant maybe didn't get the information in
19 before the deadline passed. So I would ask that
20 you consider those documents even though they are
21 in the hard-copy supplement as opposed to the
22 material.

23 But then the complainant is also here, so
24 again, he can certainly speak to the contents.
25 But you may need them for reference.

1 CHAIRMAN HOLLADAY: This is the -- what
2 the hard copies look like.

3 Mr. Barnas, are you present?

4 MR. BARNAS: Yes, sir.

5 CHAIRMAN HOLLADAY: Okay.

6 Are you an attorney?

7 MR. BARNAS: No, sir.

8 CHAIRMAN HOLLADAY: All right. If you
9 would, raise your right hand.

10 Do you swear or affirm to tell the truth,
11 the whole truth, and nothing but the truth?

12 MR. BARNAS: I do.

13 CHAIRMAN HOLLADAY: Thank you, sir.

14 You may proceed.

15 MR. BARNAS: I'll try and watch the
16 five-minute rule if that's still in place.

17 CHAIRMAN HOLLADAY: Well -- and I
18 didn't -- I didn't caution, Mr. Regensdorf, so
19 I'll be a little liberal with you as well.

20 MR. BARNAS: Thank you. I'll try --

21 CHAIRMAN HOLLADAY: But please try to
22 limit it as best you can.

23 MR. BARNAS: I'm going to go away from my
24 written statement briefly and cover those two
25 documents that you've accepted into the record.

1 The argument that I submitted was an
2 initial complaint, and it was based on one of
3 those two documents, the one that had the five
4 key principles of concern.

5 And several times in there they said,
6 "therefore, we believe, therefore, we believe."

7 And the fifth one, where they have said
8 several times that they never spoke about the
9 ballot issue is the actual point that I tried to
10 make that they spoke of the ballot issue. And if
11 you read that fifth on page 2 -- under five, the
12 post changes to the charter, they specifically
13 talk about it.

14 The amendment would prohibit the city
15 from incurring debt. It talks about what was on
16 that charter issue. It specifically goes into
17 the details of that issue that was on the ballot.

18 That was my first document with the
19 complaint. That's what it was based on. I'm
20 going to now read from a written statement. So I
21 thank you for that time, and I'll be done after
22 this.

23 In 1962, thirty grammar school kids voted
24 to make me a valedictorian in my graduating
25 class. Why? Because I stood up against bullies.

1 And after high school, I became a United
2 States Marine, fought in Vietnam, received a
3 combat promotion to sergeant and later was a
4 staff sergeant for six years.

5 After serving in the service, in college
6 I was elected to student government, vice
7 president and president of the student body of
8 over 10,000 students where I fought for students'
9 rights and lower tuition.

10 After two years -- and two years ago, I
11 was elected to the commission in High Springs. I
12 fought for truth and justice for citizens, not
13 for personal gain, not for satisfaction, not for
14 hiring.

15 Sharon Yeago is the organization
16 spokesperson, newspaper media person for them,
17 and a public figure. Make no mistake. This
18 complaint I filed was filed in good faith and
19 for -- and about a group that I believe was
20 forming a committee for the (inaudible).

21 Throughout the complaint, I (inaudible) a
22 group and the organization, not Mrs. Yeago. Upon
23 firing, it was my believe that therefore we
24 believe was expressly advocating against the
25 ballot issue, and I can produce a witness that

1 will support that they were against the ballot
2 issue.

3 This is -- this is about legal fees.
4 It's all about legal fees. Mr. Regensdorf filed
5 a 142-page brief and wants to collect over
6 \$40,000 in legal fees on this. It's -- it's not
7 about the case anymore. We've gone away from the
8 case.

9 He says that I'm a serial complainer.
10 I'm not a serial complainer. I'm a watch dog.
11 The only other case that's come in front of you
12 that I was a respondent in, the complainant got
13 paid a \$400 fine.

14 Okay. I've got other complaints of
15 ethics, but two or three or four in the last five
16 years.

17 I really want you to look at what the
18 heart of this was. They put a document out that
19 said therefore we believe they were against the
20 ballot issue. They had tents set up that they
21 were -- they were being concerned citizens for
22 their High Springs.

23 And I have a witness that would state
24 that they signed up for that group. And her name
25 was on this -- on this list of people. And they

1 signed up for that group because they were told
2 they opposed the ballot issue.

3 I filed it in good faith. There was no
4 malice. There was to intent to harm. It was
5 just a filing to prove that they were a political
6 committee, and I did not connect the dots
7 properly. That's where we were at. That's why
8 the case was dismissed.

9 And then, finally, I never knew that Mr.
10 Regensdorf had represented him until sometime in
11 June or July when I saw his name on a document.

12 The rules state that once he files the
13 petition in a 30-day period, which we did in a
14 timely fashion, I should have been sent a
15 certified letter with his petition. I never
16 received that letter. My due process, I believe,
17 was definitely affected.

18 I did not know about anything that was
19 filed by Mr. Regensdorf until October 28th when I
20 got that letter saying there was a hearing today.

21 So rather than trying to ask for a
22 continuance, I just said let's get this settled.
23 But there was no malice. There was no intent to
24 harm. So I thank you, Commissioner.

25 CHAIRMAN HOLLADAY: Okay. Thank you,

1 Mr. Barnas.

2 Commissioners.

3 MR. REGENSDORF: Mr. Chair, could I have
4 a brief response or not?

5 Commissioners?

6 CHAIRMAN HOLLADAY: Please.

7 MR. REGENSDORF: I'll try to be very
8 brief.

9 The response that you got this week or
10 last week, it contains absolutely nothing. There
11 was the exact same documents that were reviewed
12 by me and by your staff and found to be legally
13 insufficient, and they were.

14 We never said that things weren't talked
15 about. This is very simple. Mr. Barnas cited in
16 his original petition -- in his opening or second
17 paragraph, he said to you, "I suggest you look at
18 one of your cases to find out what you should be
19 doing here."

20 And it was a case dealing with a
21 political committee who expressly advocated for a
22 tally.

23 This group never expressly advocated for
24 anything on the ballot. That is the very simple
25 test. The only money they spent was for an

1 advertisement, which was a good -- good
2 government advertisement.

3 It's in the materials. It's got nothing
4 to do with this ordinance. To say that it was in
5 good faith is a sham. It was reckless disregard.

6 It was the willful doing of something
7 knowing on its face that the materials attached
8 had nothing to do with the allegations. The
9 materials demonstrate that we should go forth.
10 If he has a witness, let him bring a witness.

11 COMMISSIONER SEYMOUR: Can I ask a
12 question?

13 CHAIRMAN HOLLADAY: Mr. Seymour.

14 COMMISSIONER SEYMOUR: Mr. Regensdorf, I
15 get that this is very emotionally charged, and I
16 appreciate that. Having been the subject of --
17 as a lawyer, other side's attacks, I get where
18 you're coming from too.

19 The thing that I need to focus down on is
20 the question of malicious intent to injure the
21 reputation of the respondent.

22 So what in the materials, in your
23 petition, where can we focus on to talk about
24 that issue?

25 MR. REGENSDORF: As you know as a lawyer,

1 malice is a state of mind. You're -- it's
2 difficult to find expressed dots that connect.

3 COMMISSIONER SEYMOUR: Sure.

4 MR. REGENSDORF: So I would say, first of
5 all, the standard is twofold, malice or reckless
6 disregard.

7 Reckless disregard is a far lesser
8 standard of mens rea, if you will, or intent,
9 which only requires that you knew what you were
10 doing, you proceeded without checking the basis
11 for what you were doing -- reckless disregard,
12 which is exactly what he did.

13 He first, in the complaint, attached
14 documents that said this lady made express
15 advocacy for a tie.

16 Never done. Never, in thirty some pages.
17 How can that be anything less than reckless
18 disregard?

19 In terms of malice, all I can say,
20 Mr. Vice Chair, is this was a topic that was
21 close to Mr. Barnas' heart, this ordinance, which
22 this group never opposed.

23 The ordinance was ultimately stricken by
24 the court in Alachua County as being void ab
25 initio because it was enacted illegally.

1 Mr. Barnas is angry about this. There
2 have been complaints against the lawyer who filed
3 that lawsuit. There's a complaint against this
4 lady. There is evidence which any trier of fact
5 could conclude is sufficient to get to the level
6 of malice.

7 But I don't have to get there. All I
8 have to do to get there is to show facts
9 sufficient to the reckless disregard, meaning I
10 did something and didn't even bother to give it
11 thought.

12 COMMISSIONER SEYMOUR: Respectfully, I
13 disagree with your reading of the law. What it
14 says is that we determined a complaint and
15 testify on the complaint against a respondent
16 with malicious intent to injure by filing a
17 complaint with knowledge that they're false or
18 reckless disregard as to the truth and veracity.

19 So the reckless disregard goes into the
20 second question. Even if he didn't know they
21 were false, he didn't care. He still has to have
22 the malicious intent. He had to hurt the
23 reputation. So -- and it's not just malicious
24 intent. It couldn't be -- it's not about whether
25 he had the intent, either malicious or not, to

1 stop an event from occurring.

2 It's to -- sorry. It's to injure the
3 reputation of those respondents. So who's the
4 respondent?

5 MR. REGENSDORF: The respondent is Sharon
6 Yeago.

7 COMMISSIONER SEYMOUR: So the complaint
8 was filed against Mrs. Yeago?

9 MR. REGENSDORF: Personally. That's
10 correct.

11 COMMISSIONER SEYMOUR. So -- okay.
12 Sometimes I know the answers, and I'm just
13 setting things up --

14 MR. REGENSDORF: Sure.

15 COMMISSIONER SEYMOUR: -- to make sure
16 we're clear -- not always. It's hard for you to
17 know. I understand that.

18 MR. REGENSDORF: It's like malice.

19 COMMISSIONER SEYMOUR: I understand that.
20 So assuming I'm right on the reading of the law,
21 what in the petition gives me enough to say
22 there's enough to say there could really be a
23 malicious intent to injure Ms. Yeago's
24 reputation?

25 MR. REGENSDORF: Okay. Well, first of

1 all, Mr. Barnas is a frequent blogger. And I
2 have attached a number of his blogs, showing that
3 he had planned this complaint for weeks and
4 months.

5 He was going after them. He was trying
6 to find a way to do it. In other words, he knew
7 what he had to do. He has seen what has happened
8 in other complaints which were legally
9 insufficient.

10 When he went after her in this one, he
11 selected her as the person to go after. There
12 were 200 people in this organization. It was an
13 unincorporated, informal organization, so there
14 was no president to go after.

15 He could have selected anyone. He
16 selected the person who had, among other things
17 she was one of the spokespeople for that group
18 without question.

19 But he selected the person who had the
20 sort of public reputation based on what she
21 did -- well known in the community. She ran the
22 High Springs Farmer's Market for years. She is a
23 woman with a reputation in the state of Florida.

24 Now, short of getting into his head --
25 short of getting into his head, I have

1 established, I think, respectfully, a pattern of
2 facts, starting in October of 2012, leading up
3 for six months through his blogs as he talks
4 about filing this.

5 Then he files it on April Fool's Day and
6 makes a point of noting that there's a reason for
7 using -- filing on April Fool's Day, the day of
8 tricks, to go after Sharon Yeago.

9 Then he comes before this group to defend
10 himself -- this group, to defend himself, and he
11 brings forward two documents, and his defense is
12 once again to suggest not that I didn't do
13 anything wrong, but that Mr. Regensdorf altered
14 documents -- probably an actionable comment
15 unless perhaps there's an immunity for things
16 said in this room.

17 I'm an attorney. I've gotten people
18 yelling and screaming at me for 50 -- 42 years.
19 I'm sorry, I'm just tracking. So, I mean, it
20 rolls off my back. But that was the defense of
21 the man.

22 Respectfully, again, conceding your point
23 only for the sake of this argument, but conceding
24 it for that, I think have we established
25 sufficient facts to get to a trier of fact on

1 those issues based on this record? I think the
2 answer is an unquestionable yes.

3 And I would ask -- yes, ma'am.

4 FEMALE VOICE: I think when I look at
5 these issues, and I look at why someone has filed
6 a complaint, it seems people do it because they
7 want it out there.

8 They want the public record that somebody
9 is accused of doing something bad or something
10 wrong or having violated the law, right or wrong,
11 whether they did or they didn't.

12 The whole idea typically is let's create
13 the public record. Let's put something out there
14 to talk about. Let's give people something to
15 talk about. I mean, there's songs about it.

16 People gossip. They love to do it. It
17 creates news stories. It creates blog stories.
18 And I don't think that you can say that any false
19 complaint is filed without intent of harming
20 somebody. I mean, that's -- the whole
21 motivation, typically behind filing, is false
22 complaint. I mean, there's no factual basis to
23 support it.

24 You can't say, well, I did that, and I
25 didn't think I was going to injure the person's

1 reputation, or I wasn't going to harm them.

2 MR. REGENSDORF: First of all, I don't
3 disagree. But add to that that this is --

4 FEMALE VOICE: I mean, I'm just trying to
5 understand why else would anybody file a -- if
6 the allegation is that the files are filed on a
7 baseless complaint.

8 COMMISSIONER SEYMOUR: But the rule does
9 distinguish the two different things. We don't
10 make it just knowingly false.

11 You know, we -- our rule distinguishes
12 the two. So I think we need to look at it --
13 now, one may influence the former, but I think we
14 do think --

15 FEMALE VOICE: So there's no bad intent
16 when you knowingly --

17 MR. REGENSDORF: The other point I was
18 going to make was, if this had been a tit for
19 tat, somebody said something in an outrageous
20 allegation that was orally made in the heat of
21 passion, you know, you might -- you might be able
22 to say, well, that wasn't malicious, that wasn't
23 pondered, that wasn't carefully considered, that
24 wasn't recklessly, that was just a heat of
25 passion.

1 This built over months. He lost his
2 ordinance. He wrote blogs week by week --
3 October, February into April, files it on April
4 Fool's Day and blogs gloriously about the fact
5 that he filed it on April Fool's Day against this
6 lady, this lady who is more fragile in terms of
7 reputation in front of a lot of people in High
8 Springs.

9 I think, you know -- you know, it's like
10 pornography. It is in the eyes of the beholder,
11 whatever it is. I think that in terms of
12 sufficient facts, I have alleged sufficient facts
13 to get to a trier of fact. But that is, of
14 course, for this commission to go forward.

15 No further questions?

16 Thank you for your time today. I
17 appreciate it.

18 FEMALE VOICE: Mr. Barnas?

19 MR. BARNAS: And I thank you again for
20 allowing for extra time for this.

21 We're getting way far away from what the
22 original -- the complaint was. And talking about
23 what I blog isn't actually correct. What I put
24 out there isn't actually correct. It's just
25 getting way too, too far from this.

1 I put nothing false in my first -- in my
2 allegation. I tried to (inaudible) the best. I
3 failed in doing that. It was dismissed. I
4 wanted this to go away, okay.

5 There was no malicious intent to harm. I
6 wanted to prove that they filed as a political
7 committee.

8 Mr. Regensdorf continues to say how I've
9 done this. And I'm going to defend myself a
10 little bit, and I thank you.

11 Mr. Regensdorf has filed times against me
12 in court before for money. This isn't just the
13 first time.

14 The courts ruled against him in Alachua
15 County. The district court just recently ruled
16 against him. The district court in Alachua
17 County ruled against him with prejudice to
18 collect legal fees, his pound of flesh from me.

19 He appealed to the district court. And
20 recently, in the last few weeks, they've ruled --
21 it's called per curiam --

22 MR. REGENSDORF: Per curiam (inaudible).

23 MR. BARNAS: They did not even look at
24 it. They denied it. This has also been going on
25 for a long time. He wants a pound of flesh. I

1 did not do anything that was malicious. I filed
2 a complaint in good faith. That was it.

3 I did not connect the dots. I did not
4 specifically know about "Buckley" in expressly
5 advocating for it. I know I understand "Buckley"
6 better, but I know "Buckley's" been challenged
7 numerous times.

8 And I could go on and on and on about
9 what the express advocates were, but I just want
10 to make my point. It's been a battle.

11 It's been a battle mostly between --
12 Shannon Yeago, in my first complaint, you look at
13 it, I didn't go after her. I went after a
14 political committee. And I said nothing to harm.

15 Thank you. Thank you again for your
16 time.

17 MALE VOICE: Mr. Lipman, is --

18 Mr. LIPMAN: You named Ms. -- you named
19 Ms. Yeago.

20 MR. BARNAS: I named Ms. Yeago as the --
21 what should I call it? The complainant -- the
22 respondent?

23 MR. LIPMAN: Correct.

24 MR. BARNAS: Correct.

25 But when I spoke in the -- in my

1 complaint, I referred to the political committee.

2 COMMISSIONER SEYMOUR: Why didn't you
3 file the complaint against the political
4 committee?

5 MR. BARNAS: You can't -- okay. That
6 goes to the other question. To file against a
7 political committee, you're going to have to have
8 two people spending more than \$500.

9 I knew Sharon Yeago as the spokesperson.
10 I did not have a second person to uphold a
11 political committee until somebody made a
12 statement at a meeting, and that person said she
13 was like a second person I could use.

14 So I then I tried -- she was the first
15 person. Then I named the second person, Linda
16 Jones -- are the two people starting this
17 committee.

18 And I couldn't -- again, I had a witness,
19 but I'd have a hard time connecting the dots to
20 spending \$500. I thought the ad, which was a
21 thousand-dollar ad, would work. But in your
22 investigation we can't connect those dots. So,
23 yes, she was named.

24 MALE VOICE: I'm having a hard time here
25 because it's my impression that blogs are nothing

1 more than your opinion. I don't blog, but I do
2 read them sometimes.

3 FEMALE VOICE: Some people consider them
4 actual news sources these days.

5 MALE VOICE: You've had your issues with
6 that, I'm sure. But that just is an opinion.

7 COMMISSIONER SEYMOUR: But I think the
8 point of a blog is not whether it's opinion or
9 fact. It's the -- I think that what Mr. Reg-

10 MR. REGENSDORF: Regensdorf.

11 COMMISSIONER SEYMOUR: I'm having a hard
12 day with names. I do apologize.

13 MALE VOICE: You missed lunch.

14 COMMISSIONER SEYMOUR: No, I ate lunch.
15 I didn't sleep last night.

16 What I think Mr. Regensdorf's point is
17 that it's a pattern and practice that he was
18 setting this all up, and the blogs give the
19 indication of the intent to go after Ms. Yeago
20 and not whether they're factually correct or
21 whether it was enough of a basis for a complaint
22 or anything else.

23 That I think was going to the intent of
24 the issue that I was raising, and I think that's
25 why he got these blogs.

1 MALE VOICE: And I'm having a hard time
2 with why (inaudible) a bad thing to file
3 something. I mean, is that any different than
4 filing it on Easter Sunday? I guess you can't
5 file on Easter Sunday?

6 MALE VOICE: Let's go Passover.
7 Sometimes we go through many weeks, so you can
8 use one of my holidays.

9 FEMALE VOICE: And was it filed on April
10 1st? Look at the date.

11 MALE VOICE: He made such an issue of it,
12 so I'm having a hard time with that one as well.

13 COMMISSIONER SEYMOUR: Yes. If it says
14 April 3rd.

15 FEMALE VOICE: But it was signed, and he
16 just --

17 MR. REGENSDORF: I attached the post. I
18 believe it's -- he signed it on April 1st.

19 MALE VOICE: It's a day that we all -- I
20 mean --

21 COMMISSIONER SEYMOUR: I think though --
22 I think the point that's being made is in the
23 totality.

24 FEMALE VOICE: The chairman has asked
25 that we speak up and speak into the mike.

1 MALE VOICE: I've never before been told
2 to speak up.

3 I think the point that's being made --
4 I'm not arguing whether it's right or wrong at
5 this point -- I just want to make sure I
6 understand it -- is that when you put the
7 totality together, the blog pieces, the April 1st
8 as which he referenced in one of his blogs as
9 specifically as the Day of Fools, that it ties
10 back to go to his intent that if the argument is
11 that it goes to his mindset as to why he's doing
12 this, and the attack that it was meant to be as
13 to he didn't file it on April 1st randomly
14 because it happened to be any given day of the
15 week or sign it on April 1st randomly, but that
16 he made the point that he was doing it with the
17 intent to make a statement, that April 1st as of
18 April Fool's Day.

19 Now, I don't know whether that's true or
20 not, and I'm not looking to --

21 MALE VOICE: If he filed it on February
22 14th, it was because he loved her. Is that
23 right?

24 MR. REGENSDORF: Well, if he didn't put a
25 blog post out that said, you know, we're going to

1 make a statement, or he filed it on the 14th and
2 said this is meaningful, then maybe you can make
3 some inference.

4 But I think the point being is when
5 someone says -- or when someone says outright
6 that I'm doing this on April Fool's Day, and it's
7 a meaningful day, you can infer reasonably from
8 that potentially that that was an intent to
9 injure.

10 FEMALE VOICE: And not just that -- not
11 just that, but what I heard today was I didn't
12 have a Pat, so I named her personally. I went
13 after her because I had no one else to go after.
14 And I picked Fool's Day.

15 And all these other issues -- I think, at
16 a minimum, it rises -- you know, if I look at
17 this from a motion to dismiss standard, is there
18 enough there to at least get to a port? And I
19 think there is in the allegations in the
20 petition.

21 MALE VOICE: Do you see malice?

22 FEMALE VOICE: I see malice.

23 MALE VOICE: Okay.

24 MR. BARNAS: One final comment.

25 MALE VOICE: Yes, sir.

1 MR. BARNAS: April 1st, if you were to
2 look at that, if you were to read it, no name was
3 mentioned. It was -- and I don't even remember
4 making a comment on April 1st.

5 There wasn't, very seriously, under oath.
6 Honestly, it didn't have nothing to do with it.
7 It was filed on another day. And mentioning
8 Sharon Yeago, it was the complainant. I had to
9 have two people.

10 FEMALE VOICE: Respondent.

11 MR. BARNAS: Or respondent. I had to
12 have two people. We knew she was the one because
13 she was the spokesperson. I needed a second
14 person. It was trying to prove that a political
15 committee came out against a valid issue on the
16 ballot, which they did. So that was my -- my --
17 that was my basis for saying they were a
18 political committee.

19 Now, I did not know "Buckley." I
20 believed that saying therefore we believed it was
21 expressly advocating against a ballot issue.
22 That's where I'm coming from. I was just trying
23 to prove that they were a political committee.

24 Now, if you read my original complaint,
25 you'll see that I didn't talk about Sharon Yeago.

1 I talked about the committee and that they should
2 do certain things.

3 FEMALE VOICE: But you named Sharon
4 Yeago. You didn't wait until you have the other
5 names to get this committee. You named an
6 individual.

7 MR. BARNAS: No.

8 MALE VOICE: She was a spokesperson.

9 MR. BARNAS: Sharon Yeago was the
10 spokesperson. Until I finally got the second
11 person, Sharon Yeago's name was not put in the
12 complaint.

13 The second we were waiting -- I was
14 waiting for a second person that I could say was
15 a person that I could name.

16 And let me go back to the beginning. I
17 called this office and said I have a political
18 committee I want to file a complaint against.
19 They said -- somebody else in the office said I
20 can't just name a group called a "Concerned
21 Citizen" -- this was exactly what I was told.

22 I cannot name a political group called
23 the "Concerned Citizens for High Springs" as the
24 political committee. I have to name a person.
25 We can't pick a person out of the list of 200

1 people.

2 I was told I had to pick a person to file
3 a complaint against that group. Sharon Yeago was
4 the spokesperson. There was nothing I said bad
5 then or bad against her now other than she was
6 the spokesperson for that group and the head
7 person that I had.

8 I asked her in an email for the list of
9 directors. In an email that she sent back to me,
10 I said you can attend a meeting -- but you can't
11 attend a meeting because we already have two
12 commissioners. You'd be a third commissioner.

13 They didn't want me at that meeting. The
14 only name I had as the head person was Sharon
15 Yeago.

16 MALE VOICE: Thank you, sir.

17 MR. BARNAS: Nothing else. Thank you,
18 Mr. Chairman. And thank you, Commissioner.

19 MALE VOICE: Commissioners, I will have
20 to ask that we move along on this.

21 MALE VOICE: I just have one question.

22 CHAIRMAN HOLLADAY: Yes, sir.

23 MALE VOICE: Did they ever say that she
24 was the spokesperson? I never saw anywhere it
25 was down that she was the official spokesperson.

1 She was a person who spoke, but I never saw where
2 it said she was the official spokesperson.

3 MALE VOICE: There was no official
4 spokesperson. Various people spoke one time or
5 two times.

6 MR. BARNAS: There is an email. I do
7 have it. She does say I'm the spokesperson for
8 the -- under oath, I do not have any malice. She
9 says she is the spokesperson for the group.

10 FEMALE VOICE: There is -- Mr. Chair.

11 CHAIRMAN HOLLADAY: Commissioner
12 Joan-Bart.

13 COMMISSIONER JOAN-BART: I believe we've
14 got in the affidavit that I function -- from
15 Mrs. Yeago, "I function, from time to time, as a
16 spokesperson for the group," in her affidavit.

17 MALE VOICE: Did you hear that,
18 Commissioner?

19 MALE VOICE: Yes, I did.

20 COMMISSIONER JOAN-BART. I didn't have my
21 microphone on.

22 FEMALE VOICE: I just have a question. I
23 don't even know who can give me the answer. But
24 what makes this complaint any different than all
25 the other complaints that come before us that are

1 either dismissed or substantiated?

2 You know, when we're trying to say that
3 something's malicious or isn't, what about all
4 the other complaints that come before the
5 Elections Commission in the cases that we hear?

6 MALE VOICE: Well, because they're
7 asking --

8 FEMALE VOICE: Because there's many cases
9 that we dismiss as well.

10 MALE VOICE: But they're asking for
11 attorney's fees.

12 FEMALE VOICE: I understand that. But
13 I'm just --

14 MALE VOICE: The only thing that would
15 make it different is if you just -- is that the
16 complainant is alleged to have filed a complaint
17 with malicious intent to injure the reputation of
18 the person against whom it was -- and if that
19 allegation is made and that allegation can be
20 proven, then in those circumstances is when --

21 FEMALE VOICE: I'm just surprised that we
22 don't see more of these cases, and that's really
23 the point I'm trying to make.

24 I mean, there's so many complaints that
25 come before the commission. You know, some are

1 dismissed, some are addressed, some aren't
2 handled. I just -- so I'm sort of struggling
3 with this one and whether there was malice or
4 not.

5 COMMISSIONER SEYMOUR: I think that -- I
6 think that the answer to your question,
7 Commissioner, is that there's a whole lot more to
8 it than just the complaint, and that's what
9 was -- I just -- I don't know whether there was
10 malice or not. I honestly don't.

11 The question is whether there's enough
12 alleged to send it to a hearing to find that out.
13 And he didn't just say the complaint was false.

14 He didn't just say it had false
15 allegations. He's thrown in all of the
16 surrounding facts and circumstances that at least
17 make me question whether there was some malicious
18 intent.

19 And that's why I keep -- I'm struggling
20 with it myself --

21 FEMALE VOICE: I'm struggling with it
22 too.

23 COMMISSIONER SEYMOUR: But if it was just
24 a complaint with false allegations, and there
25 hadn't been the blog posts. And I think the

1 April Fool's Day thing, when it's put up in the
2 way that it was put up, is not insignificant.

3 I don't know how significant it is, but
4 on the basis we're going from, is there just, you
5 know, enough to go forward?

6 Do we have enough to start to go forward
7 and really investigate and see whether there was
8 something there?

9 And with all of the surrounding facts and
10 circumstances, that's different than just a
11 complaint that was found legally insufficient.

12 MALE VOICE: You folks, in order for this
13 to go forward, you have to find that there is
14 sufficient facts and grounds to support the claim
15 that he filed this complaint with malicious
16 intent to injure the reputation of said
17 respondent.

18 And that's a question. Do you believe
19 that there's sufficient facts and grounds to
20 support this claim at this point in time?

21 COMMISSIONER SEYMOUR. Not whether it
22 actually was, but whether what's been shown is
23 enough to go to that next stage.

24 MALE VOICE: And you said you didn't
25 know?

1 MALE VOICE: No. What I said is I didn't
2 know if it actually happened. I don't know if
3 there was actual malice. But I do think, based
4 on what's alleged, that it's something that could
5 be investigated.

6 I'm on a fence. I don't think it's like,
7 you know, clear as day. But I don't know that
8 we're ever going to get somewhere where they're
9 going to go, "Oh, by the way, here's the email
10 that says I'm going after her, and I'm going to
11 ruin her in public," particularly, when you
12 haven't had the chance to take discovery.

13 I mean, this is not -- I mean, if you go
14 to DOA, there's going to be an opportunity to
15 subpoena emails and see if maybe there's more
16 there. But based on all of the other public
17 pieces that went with the allegations, I'm
18 leaning towards -- I'm leaning towards moving it
19 forward.

20 MALE VOICE: Mr. Vice Chair, I'm turning
21 the gavel over to you.

22 I'll make a motion that there is not
23 sufficient facts to state a case that respondent
24 is entitled to attorney's fees and costs and
25 order that the petition for attorney's fees be

1 dismissed.

2 MALE VOICE: Is there a second?

3 If none, the motion fails for lack of a
4 second.

5 COMMISSIONER STERN: Okay, Mr. Chair.

6 And 13-125, I move that we find that there's
7 sufficient allegations in the facts alleged to
8 support moving forward with the motion for fees.

9 FEMALE VOICE: Speak up. I didn't hear
10 you.

11 COMMISSIONER STERN: In 13-125, I move
12 that we find that there's sufficient allegations
13 alleged in the petition -- and what exactly --

14 MALE VOICE: No allegations.

15 COMMISSIONER STERN. Excuse me.

16 MALE VOICE: Facts and grounds.

17 COMMISSIONER STERN: Okay. That there
18 are sufficient facts and grounds contained in the
19 petition to move forward and refer the case to
20 DOA. I believe that's requested.

21 MALE VOICE: There's a motion by
22 Commissioner Stern.

23 COMMISSIONER SEYMOUR: Second.

24 MALE VOICE: Seconded by Commissioner
25 Seymour to move this to DOA for additional

1 hearings.

2 Any discussion?

3 All those in favor?

4 (Responses of "aye")

5 MALE VOICE: Let's see a show of hands.

6 Opposed?

7 (Responses of "aye")

8 MALE VOICE: That would be five to two in

9 favor.

10 (Hearing on MP3 recording ended.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF DUVAL)

I, CHERYL L. FRANZINO, a Registered Professional Reporter and Notary Public, in and for the County of Duval, do hereby certify that I was authorized to and did transcribe the tape-recorded hearing before the State of Florida Elections Commission, from an MP3 recording, to the best of my ability.

Done and dated this 15th day of September, 2014, at Jacksonville, Duval County, Florida.

Cheryl L. Franzino, RPR, FPR
Court Reporter

CERTIFICATE OF SERVICE

I certify that on September 18, 2014, I served this document by email on Joseph W. Little, attorney for Robert J. Barnas at Littlegnv@gmail.com and on the Florida Elections Commission at fec@myflorida.com.

Respectfully submitted,

/s/ Paul R. Regensdorf
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STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,
Petitioner,

Case No: FEC No. 13-125
DOAH No. 13-4759F

vs.

SHARON L. YEAGO,
Respondent and Claimant/Petitioner as to Attorneys' Fees and Costs,

vs.

ROBERT J. BARNAS,
Respondent as to Attorneys' Fees and Costs.

_____ /

SHARON L. YEAGO'S EXCEPTIONS TO PROPOSED FINAL ORDER

Sharon L. Yeago, Respondent in the original proceeding before this Commission and Claimant/Petitioner in the action for attorneys' fees and costs here and in the Department of Administrative Hearings proceeding, files her limited and defined exceptions to the Recommended Order of the Administrative Law Judge entered on August 28, 2014 in the above styled matter and requests the Florida Elections Commission to enter its final order based almost exclusively on the Recommended Order of the Administrative Law Judge, subject only to the following limited and focused exceptions.

I. GENERAL STATEMENT WITH RESPECT TO THE RECOMMENDED ORDER OF THE ADMINISTRATIVE LAW JUDGE.

As will be set forth in greater detail in Ms. Yeago's response to Mr. Barnas' exceptions to the Recommended Order (to be filed next week), the decision of the Administrative Law Judge is a carefully crafted, well-reasoned, fact-based, and law-driven document which was created after a full and fair hearing. The hearing was conducted over two days during which Mr. Barnas and Ms. Yeago each had a full and complete opportunity to testify, present all evidence they wished, and submit any witnesses they wished to for examination and cross-examination. Following that, and in addition to the arguments conducted during the hearing itself, the Administrative Law Judge allowed each party to submit not only a detailed proposed order, but also a detailed argument if they wished setting forth their analysis of the facts as applied by the law which controls the actions of the Administrative Law Judge. In the performance of that responsibility, the experienced Administrative Law Judge pegged the issues with remarkable clarity and, with only limited exceptions, accurately discerned the truth and the application of law to that truth so as to arrive at a measured and reasoned proposed order for this Commission to enter. Ms. Yeago's limited exceptions to that Recommended Order are as follows:

I. Prior actions of Mr. Barnas with respect to other local citizens fully support the conclusions and findings of the Administrative Law Judge in the Recommended Order.

1. The Recommended Order in careful and detailed fashion lays out the overwhelming evidence to establish that Mr. Barnas recklessly, without care, maliciously, and for improper motives brought the subject complaint against Sharon Yeago in April of 2013. The findings and conclusions of this Recommended Order are damning to the strategy and approach that Mr. Barnas, as a sitting City Commissioner, utilizes toward a citizen (or citizen's group) in his own city. As such, and as will be delineated in Ms. Yeago's detailed response to Mr. Barnas' objections to the Recommended Order, the Recommended Order stands four-square in support of the position that should be adopted in toto by this Commission as its final order, concluding that Mr. Barnas has violated Florida law in such a manner as to subject himself to the obligation to pay attorneys' fees and costs to the target of his attack.

2. Attached to this set of exceptions, as Exhibit 1 is Ms. Yeago's Petition to this Commission filed last year and argued on November 13, 2013, along with its attachments, which form the basis of the complaint. Beginning on page 15 of Exhibit 1, this Commission will see, in addition to the specifics concerning Mr. Barnas' particular actions and allegations against Ms. Yeago, there were a number of other complaints that Mr. Barnas has filed against other local citizens (the then City Manager of High Springs, the Editor of a local newspaper of High Springs,

the City Attorney of High Springs, and a lawyer who successfully obtained a substantial settlement with the City for an employee wrongfully fired through the substantial efforts of Mr. Barnas) each of which complaints was dismissed by the appropriate authority (The Ethics Commission and The Florida Bar) as being legally insufficient.

This history of baseless attacks against citizens and office holders in his community with whom he has disagreed, is further testimony to and support for the conclusions reached by the Administrative Law Judge in her Recommended Order. Although the petition with these allegations was before the Administrative Law Judge and in evidence as Exhibit 4, the actual documents constituting the complaints to the various agencies and commissions and their rejection of those complaints as legally insufficient were marked for identification as Exhibits 11, 12, 13, and 15, but was not ultimately accepted in evidence. The Administrative Law Judge did not consider them relevant to her considerations.

While the factual circumstances of each these other baseless complaints was different, they are striking testimony to Mr. Barnas' common plan, scheme, design, intent, or motive in how he chooses to operate, both before he was a City Commissioner and after.

3. While the documents were unnecessary for the Administrative Law Judge to

independently find that Mr. Barnas acted with the requisite intent and reckless disregard in filing the complaint against Ms. Yeago, the law in Florida demonstrates that an individual who has committed prior similar bad acts can have those admitted into evidence against him to demonstrate the relevance of them with respect to the conduct before the Court.

Florida Evidence Code, Florida Statute § 90.404 addresses generally the topic of whether "character" evidence is admissible and answers the question in first generally by stating that it is inadmissible to prove action in conformity with that bad character. While it is certainly suggested that a consistent pattern of filing legally insufficient complaints (i.e. those which do not even withstand the initial scrutiny of the reviewing body) demonstrates bad character, the appropriate basis for admission of the evidence in question is found in subparagraph (2) of Florida Statute § 90.404. In that section, and specifically in subsection (a), the evidence of other crimes, wrongs, or acts (2) "IS admissible when relevant to prove a material fact in issue, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, but is inadmissible when the evidence is relevant solely to prove bad character or propensity."

In entering this Commission's final order, it is suggested to this tribunal that

the malicious intent and reckless disregard of Mr. Barnas (as those phrases are defined by controlling Florida law and by the terms of the statute itself) is compelling. Nevertheless, the proffered evidence of similar complaints demonstrates that Mr. Barnas has taken out after his political enemies on four separate and distinct other occasions by filing similarly, legally and facially insufficient complaints. That evidence is highly relevant to his state of mind, his modus operandi and his means of doing business in the city of High Springs. They should be yet an additional basis for the findings and conclusions in this Commission's final order.

Accordingly, realizing that the evidence was not accepted as relevant below, it is urged that the evidence of these prior acts is indeed highly relevant to Mr. Barnas' conduct against Ms. Yeago before this tribunal and therefore should be the basis of an additional finding and conclusion in support of this Court's final order. See, e.g., Davis v. Kyle, 529 So. 2d 1240 (Fla. 1st DCA 1988); Newberry Square Development Corp. v. Southern Landmark Inc., 578 So. 2d 750 (Fla. 1st DCA 1991).

II. The amount of attorneys' fees has to be increased due to the controlling Florida law and timing of the hearings.

1. Ms. Yeago's basis for her attorneys' fees claim is Florida Statute § 106.265

(6) and Rule 2B-1.0045 of this Commission. Each of these legal provisions expressly provides that the prevailing claimant (here Ms. Yeago) is entitled to recover her fees not only from the defense of the wrongful complaint itself, but also those fees incurred “in proving entitlement to and the amount of costs and fees”. While that certainly includes the period of time up to the DOAH hearing, it also includes the fees incurred by Ms. Yeago in all subsequent proceedings including the final hearing before the Administrative Law Judge, the receipt and review of the Recommended Order, the receipt and review of any objections or exceptions to that Order, the preparation of any exceptions of her own to that Order, any hearings before the Florida Elections Commission with respect to the final order awarding fees and costs in this case, and even up through and including any appeal from the final order of this Commission. As such, the statute and the rule properly continue to protect the individual wrongfully accused (here Ms. Yeago) until such time as the claim for attorneys’ fees and costs becomes finally liquidated or paid by the original petitioner (here Mr. Barnas) or turned over to the Department of Legal Affairs for collection.

2. Accordingly, consistent with the factual finding and conclusion of the Administrative Law Judge, the undersigned counsel is entitled to be recompensed \$400 per hour each and every hour incurred in the prosecution of this attorneys’

fees claim until such time as it comes to its ultimate conclusion (which has not yet occurred).

3. Therefore, consistent with the affidavit attached hereto, Ms. Yeago by and through her undersigned counsel, hereby requests compensation for an additional 98.4 hours at the rate of \$400 for a total of an additional award of \$39,360.00, to be added to that which was already included in the Administrative Law Judge's Recommended Order.

Respectfully submitted,

/s/ Paul R. Regensdorf

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CERTIFICATE OF SERVICE

I certify that on September 12, 2014, I served this document by email on Joseph W. Little, attorney for Robert J. Barnas at Littlegnv@gmail.com and on the Florida Elections Commission at fec@myflorida.com.

Respectfully submitted,

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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

CASE NO.: FEC 13-125

In Re: SHARON L. YEAGO
Respondent.

**PETITION FOR ATTORNEYS FEES AND COSTS
PURSUANT TO FLORIDA STATUTE §106.265 AND
RULE 2B-1.0045 OF THE FLORIDA ELECTIONS COMMISSION**

The Respondent, Sharon L. Yeago, by and through her undersigned counsel, files this Petition for Attorneys' Fees and Costs Pursuant to Florida Statute §106.265 and Rule 2B-1.0045 of the Florida Elections Commission, and would show this Commission as follows:

I. Summary of basis for the imposition of attorneys' fees in this cause.

1. The Florida Elections Commission is charged with the weighty responsibility of enforcing Florida's Election Code to ensure that those who participate in Florida's electoral system play by the rules and comply with Florida law. When a candidate or an official is shown to have violated Florida's Election Code, this Commission is required to impose the sanctions that the law allows to ensure the purity of the electoral process.

2. The flip side of that responsibility, however, is just as important, and some would say that in the very few cases to which it applies, perhaps even more important. That is that when a person in the State of Florida, with malicious intent, or reckless disregard for the truth of the allegations contained in a complaint hails a good citizen before the Florida Elections Commission and charges them with corrupting the electoral process in some way by violating the Florida Elections Code, then that wrongful complainant should himself be brought before the

Commission and required to pay the fees and costs of the person who has been wrongfully and recklessly hailed before this Commission.

3. Any fair review of the complaint filed by Mr. Robert Barnas against Sharon Yeago will demonstrate that the malicious intent, and certainly reckless disregard sufficient for the imposition of attorneys fees were present in Mr. Barnas' complaint by virtue of the fact that he made repeated simple factual allegations in his complaint which he knew to be false and which the very documents attached by him to his detailed complaint established, without question or peradventure, were indeed false. Notwithstanding the actual knowledge of the falsity of the factual allegations in his complaint, and fully knowledgeable of the position held by the respondent Ms. Yeago in the State of Florida as a person widely respected and placed in a position of public trust, Mr. Barnas planned and persevered over a number of months to file this complaint, as he has in so many other cases in bringing baseless charges against good citizens in the High Springs, Florida community such as Sharon Yeago.

4. Mr. Barnas' charges are not mere matters of opinion nor are they allegations about which reasonable people could disagree; instead, they are simple allegations of purported "fact" that are false, were proven false by the very information submitted by Mr. Barnas, and known by him to be false.

5. This Commission in the fulfillment of its obligations under the Florida Statute §106.265 and Rule 2B-1.0045 should determine that this petition contains sufficient facts and grounds to support a claim for costs and attorney's fees and should schedule the requisite hearing to consider and then impose attorneys' fees and costs against Mr. Barnas in this matter.

II. What a proper complaint for failing to register a political committee would look like, IF there had been a political committee in existence which had violated Florida's Election Code.

1. The law with respect to unregistered political committees that expressly advocate for or against an issue, or for or against a candidate, is exceedingly clear and simple. Were there to be a violation of the Election Code, a valid, legally-sufficient complaint would have had to say little more than this:

a. Organization X expressly advocated for [or against] a specific issue on the November 2012 ballot and/or expressly advocated for [or against] a specific candidate on the November 2012 ballot; and

b. Organization A made expenditures in an aggregate amount in excess of \$500 in expressly advocating the issue or candidate described above.

2. It is really that simple. Two paragraphs and evidence of advocacy and monet.

3. In fact, in the words of Mr. Barnas himself, in the letter accompanying his own complaint against Ms. Yeago, he states, correctly and accurately, "the law is clear" and applies in large and small communities. Mr. Barnas' Complaint at R-000003.

4. Consequently, in complying with this very clear and simple law that even a non-lawyer can understand, a complainant would need to do no more than demonstrate exactly where and how Organization A had expressly advocated for or against an issue or a candidate and then presents some evidence that that express advocacy was furthered by an aggregate expenditure in excess of \$500. It is not difficult. Indeed, Mr. Barnas, the complainant himself, through his own independent research, pointed the Commission to a simple consent order of this Commission in Case Number FEC 04-379, Final Order No.06-129, in which the subject organization admitted that it had run an advertisement which contained the simple, clear, unambiguous statement "Vote for Amendment Five" without complying with the law. It is really easy.

5. That is simply all that a valid complainant here would have had to have done; allege that Sharon Yeago and the Concerned Citizens for a Better High Springs had expressly advocated a position for or against the ordinance or the election and stated that -- somewhere -- in some document, in some publication, or in some advertisement:

Vote for [or against] the charter amendment or vote for [or against] Byran Williams.

6. If this Commission is looking for a short, succinct, and clearly understandable requirement for anyone who is considering filing such an accusation of an election code violation, this Commission need look no further than Mr. Barnas' own complaint, in paragraph 3, where he states:

It is clear that a PC is only 2 or more people, spending \$500 or more, and in support or against a candidate or issue.

Mr. Barnas' Complaint at R-000003,

7. With the possible minute adjustments that the amount spent would have to exceed (and not merely equal) \$500 and that the "support" would have to be "expressly advocating" a position, Mr. Barnas through his careful research knew exactly what he had to allege. Unfortunately for Mr. Barnas, he also as surely knew exactly what he had to prove when he filed this complaint against Sharon Yeago. A careful review of the factual allegations in his complaint (which have been found legally insufficient) demonstrates that each and every factual allegation concerning alleged violations of law were patently false, known by him to be false, disproven by the very documents he chose to attach to the complaint and otherwise filed with the willfulness and recklessness necessary to warrant the imposition of the attorneys' fee penalty or sanction called for by Rule 2B-1.0045 and Florida Statute §106.265(6).

III. The specific allegations contained in Mr. Barnas' complaint.

1. Despite its length, the narrative contained in Mr. Barnas' complaint form and in his four page letter actually raise only two or three factual points, each of which is false, known by him to be false, and provably so by the very documents he chose to attach.

2. The following are the factual allegations Mr. Barnas chose to make, in the order that they were made. They will be discussed subsequently in groups so that all repetitive allegations making the same charge can be discussed in one place.

A. Ms. Yeago formed an organization "most specifically to oppose a ballot referendum issue to limit debt." (Complaint form at 1, R-000001).

B. "Two or more people, making expenditures and opposing a ballot issue." (Complaint form at 2, R.000002).

C. "This complaint is a complaint against a group/committee that was organized to oppose a specific issue." (Narrative Letter at page 1, R-000003).

D. "This complaint is that a group of many individual (sic) forming an organization/PC to defeat the ballot issue...." (Narrative Letter at page 1, R-000003).

E. "This complaint is that a group of many individual (sic) forming an organization/PC, to... also support and support (sic) the election of Byran Williams and Scott Jameson." (Narrative Letter at page 1, R-000003).

F. "Again, this group had more than two people, and may have taken contributions, but certainly made expenditures on advertising, signs, written material and events advocating reform at the City. And again, for the defeat of a ballot issue of the City of High Springs." (Narrative Letter at page 2, R-000004)(Emphasis in the original).

G. "A group of more than two people who spent more than \$500 on the High Springs City Election and the defeat of a ballot issue to limit debt of the City." (Narrative Letter at page 2, R-000004).

H. "These meetings discussed the future of High Springs, the ballot issue and support for Byran Williams. (Narrative Letter at page 3, R-000005).

I. "At the Candidate Forum at the High Springs Women's Club they distributed more fliers (Exhibit 5) **that set in stone their political stance on the debt issue on the ballot.** They support DEFEATING the charter amendment issue. (Narrative Letter at page 3, R000005)(Emphasis in original).

J. "I have also attached a copy from the Facebook site where Gene Levine (one of the members) makes a post in support of Byran Williams and refers to "we" (the group) and the Facebook page allows it to go out to all friends and the public for the record." (Narrative Letter at page 3, R-000005).

K. "[M]any named members... held his [Byran Williams] signs next to the two 4ft X 4ft "Vote NO" posters opposing (with CCFBH disclaimers) the ballot referendum..." (Narrative Letter at page 4, R-000006).

L. Ms. Yeago [with Linda Jones] "through their '**steering**' had knowledge of **spent funds opposing an issue on the ballot and supporting candidates.**" (Narrative Letter at page 4, R.000006)(Emphasis in original).

3. The materials submitted with Mr. Barnas' complaint by themselves, as well as the materials submitted in conjunction with Ms. Yeago's response, demonstrate conclusively, factually, and without uncertainty or any issue of debatable opinion, that Mr. Barnas' statements above are, each and every one, patently false, contradicted by his own materials, and submitted

to this Commission for what can only be viewed as a malicious and reckless complaint in an attempt to further an agenda of his own and hurt the individual who is the target of this unprincipled attack.

4. Mr. Barnas' charges set forth above are grouped together below to demonstrate, serially, the falseness of each and every charge, a falseness fully known by Mr. Barnas at each stage of this proceeding. He had to know they were false: he personally collected the many pages of exhibits which conclusively establish that Ms. Yeago and the Concerned Citizens group never, at any time, expressly advocated any issue on the November 2012 ballot nor any candidate for election on that ballot. Surely Mr. Barnas read each and every page **before he swore under oath that Ms. Yeago had violated the law.** Common decency, if not compliance with the law, would have required that.

5. Although it will make this motion more bulky, to ensure that each and every Staff Member and Commissioner who reviews this motion will have a self-contained package of all relevant materials, Ms. Yeago has attached to this Petition a copy of the original Complaint by Mr. Barnas (Exhibit A); Ms. Yeago's Response to that Complaint (Exhibit B); the letter from the Commission finding that the Complaint was legally insufficient (Exhibit C); the Commission's letter closing the file upon Mr. Barnas' failure to submit any supplementary materials (Exhibit D); and an Affidavit of Ms. Yeago In Support of this Petition (attached hereto as Exhibit E) which will be discussed hereafter. Additional materials will be attached to this Petition and discussed later in this Petition.

IV. Mr. Barnas' unsubstantiated assertions that the Concerned Citizens for a Better High Springs was formed to oppose the Charter Amendment referendum on the November 2012 Ballot and expressly advocated against it are categorically false, known by him to be so, and malicious and reckless in their nature. [Allegations A, C, D above].

1. It is difficult to add much to the record that is fully before this Commission on this topic. Mr. Barnas, for reasons of his own, wishes to think or imagine that the Concerned Citizens organization was created to oppose his pet Charter Amendment. In fact, however, as was conclusively demonstrated by Mr. Barnas' own materials (as well as by those submitted by Ms. Yeago in support of her Response), the original mission statement, guiding principles, and policy recommendations issued by this good government organization prove and establish that the ordinance was not even one of the topics mentioned in their founding principles and recommendations, and was categorically not the reason for the formation of this group, nor did it become so later.

2. Mr. Barnas did invest a great deal of personal time and energy in trying to ram this Charter Amendment through the City Commission, but that effort was summarily rejected by the Eighth Circuit Court in and for Alachua County when the ordinance was declared null and void [because of improprieties in how the Commission majority had rushed it through] in a separate action that was not brought by or supported by the Concerned Citizens group. He may still be smarting from that direct and extraordinary judicial rebuke, but it is not cause to lash out at a patently "good government" group in his own community.

3. Where an individual makes a simple factual statement that is not the subject of conjecture, speculation or opinion, and simultaneously submits information that directly and with particularity disproves the very factual statement just made by that person, then the falseness of the statement and reckless disregard of the person making the statement are clear. Mr. Barnas acted with willful malice and reckless disregard when he made patently false statements

repeatedly to this Commission that the Concerned Citizens organization was formed to oppose the Charter Amendment election. Nothing could be further from the truth.

V. Mr. Barnas' unsubstantiated assertions that the Concerned Citizens for a Better High Springs, and Ms. Yeago personally, expressly advocated against the passage of the Charter Amendment referendum on the November 2012 ballot Are categorically false, known by him to be so, and malicious and reckless in their nature. [Allegations B, F, G, H, I, J, K and L above].

1. Whatever the reasons were for the formation of the Citizens Group (and the documents conclusively establish that it was to restore badly needed good government to the City of High Springs and not to oppose the Ordinance), the group could, conceivably, have changed course and expressly advocated for or against that ordinance...had they wished to do so and had they wished to become a political committee under Florida Statutes. But again, the factual record submitted by Mr. Barnas, as well as supplemental materials submitted by the Respondent Ms. Yeago, categorically prove that that never happened. There was never any statement made by Ms. Yeago or the Concerned Citizens group that expressly advocated that the ordinance should be voted down. Not...a...single...statement.

2. The first detailed press release from the Concerned Citizens group, along with its mission statement and four guiding principles, may be helpful to this Commission. [See attached Exhibit F]. These documents are fully, 100% consistent with all the documents that have previously been presented to this Commission in showing what the Concerned Citizens group was involved with, and more particularly what it was not involved with. These documents published in late September and the first part of October 2012 again conclusively establish and add to the already uncontradicted record that demonstrate that Mr. Barnas was well aware that this organization did not enter the political fray on any issue that was on the ballot in November

2012. This organization was clearly not formed to advocate one way or the other on any such issue, and more importantly never did so.

3. It is undoubtedly true that the Concerned Citizens group in its several publications of policies and principles advocated for a number of other civic issues involving return to sound professional management [from the year during which the Commission was largely headed by Mr. Barnas as Vice-Mayor], a return to civility and fairness from the slash and burn attack philosophy of Mr. Barnas such as is consistent with this very Complaint against Ms. Yeago, and a meaningful return to fiscal and budgetary responsibility so that the limited dollars of a municipality in 2012 and 2013 could be spent on valuable and meaningful municipal projects, as they had in the past. Each of these was an important civic goal, addressed issues of governmental importance, and not a single one of these issues and statements expressly advocated for or against the ordinance in any way. None of the issues that the Concerned Citizens group discussed and advocated were ever presented to the citizens of High Springs for their vote one way or the other. The materials submitted before this Commission by Mr. Barnas prove that his allegations to the contrary are simply false, reckless and willfully malicious.

VI. Mr. Barnas' unsubstantiated assertions that the Concerned Citizens for a Better High Springs, and Ms. Yeago personally, expressly advocated the election of Byron Williams on the November 2012 ballot are categorically false, known by him to be so, and malicious and reckless in their nature. [Allegations E, H, J, and L above].

1. Mr. Barnas accuses the Concerned Citizens group of expressly advocating for the election of Byron Williams in the November 2012 City Commission election for the City of High Springs.

2. Again, it is difficult to add further understanding to the nature of this brash allegation other than to say that, like the others, it is totally and patently false, reckless, willfully

malicious and categorically contrary to the materials that Mr. Barnas has submitted to this Commission.

3. The Concerned Citizens group in general, and Ms. Yeago in particular, at no time ever took any position for or against Mr. Williams in his election bid, for or against Mr. Williams' opponent in that election, or for or against anyone else running for civic office in the City of High Springs.

4. Mr. Barnas has failed to produce (because there is none) a single piece of documentary evidence that suggests that the group in any way, or Ms. Yeago individually, expressly advocated for the election of Mr. Williams or against the election of his opponent. It simply did not happen. The only reference that Mr. Barnas even tangentially made was that some individuals (unidentified), who were also supporters of the Concerned Citizens group, may have themselves held signs for Mr. Williams. Perhaps so. Those individuals were probably also Presbyterians, Catholics, Methodists, Republicans, Kiwanians, Italian-Americans, AARP members and Harley Davidson owners, but none of those groups "expressly advocated" for Mr. Williams' election simply because one of their members happened to hold a sign in his support.

5. Mr. Barnas is not an unskilled or untutored individual in the political rough and tumble world. The allegations of express advocacy for Mr. Williams' campaign were false, malicious and reckless, and were known by him to be false because he personally selected the tens of pages of materials that prove their falsity. Neither Ms. Yeago nor the Concerned Citizens group that Mr. Barnas sought to pillory through her ever expressly advocated anyone's election, or defeat, in the November 2012 election. Period. The record is clear and uncontradicted. And Mr. Barnas knew it.

VII. Mr. Barnas' unsubstantiated assertions that the Concerned Citizens for a Better High Springs, or Ms. Yeago personally, expended in excess of \$500 expressly advocating ANYTHING in the November 2012 election are categorically false, known by him to be so, and malicious and reckless in their nature. [Allegations B, F, G, and K above].

1. Mr. Barnas' allegations concerning the Concerned Citizens group's expenditure of more than \$500 in express advocacy fail to link any spending of any money to any express advocacy of any issue or any candidate on the ballot in the City of High Springs in November 2012. Reason? There was none and Mr. Barnas' own materials prove that.

2. It is 100% true and accurate that the Concerned Citizens group did collect some money from its members to purchase an advertisement in the local newspaper which was published prior to the election of November 2012. That advertisement has been clearly reproduced in the materials submitted before this Commission and, contrary to the expressly false allegations of Mr. Barnas, the advertisement does not advocate for or against any issue or advocate for or against any candidate. Period. No gray area. Indeed, the advertisement does not even mention the Charter Amendment issue, nor does it mention any candidate for any office on the November 2012 ballot. As Mr. Barnas expressly knows by virtue of his careful quotation of the statute in his recitation of the law in his complaint, in order to be a political committee or an electioneering organization, the group has to spend in excess of the defined amount of money in the express advocacy of an issue on the ballot or a candidate.

3. A Women's Club can advocate healthy eating habits; a Lion's Club can advocate good vision care; AARP can advocate sound planning for retirement; and each group can spend money in furthering those causes. But unless those causes are on a ballot and constitute expressly advocating issues that are placed before the electorate, that conduct does not fall within the defined areas of campaigning or electioneering which can bring organizations within the

ambit of Florida Statute Chapter 106. Interestingly, as set forth in detail in Ms. Yeago's Response to the Complaint, the only time the Concerned Citizens group even mentioned the ordinance was to factually describe some of the effects it would have and then to urge the citizens of High Springs to look into the matter themselves before voting on it, whichever way they chose to vote on the ordinance.

4. Similarly, the fact that an individual who identified himself as a member of the Concerned Citizens group posted on the Concerned Citizens Facebook page that he was supporting an individual (expressly advocating his election) does not convert that individual statement into the express advocacy of the website page. The argument is legally insufficient as explained in the Response of Ms. Yeago and, as noted by the Commission in the rejection of Mr. Barnas' Complaint, does not constitute the expenditure of dollar one in favor of anything by the Concerned Citizens group or Ms. Yeago.

5. Perhaps the most telling indictment of the complainant Mr. Barnas and the patently false allegations that he has attempted to foist upon this Commission comes in his baseless suggestion that Ms. Yeago or the Concerned Citizens group spent money on signs to oppose the ordinance directly. Mr. Barnas goes so far in embroidering this false claim that he states on page 4 of the Narrative Letter attached to his complaint that the signs even had the appropriate disclaimer by the Concerned Citizens for a Better High Springs group. There was no support for this bald allegation, but that has never deterred Mr. Barnas.

6. As has now been directly shown to this Commission in the Response of Ms. Yeago to the original Complaint, the signs to which Mr. Barnas was referring had nothing to do with the Concerned Citizens group, were not prepared by them, paid for by them, stimulated by them, or created by them. Rather, two individuals, from their own pockets, spent money for the

signs and **still have them in their possession**. Photographs of the actual signs are attached to Ms. Yeago's response and, along with the affidavit of the signs' creator, demonstrate that the Concerned Citizens group did not create or sponsor or pay for them. The truth behind these signs did not deter Mr. Barnas from concocting a false story about there being disclaimers [which there weren't] and the like, in the failed attempt to fool this Commission into thinking that the signs were the product of the Concerned Citizens group.

7. What is particularly galling, and should be equally galling and startling to this Commission, is that Mr. Barnas was the only individual in the pre-election period who actually DID attempt to fraudulently capitalize on the very good name of the Concerned Citizens group **by himself creating signs actively endorsing the passage of the ordinance**. There of course is nothing wrong with a private citizen -- or the Vice Mayor -- creating signs to expressly advocate that one citizen's views. That's the American way of campaigning. **But**, the signs that Mr. Barnas prepared are reflected in the photographic attachments to Ms. Yeago's Response, and contained a legend at the bottom of his signs that that was calculated to confuse the public into thinking that the signs were by the Concerned Citizens group, which had garnered tremendous good will and respect in the six weeks since it had been formed. Mr. Barnas was actively hoping to coattail in on and usurp the Concerned Citizens' good name and the fact that they consistently stayed above the fray. Mr. Barnas placed on the bottom of his signs -- urging the Charter Amendment's passage -- that the signs were by "**Citizen Concerned for a Better High Springs**." The subtle play on words was a deliberate and successful way to suggest that the Concerned Citizens group favored his ordinance, while all the time he knew that that group had remained scrupulously neutral. His deceptiveness there and before this Commission, in attempting to mislead the Commission as to the actual actions of Ms. Yeago and the Concerned

Citizens group demonstrate the willful maliciousness and reckless disregard for the truth that warrant an order compelling him to pay the attorneys fees incurred in this defense.

VIII. Mr. Barnas is no novice in the art of filing complaints against individuals in the City of High Springs with whom he disagrees.

1. In considering the motivation for why in the world Mr. Barnas would possibly file a complaint before this Commission that was so patently false and known by him to be patently false, it might be logical for this Commission to ask whether perhaps Mr. Barnas was unfamiliar with the procedures of filing complaints with State Commissions in the State of Florida and was an unfamiliar and unschooled novice with the rules and procedures under which such complaints are measured and tested. Should anyone on this Commission have that concern about Mr. Barnas possible naivety, I think it is a belief which can be responded to and dispelled quite easily.¹

2. First of all, reference to Mr. Barnas' complaint form and his 4-page narrative letter attached thereto demonstrates that Mr. Barnas, although not a lawyer, demonstrates great facility with finding law, regulations and procedures which, he frequently thinks, justify him in filing complaints against various individuals. In this case, he not only correctly identified many of the statutes that are highly relevant to this Commission's determination that his Complaint was legally insufficient, but he also was sufficiently adept at utilizing this Commission's website to identify previous decisions where, unlike in the case here, a group actually **did** expressly advocate for a candidate or an issue in an election, but did so without properly complying with Florida Statute §106.03 and the sections related thereto. He's no uneducated farm-boy.

¹ Should anyone on the Commission or its staff be concerned about the "equities" of assessing fees against Mr. Barnas for his legally insufficient and probably false -- complaint against Ms. Yeago, Mr. Barnas' website posting for June 12, 2012 (the very same day this Commission's letter finding his complaint to be totally wanting would have arrived) should be reviewed. See Exhibit H hereto). In that post Mr. Barnas denied a plaintiff and his attorney rejecting a settlement offer, and focused on the law applicable to that case that allowed attorneys' fees for a frivolous complaint. Here that statute is Florida Statute §106.265(6).

3. Beyond the familiarity with the procedures demonstrated by Mr. Barnas in the filing of this Complaint against Ms. Yeago, this Commission (or the Division of Administrative Hearings) may wish to review Mr. Barnas' prior history of filing similar complaints against individuals in the High Springs area with whom he has had disagreements or taken issue, in the few months before he was elected to the High Springs City Commission and his first year on that body.

4. Although the records of these various commissions are not always easily searchable and although there may easily be more such complaints that have been filed, the undersigned counsel was able to unearth four (4) prior complaints Mr. Barnas has served against people with whom he had an ax to grind in the High Springs Area. These individuals included James Drumm (the former City Manager that Mr. Barnas drove from office while he was part of a majority of the Commission in his first year), Thomas DePeter (who was the City Attorney for part of the year when Mr. Barnas and his majority had their one-year of majority control on the City Commission of the City of High Springs), Linda Rice Chapman (a private attorney who successfully sued the City of High Springs challenging the charter ordinance in question here and establishing that it was void *ab initio*), and Bryan Boukari (the editor of the local newspaper, who safe to say, has not been charitable towards Commissioner Barnas and his heavy-handed approach to City government in High Springs). The undersigned can and will present copies of all of the publicly available documents with respect to these matters, but suffice it to say the circumstances are as follows:

a. On July 25, 2011, Mr. Barnas filed a complaint with the State of Florida Commission on Ethics, Complaint 11-098, against Jim Drumm, the then-City Manager of the City of High Springs, with respect to his management of a sewer improvement project in the City

of High Springs that Mr. Barnas was unhappy with. On September 14, 2011, the State of Florida Commission on Ethics dismissed that complaint for failure to constitute a legally sufficient complaint.

b. On June 28, 2011, Mr. Barnas filed Complaint No. 11-085 with the State of Florida Commission on Ethics against Thomas G. DePeter, who was the City Attorney of the City of High Springs when Mr. Barnas was elected, challenging the manner in which Mr. DePeter had left the position of Mayor and assumed the position of City Attorney. On August 3, 2011, the State of Florida Commission on Ethics dismissed Complaint 11-085 for failure to constitute a legally sufficient complaint.

c. On October 29, 2012, Mr. Barnas filed with the State of Florida Commission on Ethics Complaint 12-209 against Bryan Boukari with respect to Mr. Boukari's membership on the City of Alachua's Downtown Redevelopment Trust Board. While it might seem strange to this Commission that a City Commissioner in the City of High Springs would concern himself with a claim of an ethics violation with respect to a redevelopment board in another city, this Commission should be aware of the fact that Bryan Boukari, in addition to his position on that Board, was the publisher of the local newspaper who closely watched and reported on the actions of Mr. Barnas as the Vice Mayor of the City of High Springs and, safe to say, was relatively uncharitable in its assessment of Mr. Barnas' performance.² The response of Mr. Barnas was the ethics complaint referred to above. On December 5, 2012, the State of

² Mr. Barnas publishes frequent comments, and invectives, on his "personal" website. Many of these comments shed insight into the unfortunate motives of this "public servant", and many will be presented at the probable cause hearing and the final assessment hearing. An example of his antipathy or worse toward Mr. Boukari (of Alachua County Today), as well as all journalists who cover High Springs, can be found in his recent post from June 8, 2013, a copy of which is attached hereto as Exhibit G.

Florida Commission on Ethics dismissed Complaint 12-209 for failure to constitute a legally sufficient complaint.

d. In addition to these ethics complaints, Mr. Barnas also has seen fit to file a Florida Bar Complaint against Linda Rice Chapman, an attorney in the High Springs area, who successfully challenged the City's passage of the ordinance in question as being illegally adopted and void *ab initio*, and who also represents a former City employee who claims that he was wrongfully terminated by the City, largely or at least partly through the actions of the Vice Mayor at that time, Mr. Barnas. Although the paperwork with respect to that complaint was widely bandied about and discussed by Mr. Barnas on his website, his complaint against Ms. Chapman is not presently available, but was also dismissed by the Florida Bar and the above Ethics Commission complaints have been.

5. The foregoing four complaints, as well as the instant complaint against Ms. Yeago, are indicative of Mr. Barnas' approach to government. While a citizen in the United States clearly has the right to petition his government for grievances, and **Mr. Barnas had every right to file each and every one of the complaints that he chose to file**, when they are declared legally insufficient as was the complaint against Ms. Yeago, however, the individual who has properly exercised his constitutional rights to petition his government for redress also has to pay the piper. And that time has come.

6. It should be noted, in "fairness" to Mr. Barnas, that he has filed apparently one successful complaint with a Florida commission and that was to this Florida Elections Commission against the prior Mayor of the City of High Springs with respect to a technical violation on receiving cash contributions. Although it may well be that that individual, Larry Travis, had already self-reported the violation to the Elections Commission, it should be noted

that Mr. Barnas' complaint against Larry Travis, Case No. 12-124, **did** result in a Consent Order agreed to by Mr. Travis. It is also interesting to note, however, that, like a claimed violation of a group for failing to register as a political committee, it is a simple task and easily satisfied to allege and prove that a "too-large" cash contribution has occurred, **if it is true**.

7. The complaint against Mr. Travis was a very small number of pages [total: 5] that simply proved that he had reported an illegal contribution, to which Mr. Travis agreed. Had Mr. Barnas had any evidence, whatsoever, that Ms. Yeago and the Concerned Citizens Group had violated Florida's election code by expressly advocating for or against an issue or for or against a candidate, that could have been easily submitted to this Commission in a 3 or 4 page complaint. The attachment of pages up to and including 33 pages in the Complaint against Ms. Yeago demonstrates that Mr. Barnas was attempting to cause the Commission to conclude that there **must be something** to this Complaint if he had spent the time of collecting all of those pages and sending them on to the Commission. Nothing could be further from the truth.

IX. Legal standard for the imposition of attorneys' fees under Florida law

8. As reflected in the affidavit of Ms. Yeago filed herewith in support of this Petition (See Exhibit "E" hereto), Ms. Yeago correctly notes that she has never sought any relief from Mr. Barnas nor filed any complaints against him, before he filed this complaint. But, when he filed the blatantly false complaint against her, she feels that the law and this Commission's rules anticipate a claim for attorneys' fees in a proper case.

9. She has instituted no other action against him, such as for a possible violation of §106.265 for a civil penalty, for sanctions under §104.41, or for the patent violation of the sworn oath he made in filing the complaint in this matter against Ms. Yeago. See black box legend at

the bottom of Florida Elections Commission Complaint form relating to Florida Statutes §§ 775.082 and 775.083. Any violations to these statutes will be left to the enforcing authorities

10. This Commission is certainly familiar with its powers and authority given to it by Florida law with respect to the imposition of sanctions, attorneys' fees, costs, or other penalties with respect to individuals who violate Florida law and/or file false complaints, such as Mr. Barnas has done. Florida Statute §106.265(6) provides in pertinent part:

(6) In any case in which the Commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with a 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.

There can be no question about Mr. Barnas' willfulness, intent, maliciousness, and reckless disregard with respect to the Complaint he has filed before this Commission.

11. Although Mr. Barnas made bold, clearly-stated factual statements which, if true, might have raised a question concerning whether an organization was a political committee, the materials submitted by Mr. Barnas failed to present even the slightest question of fact about the truthfulness of his allegations and indeed, disproved each and every one of the critical factual allegations set forth above.

12. Mr. Barnas' Complaint before this Commission is totally and completely false, misleading, and demonstrates a willfulness and a reckless disregard for this Commission's intelligence and the reputation of the Respondent, Ms. Sharon Yeago. This Commission should exercise its authority at the hearing on this Petition by finding that this Petition is sufficient to order a final hearing against Mr. Barnas, which will lead to a determination that he is liable for

Ms. Yeago's substantial fees incurred in the preparation of the Response to the Complaint and in the preparation of this Motion and any hearing(s) necessarily held pursuant thereto.

13. This Commission has duly taken the provisions of Florida Statute §106.265(6) and provided in Rule 2(B)-1.0045(1) as follows:

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

The Petition must be filed within 30 days from the dismissal of the Complaint and is required to state with particularity the facts and grounds that prove entitlement to costs and attorneys' fees. The foregoing Motion sets forth with great particularity precisely how Mr. Barnas' Complaint, in each and every material way, is false and has wrongly accused Ms. Yeago and the Concerned Citizens of violating Florida law when in fact the record conclusively establishes that his allegations were not true and Mr. Barnas knew them to be false at the time he filed this Complaint.

14. While the precise motivation for Mr. Barnas' malice and the cause for his reckless disregard may never be known to a certainty, the Respondent is only required to prove by clear and convincing evidence that she is entitled to the award of costs and attorneys' fees. As detailed elsewhere in the materials before this Commission, Mr. Barnas spearheaded an eleventh hour effort to ram a charter amendment through the City Commission of the City of High Springs and get it on the ballot in November 2012. Although the Eighth Circuit Court in and for Alachua County later struck down his efforts as being void *ab initio*, Mr. Barnas has lashed out at a

number of individuals from High Springs, most related to that effort. He has filed an unsuccessful bar complaint against the same lawyer who successfully got the charter amendment stricken as void *ab initio*. He has (over the years) filed unsuccessful Ethics Commission complaints against the editor of the newspaper that has challenged his method of running the High Springs City Government, the previous City Manager whom Mr. Barnas drove out of office, and the former City Attorney who warned the City Commission that the actions they were taking in passing the charter amendment ordinance were in fact void and illegal.

15. Mr. Barnas has now broadened his attack to a pure "good government" group in the City of High Springs that carefully stayed away from issues on the November 2012 ballot. Without any evidence whatsoever to demonstrate a violation of any election laws by this group, or by Ms. Yeago, however, he was left to fabricate those allegations in the hope that neither the Commission nor Ms. Yeago would call him on it. Each of them have, and it is now for this Commission to determine whether an award of fees in favor of Ms. Yeago is appropriate.

16. Again, turning to Mr. Barnas' complaint itself may be the best place to conclude this petition. Quoting liberally from the first full paragraph at the top of Page 3 of Mr. Barnas' Narrative Letter accompanying his complaint (R.000005 of the Record), and changing it only slightly to correspond to the claim for fees here by Ms. Yeago, Mr. Barnas argued:

The FEC need [sic] to bring to bear its power and authority given to it by the State of Florida law [sic] and investigate, and take all appropriate measure [sic] under its power to determine the status of [Mr. Barnas' patently false complaint] and then administer the penalties, fines and rulings under its power, should they find this [complaint by Mr. Barnas to be as devoid of merit as they have already concluded in their June 10, 2013 Letter].

For all the many foregoing reasons contained in this petition, it is respectfully urged by Ms. Yeago that this Commission, pursuant to Rule 2B-1.0045 determine that the

Petition does contain sufficient facts and grounds to support the claim for costs and attorneys' fees and that the Commission further order a hearing involving any disputed issues of material fact to be held before the Commission, or Commissioner or Commissioners designated by the Commission, or by referring the Petition to the Division of Administrative Hearings for a formal hearing.

Respectfully submitted,

Paul R. Regensdorf, Esq.
Florida Bar No: 0152395
HOLLAND & KNIGHT LLP
50 N. Laura St., Ste 3900
Jacksonville, FL 32202
Phone: 904-353-2000
Fax: 904-358-1872
E-Mail: paul.regensdorf@hklaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email
this 10th day of July, 2013, to:

Donna Ann Malphurs
Agency Clerk
Florida Elections Commission

107 W. Gaines Street
Suite 224 Collins Building
Tallahassee, FL 32399-1050
fec@myfloridalegal.com

/s/ Paul R. Regensdorf

#24114488_v1

EXHIBIT "A"



FLORIDA ELECTIONS COMMISSION

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

April 3, 2013

CERTIFIED MAIL 70042510000147395596

Sharon L. Yeago
21120 NW 132nd Lane
High Springs, FL 32643

RE: Case No.: FEC 13-125, Respondent: Sharon L. Yeago

Dear Ms. Yeago:

On April 3, 2013, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

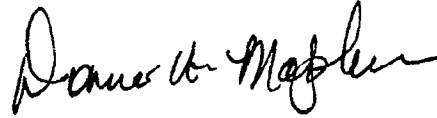
The respondent shall have 14 days after receipt of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at fec@myfloridalegal.com. You will be notified by letter whether the complaint is determined legally sufficient. Please note that all correspondence from this office will be mailed to the same address as this letter. Therefore, if your address changes, you must notify us of your new address.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Ann Malphurs". The signature is fluid and cursive, with the first name "Donna" being the most prominent.

Donna Ann Malphurs
Agency Clerk

Enclosure: Complaint w/attachments

DAM/ip

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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

RECEIVED

CONFIDENTIAL COMPLAINT FORM

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

2013 APR -3 A 10:54
STATE OF FLORIDA
ELECTIONS COMMISSION

1. PERSON BRINGING COMPLAINT:

Name: Robert J Barnas Work Phone: (352) 538-7355
Address: 20147 NW 257th Terrace Home Phone: (386) 454-2702
City: High Springs County: Alachua State: FL Zip Code: 32643

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. If both an individual and a committee or organization are involved, name both.

Name of individual: Sharon L. Yeago
Address: 21120 NW 132nd Lane Phone: (352) 256-8115
City: High Springs County: Alachua State: FL Zip Code: 32643

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

Name of committee or organization:

Address: Phone: ()

City: County: State: Zip Code:

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, Section 98.122, and Section 105.071, Florida Statutes. Also, please include:

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

Sharon L Yeago formed a organization with Linda Jones and several others to make political positions know and most specifically to oppose a ballot referendum issue to limit debt.

This was on the ballot November 2012 in the city of High Springs, Florida.

Details of the complaint and Florida Statutes is attached.

Two or more people, making expenditures and opposing a ballot issue. In addition, registered agent was not named. Registered treasurer was not named and reports were not filed. Again, detail information is attached.

Additional materials attached (check one)? Yes No

4. **OATH**

STATE OF FLORIDA
COUNTY OF Alachua

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

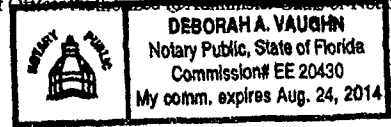
[Handwritten Signature]

Original Signature of Person Bringing Complaint

RECORDED
2013 APR -3 A 10:54
STATE OF FLORIDA

Sworn to and subscribed before me this 15th day of April, 2013

[Handwritten Signature]
Signature of _____



(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.

April 1, 2013

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

Dear FEC,

High Springs is a small town compared to Tallahassee. The numbers of voters and dollars spent are at different ends of a chart. But money is money and politics is politics. So whether it is millions of dollars and hundreds of votes for a large town and a Political Committee (PC) or a small town where thousands of dollars and a few dozen vote is involved, the law is clear and has been written to deal with both equally. As an example I suggest you look at FEC case 06-129.

And if a PC's action affects Tallahassee or High Springs, the result of the vote of a yes or no is the same. The loss or win in an election, or an issue. Size of a voting population is not of importance. And with that, MUST be dealt with in a manner that is equal, whether a town is big or small.

Florida law has been written to deal with either case, big or small. It is clear that a PC is only 2 or more people, spending \$500 or more, and in support or against a candidate or issue. Not issues, not candidates combined, but only one issue would be sufficient. And in this case a **ballot referendum**.

This complaint is a complaint against a group/committee that was organized to oppose a specific issue, and in fact is still in existence and making statements in support of or against issues.

I will detail my allegations in following information. I am submitting this now because I just was able to document (in writing and not hearsay) a second person to satisfy the two person rule.

For the November 2012 election in High Springs Florida candidates registered to run, and an issue was place on the ballot to limit the debt of the city and placing a restriction on the ballot. The ballot was set by Alachua County Election office of Pam Carpenter and the municipal High Springs City Clerk (in charge of city ballot) Jenny Parham (see ballot and results Exhibit 1). And two candidates for one seat were Byran Williams and Pat Rush. The other seat was Scott Jamison and Ed Reiss.

This complaint is that a group of many individual formed an organization/PC, to defeat the ballot issue and also support and support the election of Byran Williams and Scott Jamison. They set up a "steering committee" (please note they do use the word committee) to write their goals and positions and called them "principles". I feel this organization used the term "steering committee", but was actually a PC that would conform to Florida Statute as defined in 106.011 (1)(a)(1)(c).

Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or ~~defeat~~ of an issue".

000000

Again, this group had more than 2 people, and may have taken contributions, but certainly made expenditures on advertising, signs, written material and events advocating reform at the city. And again, for the defeat of a ballot issue of the City of High Springs. The ballot issue was a referendum to limit city debt.

This organization used a disclosure that it was a "grassroots" organization and did not fall under Florida Statute 106. Florida Statute 106 makes no mention of exclusion of any "grassroots" group. The fact that they referred to FS 106.11 is proof they knew of this statute. Yet they knowingly and willfully avoided complying with it on all levels.

What FS 106 covers and FS 106.011 defines, is a "political committee". And most certainly it is my opinion in this complaint that this group/organization began a string of violations when it knowingly and willfully avoided becoming a PC that never properly registered as required under FS 106.03 (3) (c).

"A political committee which is organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election shall file a statement of organization with the officer before whom municipal candidates qualify".

They never appointed a treasurer as required by FS 106.021(1) (a).

"Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer".

Never appointed a registered agent required by FS 106.022(1).

"Each political committee, committee of continuous existence, or electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent and must file with the filing officer a statement of appointment for the registered office and registered agent".

Never filed timely reports of the organization and its financial expenditures as required by FS 106.07.

"Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee".

The following information will be a timeline of the birth or founding of Concerned Citizens for a Better High Springs (hereafter referred to as CCFBHS). A group of more than 2 people who spent more than \$500 on the High Springs City Election and the defeat of a ballot issue to limit debt of the city.

Again, it is my contention this organization fits Florida Statute 106 as a PC. They never registered properly or filed reports of financial disclosure. They ignored the law.

While there are more than 100 members, it would be difficult to single out individual officers. But there are two people who have made written statement (see Sharon Yeago attached email Exhibit 2, and Exhibit 2 a Facebook statement of Linda Jones) where they admit to being either the spokesperson or

steering committee person and hubs for information in and out of the organization. These two people I hold fully responsible for organizing and NOT filing as a PC, registering as an agent or treasurer of this PC. Then, not filing appropriate financial reports and disclosures as required by a Florida Statute of a PC. I have named Sharon Yeago in this complaint as the responsible party.

The FEC needs to look at the timeline and evidence. The FEC needs to see how this organization has tried to call itself a "grassroots" organization to simply avoid being a PC. The FEC need to bring to bear its power and authority given to it by the State of Florida law and investigate, and take all appropriate measure under its power to determine the status of this organization and then administer the penalties, fines and rulings under its power, should they find this organization is a PC and failed on all levels to register and file reports. To not do so would open the door for all other organizations to avoid Florida State requirements across Florida, whether big or small.

Here is a timeline and evidence I have gathered.

During early September 2012 an organization called CCFBHS and their Facebook page surfaced. A PC was born. It says on the Facebook page that it was founded September 28, 2012. I have attached (Exhibit 3) a copy of the Facebook founded page.

On October 1 and 8, newspaper stories came out that reported the organization, steering committee people and more. Sharon Yeago again is quoted (Exhibit 4).

They have a Facebook page "Concerned Citizens for a Better High Springs" that has an "About" page with a Mission Statement. The mission statement is a statement of political views and opinions that address issues facing High Springs. This site was established September 17, 2012, founded September 28, 2012 and ran almost weekly political statements right up till, the election on November 7, 2012.

This organization from early September began holding regular meetings at the building (Video City) owned by one of its members, Ed MacKinnon (George Edgar MacKinnon). This in effect was an in kind donation (one donation for every meeting) by Mr. MacKinnon that he has not disclosed and/or was not reported by CCFBHS.

These meetings discussed the future of High Springs, the ballot issue and support for Byran Williams.

At the Candidate Forum at the High Springs Women's Club they distributed more flyers (Exhibit 5) that set in stone their political stance on the debt issue on the ballot. They supported DEFEATING the charter amendment issue. I have also attached a copy from the Facebook site where Gene Levine (one of the members) makes a post in support of Byran Williams and refers to "we" (the group) and the Facebook page allows it to go out to all friends and the public for the record.

This organization gathered names of over 100 supporters and friends. This organization on October 31, 2012 places a full page ad in the Alachua Today newspaper (Exhibit 6). The cost of which is estimated over \$500. Either someone wrote a check to the paper, or the paper made an in kind donation. While I have said estimated at over \$500, it has been said to me that the cost is much closer to \$1000. **This one ad alone will be the key to expenditures.** Two names in this ad (at that time and now) are sitting High

.. 90605
5

Springs Commissioners Sue Weller and Scott Jamison and 1 candidate Byran Williams (at that time), and is now a sitting commissioner (who was elected and sworn in on November 17, 2012).

During the pre election period many named members held signs for Byran Williams and on Election Day had a tent with his signs and again held his signs next to the two 4ft X 4ft "Vote NO" posters opposing (with CCFBHS disclaimers) the ballot referendum that were hung on a fence at the entrance to one of the two polling places. I do not have a picture of these posters, but witnesses will verify that they were there and that these members held candidate Byran Williams signs. The cost estimated of two large referendum posters is estimated at \$100.

I have included additional pages and pictures from the Facebook site. You will see political statements and pictures of organization/political banners. At an event at city hall this committee/organization displayed a large banner (see photos dated....) naming their organization and, asking for people to "join us", they handed out flyers (at a cost) and made political statements on issues facing the City and the Commission of High Springs. The cost estimated of this banner is \$100.

Other expenditures by the CCFBHS included lunches for city employees on city property. Cost unknown.

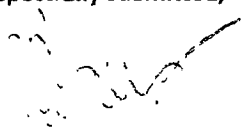
This organization certainly has spent well over \$500, with my estimate being more like \$1000-2000.

This organization after the election has virtually stopped activity, but is still in existence. It was their sole purpose to truly influence the election and ballot issue. But they still seem to be in around based on their Facebook.

This complaint is that Sharon Yeago with Linda Jones organized and created a steering committee for the CCFBHS as a Political Committee. And through their "steering" had knowledge of **spent funds opposing an issue on the ballot and supporting candidates**, in violation of Florida Statute as mentioned above. More specifically this complaint is that Sharon Yeago has violated:

- 1) FS 106.03 (1) by failing to register a PC with the Supervisor of Elections (Jenny Parham) for the City of High Springs (a Florida municipality).
- 2) FS 106.022 by never appointing a registered agent as required.
- 3) FS 106.021(1) (a) by never appointing a treasurer as required.
- 4) FS 106.19 (1)(d) making many financial expenditures.
- 5) FS 106.06 several times for not keeping records.

Respectfully submitted,



Bob Barnas
20147 NW 257th Terrace
High Springs, Florida 32643
352-538-7355 (cellphone)

NO. 10
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 3 - ARTICLE XI, SECTION 32

Tangible Personal Property Tax Exemption

Proposing an amendment to the State Constitution to:

(1) Provide an exemption from ad valorem taxes levied by counties, municipalities, school districts, and other local governments on tangible personal property if the assessed value of an owner's tangible personal property is greater than \$25,000 but less than \$50,000. This new exemption, if approved by the voters, will take effect on January 1, 2013, and apply to the 2013 tax roll and subsequent tax rolls.

(2) Authorize a county or municipality for the purpose of its respective laws, and as provided by general law, to provide tangible personal property tax exemptions by ordinance. This is in addition to other statewide tangible personal property tax exemptions provided by the Constitution and this amendment.

YES

NO

NO. 11
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6

Additional Homestead Exemption; Low-Income Seniors Who Maintain Long-Term Residency on Property; Equal to Assessed Value

Proposing an amendment to the State Constitution to authorize the Legislature, by general law and subject to conditions set forth in the general law, to allow counties and municipalities to grant an additional homestead tax exemption equal to the assessed value of homestead property if the property has a just value less than \$250,000 to an owner who has maintained permanent residency on the property for not less than 25 years, who has attained age 65, and who has a low household income as defined by general law.

YES

NO

NO. 12
CONSTITUTIONAL AMENDMENT
ARTICLE IX, SECTION 7

Appointment of Student Body President to Board of Governors of the State University System

Proposing an amendment to the State Constitution to replace the president of the Florida Student Association with the chair of the council of state university student body presidents as the student member of the Board of Governors of the State University System and to require that the Board of Governors organize such council of state university student body presidents.

YES

NO

If you live in the City of Archer,
 ↓ these races will appear on your ballot. ↓

ARCHER CITY COMMISSION
SEAT 1
 (Vote for One)

Louis Costello

Doug Jones

ARCHER CITY COMMISSION
SEAT 2
 (Vote for One)

James Mayberry

Marjorie Zander

000007

ALACHUA COUNTY QUESTION 1
FIX OUR ROADS: ALACHUA COUNTY:
FUNDING ROAD IMPROVEMENTS BY LEVYING A .3% SALES SURTAX

Shall Alachua County implement a Road Improvement Plan to extend the life and improve the safety of county Roads by maintaining, paving and reconstructing Roads; and in the Cities of Gainesville, Alachua, Newberry, High Springs, Hawthorne, Waldo and Archer, and the Towns of Blount and LaCrosse, funding municipal Road maintenance, construction, reconstruction and paving projects, by levying a .34% sales surtax for 15 years subject to independent audit and citizen review.

FOR the three-quarters percent (.34%) transportation sales surtax.

AGAINST the three-quarters percent (.34%) transportation sales surtax.

ALACHUA COUNTY QUESTION 2
RENEWAL OF THE EXISTING ONE MILL AD VALOREM TAX FOR SCHOOL DISTRICT OPERATING EXPENSES

Shall the Alachua County School District's existing one mill ad valorem tax be renewed, beginning July 1, 2013, and ending four years later on June 30, 2017, for necessary operating expenses to fund school nurses, elementary music and art programs, K-12 school library programs, K-12 guidance programs, middle and high school bands and chorus programs, academic/career technical magnet programs and to update classroom technology, with oversight by an independent citizens' committee?

YES

NO

If you live in the City of High Springs,
 ↓ these races will appear on your ballot. ↓

HIGH SPRINGS CITY COMMISSION
SEAT 4
 (Vote for One)

Pat Rush

Bryan Williams

HIGH SPRINGS CITY COMMISSION
SEAT 5
 (Vote for One)

A candidate has withdrawn from this race. Therefore, a vote cast in this race will not change the outcome as the remaining candidate is deemed by law to be elected for the race.

Scott Jamison

Edward "Ed" Fries

PROPOSED AMENDMENT TO THE CITY OF HIGH SPRINGS CHARTER NUMBER 1

It has been proposed to amend the City of High Springs Charter to restrict municipal borrowing to One Million Dollars on any single loan transaction, unless the City Commission votes by two-thirds majority and also receives referendum approval of the voters of High Springs.

Shall the above Charter amendment be adopted?

YES

NO

If you live in the part of Precinct 40 that is not within the City of Gainesville, this race will appear on your ballot.

ANNEXATION
 (Vote for One)

FOR annexation of property described in Ordinance Number 120172 of the City of Gainesville

AGAINST annexation of property described in Ordinance Number 120172 of the City of Gainesville

OFFICIAL RESULTS
GENERAL ELECTION, ALACHUA COUNTY
NOVEMBER 6, 2012
****INCLUDES ALL LEGALLY CAST BALLOTS****

Date:11/16/12
Time:16:55:28
Page:4 of 4

Registered Voters 164970 - Cards Cast 242059 146.73%

Num. Report Precinct 63 - Num. Reporting 63 100.00%

Archer 2		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	515/696	74.0 %
Total Votes		457
James Mayberry	218	47.70%
Marjorie Zander	239	52.30%

High Springs 4		Total
Number of Precincts		2
Precincts Reporting		2 100.0 %
Times Counted	2911/3710	78.5 %
Total Votes		2634
Pat Rush	1179	44.76%
Byran Williams	1455	55.24%

High Springs Charter		Total
Number of Precincts		2
Precincts Reporting		2 100.0 %
Times Counted	2911/3710	78.5 %
Total Votes		2686
YES	1801	67.05%
NO	885	32.95%

Annexation		Total
Number of Precincts		1
Precincts Reporting		1 100.0 %
Times Counted	680/798	85.2 %
Total Votes		665
FOR	62	9.32%
AGAINST	603	90.68%



Bob Barnas <bbarnas@highsprings.us>

Re: Concerned Citizens for a Better High Springs

1 message

Sharon Yeago <sharon@yeago.net>

Fri, Dec 7, 2012 at 12:25 PM

To: Bob Barnas <bbarnas@highsprings.us>

Cc: John Manley <jmanley3@yahoo.com>, Bob Jones <ticonderoga47@hotmail.com>, Linda Jones <sunsetwishes@hotmail.com>

Bob, if you are interested in publicly supporting our values, you should follow the instructions outlined in every publication, press release or article that has been written or distributed to date. These are readily available on Facebook, Alachua Today and the Observer.

Please let me know if you need another copy of these materials. We can share with your our Guiding Principles, Recommendations etc.

As you also know by reviewing our supporters list previously submitted we already have three commissioners who support our values. Therefore, attendance at our meetings could become problematic and I would recommend legal advice on that issue.

I am traveling and have not had access to my computer (I'm using a guest services computer right now during my lunch break at a conference in Jax) which is why the delay in my response to you.

I look forward to your response. I return to High Springs this evening and can forward you any materials you require at that time.

Take care. Sharon

On Thu, Dec 6, 2012 at 1:04 PM, Bob Barnas <bbarnas@highsprings.us> wrote:

- > Sharon,
- >
- > So how does someone, say someone like me become a member? Is there an application?
- >
- > Can I get a list of current members after I become a member?
- >
- > I understand other commissioners are mmbers and for the good of the community we should have unity.
- >
- > Bob Barnas
- > High Springs City Commissioner
- >
- >
- >

>> On Wed, Dec 5, 2012 at 8:02 PM, Sharon Yeago <sharon@yeago.net> wrote:

- >>>
- >>> Dear Bob, Lee and Scott,
- >>>
- >>> I am the official spokesperson for the Concerned Citizens group. I

>> have handled all publicity and development of public policy
>> statements.

>>

>> As you may also know, we are a group of concerned citizens. We are
>> not incorporated, have no fictitious name registration and therefore
>> do not have a bank account. We do have a Steering Committee (copied
>> here.) A list of our public supporters is attached for your record
>> and to clarify 'who are these people?' This was published in Alachua
>> Today. Please feel free to distribute to anyone requiring clarity.
>> While there are many names of prominent citizens, most of those listed
>> are regular folks who just live and/or work in High Springs.

>>

>> For clarification, we have absolutely no affiliation with any other
>> organization, including the HS CDC and I would appreciate it if you
>> would keep that in mind during future public statements about our
>> group. Most of the supporters of CCFBHS are actively engaged in their
>> community, whether at church, their childrens' school, the community
>> theater, or other groups and so it would stand to reason that they
>> would be affiliated with one organization or another. We include
>> Republicans, Democrats, liberals, moderates and one supporter who
>> describes herself as 'right of the Tea Party.' Our supporters
>> comprise all aspects of community life in High Springs.

>>

>> If you require a mailing address, please feel free to use either my
>> personal residence at 21120 NW 132 Lane, High Springs, FL 32643, or PO
>> Box 2114, High Springs, FL 32655-2114, which I have maintained for
>> more than a dozen years.

>>

>> Regarding donations, we are accepting gifts and gift certificates as
>> well as food and volunteer time for the Holiday Gathering event which
>> is a dinner for City employees and their families. In addition to
>> food, gifts will be distributed. Many citizens are coming forward to
>> help with this dinner.

>>

>> As a point of reference since we don't each other very well, I served
>> the City of High Springs for 8 years as an independent contractor that
>> developed and managed the High Springs Farmers Market from 2000 to
>> 2008.

>>

>> I was also a consultant to the City many years ago when the City tried
>> to save the Youth Center which was previously located in the Old
>> School. In both cases, I was specifically requested to serve by the
>> City Commission (we were under a mayor form of government back then.)
>> I have worked very closely with city staff for a long time and have a
>> fondness and respect for our government and the people who work for
>> us, the taxpayers.

>>

>> Please direct any questions, concerns or issues to me should they
>> arise. I will be most happy to respond as quickly and completely as
>> possible so that there are no further issues with miscommunication or
>> distribution of incorrect information.

>>

>> Thank you for your service to our City.

>>

>> Take care, Sharon

>>

>>

>>

>> Begin forwarded message:

. 000010

>>
>> From: Bob Barnas <bbarnas@highspringsfl.com>
>> Subject: Concerned Citizens for a Better High Springs
>> Date: December 5, 2012 3:46:53 PM EST
>> To: Lee Vincent <lvincent@highspringsfl.com>, Scott Walker
>> <scottwalker@highspringsfl.com>, Sharron Yeago <sharronyeago@highspringsfl.com>
>>
>> Lee and Scott,
>>
>> I asked Jenny today for an address for the group. She has no physical
>> address linked to this group. I would like to know if this is OK? Is
>> it OK to give the use of the "Old School" to a group that has no
>> single spokesperson as their head and no address to correspond with
>> should there ever be an issue going down the road? They are asking the
>> community on Facebook for donations. It does not say to the city, or
>> to them.
>>
>> The only thing Jenny has is that the email from them that they use was
>> linked to a request from Ross Amborse. So if he is their spokesperson
>> or person that organized the group fine, just let us know so we can
>> send a thank you card or documents we may have to deal with Ed
>> McKinnon, Sharron Yeago, Linda Jones....who is actually the
>> responsible person for the grassroots group? Are they at the address of
>> CDC? I think we need to know.
>>
>> While there are many prominent names in the group, I have been asked
>> who are these people?
>>
>> cc: hscitizenlists@highspringsfl.com
>> Bob Barnas
>> High Springs City Commissioner
>> 352-508-7055
>>
>> *Please note:*
>>
>> Florida has a very broad public records law. Most written communication,
>> including e-mail addresses, to or from the City regarding City business
>> are
>> public records available to the public and Media upon request. Your e-mail
>> communication may be subject to public disclosure.
>>
>>
>>
>>
>> _____
>> Sharon L. Yeago
>> 352-415-6117 phone
>> 352-256-0118 cell
>>
>>
>> "The first wealth is health."
>> - Ralph Waldo Emerson
>>
>> "Let thy food be thy medicine and thy medicine be thy food "
>> - Hippocrates
>
>
>

11/17
2

- >
- > -
- > Bob Barnas
- > High Springs City Commissioner
- > 352-538-7355
- >
- > *Please note:*
- >
- > Florida has a very broad public records law. Most written communication,
- > including e-mail addresses, to or from the City regarding City business are
- > public records available to the public and Media upon request. Your e-mail
- > communication may be subject to public disclosure.
- >
- >

 Sharon L. Yeago
 326-418-3017 phone
 352-266-8115 cell

 "The first wealth is health."
 - Ralph Waldo Emerson

"Let thy food be thy medicine and thy medicine be thy food."
 - Hippocrates

Search for people, pages and things

High Springs Home

Create Page
Followed



Concerned Citizens For A Better High Springs

Liked

126 likes 2 talking about this

Community

MISSION STATEMENT Concerned Citizens for a Better High Springs supports a local government with a commissioner and professional management that provide leadership, accountability and a vision for our future.

126

About - Suggest an Edit

Photos

Likes

Highlights



Concerned Citizens For A Better High Springs
3 hours ago

Code Of Conduct. The City of High Springs has been discussing a "Code of Conduct" for Commissioners & Charter Officers. The issue will again be on the agenda Thursday March 28th. The Steering Committee made the following statement at the last Commission Meeting.

"Good evening Mayor & Commissioners,

My name is Linda Jones and I am a resident of Edgemore in High Springs. I am speaking tonight on behalf of the Concerned Citizens group, where I serve on the Steering Committee.

Last fall, when our Mission Statement was drafted, we publicly defined four Principles that would guide our group. This included, "Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with city staff and with residents." Adopting a Code of Conduct for our city leaders is consistent with this principle and we encourage the Commission to do so.

The City of High Springs is not breaking new ground by considering such a code. The cities of Bradenton and St. Pete here in Florida have recently adopted such codes, ones I can only assume our City Attorney has reviewed in preparing the Resolution you are considering tonight. The Internet, Social Media, availability of video cameras in everyone's cell phone are just some of the driving forces behind the need for our city to provide clear guidance and expectations for our officials. The job of representing the city is a 24/7 responsibility where it is not easy, if not at times impossible, to make the distinction between personal comment and action vs. that of a representative.

Concerned Citizens believes that it is the duty of our representatives to be held to a higher standard as should be detailed in an adopted Code of Conduct. Please vote to support such a code or explain to the community why the proposed code is not being supported.

Thank you."



Concerned Citizens For A Better High Springs
March 15

Everyone Wants To Make A Difference.

Cancer effects so many at so many levels. The Soup-R-Sweet Social is your opportunity to say that you understand or have been effected.

THIS SATURDAY - March 16th from 5:30 to 8 PM (FOR ONLY \$5 + a non-perishable food item) you can show your support for the fight against cancer.

Your donated food item will go to the community pantry run by Catholic Char...See more

Share

Diana Potter, Janis Cataldo Barnett, Jim Dodson and 5 others like this.



Misty Mead Minsor. Where is this being held? Would have been good to know about this a little sooner?
March 15 at 6:41am via mobile



Concerned Citizens For A Better High Springs The Soup-R-Sweet Event is being held at the Women's Club in High Springs. The information and request to pass this information along was provided to us on Thursday. Hope your plans are flexible enough to make it and support these community groups.
March 15 at 10:13am



Concerned Citizens For A Better High Springs
February 6

Heather McCall Caballero posted this and we also wanted to share this information with the community. He was a very good public servant and will be missed.

Sgt Chuck Harper lost his fight with cancer this evening. For those of you who may not know him, Sgt Harper was the HSPD officer who responded to the shooting at our school. He has fought a long hard battle and I ask that you pray for the family he has left behind.

Share

6 1 3



Concerned Citizens For A Better High Springs
December 14, 2012

Christmas Party for employees (29 photos)
Old School House first event, Dec. 14, 2012

000040

About

MISSION STATEMENT Concerned Citizens for a Better High Springs supports a local government with a commission and professional management that provide leadership, accountability and a vision for our future.

Description

"Good Policy equals good government"

GUIDING PRINCIPLES

Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff and with residents

Principle Four: There must be a commitment to restore the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

We the People... Concerned Citizens for a Better High Springs are looking for local residents, business owners and others invested in and supportive of these Principles to join this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email hscitizens@gmail.com.

Basic Info

Founded September 28, 2012

History by Year

2012 Founded on September 28, 2012

Founded on September 28, 2012

In High Springs, Florida.

4 people like this.



Sharon Kantor How do we go about making High Springs better?? I am willing to work at it!

September 17, 2012 at 7:48pm · 1



Concerned Citizens For A Better High Springs Keep up to date with this page. Opportunities to meet, discuss and create projects to review and implement will be forthcoming.

September 17, 2012 at 8:39pm · 1



Robert McClellan Whatever happened to the vision of a vibrant little Main street town, with cafes and upscale shops? Instead ministries, empty storefronts and second-hand junk shops. And I thought the city was going to turn Poe Springs into the eco-town. I am very disappointed.

September 21, 2012 at 9:49am



Sharon Yeago watch this space for more information!

September 28, 2012 at 10:18am



Genie O'Brien @ Robert, I heard on NPR WUFT radio the other day that Poe Springs Park has been turned back over to the City of High Springs, and the ongoing problems rebuilding the concrete steps was mentioned. At the end of the segment they said "mayb..."

September 28, 2012 at 2:24pm · 1



Genie O'Brien Thank you for the invitation to like this page and get involved. Technically I live in an unincorporated area between High Springs and Poe Springs but if my input and or participation in helping to restore civility and sanity in the City of High Springs is welcome, assist however I can.

September 28, 2012 at 2:26pm



Sharon Yeago we'll add your name to our effort, thanks Genie!

September 28, 2012 at 2:34pm · 1



Susan Jefferbaum Esq. Tell your friends about this effort. It is important that word gets out. If we all work together we can...

September 28, 2012 at 2:46pm



Concerned Citizens For A Better High Springs Sharon Kantor, Robert McClellan, please let us know if we can add your names as supporters. See more information above that has been added. We can email you our founding Mission Statement and Principle...

September 28, 2012 at 2:47pm · 1



Sharon Britton Please add me to your list. I am thankful to have a successful business in High Springs, but more civility and order would definitely encourage me to keep it here. Let me know what I can do.

September 28, 2012 at 3:47pm · 4



Back In Balance Natural Health Care I am so happy to see I am not the only one concerned about the way things are happening this time. I often feel like "Alice in Wonderland" that has dropped down the rabbit hole and things just keep getting curiously stranger and stranger. I see the charm and character of our town restored.

September 30, 2012 at 5:45pm · 2



Jayne Orr Sign me up. I have watched as many others have, our community fall apart. A few years ago we helped shape the future of High Springs and it seems like now we are just watching people in power fight with no sense of how they are affecting the lives of so many. An opportunity is beginning. Thanks.

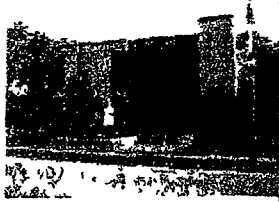
October 1, 2012 at 7:53am · 1

038023

Citizen Group Forms In High Springs

Staff Reporter

• Mon, Oct 01, 2012



A group of local citizens has formed Concerned Citizens for a Better High Springs in an effort to effect good policy decisions by local government. This newly formed nonpartisan, nonpolitical group hopes to effect positive change through education and advocacy for better policy decisions by elected officials, utilizing existing governance structures and creating new policies to improve the wellbeing of the City of High Springs.

According to local resident, John P. Manley, III, one of the initial organizers of the group, "We hope to put before the Citizens of High Springs a series of goals for the management and administration of the City to return it to a balanced, financially viable operation. Additionally, we wish to promote the City Administration as a pro-active catalyst for serving the people and move the City to reach its highest and best potential. We wish to create an environment of appreciation and initiative that works to rebuild the once strong morale amongst the City Staff so they can continue to serve the Citizens with the distinction for friendliness and service they have always had. Finally, we wish to incorporate those near term goals for stabilizing the City into a component of a broader landscape that paints a future picture of the City that all the townspeople can embrace; and work together to accomplish. We want our town to be the kind of town that our children hope to remain in to start their families and raise their children."

The group's mission statement reads, "Concerned Citizens for a Better High Springs supports a local government with professional management that provides leadership, accountability and vision for our future."

The group developed four Guiding Principles that it is using to educate the community and will offer policy recommendations on these issues:

Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City;

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility;

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff and with residents;

Principle Four: There must be a commitment to restore the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

Concerned Citizens for a Better High Springs is looking for local residents, business owners and others invested in and supportive of its goals. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email hscitizens@gmail.com or visit them on Facebook at www.dnyurl.com/bosjgm3.

Local

High Springs residents rally to form grassroots group

Details Published on Monday, 08 October 2012 15:32 Written by CRYSTAL WALKER Plus 3/5

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[0 Comments](#)



Concerned Citizens for a Better High Springs hosted a lunch for City employees on the heels of a 6.07 percent pay cut.

HIGH SPRINGS – Members of the newly-formed group, “Concerned Citizens for a Better High Springs” (CCBHS), delivered lunch on Wednesday, Oct. 3, for City of High Springs employees affected by the recent 6.07 percent salary cut to all non-union City employees.

“We want to encourage our City employees to hang in there by providing support in a meaningful way,” said CCBHS Publicity Chair Sharon Yeago. “Our employees are taking a financial hit for the benefit of the city. We want them to know how much we appreciate their efforts and supplying lunch is one small way we can help relieve one burden, the financial responsibility of lunch, and show our appreciation,” said Yeago.

The group, which has grown to more than 150 members in fewer than five days, was “formed to support good policy decisions in our government,” said CCBHS Steering Committee Chair and High Springs resident John Manley. Other members of the Steering Committee include local residents Becky Johnson, Bob Jones and Linda Jones.

Both Yeago and Manley are proud that they were able to attract so many citizens interested in supporting good policy decisions by city government in such a short time using Facebook, email and personal outreach.

“We are a nonpolitical, nonpartisan organization,” explained Yeago. The group has already created a mission statement and guiding principles, which are all listed on the organization’s Facebook page. The group’s mission and key principles are to provide for professional, experienced management of the City of High Springs and restoration of long-held standards of governing that include a comprehensive budget process and restoring High Springs’ reputation as a fair and open government that is inclusive, open and fair.

Steering and Events committees have been established by the group,” said Yeago. One of the first actions of the Events Committee is the provision of Wednesday’s lunch for non-union city employees. Events Committee members include Ed MacKinnon, Linda Hewlett, Tom Hewlett, Lisa Phelps and Sandra Webb.

"This citizens group came together out of a deep concern and love for the city of High Springs. This city is at a crossroads," Manley said. "We feel it is important to put any history aside, and build a broader, more rational and encompassing plan for the future of High Springs that the majority of the citizens can get behind and work to make happen," explained Manley.

"We are encouraging citizen participation in deciding the direction of our city," said Yeago. "This is a group to help our government consider policy decisions that make our city viable," she said. "Our group has no political agenda. We just want to help the city make the best decisions they can for our citizens and the future of High Springs," she said.

Yeago explained further, "Our agenda is based on good policy and we will be making what we consider to be good policy recommendations on an ongoing basis. Good policy transcends politics. It's not about who happens to be in the office at the moment. It's about how our government serves its citizens now and in the future."

"What we're trying to do is develop solutions for what we feel are the problems we now have," Manley said. "We are a strategic group, not a political group," he insisted. "Politics is not a part of what we're doing. We want to contribute solutions and encourage other citizens to get involved to help do the same," he said.

"We have problems that may take 5 or 10 years...or possibly more, to solve. Previous commissions made decisions under different economic conditions than we have today. Perhaps we have to look at earlier decisions in a different light given our current economic condition. We want a city that is professional and well run," he said. "We just want to participate in the process."

Anyone interested in more information about Concerned Citizens for a Better High Springs may locate their website on Facebook or contact a member of the organization.

#

email Cwaiker@alachuatoday.com

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

MISSION STATEMENT

Concerned Citizens for a Better High Springs supports a local government with a commission and professional management that provide leadership, accountability and a vision for our future.

FIVE KEY AREAS OF PRINCIPAL CONCERN:

- 1. The Dispatch Project is a major financial drain whose re-installation was premature at best and ill-advised at worst.**
 - a. Recently, the City Manager's Office projected the cost to acquire and maintain the system internally at approximately \$325,000;
 - b. The County provided identical dispatch services to the City, with superior modern equipment, at an original budget amount of \$105,000;
 - c. Ad valorem tax revenue continues to drop in excess of 8.2% for the past two years; and an expected further drop of at least 9%, making the local dispatch option the most expensive option for this service.

Therefore, we believe that: *Shifting the emergency dispatch from the County to the City is an ill-timed expense that the City is unable to afford.*

- 2. The morale of the City's employees has been badly eroded by the City's Commission leadership and attitudes. The non-union employees have had to bear a disproportionate share in reductions to their compensation and benefits, all in an increasingly hostile atmosphere.**
 - a. The reduction in benefits and elimination of overtime has ranged from a 15% reduction in income and benefits for some employees, to as much as a 30% reduction for others. A fire fighter in High Springs now earns less than \$11 per hour.
 - b. The generally hostile stance of the Commission has resulted in charges of violations of accepted labor law and good management practices, and has thus exposed the City to litigation in the form of state and federal labor law violations, "Whistle Blower" claims, and charges of discriminatory practices.
 - c. There is now a strong likelihood the employees will unionize in order to assure a reasonable work environment. If unionization occurs, it is a direct result of a hostile work environment and poor management. Labor costs for the City may well rise dramatically.

Therefore, we believe that: *The morale of the City's valued employees is frightening low. The turnover rate is unacceptable. The attitude of certain Commissioners towards the City's staff must return to one based on trust and appreciation. This unhealthy situation has to be corrected immediately.*

- 3. The prolonged absence of professional management is destroying the City's credibility and greatly reducing its performance**
 - a. The unprecedented number of Commission meetings is unheard of and demonstrates the City's inability to handle its business using accepted governmental management practices.
 - b. The City has been operating without an experienced City Manager, City Attorney, City Planner, or City Engineer leaving the City significant loss of institutional knowledge and very vulnerable in all phases of operation and management oversight.

- d. The City's insurance underwriter for liability coverage for the Commission, has increased the annual insurance liability costs from; \$13,754 in 2011, to \$121,000 in 2012, with a projected premium of \$237,949 in 2013.

Therefore, we believe: *The City must immediately commit to properly funding and openly selecting a professional City Manager committed to returning High Springs to good government.*

4. Critical infrastructure items are not being properly monitored and the lack of necessary maintenance, or funding reserves, exposes the City to an unreasonable risk of system collapse.

- a) **Water & Sewer-** Experts have warned the City that it is close to losing its ability to provide drinking water due to the ancient delivery system which is bordering on collapse. If water wells fail, the City does not have any system flexibility, nor has it retained sufficient reserve funds to deal with such a catastrophic event. Without available sewers and a functioning water system, each with proper capacity, new businesses will not, and many residents cannot, locate to High Springs. Further, the City is contractually committed to expansion as part of its land use program from the past. Insufficient capacity will cost many jobs that are needed to allow High Springs to thrive once again.
- b) **Brick & Mortar -** City owned facilities go empty or cannot be adequately maintained at the current budget levels. The economy has created a 15% vacancy factor equaling about 350 homes among single family residents; and there is a glut of vacant commercial buildings. Vacant buildings and homes create blight, invite crime, cause falling real estate values; and result in a continuing drop in revenue.

Therefore, we believe: *Shuffling monies to non-urgent, unplanned projects is leaving urgent infrastructure projects inadequately funded. A review of the economic viability of projects under each department needs to be done, eliminating any activity whose funds could better used to preserve the City's infrastructure.*

5. Proposed changes to the City Charter will drastically change and significantly limit how future Commissions are able to run City government:

- a. The amendment would prohibit the City Commission from incurring any debt beyond one million dollars unless first approved by a 2/3 vote (4 out of 5) of the Commission PLUS passage of a referendum by the voters approving the debt, before the loan could be made, ensuring that an immediate response to a major crisis virtually impossible from a financial perspective.
- b. If the amendment is approved, it has the potential to make debt consolidation and other financial planning tools less available for the City since governmental entities and financial institutions would have no organization with which they could deal to finish a transaction. Some say the cost of funds for the City could rise dramatically. Long-range planning concerns were not considered by the Commission in any detail, and they should be carefully explored by the citizens before election day when considering this amendment.

Therefore, we believe: *The proposed amendment to limit the debt to \$1,000,000, unless first approved by a 2/3 majority of Commissioners [4 of 5 voting] AND a referendum vote by the citizens, is a serious and significant limitation on future Commissions' ability to manage the financial resources of the City.*

Concerned Citizens for a Better High Springs continues to seek local residents, business owners and others invested in and supportive of its goals to sign on to show public support for this effort by email at hscitizens@gmail.com or 'Liking' the group on Facebook at <http://tinyurl.com/bosjqm3>. A current list of supporters, the Mission Statement, Guiding Principles and Policy Recommendations developed by the group can be requested by email at hscitizens@gmail.com.

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

reminds you to
to ensure your voice is heard in High Springs!

**SAMPLE GENERAL ELECTION BALLOT
ALACHUA COUNTY, FLORIDA
NOVEMBER 6, 2012**

VOTE BOTH SIDES OF BALLOT

Page 4 of 4

Go ALL the Way!

HIGH SPRINGS CITY COMMISSION

SEAT 4

(Vote for One)

Pat Rush

Byran Williams

HIGH SPRINGS CITY COMMISSION

SEAT 5

(Vote for One)

Scott Jamison

Edward "Ed" Riess

**PROPOSED AMENDMENT TO THE CITY OF HIGH SPRINGS CHARTER
NUMBER 1**

It has been proposed to amend the City of High Springs Charter to restrict municipal borrowing to One Million Dollars on any single loan transaction, unless the City Commission votes by two-thirds majority and also receives referendum approval of the voters of High Springs.

Shall the above Charter amendment be adopted?

YES

NO

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

FIVE KEY AREAS OF PRINCIPAL CONCERN

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 - a. Recently, the City Manager's Office projected the cost to acquire and maintain the system internally at approximately \$325,000,
 - b. The County provided identical dispatch services to the City, with superior modern equipment, at an original budget amount of \$105,000 but always projected at less than the City's cost;
 - c. Ad valorem tax revenue continues to drop in excess of 8.2% for the past two years, and an expected further drop of at least 9%, making the local dispatch center's increased cost inappropriate at this time.

THEREFORE, WE BELIEVE: Shifting the emergency dispatch from the County to the City is an ill-timed expense that the City is unable to afford

2. The morale of the City's employees has been badly eroded by the City's Commission leadership and attitudes. The non-union employees have had to bear a disproportionate share in reductions to their compensation and benefits, all in an increasingly hostile atmosphere.
 - a. The reduction in benefits and elimination of overtime has ranged from a 15% reduction in income and benefits for some employees, to as much as a 30% reduction for others. A fire fighter in High Springs now earns less than \$11 per hour;
 - b. The generally hostile stance of the Commission has resulted in charges of violations of accepted labor law and good management practices, and has thus exposed the City to litigation in the form of state and federal labor law violations, "Whistle Blower" claims, and charges of discriminatory practices;
 - c. There is now a strong likelihood the employees will unionize in order to assure a reasonable work environment. If unionization occurs, it is a direct result of a hostile work environment and poor management. Labor costs for the City may well rise dramatically.THEREFORE, WE BELIEVE. The morale of the City's valued employees is frightening low. The turnover rate is unacceptable. The attitude of certain Commissioners towards the City's staff must return to one based on trust and appreciation. This unhealthy situation has to be corrected immediately.
3. The prolonged absence of professional management is destroying the City's credibility and greatly reducing its performance

- a. The unprecedented number of Commission meetings is unheard of and demonstrates the City's inability to handle its business using accepted governmental management practices,
- b. The City has been operating without an experienced City Manager, City Attorney, City Planner, City Engineer, Public Works Director, full time Codes Enforcement Officer, full time Utilities Operator, and full time Parks and Recreation staff leaving the City with a significant loss of institutional knowledge making it very vulnerable in all phases of operation and management oversight,
- d. The City's insurance underwriter for liability coverage for the Commission, has increased the annual insurance liability costs from, \$13,754 in 2011, to \$121,000 in 2012, with a projected premium of \$237,949 in 2013

THEREFORE, WE BELIEVE: The City must immediately commit to properly funding and openly selecting a professional City Manager committed to returning High Springs to good government

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b. If the Amendment is approved, it has the potential to make debt consolidation and other financial planning tools less available for the City since governmental entities and financial institutions would have no organization with which they could deal to finish a transaction. Some say the cost of funds for the City could rise dramatically. Long-range financial concerns were not considered by the Commission and they should be carefully explored by the citizens when considering this Amendment.

THEREFORE, WE BELIEVE: The proposed Amendment to limit the debt to \$1,000,000, unless first approved by a 2/3 majority of Commissioners (4 out of 5) AND an expensive referendum vote by the citizens is a serious and significant limitation on future Commissioners' ability to manage the financial resources of the City.

Concerned Citizens for a Better High Springs is a nonpartisan, nonpolitical grassroots citizens' group and, pursuant to Fla.Stat. Section 106.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort by email at hscitizens@gmail.com or 'Liking' the group on Facebook at <http://tinyurl.com/bosjqm3>.

Click this link will provide you with your very own copy of our **Five Key Areas of Concern**:
<https://docs.google.com/opens?id=0B38wCQLL7-es6bLr5WlhLFGh2eL0>

Please share!

5 Points.pdf - Google Drive

www.google.com



Dear David As of Friday night 9/28/2102, if the information is correct, it appears that Edward Riess has thrown in the towel leaving Scott Jamison to retain Seat 5 unopposed. That leaves Patrick Rush to run against Byran Williams for Seat 4 the seat now held by Dean Davis who is all too friendly with Rush.

Dean's close friend Robyn Rush instructed Davis to support Pat Rush and Davis is going around town putting up "Vote For Rush" signs.

We must remember Pat Rush as the sole owner of "Pat's Place" a coffee shop on Main street that went out of business. He couldn't blame anyone else for his businesses' demise because he made all the decisions. How can any citizen of High Springs even think of voting for someone who couldn't successfully run his own small business to run our City's big business?

Everyone should send the present triumvirate a clear message that we the people, who this trio works for, can't take their lack of professionalism anymore. We will vote for Byran Williams because he has nothing to hide about his past and wants the chance to do damage control and better position High Springs to thrive once again by bringing in much needed jobs.

1. Concerned Citizens For A Better High Springs

October 17, 2011

Volunteers spent time during the Community Garage Sale today talking with folks about what has been happening in our community and the policy's we would like the City and Commission to focus on. Please let us know if you would like to be on the email list by emailing HSCitizens@Gmail.com. Thank you to everyone that helped today, stopped by or provided food!



Top of Form

- 111Share
- 11 people like this.
- View 1 comment

Bottom of Form

1. [Concerned Citizens For A Better High Springs](#) [link](#)

September 30, 2012

Please join our group to help change this!



Political turmoil continues to bubble in High Springs

www.gainesville.com

It was quiet in High Springs on Thursday night, from the empty sidewalks and darkened storefronts to the surprisingly cordial City Commission meeting.

Top of Form

22Share

- 2 people like this.
- View all 2 comments

Bottom of Form

1. [Concerned Citizens For A Better High Springs](#) [click here for link](#)

October 23, 2012

October 23, 2012

**CITIZEN GROUP ENCOURAGES HIGH SPRINGS VOTERS TO 'GO ALL THE WAY' TO THE END OF THE BALLOT;
CHECK YOUR POLLING LOCATIONS AND
ANNOUNCES THAT RIDES ARE AVAILABLE TO THE POLLS**

Concerned Citizens for a Better High Springs enco...[See More](#)

Alachua County SOE Mobile Web Site

elections.alachua.fl.us

2. Type in your street name You do not need to enter the direction or street type. Example: If you live on East Main Street., type in Main

Concerned Citizens For A Better High Springs
October 31, 2012

Check out this week's Alachua Today for an important message
from us! Thanks SO MUCH for your support!

1 Concerned Citizens For Better High Springs

November 2012

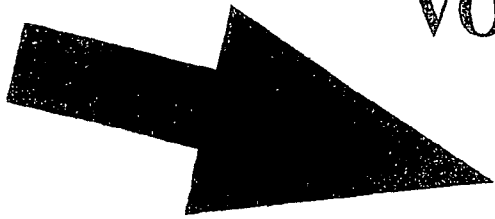
You may have voted but there is still work to do! Concerned Citizens will again be meeting this Sunday @ 3PM in the old Video City building

We are still focused on our Guiding Principles. If you would like a copy or to be added to the list, see page

CONCERNED CITIZENS FOR BETTER HIGH SPRINGS

JOIN US!





VOTE ON NOVEMBER 6TH

GO ALL THE WAY

TO THE END OF THE BALLOT

To ensure your voice is heard!

High Springs Residents... Need a Ride to Vote? We Can Help! Call Sandi at 352-339-4345

**CONCERNED CITIZENS FOR A
BETTER HIGH SPRINGS**

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GUIDING PRINCIPLES

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We, the people...

Susanne Ackermann
 Stefi Hulin Affron
 Christopher Agle
 Ross Ambrose
 Lars Anderson
 Patsy Anderson
 Dickie Arvin
 Shari Asbury
 Carolyn Baker
 Jeannette Banks
 Penny Banks, former City employee
 JoAnne Barrows
 Celeste Beck
 Roger G. Beck, DPM
 Susan J. Beck
 Larry Behnke
 Anne Alfano Bello
 Marilyn Bennett
 Karen Bentz
 Marvin Blankenship
 Susie Blankenship
 David Blutworth
 Alvan Bluhm
 Barbara Bluhm
 Norma Boone
 Donna Braabrook
 Anna Bradford
 Stacey Breheny
 Sharon Britton
 Jay Bromenschenkel
 Susan Brotherton
 Linda Buccheri
 Heather McCall Caballero
 Valorie Cason
 Pat Caudle
 Dennis Chouinard
 Paula Gavin Cifuentes
 Heather Clarich
 Jeannette Clarich
 Thomas Clarich, Sr.
 Thomas G Clarich
 Suzie Clark
 Hal Cohen
 Linda Cohen
 Tina Collins
 John Comly
 Jim Conner
 Barbara Cox
 Paige Coyle
 Rick Coyle
 Crystal Lane Curran
 Andrew Daugherty
 Carol Daugherty

Karen Wood Davis
 Tom DePeter, former City
 Commissioner/City Attorney
 Joan Dickson
 Ron Dickson
 Deborah Douglas
 Jen Drow
 Dawn Lange Drumm
 Ronald DuPont, Jr.
 Saroj Earl
 Terry Enina
 Shannon Erickson
 Darin Erskin
 Holly Erskine
 William Eyerly
 Jennifer Forrester
 Earl Gabriel
 Lucille Gabriel
 Debbie Gamber
 Maggie Gamber
 Jim Gamberton
 Erin Gardner
 Sandi Gardner
 Peter George
 Allan Graetz
 Laura Graetz
 Randy Graetz
 Alice Green
 Patricia Grunder
 Donald Gudbrandsen
 Elaine Gudbrandsen
 Constance Heuss
 Michael Heuss
 Linda Hewlett
 Tom Hewlett
 Linda Heyl
 Kim Simmons Hill
 Brian Hinote
 Misty Mead Hinson
 Albert Isaac
 Lynn Jamison
 Scott Jamison, City Commissioner
 Loyce A. Jones
 Becky Johnson, Steering Committee
 David Johnson
 Bob Jones, Steering Committee
 Linda Jones, Steering Committee
 Willa Jones
 Sharon Kantor
 Judi Kearney
 Mike Kearney
 Wanda Kemp
 Barbara Kowats

Bradley Kyes
 Alvalyn Lancaster
 Karma Norjin Lhamo
 Karen Koch LeMonnier
 Arlene Dorin Levine
 Gene Levine
 Nancy Linkous
 Tim Linkous
 Michael Loveday
 Christopher Locke
 Angie Lovelock
 Buck Machete
 Cindy MacKinnon
 Ed MacKinnon
 Francis MacKinnon
 Michael Mahoney
 Terry Maltbie
 John P Manley III, Steering Committee
 Sharon Manley
 Kathy Clarich Matheny
 Sanford Matheny
 Barbara Martin
 Dr. Tony Matheny
 Herb Matilsky
 Robert McClellan
 Thomas McDonald
 Marilyn Mesh
 Dena Meyerhoff
 Steve Meyerhoff
 Barbara G Miller
 Donna Mogler
 Henry Mogler
 Scott Mogler
 Aaron Morphet
 Patti Moser
 Betty Muller
 Patty Napier
 Diane Norton
 Genie O'Brien
 Sylvia Odom
 Vanessa Oppel
 Jayne Orr
 Cynthia Pailthorpe
 Betsy Patterson
 Monalisa Phelps
 Andy Phillips
 Peter Piniler
 Richard Pis
 Christian Popoli, former City Planner
 Christy Popoli
 Nellie Reed
 Lucie Regensdorf
 Paul Regensdorf
 Maggie Riggall
 Cathy Rivers
 Russell A. Roberts
 Sanna Saare
 Teri J Salomon

Julie Gamber Samosuk
 Lynda Shutter Schladant
 Saroj Shana
 Leslie Smith
 Mike Smith
 Ashley Spence
 Janet Stein
 Jim Stein
 Darryl Steinhauser
 Heidi Tapanen
 Rick Testa
 Betsy Thomason
 Scott Thomason
 Nancy Torres
 Dorsey Travis
 Larry Travis, former City Commissioner
 Joanne Tremblay
 Sharon Tugman
 Jan Walker
 Jim Walker
 Toni Warner, former City employee
 Marlon Watkins
 Damon Watson
 Sandra Webb
 Sue Weller, City Commissioner
 Tom Weller
 Susie Westfall
 Jennifer Whimey
 Bryan Williams, Candidate for City
 Commissioner
 Mike Williamson
 Charlett Wilson
 Sonja Moore Wilson
 Carol Wiltbank
 Lee Wiltbank
 Jim Wood
 Sally Wood
 Tom Work
 Sharon Yeago
 Larry Zorovich

Local Businesses
 Adventure Outpost
 Back in Balance Natural Health Care
 Dive Pub & Grub
 Enchanted Memories
 Flying Fish
 GoHighSprings.com
 Grady House Bed & Breakfast
 GLA Consulting Group
 High Springs Copy Center
 Pampered Paws
 The Wellness Spa
 The Workshop

PLEASE JOIN US by emailing us
 at hscitizens@gmail.com or "Like"
 us on Facebook.

Concerned Citizens for a Better High Springs is a nonpartisan, nonpolitical grassroots citizens' group and, pursuant to Fla.Stat. Section 106.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort.

EXHIBIT "B"

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

CASE NO.: 13-125

RESPONSE OF RESPONDENT SHARON YEAGO
TO COMPLAINT IN FEC CASE NO. 13-125

The Respondent, Sharon Yeago files this Response to the Complaint filed against her in this Florida Elections Commission matter, Case No. FEC 13-125, and would respectfully show the Commission as follows:

1. **Purposes of this Response:** This Response will fulfill three purposes that are equally important in the proceedings of this Commission.

a. First, foremost, and most simply, this Response will demonstrate that the Complaint of Mr. Barnas is legally insufficient, on its face and as a matter of law, and should be denied, dismissed and stricken.

b. Second, this Response, the very attachments to the Complaint themselves, and the attachments to this Response, will further establish that, not only is the Complaint **legally insufficient**, it is also factually devoid of truth on its key points, incorrect, willfully false, and clearly known by Mr. Barnas to have been so **prior** to its filing.

c. Third, because of the points that will be conclusively established in the first two purposes above, this Response will lay the groundwork for a Petition for Attorneys Fees, Sanctions, and Such Other Penalties as the Commission Deems Appropriate, which will be promptly filed within 30 days of the dismissal of this Complaint, pursuant to this Commission's Rule 2B-1.0045, and Florida Statute §106.265(1) and (6). On page 3 of his Complaint [R-00005], Mr. Barnas urges this Commission "to bring to bear its power and authority" in this matter. Respondent agrees 100%. But once that power and authority reviews the totally deficient Complaint in this matter and dismisses it, the remainder of this Commission's statutory charge [to penalize those who wrongfully attempt to invoke this Commission's sanctions against a totally innocent group] will, it is believed, compel it to sanction Mr. Barnas, an all-too-frequent "complainer" in the several halls of our State government.

2. The Complaint is legally insufficient, on its face.

a. It is a relatively simple task to allege a legally sufficient complaint against an individual/group, charging that they have operated an unregistered Political Committee. For the purposes of this Response, the legal sufficiency would have been essentially satisfied if it could be shown that the individual/group had:

i. **Expressly advocated** the election or defeat of a candidate, or the passage or defeat of an issue on a public election ballot. [This first point is a simple matter of showing exactly where that express advocacy is found in the Record or elsewhere. This Commission has tens if not hundreds of consent or other final decrees where groups have openly stated "Vote for Jones," or "Vote against Proposition 6." It is painfully easy to allege and prove that a group has expressly advocated a candidate or an issue...when it is true.]

ii. Spent more than \$500 on expressly advocating that election or defeat, or that passage or defeat. [Note: it is not sufficient to suggest only that an individual/group has raised or spent more than \$500 on **other** activities; the money must be spent on the defined express advocacy. Florida Statute §106.011 clearly states the requirement in this fashion: a political committee is a group "that in an aggregate amount, in excess of \$500...[m]akes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue." Again, it is not hard to allege a violation...if one has occurred. You show that the target group (1) expressly advocated for a candidate or an election issue, and then (2) similarly show that it spent in excess of \$500 on the express advocacy. As will be shown, the Complainant is 0 for 2 on these critical requirements.

iii. If points one and two are clearly and sufficiently shown to exist, THEN [if the group has at least two "members"] the provisions of Chapter 106 require a number of steps to be taken since the group could then be deemed a "Political Committee.". Sharon Yeago readily admits that neither she nor the Concerned Citizens for a Better High Springs group complied, or even attempted to comply, with these statutory requirements, because there was no reason to. Neither she nor the Concerned Citizens group is or was a political committee and the group never expressly advocated any action that would trigger the requirements of Chapter 106. The Respondent does not claim ignorance of the law; rather the Record before this Commission shows a scrupulous compliance with the law, a compliance that the Complainant, Mr. Barnas' own materials establish and which simultaneously prove the actionable misconduct of the Complainant, as that conduct is defined in Rules 2B-1.002 and 2B.1.0045 and Florida Statute §106.265.

b. The Complaint, at first blush, "appears" to make some general conclusory allegations that could conceivably lead to a legally actionable [or "sufficient"] complaint, if the supporting materials were at all consistent with the allegations and proved (1) express advocacy and (2) an expenditure of more than \$500 in that advocacy. For example, Mr. Barnas, the Complainant, states [under oath] in paragraph 3 of the Commission's form [Record-000001] that the

Concerned Citizens group was formed "specifically to oppose a ballot referendum." Similarly, on page 1 of the Complaint's narrative [R-000003] it is alleged that the group [the Concerned Citizens For a Better High Springs] was "organized to oppose a specific issue," and again on that same page it is alleged that the group was formed "to defeat the ballot issue" and now adds that the group was also formed to "support and support [sic] the election of Byran Williams and Scott Jamison." [Id.]

c. Again, on page 2 of the narrative, Mr. Barnas alleges that the group made "expenditures" for "the defeat of the ballot issue."

d. What is exceedingly odd about these allegations of the Complainant is that not one -- not a single one -- is coupled with any quoted materials of the Concerned Citizens group that actually DID expressly advocate the defeat of the ordinance or DID advocate the election of anyone, or the defeat of anyone.

e. There is no material issued by the Concerned Citizens group that the Complainant cites or quotes or refers to for either proposition...for one simple reason: the group never expressly advocated for or against the ballot charter amendment nor did it ever expressly advocate for or against any candidate. The Complainant asks the Commission or its staff to check out his materials. The Respondent agrees with THAT request in spades. Seldom has a group more

painstakingly documented its guiding principles and mission than did this group. It was loudly committed to a return to professional management and civility in High Springs, after a disastrous course of neither under the one year of control by the then majority [none of whom were on the ballot], including the Complainant.

f. The absence of any specific [or even general] statement being cited by the Complainant in his abortive effort to claim that the Concerned Citizens group was advocating any position in the election speaks volumes. The Complainant's charges are made up and imaginary. They have no basis in fact whatsoever, and the very materials he asks this Commission to look at prove conclusively that this group, pushing for a return to good government, refused to get into the gutter of local politics in High Springs as politics existed in the Fall of 2012, and avoided every single one of the negative and provably false charges that the Complainant asserts. The fact that the Complainant has the temerity to make these patently false allegations in the face of clear materials to the contrary -- that he attaches to his Complain -- proves the ill-motive and actionable intent of Mr. Barnas, under Rules 2B-1.002 and 2B-1.0045, and Florida Statute §106.265. This critical component of this Commission's responsibilities will be expanded on in the final portion of this Response and in the above described Petition that will be filed within 30 days following the dismissal of this Complaint.

g. The legal insufficiency of the Complaint is amply demonstrated by the fact that the documents that were actually written by and statements made by The Concerned Citizens for a Better High Springs uniformly avoid making any express advocacy for any candidate or any issue on the ballot. The Complainant clearly knew that this was the case (despite his sworn allegations to the contrary); two specific allegations demonstrate the ill will of the Complainant.

h. First, Mr. Barnas, the Complainant, makes reference to a sign that urged a no vote on the charter amendment. He claims (again, "under oath") that there were "two four ft x four ft" "Vote No" posters opposing (with CCFBHS disclaimers) the ballot referendum that were hung on a fence at the entrance to one of the two polling places." No photograph of these signs is submitted and no other effort is made to link them to the group that the Respondent was a sometimes spokesman for other than to say (without definition) that they were "with CCFBHS disclaimers."

i. Attached to this response and discussed in greater detail in the next section of this response are the affidavits of the Respondent and of the individual who bought the signs and personally created them, without any assistance whatsoever from the Concerned Citizens group, without any support by it, and without any acceptance of the language by the Group. In short, because a citizen

urged fellow citizens to vote no, the Complainant has accused Ms. Yeago, under oath, of doing something that she [and the Concerned Citizen's group] had absolutely nothing to do with. The reason for these allegations, and the motivations for this unprincipled attack on her, will be clear.

j. The second point raised is a statement in the Complaint that a High Springs resident (Gene Levine) urged the citizens of High Springs to vote no on the charter amendment. It is claimed that Mr. Levine posted this on the Facebook page of the group (along with hundreds of other posts of all different sorts). Significantly, there is no allegation that Mr. Levine's statement itself claims to have been on behalf of the Concerned Citizens group (because it was not and Mr. Levine did not claim it to be), there is no allegation that the Concerned Citizens group agreed with this, advocated this, or joined Mr. Levine's opinions (because they did not in any form or fashion), and there is no argument why somehow a person whose Facebook page has something posted to it becomes an express advocate for each and every such statement. In fact the law in the United States is directly to the contrary. *See* Section 320 of the Communications Decency Act, 47 U.S.C. §230.

k. The Complaint, on its face, is absolutely devoid of any statement, whatsoever, made by The Concerned Citizens For a Better High Springs which in

anyway advocated the election or defeat of any candidate in the election or the passage or defeat of any issue on the November 2012 ballot in the City of High Springs. Mr. Barnas is a serial "complainer" before numerous boards, commissions, and associations in the State of Florida and apparently takes some joy or solace in serving as a Commissioner by means of a rule of threats and intimidation. This Commission, on the face of the Complaint, can easily and readily acknowledge and determine that the Complaint is legally insufficient and should be dismissed without further attention. The Concerned Citizens For a Better High Springs, and Ms. Yeago as its sometimes spokesperson, at no time was a Political Committee pursuant to Chapter 106 of the Florida Statutes and consequently had no obligation to comply with the various registration requirements contained in that Chapter for political committees.

1. The Complaint in this cause is an embarrassment and, in an appropriate petition following dismissal, it will be urged that this Commission sanction Mr. Barnas for bringing this matter before the Commission willfully, maliciously, and for improper motives, all of which subject him to the sanction of this Commission and to the payment of the attorneys' fees of the Respondent for preparing this response.

3. The Concerned Citizens For a Better High Springs is not and never was a Political Committee.

a. As set forth in extensive detail above, the Complaint and the documents attached thereto conclusively establish that the representations made under oath by the Complainant that the Concerned Citizens group had taken a position on the ballot charter amendment issue are patently false and were known by the Complainant to be false when they were filed. The materials on their face demonstrate that the Concerned Citizens group clearly published their list of principles and mission statement and none of them addressed, directly or indirectly, either the issue of the charter amendment nor the or defeat of that matter, nor the election of any individual.

b. To supplement the materials submitted by the Complainant in this cause, affidavits have been submitted to this Commission of the Respondent, Sharon Yeago, and of three citizens of the City of High Springs, Thomas Hewlett, Ross Ambrose, and Ed MacKinnon.

c. Ms. Yeago's affidavit, as the Respondent before this Commission, reiterates in detail that which is clear from the attachments to the Complaint: the Concerned Citizens group had a highly defined and complex set of goals for the City, and none of them expressly advocated for or against an issue on the ballot.

Although the Complainant has attached many of the publications of the Concerned Citizens group (all of which are completely consistent), the very first publication which demonstrates in detail exactly why the group was formed has not been attached and that is now before this Commission in the record, attached to Ms. Yeago's affidavit as Exhibit A to that affidavit. The group was not formed to oppose a charter amendment provision, nor to advocate for or against any candidate. Those matters are simply not addressed whatsoever in the formative documents of this organization. All of these documents were publically circulated in the City of High Springs and the Complainant, Mr. Barnas had full and complete access to all of them and was fully familiar with them prior to the filing of this Complaint [which took place months after the election]. He willfully failed to take note of that which he knew and has misrepresented these critical facts to this Commission.

d. The issue of the two signs that were visible at the election polling places in the City of High Springs are a second and further example of the duplicity of the Complainant in this cause. There is a suggestion that the "vote no" sign at the polls had some sort of a "disclaimer" with respect to the Concerned Citizens group. Nothing could be further from the truth. The affidavit of Mr. Hewlett [Exhibit 2 to this Response] and the photographs attached thereto as Exhibits A and B] conclusively demonstrate that the sign urging voters to vote

against the charter amendment was that of Mr. Hewlett and his wife alone, without the consultation with, support from, or payment by the Concerned Citizens group. The sign (a photograph of the front and back of which are attached as Exhibits A and B to Mr. Hewlett's affidavit) contained absolutely **no reference whatsoever** to the Concerned Citizens group, which was fully and completely consistent with the fact that the sign was Mr. and Mrs. Hewlett's personal statement. Mr. Barnas' sworn statement to this Commission under oath, that this was in some way related to and contained a reference to the Concerned Citizens group is totally and completely false, and provably so..

e. Mr. Barnas' sworn misrepresentations to this Commission of the sign that the Hewletts prepared is made worse by the fact that on election day, Mr. Barnas himself prepared signs urging the voters in the City of High Springs to vote yes. Of course, Mr. Barnas had every right to do that and if he did it by himself, or did it with someone else and spent less than \$500 he would have been able to do so without running afoul of Chapter 106.

f. What in fact Mr. Barnas did, however, as reflected by the affidavit of Mr. Ed MacKinnon [Exhibit 3 to this Response], another citizen of High Springs, was to attempt to hijack the good name and good will of the Concerned Citizens group which had been established in High Springs prior to the election. Mr.

Barnas on his sign, claimed at the bottom (as shown by the blow-up attached to Mr. MacKinnon's affidavit as Exhibits A and B to his affidavit) that the sign was prepared by a "concerned citizen for a better High Springs". Clearly, Mr. Barnas was the only individual attempting to wrongly utilize the name of the Concerned Citizens group when he personally urged a vote for the charter amendment.

g. To come before this Commission in a sworn document subject to the pain of perjury and statutory penalties and contend that it was the Concerned Citizens group that put its name on some sign is outrageous, provably false, and should not be condoned by this Commission.

h. The final affidavit [Exhibit 4] attached to this Response is by Ross Ambrose, another citizen of High Springs. His affidavit recounts the City Commission's complete failure to fulfill its statutory duties to inform the electorate of the meaning and purpose of the Charter Amendment. The public was completely uninformed by the City about what the majority of its Commissioners wanted to do to the Commission in the future. The citizens deserved to know what they were voting on.

4. The actions of the Complainant, Robert Barnas, were deliberate, malicious, without basis in law or fact, and contrary to this Commission's Rules and to the Florida Statute Chapter 106.

a. The motivation of the Complainant is legally irrelevant to the determination by this Commission that the Complaint he has filed in this cause is legally insufficient. As set forth in painstaking detail above and irrespective of the additional materials furnished by the Respondent in this cause, the Complaint and the record before this Commission on its face, conclusively demonstrates that the Concerned Citizens For a Better High Springs never, at anytime, in any way, through any medium, ever expressly advocated for or against any candidate or for or against any ballot issue. The materials attached conclusively establish that the Concerned Citizens group was scrupulous and law-abiding in its concern for good government. The group focused its attention on a number of good government issues other than those few that were actually on the ballot in November of 2012. The Complainant, for reasons that will become painfully clear to this Commission and its staff, chose to willfully ignore the very materials that he submitted to this Commission. Had he bothered to do look at them even cursorily, any person of average intelligence would clearly have seen that the Concerned Citizens group never expressly advocated anything regarding the November 2012 election.

b. Mr. Barnas cannot ultimately claim that he simply didn't "know" the law, and mistakenly made these false charges. In the very first paragraph of his complaint he urges this Commission and its staff to review one of its own cases, which he had researched "carefully" -- FEC Case No. 06-129, and suggested

[apparently] the similarity of that case to this one. That Consent Order, however, proves the willfulness of his actions here, because the group in **that** matter had published an advertisement that had expressly stated "**Vote for Amendment Five**" (a ballot issue on the statewide ballot at that time). If Mr. Barnas had bothered to read that decision closely and compare it to each and every piece of written material published by the Concerned Citizens For a Better High Springs, he should have recognized that the High Springs group was totally and completely within the law. Notwithstanding this fact, the Complainant publicly broadcast his plans for weeks to file this complaint against Ms. Yeago [a woman who works in the public sector and whose livelihood is built on her character and credibility], and announced to all when he finally did so. His actions are malevolent and willful and knowing and without any basis in the law. They cannot be condoned.

b. The additional points that the Complainant, Mr. Barnas, has attempted to use (the signs, etc.) to try and "demonstrate" that the Concerned Citizens group was somehow involved, have also boomeranged. A visual review of the signs shows that the only person in the City of High Springs who attempted to flaunt the law with respect to a political committee was Mr. Barnas himself, who deceptively masqueraded as this nonpartisan political group with his own sign, expressly advocating that the charter amendment be passed. See Exhibits 2 and 3.

b. As noted in the opening portions of this Response, and as will be more extensively described in the Petition that will be promptly filed within thirty (30) days of the dismissal of this Complaint, Mr. Barnas' actions were, candidly, those of a bully. He has acted before this Commission in direct violation of this Commission's rules and of Florida Statute 106.265. He has filed a Complaint which is, on its face, false, vindictive, malicious and actionable under Florida law. He knows the group has done nothing wrong, but his pattern, before this Commission and before several other commissions and associations in the state of Florida, is to shotgun complaints to as many organizations as possible in hopes that he will quell citizen resistance to his inappropriate tactics. It is precisely this form of incivility in small town government that stimulated the creation of the group that Mr. Barnas now attacks. The group's formation had nothing to do with candidates or election issues. It had everything to do with good government.

c. As noted above, Mr. Barnas does not always act quietly and in the shadows. Rather, he loves to publish selected materials and attacks on his website including the details concerning the many complaints (often confidential) that he files before the Florida Ethics Commission, this Commission, the Florida Bar Association, and anyone else who will accept complaints from an individual such as him.

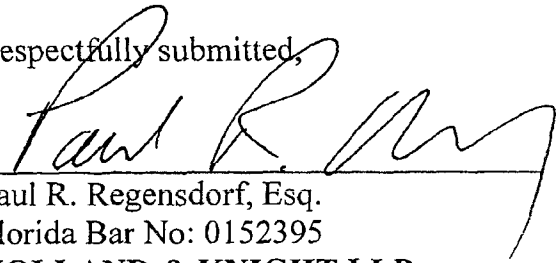
d. In the case of the Concerned Citizens For a Better High Springs, Mr. Barnas through his website long trumpeted the fact that he intended to file this spurious complaint against the group. (See attached composite Exhibit 5). In doing so, it can be seen that Mr. Barnas had ample time to study the statutes, to review the materials, and to educate himself concerning the falsity of the information and charges that he has now put forth to this organization. He chose not to do so. Rather, as reflected by Exhibit 5, Mr. Barnas actually went out and **sought advice** as to how to file the Complaint and, although wisely no attorney chose to represent him in this matter, Mr. Barnas' published actions demonstrate that he decide to make these false charges knowingly, willfully, maliciously, and in a very public manner, long prior to the actual filing of the Complaint in question.

e. When the Concerned Citizens group, through a different spokesman, made a public statement at a recent City Commission meeting in the City of High Springs on the issue of a need for civility in our City government (one of the group's founding goals) and the passage of a civility code (as is common in many cities throughout the State of Florida), Mr. Barnas in his view of the world gleefully published that he had now identified someone else who was brave enough to stand up and be a spokesperson for this group. Although not named as a respondent in his Complaint, he claimed that this proud public statement as basis for his now filing the Complaint in question. Despite the widely published steering

committee and the names of hundreds who supported the Mission of the group, Mr. Barnas went after the spokespeople.

f. It is respectfully suggested to this Commission and its staff that the conduct of the Complainant before this Commission (let alone the conduct of this same individual before numerous other organizations and bodies in the State of Florida) is in violation of Florida law and subject to the sanction of this body by way of penalty, attorneys' fees and such other relief as this body deems appropriate. Upon the dismissal of the charges before this Commission against Ms. Yeago, a subsequent Petition pursuant to Rule 1B-1.0045 and Florida Statute §106.265 will be made, formally requesting these payments and sanctions from and against Mr. Barnas.

Respectfully submitted,



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Jacksonville, FL 32202
Phone: 904-353-2000
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E-Mail: paul.regensdorf@hkllaw.com

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
Case No. FEC 13-125

AFFIDAVIT OF RESPONDENT SHARON YEAGO

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the
within named Sharon Yeago who, after being duly sworn on oath stated as follows:

1. My name is Sharon Yeago and I have lived in the High Springs, Florida area for the last 14 years. My current residence address is 21120 NW 132 Lane, High Springs, Florida 32643.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct.

3. In the fall of 2012, a group of citizens in the High Springs area got together informally because they were very concerned about the unprofessional and partisan behavior of City elected officials and the detrimental effect it was having on City operations and staff morale. This informal group, which was a gathering of local residents, business owners and other concerned individuals, took on the name of Concerned Citizens for a Better High Springs. There was no formal organization of the group other than a steering committee that arose from the need to organize meetings, activities and record our concerns, mission and principles in writing. I functioned from time to time as a spokesperson for the group, and assisted in preparation of certain materials and in creating certain press releases concerning the mission and principles of this group.

4. The Concerned Citizens for a Better High Springs carefully crafted and documented its concerns as well as its mission and principles that it wished to work toward. The group at no time issued any statement nor made any other comment expressly advocating the election or defeat of any candidate to the City Commission, nor did it expressly advocate for the



approval of, nor against the passage of, the charter amendment that was on the ballot in November 2012.

5. The Complainant, Bob Barnas, is and was a High Springs City Commissioner at the time of our group's coming together in the Fall of 2012 and held the position of Vice Mayor. Mr. Barnas was not running for election in November 2012 and, despite his primary role in the creation of a hostile atmosphere created by unprofessional and partisan behavior by members of the City Commission, neither his name nor any specific or general reference to him is found in any of the materials issued by The Concerned Citizens for a Better High Springs group.

6. A careful review of all of the materials prepared by Concerned Citizens for a Better High Springs, including each and every document attached to Mr. Barnas' complaint in this case, conclusively establishes, without any question of fact whatsoever, that Concerned Citizens for a Better High Springs group did not expressly advocate for or against any candidate, nor for or against any specific issue on the November 2012 ballot, nor was it formed to do either. The group was extremely careful to stay out of the immediate politics of the November 2012 election and so stated in all of its materials.

7. As established in the public records and a separate lawsuit brought by a resident of the City of High Springs concerning the ballot initiative, Mr. Barnas personally invested a great deal of personal and political energy to force the issue of a spending limitations onto the ballot despite the advice of the then-current City Attorney, the former City Attorney, and ultimately the current City Attorney of the City of High Springs. His precipitous actions were contrary to Florida law, had not been properly noticed, and were therefore void. The Complainant did not heed that advice from those individuals.

8. Once that ballot initiative for the charter amendment was passed by the Commission (in contravention of the City Attorney's advice), the City was under a statutory obligation to present information to the electorate concerning the proposed amendment and what the amendment was supposed to do. Ballot summaries were to be placed at the polling stations and not one of these activities was performed by the complainant, then Vice Mayor, or by the City Commission.

9. The Complainant-sponsored charter amendment actually passed on the vote [in the absence of the statutorily-required explanation of its terms], but was preliminarily enjoined by the Circuit Court in the Eighth Circuit, Judge Griffis, and later struck as void ab initio when the new City Attorney ultimately acknowledged the fatal defects and confessed error concerning the actions of the then City Commission majority, including Vice Mayor Bob Barnas, the Complainant.

10. To partially fill this vacuum of public information regarding the issue, Concerned Citizens for a Better High Springs included some information in one release that was a factually accurate statement concerning what the ordinance did and how it was supposed to work. The proposed amendment, which was designed to provide a strict limitation on the power of city government to borrow money and conduct its business, was factually identified as such by Concerned Citizens for a Better High Springs. Such concerns never lead the group to expressly advocate either the passage or defeat of the ordinance. Quite to the contrary, material published by this group expressly told the citizens that the considerations of the effects on future government "should be carefully explored by the citizens before election day when considering this amendment." The voters were to decide what type of government they wanted.

11. A statement I made in an early press release concerning this group accurately sets forth what this group stood for.

We are a nonpolitical, nonpartisan organization [I explained] the group has already created a mission statement and guiding principles, which are all listed on the organization's Facebook page. The group's mission and key principles are to provide for professional, experienced management of the City of High Springs and restoration of long-held standards of governing that include a comprehensive budget process and restoring High Springs reputation as a fair and open government that is inclusive, open and fair.

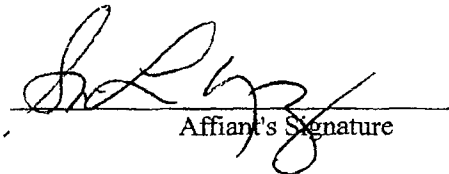
A copy of the group's original policy statement concerning the desire for good government is attached as exhibit A to this affidavit. As with each and every other statement from this group, it did not expressly advocate any candidate or election issue and the unsupported statements of the Complainant, contradicted by his own attached materials, do not change that reality.

12. The Concerned Citizens group at no time held any fundraising events. During one of our first meetings, we passed the hat to cover any potential costs of printing our information or a group banner for any public events we were able to attend [well under \$500.]. No bank account was established. At no time did we assist in the preparation of, or purchase, or commission or approve any documents, signs, or banners favoring or not favoring any candidate or the passage of the charter amendment in question. Because the November 2012 ballot was quite long --approximately four (4) pages for High Spring's voting districts -- and because the City of High Springs' election matters were on the very last page of this long ballot, at the end, the group purchased a full-page ad in the Alachua Today newspaper on the Thursday before the election to encourage voters to "Go All The Way" to the end of the ballot to vote on the High Springs candidates and charter amendment issue. This ad [included in the Record at R-000031-32] also set out our guiding principles, but does not in any manner whatsoever, speak for or

against any issue or individual on the ballot in November 2012. In addition to the full page ad, we issued a press release and handed out flyers at community events also encouraging voters to "Go All The Way" to the end of the long ballot. None of these materials, as reflected in this Commission's Record, expressly advocated any issue or candidate on the ballot. To suggest that they do, in the face of the materials themselves, is a deliberate attempt to mislead this Commission.

13. Mr. Barnas publishes a blog or website page frequently in which he "comments" on activities in the High Springs area. For weeks before he filed this complaint against me he announced publically his intention to file an Elections Commission complaint and proudly discussed the "advice" that he had obtained in the preparation of the very complaint that he filed before this Commission. He also bragged about filing the complaint after he filed it. [See attached exhibits]. Any individual who read the materials that he attached to this Complaint would see that there is not a single statement for or against any individual or any issue contained in any of the Concerned Citizens' materials and Mr. Barnas' complaint to this Commission can only be seen as an attack against me personally, unrelated to any imagined violation of Florida Statutes.

FURTHER AFFIANT SAYETH NOT.

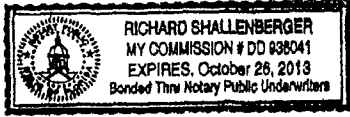

Affiant's Signature

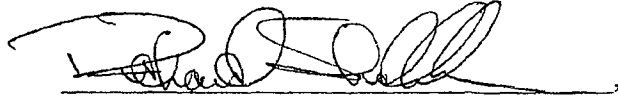
STATE OF FLORIDA

COUNTY OF ALACHUA :

The foregoing instrument was acknowledged this 7TH day of MAY, 2013, by SHARON YEAGO, who is personally known to me or who has produced _____ as identification.

Witness my hand and official seal, this 7th day of ^{MAY} ~~April~~, 2013.





Notary Public

Printed Name

of Notary Richard Challenberger

Commission Expires: 10/26/13

Commission Number: DD9364041

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

MISSION STATEMENT

Concerned Citizens for a Better High Springs supports a local government with a commission and professional management that provide leadership, accountability and a vision for our future.

GUIDING PRINCIPLES

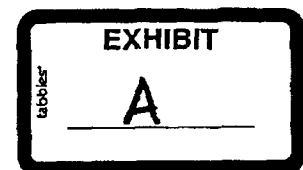
Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff and with residents

Principle Four: There must be a commitment to restore the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

We the People... Concerned Citizens for a Better High Springs are looking for local residents, business owners and others invested in and supportive of these Principles to join this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email hscitizens@gmail.com or visit them on Facebook at <http://tinyurl.com/bosjqm3>.



CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

POLICY RECOMMENDATIONS:

Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City:

- commitment to the city manager form of government;
- commitment to retain a professional, experienced and accountable city manager, to compensate her/him commensurate with ability and experience, and to protect him/her from improper pressures from elected officials;
- commitment to retain a competent professional city attorney and to compensate him/her commensurate with ability and experience;
- commitment to retain the current Finance Director of the City, the City Clerk, and other valued employees, and to compensate them commensurate with their ability and experience;
- maintain a continued commitment to providing the necessary infrastructure to attract and retain businesses and employers to the City of High Springs;
- foster a working relationship with ALL business owners, small and large (especially those that have large investments in our community), that have potential to grow and expand employment opportunities;
- restore the essential function of a City staff as supporters of the Commission's work and actions;
- allowing issues to be developed and presented in a business-like manner at meetings, with reasonable notice to the public and to other Commissioners;
- dedication to the concept that a professionally managed City can normally accomplish its business during the regularly scheduled, twice monthly meetings of the Commission, historically scheduled at 6:30p.m., when most citizens and Commissioners who are employed can reasonably attend and participate;
- appoint a charter review commission with directions to perform a full review of the Charter;
- evaluate the nature and make-up of all City boards/commissions/committees and make any necessary changes to re-invigorate and fulfill the City's mission.

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility:

- re-evaluation of the local dispatch center, and a redirection of those designated funds into vitally needed city functions;
- evaluation of the sewer system to ensure productivity, effectiveness and affordability now and in the future, always in light of our commitment to the economic development and the environment. This includes establishing an immediate priority to add planned users to the sewer system to help maintain reasonable and fair sewer rates;
- evaluation of the City's water system to provide needed repairs and to insure that it fairly and efficiently delivers quality water to the citizens of High Springs in a reliable manner, generating reasonable revenues from users;
- promote and utilize current tax abatement programs to attract new business and employers to High Springs;
- prohibit any consideration of any new programs outside of the City without a clear statement of municipal purpose and professional analysis of the financial feasibility of any such project.

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

POLICY RECOMMENDATIONS CONTINUED...

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff, with residents, and with the public:

- a broad commitment to restoring the quality of life, benefits and morale of the City's dedicated and invaluable employees;
- Commissioners must learn the proper way to interact with City employees in a city manager form of government;
- abusive conduct by any City official or employee toward City staff or citizens will no longer be tolerated;
- educate Commissioners, the City staff, and Plan Board members on their appropriate roles in evaluating proposals for new businesses or development to assure that High Springs can properly interact with people interested in developing a business relationship with our City.

Principle Four: There must be a commitment to restoring the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the press, and most of all with its own citizens:

- promote programs that encourage the public to come to High Springs to enjoy our Good Nature, and ensure that while here they experience our good nature;
- create a program where a designated City Commissioner is assigned the responsibility of repairing relationships with necessary governmental entities, such as the USDA and Alachua County government;
- re-educate Commissioners on their limitations in contacting other governmental entities on behalf of the City without authority from the Commission to do so;
- proactively announce to local, state and national governments that there is or will shortly be a decidedly new and rational approach to government in High Springs;
- encourage growth and diversity, maintain green space and conservation of sensitive areas, and promote the re-use and re-development of existing vacant and under-developed areas, all with an awareness of the local environment and a concern for the future of High Springs.

Concerned Citizens for a Better High Springs is a nonpartisan, nonpolitical grassroots citizens' group and, pursuant to Fla Stat Section 106.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort by email at hscitizens@gmail.com or 'Liking' the group on Facebook at <http://tinyurl.com/bosjqm3>.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

AFFIDAVIT OF THOMAS HEWLETT

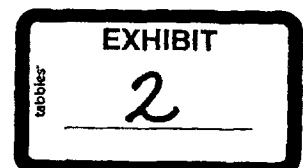
PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Thomas Hewlett who, after being duly sworn on oath stated as follows:

1. My name is Thomas Hewlett and my residence is 315 SE 6th Lane, in the City of High Springs, Florida.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct.

3. I was aware of the formation of a concerned citizens group in the City of High Springs in the Fall of 2012 because the tenor of City government in High Springs, led largely by the three person majority including the Vice Mayor, Robert Barnas, had become uncivil, unnecessarily contentious, and unacceptable. As a result of these realities in our City, a group of citizens formed an informal organization called the Concerned Citizens For a Better High Springs. I was not on the steering committee of that organization, but I attended several meetings and I am aware of the work that they did and the goals that they set..

4. The Concerned Citizens group developed a number of goals and policies that it wished to advocate, none of which was directly related to supporting the candidacy of any individual, the opposition to any candidate, nor the passage or opposition of any ballot issue on the November 2012 election. In fact, the Concerned Citizens group consciously avoided any such endorsement for or against any individual or any issue so that it could stay above the fray. The issues that the public statements and the newspaper advertisement by this group clearly



raised reflect that commitment to good government, but avoid any endorsement of or expressly advocating for or against any candidate or for or against any issue on the November 2012 ballot.

5. On the November 2012 ballot in the City of High Springs was a charter amendment pushed significantly by the Vice Mayor, Robert Barnas, which was designed to severely limit the power of future city commissions to govern.

6. Since the Concerned Citizens group took no public position whatsoever with respect to that charter amendment, and since the City Commission majority [including Vice-Mayor Barnas] distributed no information of any sort that explained the proposed amendment, my wife Linda and I decided as individual citizens that we would put up signage against the passage of that ordinance. Without any consultation with the Concerned Citizens group, and neither seeking nor obtaining the endorsement or help of any group in the City of High Springs, my wife and I paid a total of \$98.58 to obtain two commercially printed signs that urged the citizens of High Springs to vote "No" on the proposed charter amendment. The signs made no reference to the Concerned Citizens group whatsoever.

7. Photographs of the fronts and backs of these signs are attached hereto as Exhibits.

8. The Concerned Citizens group was not aware of the preparation of these signs, they did not endorse the preparation of these signs, they did not contribute to the funding for these signs, and did not in any way suggest any design or format for these signs. My wife and I took this on ourselves as individual citizens in the City of High Springs. A copy of the payment that we made from our personal checking account is attached hereto as an Exhibit as well.

9. As the election approached, another individual citizen in the City of High Springs brought a personal lawsuit against the City, challenging the method by which this charter amendment had been rammed through the City Commission, largely by Vice-Mayor Barnas.

Ultimately, the circuit court in Gainesville agreed with this citizen's personal challenge and found the ordinance to have been improperly enacted and void from the start. The court's preliminary injunction and final order are attached to this affidavit as additional exhibits. The final decision from the Court did not come until the City conceded defeat, after the election.

10. On election day, my husband and I, with a friend, brought the signs that we had purchased to the two City polling places and put them up.

11. I still have one of the signs in question. These were our idea and we paid for them. My wife and I will further explain these circumstances to any governmental body in the State of Florida if it is necessary.

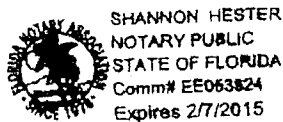
FURTHER AFFIANT SAYETH NOE.

Thomas E. Hewlett
Affiant's Signature

STATE OF FLORIDA
COUNTY OF Alachua :

The foregoing instrument was acknowledged this 22 day of April, 2013, by Thomas E. Hewlett, who is personally known to me or who has produced as identification.

Witness my hand and official seal, this 22 day of April, 2013.



Shannon Hester
Notary Public
Printed Name of Notary Shannon Hester

Commission Expires: 2/7/2015

Commission Number EE053824

Page 1

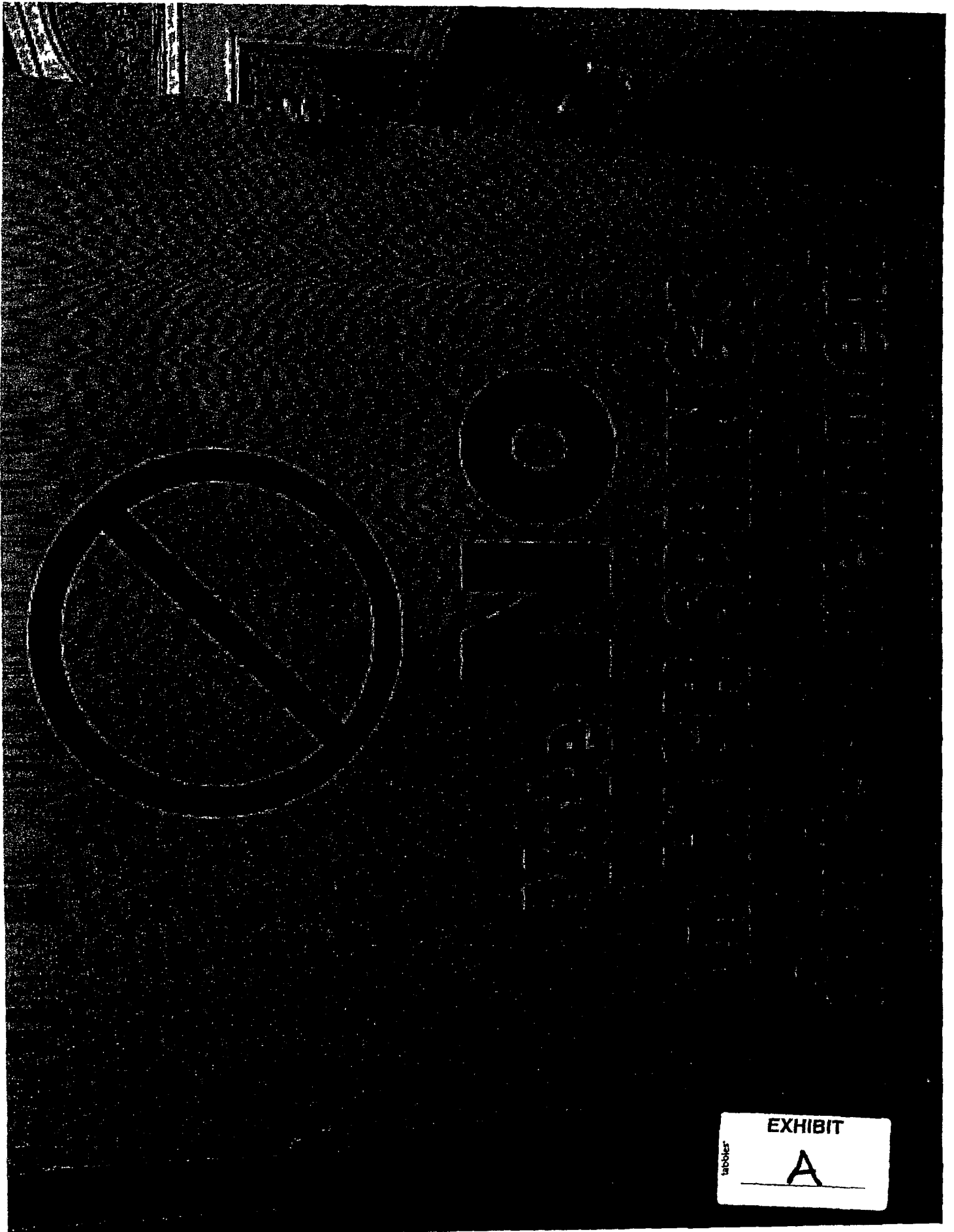


EXHIBIT
A

2x B

EXHIBIT
tabbles®
B

AFFIDAVIT

In Re: Ross Ambrose v. City of High Springs
01-2012-CA-3385

STATE OF FLORIDA

COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, this date personally appeared Ed MacKinnon, who being first duly sworn under oath, deposes and states:

When I went to the polls on November 6, 2012 I saw Vice Mayor Bob Barnas place a large yellow sign stating "High Springs Debt Cap. Vote Yes, You control debt, Number 1 Last page of Ballot" outside the polls at Precinct 60, with a disclaimer at the bottom stating the poster was paid for by "Citizen Concerned for a Better High Springs."

I am a member of "Concerned Citizens for a Better High Springs"; Vice Mayor Barnas is not. Concerned Citizens for a Better High Springs is a non-political grassroots organization that formed to further the goals of professional, experienced and accountable management of the City, fiscal responsibility, civility and fairness and a commitment to restore the reputation of City government and its relationship to citizens and the community. Within a few days of forming, this group had more than 200 members. We recently put a full page ad in the local



Affidavit of Ed MacKinnon
Ambrose v City of high Springs
02-2012-CA-3385

paper urging citizens to vote, but taking no position on any issues. I believe the wording on the notice posted by Barnas was an attempt to confuse the voters into believing this well respected group of citizens supported this measure.

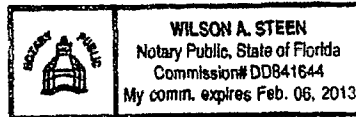
FURTHER AFFIANT SAYETH NAUGHT.

J.G. or _____

Ed MacKinnon

STATE OF FLORIDA COUNTY OF ALACHUA

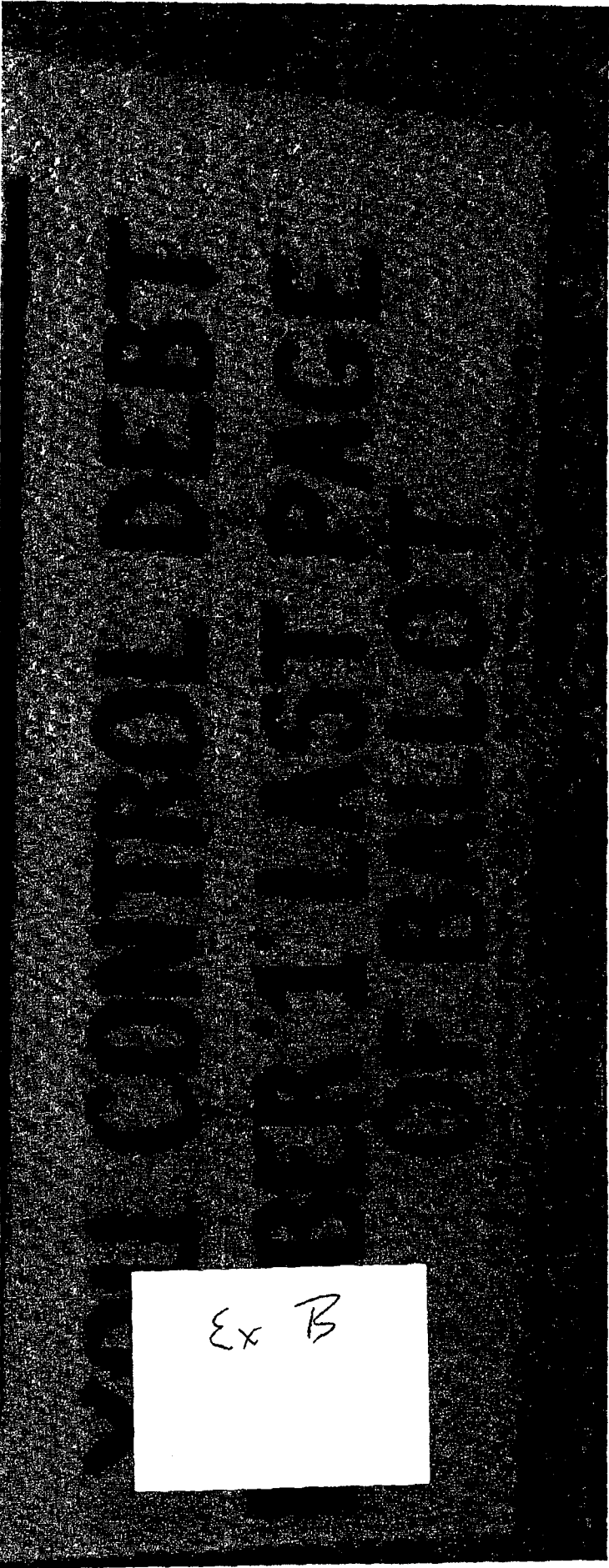
Sworn to or affirmed and signed before me on
November 9, 2012 by
WILSON A STEEN NOTARY
PUBLIC or DEPUTY CLERK [Print, type, or
stamp commissioned name of notary or deputy
clerk.] Personally known Produced
identification. Type of identification produced
FLORIDA DRIVERS LICENSE



EXHIBIT

tabbles

A



EX B

EXHIBIT
B

AFFIDAVIT

In Re: Ross Ambrose v. City of High Springs
01-2012-CA-3385

STATE OF FLORIDA

COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, this date personally appeared Ross Ambrose, who being first duly sworn under oath, deposes and states:

Ordinance 2012 -13 was not available to the public for review at the second reading (public hearing) on July 31, 2012. I was unable to obtain a copy of Ordinance 2012-13 when I filed my Complaint in August 2012. I directed my Counsel to obtain a copy of Ordinance 2012-13 to file with the Court. Despite repeated requests, my counsel was unable to obtain same. Her last attempt was on October 22, 2012.

I went to City Hall on October 23, 2012 and obtained an unsigned copy of Ordinance 2012-13. It was not until at least October 24, 2012 that the Ordinance was signed by the Mayor.

When I went to the polls on November 6, 2012 (Precinct 60, High Springs) I requested to review a copy of the proposed Charter Amendment (Ordinance 2012-



13) that was on the ballot. It was not available for me or any other citizens to review in its entirety. However, all of the State amendments were posted and available, as required by Florida statutes.

From the time the proposed Charter amendment was purportedly passed on July 31, 2012 through election day there was no education on the proposed Charter Amendment provided to citizens by the City. There were no town hall meetings; there were no mail-outs or pamphlets published that would educate the citizens as to how the proposed debt cap could or would affect them.

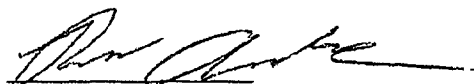
On election day, I saw a large yellow sign stating "High Springs Debt Cap. Vote Yes, You control debt, Number 1 Last page of Ballot" outside the polls at Precinct 60, with a disclaimer at the bottom stating the poster was paid for by "Citizen Concerned for a Better High Springs."

I am a member of "Concerned Citizens for a Better High Springs"; Vice Mayor Barnas is not. Concerned Citizens for a Better High Springs is a non-political grassroots organization that formed to further the goals of professional, experienced and accountable management of the City, fiscal responsibility, civility and fairness and a commitment to restore the reputation of City government and its relationship to citizens and the community. Within a few days of forming, this group had more than 200 members. The group recently placed a full page ad in the

Affidavit of Ross Ambrose
Ambrose v. City of high Springs
01-2012-CA-3385

local paper urging citizens to vote, but taking no position on any issues. I believe the wording on the notice posted by Barnas was an attempt to confuse the voters into believing this well respected group of citizens supported this measure.

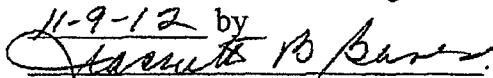
FURTHER AFFIANT SAYETH NAUGHT.


Ross Ambrose

STATE OF FLORIDA COUNTY OF Alachua

Sworn to or affirmed and signed before me on

11-9-12 by

 NOTARY
PUBLIC or DEPUTY CLERK [Print, type, or
stamp commissioned name of notary or deputy
clerk.] Personally known Produced
identification. Type of identification produced



Front Page Faith The Truth about Byras
TRUTH JUSTICE AMERICAN WAY



BELOW IS THE LINK TO THE KESSLER AUDIT OF THE HIGH SPRINGS CRA
BEWARE THAT IT IS A LARGE FILE TO DOWNLOAD, HAVE SPACE ON YOUR SYSTEM.

COMMENT

Is a group of people who are Concerned Citizens for a Better High Springs a Political Committee?
The definition is not that they support a candidate but even if it is a issue.

And its member of that group was an attorney, and should know the law is that a problem?

My records request to City of Alachua was not replied to. Imagine that. So based on something I read
by a certain attorney, I did my searching of the Alachua Commission meetings on line. Good news,
they really have a good on line records service for the public, bad news is they really have a good on
line records service for the public.

Thanks Ms. Chapman for pointing my in the direction I never thought of looking at.

So I made a phone call today to a State Agency. What they said was, "thats not good"
"Please give us a day to research this."

A clue to my question would be in the on line email I sent to the Alachua city manager. If you have
access to it, then you may know where this is going.



Front Page Faith The Truth about Byron
TRUTH - JUSTICE - AMERICAN WAY



I reviewed the Kessler Audit. The amount of funds used for non CRA projects is now public record. Unlike the records of the Community Development Corporation or CDC of High Springs.

A public records request to them received a letter from Dot Harvey telling the CRA she does not recognize me as Director or Chairman to ask for records. She said we needed a vote by the full CRA and then a request from the city manager. We did that tonight. Now the test is to see if Dot Harvey is truthful to her word or a liar.

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COMMENT

Is a group of people who are Concerned Citizens for a Better High Springs a Political Committee?

The definition is not that they support a candidate but even if it is a issue.

And if a member of that group was an attorney, and should know the law is that a problem?

Just food for thought.

UPDATES

AMBROSE CASE THAT DOES NOT WANT A BETT LIMIT GOES TO HEARING IN FRONT OF JUDGE OCT. 23TH

AND COMPLAINTS IN WORKS TO GO TO THE FLORIDA BAR

NEW QUIZ HOW MANY EQUKARYS WORKING WITH ALACHUA AND THEIR CRA?

BID FOR FIRE STATION APPROVED CONSTRUCTION SHOULD BREAK GROUND NOW

RECORDS REQUEST WENT TO CITY OF ALACHUA ABOUT THEIR CRA APPOINTMENTS AND SPENDING WILL BE NEXT

Update



NEXT MEETING IS VALENTINES DAY EVENING..

Letter to Florida Bar went in the mail. 4-8.1(b)

Records request for 1999 arrest will be in my hands this week. Hope there's a mug shot.

Tomorrow. another lie.

Since Ed MacKinnon has been telling his story to many, I found another person who heard what he said. He seems to have found me guilty of something and is telling many. My attorney has asked for full information. We meet Wednesday.

Of course there are degrees of doing something people accuse you of. Just more lies. And Mr. MacKinnon is certainly accusing based on hearsay..more lies.

So has Ed forgottten? I certainly would not be a liar if I said Martha Hines in 1999 while an officer with the High Springs PD had Mr. George Edgar MacKinnon arrested for "distributing material harmful to minors". Had to post a \$500.00 bond. Ed MacKinnon distributing harmful material to MINORS thru his video store? True?

So did he really distribute material harmful to minors? Maybe he should tell everyone.

PAC complaint paperwork going in the mail tomorrow. Naming two local players. Remember a PAC is two or more spending more than \$500 on political issues.

And Friday I should have the "Easy Math" commissioner document in the mail to Election Commission.

bob barnas.com



NEXT MEETING IS VALENTINES DAY EVENING..

And friends post says it best:

I first put this website out to deal with liars and bad information. I then strayed. I tried to use it to focus on positive issues. And let the liars be. I stopped filing ethic and election commission complaints and did not file the additional pages to a Florida Bar investigation.

Something happened today to get me back on track. The liars have returned and said something completely untrue, to the wrong person. You see if the witch was to tell a lie to a bad attorney, then it doesn't go outside the circle. It stays within the cult. The inner circle of CC.

But tonight an ORC slipped up. He said something to an outsider that got back to me. That outsider told me, I told my attorney and my attorney got the names. That person will tell the truth about what was said to my attorney.. And the person that made the statement's has now back peddled. But if he says that to the outsider, then doesn't that confirm the liar is even a bigger liar.

So for the next several days this website will not have anymore posts. I am working on my paperwork about a PAC to the Florida Election Commission. And I am working on my paperwork about "the easy math candidate" and his flyer without a disclaimer. And I will have another letter going to the Florida Bar tomorrow. Ask Larry how that \$400.00 fine worked for him.

And finally, I will meet with my attorney on Friday. Not because I want to, but because the "no balls liar", told me this...

"Bring it on" ...

So if this "bring it on" individual wants the truth, Friday is 3 days away. Bring me the proof and ask me to my face. Man or worm?

Oh, and if you want to join me cleaning Main Street sidewalks and gutters, I will be out there cleaning at around 6AM Wednesday.

Front Page Faith The Truth about Byran Documents Guest Comment

TRUTH - JUSTICE - AMERICAN WAY



YOUR SEWER RATE "\$69.45" - "IT'S EASY MATH" THIS IS JUST ONE OF THE PROMISES MADE BY BYRAN WILLIAMS AS I READ IT IN THE PAPER. SEEMS BYRAN WILLIAMS IS MAKING PROMISES TO MANY. PROMISES TO SOME WHO ARE GETTING WORD TO ME ON WHAT HE IS PROMISING. DOES THE CRONYISM WORD GET BROUGHT BACK AGAIN?

UPDATES

POE SPRINGS HAS INTERESTING SUPPORTER. WILL POST SOON.

LIST OF DONATION TO BYRAN IS IMPRESSIVE.

DEFINE NEPOTISM? RECEIVED CERTIFIED LETTER THAT STATE AGENCY IS LOOKING AT A COMPLAINT.

LARRY TRAVIS ELECTION COMMISSION HEARING FOR VIOLATION IS NOV. 15TH 9AM.

HAVE A TRIP TO TALLHASSEE COMING UP. MEETING WITH TOP OFFICIAL TO TALK ABOUT.....

NEW PAGE ADDED. GUEST COMMENT

For a little milder side of goings on in High Springs try reading "friends post" (click here)

HIGH SPRINGS DEBT LIMIT VOTE YES YOU CONTROL DEBT AMENDMENT 1 on LAST PAGE

Advertisement paid for by Citizen Concerned for a Better High Springs

SWEARING IN OF NEW FLORIDA ATTORNEYS. THEIR OATH AND FLORIDA BAR ETHICS AS IT MAY RELATE TO A LOCAL TOPIC. (click here) LAWYERS OATH

Judge Griffith ruled on the lawsuit brought by High Springs resident Ross Ambrose and his Alachua attorney Linda Chapman. As I see it there are 3 winners in this Vexatious litigation.

- 1. The city was found to have made emergency meeting and notices property.
2. There is a question as to the change from \$1,000,000 to \$2,000,000 as made in the lawsuit is in question.
3. But the most important winner is the voter. The Amendment will still be on the ballot. The voter will have a chance to make a difference in the final decision with their vote.

Your vote of YES will be considered when this continues after the election.

In this Ambrose case the Judge said "the claims for relief on Section 286.011 are dismissed with prejudice". So in a court case that is dismissed "with prejudice" it means that it is dismissed permanently. No redo on this part. Meaning that the cockamamie limitation is still on the ballot, and money Ambrose was looking to pocket is off the table.

[Front Page](#) [Faith](#) [The Truth about Byran](#) [Documents](#) [Guest Comment](#)

THE VOTE ON TUESDAY PROBLEM

All reports from the 3 candidates have a problem

This is the documents page And the documents submitted, printed and displayed by all candidates have problems .

Click on the links below to see the problems As of today I hear all have been corrected
Well not all yet

As a side note, I received my Notice of Hearing in front of the Florida Election Commission concerning a hearing for the election code violation of taking \$200 cash donation by Larry "potty mouth" Travis Will he be found in violation or will he be released from a violation or will he accept a negotiated agreement? November 15, 2012 9AM
I will post the notice for all to read Maybe he can take a fan bus of supporters there?

Got another certified letter in the mail today as well PERSONAL AND CONFIDENTIAL from the Florida Ethics Commission confirming they received some documents

I also received a document that shows the motion for the PIGG house was made by Byran Williams and Depeter made the statement he did not see any financial downside

Seems Ms Martha doesn't know the truth Oh, got some interesting Ms Martha stuff thrown my way as well To disclose this might be over the top Really is not good Really

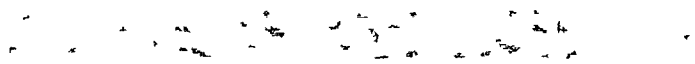
Florida Statute 106 07(2)(a)2(b)1 Any report that is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section Failure to file a complete report after such notice constitutes a violation of this chapter

[Jamison September Campaign Report](#)

[Williams September Campaign Report 1](#)

[Williams September Campaign Report 2](#)

[Williams October Campaign Report](#)



Front Page Faith The Truth about Byron
TRUTH - JUSTICE - AMERICAN WAY



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UPDATES

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AMRQSE CASE THAT DOES NOT WANT A DEBT LIMIT GOES TO HEARING IN FRONT OF JUDGE OCT. 25TH

JRD COMPLAINTS IN WORKS TO GO TO THE FLORIDA BAR

More Commission news is we reopened the road behind city hall. Well not all of us. Jamison wants a fence. No, really he said that. I guess he's never been to the park and seen that there was never a fence there. I have a new name for him, ANTI MAN. So here is how you deal with that.
When you want something, you vote the opposite and he will then vote against me.
I think we need to require an IQ test for all commissioners. I have been listening to audio of meetings and the level of misunderstanding of the sewer bond, funding, rates and debt is unbelievable.
You can't make this stuff up.

NEW QUIZ HOW MANY BOHARTS WORKING WITH ALACHUA AND THEIR CRA?

SID FOR FIRE STATION APPROVED CONSTRUCTION SHOULD BREAK GROUND NOW

RECORDS REQUEST WENT TO CITY OF ALACHUA ABOUT THEIR CRA APPOINTMENTS AND BRENDING WILL BE NEXT

Front Page Faith The Truth about Byran
TRUTH - JUSTICE - AMERICAN WAY



clips from Eric Mays blog remember when he wrote this and more about Byran Williams and more:

Campaign Finance Reports | High Springs Blog | highspringsblog.com/2010/10/03/campaign-o-
Oct 3, 2010 - It should be noted that based on his own campaign reports, Byran has illegally accepted
three cash donations in excess of the legal limit

And on 3/17/2011 Eric May called out Waller and Williams for their lack of understand of media.
Called the story "The Nanny City"

And remember when this happened and he massaged the budget. His blog said this:

After hours of discussion surrounding employee insurance rates and health plans, the commission
went back on a decision to restore two public works positions in favor of eliminating a police
position. Commissioner John Hill, who said he had a change of heart, even went on to say it was with
a "bleeding heart" that he had to make this decision.

He joined myself and Commissioner Travis in voting to eliminate the public works Facilities
Maintenance Worker (Janitorial Position) and Service Worker I (streets) and putting in its place the
Janitorial contract service and a seasonal Service Worker.

Remember when Commission May referred to the church people in attendance. He made some
reference to reacting to a MOB RULE if he listened to them.

The other stand of Eric May at the Womens Forum when he ran was his stance on how bad the Pigg
House purchase was. Is he now saying it wasn't a mistake. Flip flop again?

How soon we forget what we said in public, and must eat your own words.

A review of the Reporter Audit. The amount of funds used for non CRA projects is now public record.
Unlike the records of the Community Development Corporation or CBC of High Springs.

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and the level of misunderstanding of the sewer bond, funding, rates and debt is unbelievable.
You can't make this stuff up.

Front Page Faith The Truth about Byran Photos

TRUTH - JUSTICE - AMERICAN WAY



Quotes of the day from Larry Travis to Bob Barnas at the Ground Breaking for the Fire Station.
 "Your an Asshole", and "at least I have friends". Really Larry, how many did you have last election? 269. I had 471.

Witnessed by many to smiles from the Concerned Citizens for a Better High Springs. This is what comes out of his mouth.
 The Coach: Never had any class, never will. Join us at his hearing in front of the Election Commission in November.

Two Haunted Houses going on in town: One on 441 at Tattoo Shop and one at the Lions Club.
 Admission for both locations.

Next Week
 Meeting on Wednesday to talk about water and sewer rates...

WOMANS CLUB FORUM FULL LENGTH SHOW: SEE THE REAL BYRAN WILLIAMS.
 And check to oops out on the Byran Williams flyer that is on the photo page. Complaint worthy?

Paperwork went in the mail to a State Agency today.
 I am researching statute to see if I can legally disclose what it was.

Campaign donation issue came up on Eric May blog. Apparently he took his story on the violation by
 Byran Williams two years ago (September 2010) and Larry Travis out of his achieves. But I have the
 paperwork. And Larry Travis hearing in front of Election Board is in November. Go coach.

Had a conversation with Eric May today. Had his guru tape recorder going.
 He kept going at the word cronyism. Now lets see if he can research nepotism?
 How many brothers does it take to run a city? And collegial body.

UPDATES

WAITING FOR THE RULING ON
 ANDROSE CASE TO STOP DEBT
 REFERENDUM.

OLIVE BRANCH IDEA NOT
 WORKING. OK LET SEE WHERE
 THIS GOES.

ZUMBA NEEDS A HOME TO
 ZUMBA. HEARD ED MCKINNON
 HAS OFFERED HIS VACANT
 MEETING ROOM. (His old video
 place). SUPER NICE OF HIM TO
 DO SO.

Front Page Faith Cell Towers

Meeting update and more



all pages updated
4/2/2013 8AM
Freind Post posts a
letter. A step in
setting the record
straight.

READ THE TRUTH

More truth about
the fine Larry
Travis received.
Want to read it.

It is Easter. Resurrection of Jesus Christ. And much can be learned about this if you only took the time to understand and believe.
It is time for a resurrection of High Springs.

The liars have not learned, the traitors will continue to betray, the wicked will continue to cast their spells and the unbelievers will never learn.

I feel a turning of the tide. The newspapers need to rethink what they write. Truths must be told do the right thing, and they just might survive. If not, I feel there will be a understanding that much that has been written was false and misleading. Many are turning away from the press and I believe one will die and not be resurrected.

I sense a shift in the force. Some Commissioners may now be understanding the lack of professionalism in the city was not just that of the city manager fiasco that I was part of, it goes back farther and still infects us. Communication and records issues continue.

With lawsuits and revealing records, much more is now coming to light.
The truth is coming out...

So to the spell casters, the mouth that said, "screw the constitution", the non believers, the legal vultures and most of all the liars.....I am not going away. To the drafters of agendas, place all the stupid code and contributor rewarding issues you want on the agenda.

Keep the park road closed, continue to ignore the truth about the dispatch, keep your head in the sand and let the missed budget issues keep going on. Ignore and reward the noise makers and most of all just keep treating your job as a High Springs Commission as part time. Don't go to the classes and don't be a good example, keep ignoring you homework and what is happening right in front of your nose. I am just sitting back, watching the new majority show.
The real work is falling behind and will soon bit you in the ass..

I am not going away. My paperwork dated April 1st, (for a reason) will go in the mail.



Front Page Faith The Truth about Bryan Documents

TRUTH - JUSTICE - AMERICAN WAY



I was looking at the High Springs Blog, the Ozbar site and Alachuapoliix and the similarities are interesting. Spoke to LN tonight, and had interesting exchange.
Who drive the smart blue vehicle and throws the bird or middle digit finger when you drive by?
Here's a clue, DR. Got the license number so I need to confirm some information.
Will get back on this one, could be good.

TONIGHTS MEETING HAD AN INTERESTING COMMENT FROM DEPETER. HE WAS WONDERING WHERE THE \$69 FIGURE ON SEWER CAME FROM, WHICH MADE ME WONDER WHERE BRYAN WILLIAMS GOT HIS NUMBERS FROM TO BLURT OUT THE \$69.45 AT THE WOMANS CLUB FORUM, SINCE HE DIDN'T MAKE IT TO TONIGHTS MEETING, MAYBE HE CAN TELL US AT THE NOVEMBER 8TH MEETING. EXPLAIN THE

"\$69.45" - "IT'S EASY MATH"

- UPDATES
- POE SPRINGS HAS INTERESTING SUPPORTER. WILL POST SOON.
- LIST OF DONATION TO BYRAN IS IMPRESSIVE
- DEFINE NEPOTISM?
- HAVE A TRIP TO TALLAHASSEE COMING UP. MEETING WITH TOP OFFICIAL TO TALK ABOUT...
- GOTTA MAKE A MOTION TO RENAME JAMES PAUL PARK. CALL IT VOLUNTEER PARK NOW.

HIGH SPRINGS DEBT LIMIT
VOTE YES
YOU CONTROL DEBT
AMENDMENT 1 on LAST PAGE
 THIS WOULD PUT FUTURE DEBT CONTROL WITH VOTERS

EXHIBIT "C"



FLORIDA ELECTIONS COMMISSION

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

June 10, 2013

The Honorable Robert J. Barnas
20147 NW 257th Terrace
High Springs, Florida 32643

RE: Case No.: FEC 13-125; Respondent: Sharon L. Yeago

Dear Mr. Barnas:

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

In your complaint, you essentially allege that Respondent's organization, Concerned Citizens for a Better High Springs, is a political committee, and that Respondent should have registered it, appointed a treasurer and a registered agent, and filed reports disclosing the group's expenditures. I find this complaint to be legally insufficient because you did not provide sufficient evidence that Concerned Citizens for a Better High Springs is a "political committee" as the term is defined by Section 106.011(1)(a), Florida Statutes.

In order to meet the definition of a "political committee," a group must make expenditures in excess of \$500 "that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue." There is no cost to create a Facebook page or to post information to a Facebook page, so the Facebook postings referenced in the complaint do not represent expenditures. In addition, the flier and the newspaper advertisement included with the complaint do not use words of express advocacy such "vote for..." "vote against..." or "elect," with respect to a particular candidate or issue and, as such, they are not "political advertisements" or expenditures that otherwise render the group a political committee.

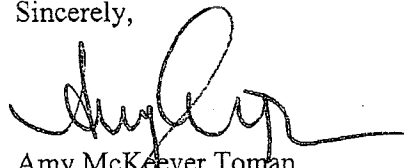
Because Concerned Citizens for a Better High Springs is not a "political committee" as that term is defined in Ch. 106, Florida Statutes, it was not required to register, appoint a treasurer or registered agent, or file disclosure reports. The group also does not meet the definition of an "electioneering communications organization" because the exhibits provided with the complaint are not "electioneering communications." (See Sections 106.011(18) and (19), Florida Statutes.) As such, this complaint is 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 the additional information corrects the stated ground(s) of insufficiency, I will notify both you and the Respondent. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

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

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/dam

cc: Paul R. Regensdorf, Attorney for Respondent, w/out complaint

EXHIBIT "D"



FLORIDA ELECTIONS COMMISSION

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

June 28, 2013

Paul Regensdorf, Esquire
Holland & Knight
50 North Laura Street
Jacksonville, FL 32202

RE: Case No.: FEC 13-125; Respondent: Sharon L. Yeago

Dear Mr. Regensdorf:

On June 10, 2013, the Florida Elections Commission notified Robert J. Barnas that the complaint he filed on April 3, 2013 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, the case has been closed.

Please let me know if you have any questions.

Sincerely,

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

Amy McKeever Toman
Executive Director

AMT/dam

cc: Robert J. Barnas, Complainant

RECEIVED JUL 02 2013

EXHIBIT "E"

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

AFFIDAVIT OF RESPONDENT SHARON YEAGO

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Sharon L. Yeago who, after being duly sworn on oath stated as follows:

1. My name is Sharon Yeago and I have lived in the High Springs, Florida area for the last fourteen years. My current residence address is 21120 Northwest 132 Lane, High Springs, Florida 32643.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct.

3. I am the Respondent in case number 13-125 before the Florida Elections Commission, in which the complainant, Robert Barnas, alleged that I, and the group that I and hundreds of citizens are a part of - Concerned Citizens for a Better High Springs - in some way violated the Florida Election Code by expressly advocating either for or against an issue, or for or against a candidate on the November 2012 ballot in the City of High Springs.

4. For the last thirteen years, my principal occupation has been that of a consultant, grant writer, program manager and educator in supporting Florida farmers and farmers markets and in providing healthier more local food products to low income Florida residents.

5. As such, my work brings me in contact with government and quasi-government agencies from the federal level to the county and municipal level. I have worked, on a nonpartisan basis, with and for such organizations as national nonprofits and federal agencies, regional health planning councils, county departments of health, municipalities, community redevelopment agencies, the University of Florida, Institute of Food and Agricultural Sciences,

as well as the City of High Springs. In 2000, the then-elected High Springs City Commission asked me to develop and manage a community farmers market which opened in March 2001 and which I successfully managed for the City of High Springs until 2008. Further, in 2006 I wrote a grant, on behalf of the City, which was funded to create the High Springs Food Security Project which provided access to healthy locally grown food to those low income citizens on SNAP (Supplemental Nutrition Assistance Program), formerly known as Food Stamps. This was the first program of its kind in Florida. My work with the City of High Springs brought positive publicity and visitors to the City on a regular basis and I enjoyed a positive working relationship with city staff and commissioners.

6. In those various capacities, my reputation and carefully developed relationships with the many public, private and governmental organizations with whom I work is critical to my career and such an investigation on allegations as described by Mr. Barnas, even though false, had the potential, even slightly, to damage my professional reputation.

7. I have known Mr. Barnas for a number of years, and he both knows me personally, and is well-acquainted with my business and profession as above-described, including my work with the High Springs Farmers Market.

8. When I first received notice that I had been singled out by Mr. Barnas as the target of his Florida Elections Commission Complaint, I was stunned as well as concerned as to what such a complaint with a State Elections Commission might do to my professional reputation.

9. When I carefully reviewed Mr. Barnas' Complaint and the many attachments which purported to support his allegations, I became personally confident that any fair review of his Complaint would come to the immediate conclusion that there was absolutely no factual or

legal basis for his charges as I had taken absolutely no position, let alone "express advocacy" with respect to any issue on the November 2012 ballot, or with respect to the election of any position on the November 2012 ballot. I, and other members of the Concerned Citizens for a Better High Springs, had been exceedingly careful not to do so. The legitimate concerns that the Concerned Citizens group and hundreds of residents in High Springs had expressed in the thoughtful guiding principles and Mission Statement delineated in my Response to Mr. Barnas' complaint conclusively establish that Mr. Barnas' unsupported -- and unsupportable -- charges on violations of the Election Code were false and were easily known by him to have been categorically false. I believe that his motive was malicious, vindictive, reckless and actionable under the Election Code, Florida Statute §106.265(6) and this Commission's Rules.

10. Nevertheless, as a layperson in these matters and to ensure that my professional reputation would be protected at the highest level, I retained the highly-reputable law firm of Holland & Knight, through its Partner, Paul Regensdorf, Esquire, for the purpose of ensuring that this frivolous Complaint was handled in the most efficient and effective manner by filing a detailed Response to the Complaint to ensure my professional credibility was not impaired.

11. I was informed before filing my Response to the Complaint that there is a provision in Florida law which allows an individual in a position such as myself to seek attorneys' fees back against a complainant if the complaint is without merit, false, malicious, and clearly and convincingly without any justiciable issue of law or fact, which I believe clearly describes this current action.

12. Mr. Barnas' Complaint, along with its many attachments, has now been properly found by the Commission to be just that -- legally insufficient. I have directed my counsel to prepare, pursuant to Rule 2B-1.0045 of this Commission's rules, a Petition for Attorneys' Fees to

be submitted in accordance with Rule 2B-1.0045 and Florida Statute §106.265(6) to recover such reasonable attorneys' fees and costs as this Commission and/or the Division of Administrative Hearings shall assess as a reasonable amount for fees and costs.

13. Prior to authorizing and directing the filing of this Petition, I discussed with members of the Steering Committee of the Concerned Citizens for a Better High Springs specifically two of the four Guiding Principles which in fact motivated the formation of this Concerned Citizens group. Those principles are:

Principle Three: There must be a commitment to restore civility and fairness to the manner in which city government is conducted and to the manner in which its elected officials interact with city staff and with residents.

Principle Four: There must be a commitment to restore the reputation of High Springs city government as responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the city's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

14. I do not believe that this Petition gives even the slightest hint or suggestion that the filing of this Petition is in any way akin to the frivolous and legally insufficient Complaint filed by Mr. Barnas in this matter. Upon deep reflection, however, it was recognized that Mr. Barnas, who proudly proclaims that he is currently (and was at relevant times hereto the Vice Mayor) an elected City Commissioner of the City of High Springs, has chosen to file a number of complaints against citizens and public officials in the High Springs area, usually without any basis whatsoever and usually dismissed as being legally insufficient. I have not gone out of my way to file any sort of offensive complaint against Mr. Barnas for the improprieties of his reflected in his Complaint before this Commission nor initiated in any way any investigation into the legality of his conduct by virtue of the fact that he filed a Sworn Complaint, under penalty of perjury, that was knowingly false and known by him to be false. Indeed, the very complaint

form submitted by Mr. Barnas, sworn and notarized, contains the black-box legend just below the notarial, "*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.-82 and 775.083, Florida Statutes.*"

15. However, this Commission by its own rules and the Florida Legislature by its statutes have specifically directed that when a false and reckless complaint is filed and is found to be wholly wanting, legally insufficient, and without basis in the law or fact, such as Mr. Barnas', it is for this Commission and under certain circumstances, the Division of Administrative Hearings, to determine whether fees and costs should be assessed against the Complainant.

THEREFORE, I respectfully request that this Commission consider the Petition to which this Affidavit is attached, perform the legal obligations imposed upon this Commission by the Legislature of the State of Florida, and take such action with respect to the Petition for Attorneys' Fees as the Commission feels is just and appropriate in accordance with the laws of the State of Florida and the Rules of this Commission.

FURTHER AFFIANT SAYETH NOT.


Affiant's Signature

STATE OF FLORIDA
COUNTY OF ALACHUA :

The foregoing instrument was acknowledged this 9th day of July, 2013, by Sharon Yeago, who is personally known to me or who has produced FLORIDA D.L. as identification.

Witness my hand and official seal, this 9 day of July, 2013.



Marilyn Vanover
Notary Public
Printed Name
of Notary MARILYN VANOVER

Commission Expires: 4-29-14

Commission Number: DD 967079

EXHIBIT "F"

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

September 30, 2012

MEDIA CONTACT:

Sharon Yeago
386-418-8017 phone
352-256-8115 cell
Sharon@yeago.net

CITIZEN GROUP GAINS MOMENTUM IN SUPPORT OF GOOD POLICY FOR HIGH SPRINGS

HIGH SPRINGS, FL – A High Springs citizen group is gaining momentum in its effort to effect good policy decisions by local government. **Concerned Citizens for a Better High Springs**, a newly formed nonpartisan, nonpolitical group hopes to effect positive change through education and advocacy for better policy decisions by elected officials.

In the first 48 hours since announcing its Mission and Guiding Principles through email and Facebook, more than 50 local residents, businesses and others invested in the City of High Springs have signed on to support the group's mission and key principles that provide for professional, experienced management of the City of High Springs and restoration of long-held standards of governing that include a comprehensive budget process and restoring High Springs' reputation as a fair and open government that is inclusive, open and fair.

Concerned Citizens for a Better High Springs continues to seek local residents, business owners and others invested in and supportive of its goals to sign on to show public support for this effort by email at hscitizens@gmail.com or 'Liking' the group on Facebook at <http://tinyurl.com/bosjqm3>. A current list of supporters can be requested by email at hscitizens@gmail.com.

High Springs resident **John P. Manley, III** states as the reason for the group's formation, "This group of citizens came together out of a deep concern for the City of High Springs. The City is at a crossroads. The constant infighting and bickering and dissention between factions, representing divergent views of the role and vision for the City, is destroying any forward progress for the City; and, conversely, is actually pushing the City backwards to the point that the City will no longer be a viable, functioning seat of government. We feel it is important to put any history aside, and build a broader, more encompassing plan for the future of High Springs that the majority of the Citizens can get behind and work to make happen."

The group's mission statement reads, "**Concerned Citizens for a Better High Springs supports a local government with professional management that provides leadership, accountability and vision for our future.**"

The group developed four **Guiding Principles** that it is using to educate the community:

Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City;

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility;

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff and with residents;

Principle Four: There must be a commitment to restore the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

Concerned Citizens for a Better High Springs continues to seek local residents, business owners and others invested in and supportive of its goals to sign on to show public support for this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email hscitizens@gmail.com or visit them on Facebook at <http://tinyurl.com/bosjqm3>.

##

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

MISSION STATEMENT

Concerned Citizens for a Better High Springs supports a local government with a commission and professional management that provide leadership, accountability and a vision for our future.

GUIDING PRINCIPLES

Principle One: There must be a commitment by the Commissioners and the citizens to restore professional, experienced and accountable management to the City

Principle Two: There must be a commitment to restore a comprehensive budgetary process that addresses both short and long term core needs and brings the City back to fiscal responsibility

Principle Three: There must be a commitment to restore civility and fairness to the manner in which City government is conducted and to the manner in which its elected officials interact with City staff and with residents

Principle Four: There must be a commitment to restore the reputation of High Springs City government as a responsible, caring and fair government. This commitment must encompass relations with government entities at all levels, with the City's staff, with business owners, with the public-at-large, with the media, and most of all with its own citizens.

We the People... Concerned Citizens for a Better High Springs are looking for local residents, business owners and others invested in and supportive of these Principles to join this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email hscitizens@gmail.com or visit them on Facebook at <http://tinyurl.com/bojqm3>.

Stefi Hulin Affron
Ross Ambrose
Shari Asbury
Jeannette Banks
Penny Banks
Roger G. Beck, DPM
Susan J. Beck
Marilyn Bennett
Karen Bentz
Stacey Breheny
Sharon Britton
Jay Bromenschenkel
John Caldwell
Thomas G Clarich
Dawn Lange Drumm
Ronald DuPont, Jr.
Enchanted Memories
Flying Fish
Grady House Bed & Breakfast
Laura Graetz
Randy Graetz

Patricia Grunder
Linda Hewlett
Tom Hewlett
Linda Jones
Sharon Kantor
Barbara Kowats
Arlene Dorin Levine
Gene Levine
Nancy Linkous
Tim Linkous
John P Manley III
Cindy MacKinnon
Ed MacKinnon
Karen Clarich Matheny
Sanford Matheny
Dr. Tony Matheny
Robert McClellan
Thomas McDonald
Barbara Martin
Herb Matilsky
Barbara G Miller

Donna Mogler
Henry Mogler
Genie O'Brien
Pampered Pets
Andy Phillips
Christian Popoli
Lucie Regensdorf
Paul Regensdorf
Maggie Riggall
Sanna Saare
Dorsey Travis
Larry Travis
Damon Watson, Pro Realty of
Gainesville, Inc.
Mike Williamson
Charlette Wilson
Sonja Moore Wilson
Jim Wood
Sally Wood
Sharon Yeago

EXHIBIT "G"

Front Page Faith Funny Facts

POSTING THE TRUTH ONCE AGAIN AND MORE

updated 6/8/2013 7:00PM



THE NEWS IN PRINT IN HIGH SPRINGS

For sometime I have been critical of the local monthly or weekly Tabloids and Talk radio. The false information printed and the hypocritical OK if we do it, but not OK if you do it radio.

The last few editions of the Observer had Eric May report as a guest. It seems he is missing in this issue. Maybe he is busy working over at Ozean in Alachua getting the Talk of the Town radio station up and running with an on line version, after it was booted of the air at 99.5.

Seems Ward Scott didn't like the change that was coming and once again let his mouth fire first before his brain.

I have pictures of piles of Observers and the Alachua Todays just sitting all over town.. No one reading or buying them. Wonder why? Has the public finally discovered that most that has been written in the past on politics was junk, biased and generally poor reporting, and hurtful to High Springs? So why read it, or advertise in it?

When Dean Davis was accused, both Tabloids had no problem printing hundreds of words how Dean was accused falsely of things. They both used his name repeatedly along with mine and Linda Gestrin.

Well this June edition of the Observer on page 5 had a tiny paragraph that stated Dean Davis has been cleared now and in the past of any wrong doing. Stuck inside not on the cover. And of course no name of who filed it. I understand the Observer owner "worked" for Ron Langman (husband of the terminated city manager Jeri Langman) at one point. His name was plainly not mentioned as THE person who had Alachua attorney Linda Rice Chapman file the Florida Ethics complaint for him. Why not?
Or at least that is what was said to have happened.....

The question is did the Observer owner OMIT facts cause someone told her to? Was she a puppet? Or was it just cause she had full control and power of what to print and who to rip or not rip?

The Alachua Today reported nothing on Dean Davis being cleared.

The Alachua Today has less good news and since politics is quiet, no one reading that thing either. Only thing keeping that rag alive is ads from the City of Alachua and the national chain and local grocery insert. Its on line edition is a mess. And virtually dead.

**The people who use to read the Observer, the Alachua Today and listened to Talk radio, are now seeing the truth that the paper's ONLY mission was to disgrace and embarrass SELECT commissioners.
As was the mission of that Talk radio show.**

**If all remains the same, we will never see the truth printed in these tabloid.
And the online version of Talk will continue its hypocrisy...**

Now for one more paper.

The Gainesville Sun is now CHARGING to read its on line edition. Wonder if anyone is paying up?

As new social media is being born daily, the old radio and news print is dying. And new technology must be done right not half ass.

Adapt or die...

But to adapt would take smarts and/or talent...

So what is left?

This website will be posting stories, pictures, videos and comments to local newspapers that have blogs and websites. I will also be commenting after city commission meetings/workshops or CRA meetings keeping the public informed of the events and happenings at your city hall, public record of city business and more. And I admit I am the typo King...
This website is copyright protected. Copyright © bobbarnas.com 2012-2013 All Rights Reserved. No part of this website may be reproduced without express consent of Bob Barnas.

EXHIBIT "H"

Front Page Faith Funny Facts

POSTING THE TRUTH ONCE AGAIN AND MORE

updated 6/12/2013 7:00PM



A comment on Florida Statute

When an attorney and a Plaintiff are offered a pile of money to end a lawsuit and they just file more complaints, is there ever an end in sight?

Well there is a Florida Statute 112.3187 (9)d. that says:

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to *the prevailing employer if the employee filed a frivolous action in bad faith.*

So what happens if a judge or jury rules a lawsuit is frivolous?
I think this has happened in the past in a civil case I read.
An attorney in 2002 was ordered to pay \$11,030.36 to a Defendant.

This website will be posting stories, pictures, videos and comments to local newspapers that have blogs and websites. I will also be commenting after city commission meetings/workshops or CRA meetings keeping the public informed of the events and happenings at your city hall, public record of city business and more. And I admit I am the typo King...
This website is copyright protected. Copyright © bobbarnas.com 2012-2013 All Rights Reserved. No part of this website may be reproduced without express consent of Bob Barnas.

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,
Petitioner,

Case No: FEC No. 13-125
 DOAH No. 13-4759F

vs.

SHARON L. YEAGO,
Respondent and Claimant/Petitioner as to Attorneys' Fees and Costs,

vs.

ROBERT J. BARNAS,
Respondent as to Attorneys' Fees and Costs.

ADDITIONAL ATTORNEYS' FEE AWARD AFFIDAVIT OF PAUL R. REGENSDORF

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Paul R. Regensdorf who, after being duly sworn hereby swears and affirms, based upon his personal knowledge and awareness to the following:

1. I am the attorney who has represented Sharon Yeago throughout these proceedings.

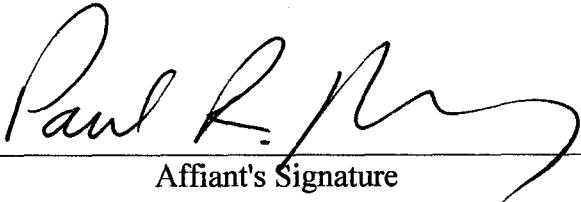
2. In the Recommended Order of the Administrative Law Judge in the above described matter, the Administrative Law Judge determined that my reasonable hourly rate for all hours expended on behalf of Ms. Yeago in this matter is \$400 per hour.

3. Since the testimony as to attorneys' fees at the initial hearing below, through and until the conclusion of that hearing, I expended an additional 32.0 hours of time in the review of the initial transcript, preparation for the second hearing, interviewing witnesses, reviewing evidence, and attending the second day of hearing in this matter before the Administrative Law Judge.

4. Thereafter, from the date of the second hearing (April 24, 2014) until the date of this affidavit, in the preparation of a written final argument as well as a proposed order, a review of opposing counsel's similar documents, receipt and review of the Administrative Law Judge's Recommended Order, review of the exceptions thereto and various motions filed with respect thereto, and the preparation of the filings contemporaneously file herewith, the undersigned counsel has incurred an additional 40.4 hours.

5. Moreover, it is anticipated the undersigned counsel will incur at least an approximately 20.0 hours in the preparation of the response to the exceptions of Mr. Barnas to the Recommended Order and a response to the motion to dismiss, as well as an additional 16.0 hours in preparing for and attending any ultimate hearing held before the Florida Elections Commission prior to the issuance of its final order awarding attorneys' fees and costs.

ACCORDINGLY, when the final order issues from this Commission awarding Ms. Yeago attorneys' fees and costs, it is respectfully submitted that the additional fees in the amount of \$39,360.00 be added; 98.4 hours at \$400 per hour.


Affiant's Signature

STATE OF FLORIDA
COUNTY OF DUVAL :

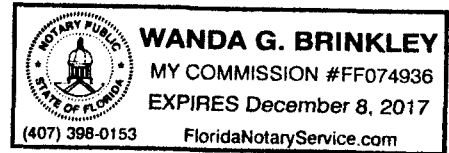
The foregoing instrument was acknowledged this 12TH day of SEPTEMBER, 2014, by Paul R. Regensdorf, who is personally known to me or who has produced as identification.

Witness my hand and official seal, this 12th day of SEPTEMBER, 2014.

Wanda G. Brinkley
Notary Public
Printed Name
of Notary WANDA G. BRINKLEY

Commission Expires: 12-8-2017

Commission Number: FF074936



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