

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Gaylord A. Wood Jr.**

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**Case No.: FEC 16-357**

**TO:** Christopher J. Woolsey, Esquire  
Wood & Stuart PA  
PO Box 1987  
Bunnell, FL 32110

R.C. "Rick" Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104

**AMENDED NOTICE OF HEARING TO CONSIDER RECOMMENDED ORDER  
AND TO ENTER A FINAL ORDER**

A hearing will be held in this case before the Florida Elections Commission on, **November 28, 2017 at 1:00 pm, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

This hearing will be conducted pursuant to Section 106.265, Florida Statutes, and Rule 2B-1.0045, Florida Administrative Code.

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

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

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

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
November 15, 2017

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Gaylord A. Wood Jr.**

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**Case No.: FEC 16-357**

**TO: J. Christopher Woolsey  
PO Box 1987  
Bunnell, FL 32110**

**RC Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104**

**NOTICE OF HEARING (PETITION FOR ATTORNEYS FEES)**

A hearing will be held in this case before the Florida Elections Commission on **February 28, 2017 at 11:00 a.m. or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

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

This hearing will be conducted pursuant to Section 106.25, Florida Statutes.

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

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

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

**Amy McKeever Toman**  
Executive Director  
Florida Elections Commission  
February 13, 2017



Re: Case No. FEC 16-357 Respondent: Gaylord A. Wood, Jr. 

**Amy Toman** to: Gaylord Wood

02/06/2017 09:37 AM

Cc: Donna Malphurs

From: Amy Toman/OAG  
To: Gaylord Wood <gaylord@bellsouth.net>  
Cc: Donna Malphurs/OAG@OAG

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Mr. Wood,

I was aware of the case and had already asked that it be included in the materials that will be presented to the Commissioners in advance of the meeting this month.

Thank you for your correspondence.

**Amy McKeever Toman, JD, CPM**  
Executive Director  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050  
amy.toman@myfloridalegal.com  
(850) 922-4539  
(850) 921-0783 fax  
www.fec.state.fl.us

Gaylord Wood

Dear Executive Director Toman: Letter enclosed.

02/04/2017 12:53:49 PM

From: Gaylord Wood <gaylord@bellsouth.net>  
To: Amy Toman <amy.toman@myfloridalegal.com>, Florida Elections Commission  
<fec@myfloridalegal.com>  
Cc: "ricklussy@yahoo.com" <ricklussy@yahoo.com>  
Date: 02/04/2017 12:53 PM  
Subject: Case No. FEC 16-357 Respondent: Gaylord A. Wood, Jr.

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Dear Executive Director Toman:

Letter enclosed.

Respectfully,

Gaylord A. Wood, Jr.

gaylord.wood@alumni.duke.edu[attachment "Executive\_Director\_Letter\_2.pdf" deleted by Amy Toman/OAG]



**Fw: Case No. FEC 16-357 Respondent: Gaylord A. Wood, Jr.**  
**Amy Toman** to: Donna Malphurs

02/06/2017 09:36 AM

From: Amy Toman/OAG  
To: Donna Malphurs/OAG@OAG

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for file

**Amy McKeever Toman, JD, CPM**  
Executive Director  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050  
amy.toman@myfloridalegal.com  
(850) 922-4539  
(850) 921-0783 fax  
www.fec.state.fl.us

----- Forwarded by Amy Toman/OAG on 02/06/2017 09:36 AM -----

From: Gaylord Wood <gaylord@bellsouth.net>  
To: Amy Toman <amy.toman@myfloridalegal.com>, Florida Elections Commission  
<fec@myfloridalegal.com>  
Cc: "ricklussy@yahoo.com" <ricklussy@yahoo.com>  
Date: 02/04/2017 12:53 PM  
Subject: Case No. FEC 16-357 Respondent: Gaylord A. Wood, Jr.

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Dear Executive Director Toman:  
Letter enclosed.  
Respectfully,  
Gaylord A. Wood, Jr.



gaylord.wood@alumni.duke.edu    Executive\_Director\_Letter\_2.pdf

# Wood & Stuart, P.A.

Attorneys at Law

—  
Gaylord A. Wood, Jr.  
B. Jordan Stuart (1943-2016)  
J. Christopher Woolsey

626 S.W. 11th Court  
Fort Lauderdale, Florida 33315  
(954) 463-4040, Fax (954) 764-5734

—  
P.O. Box 1987  
Bunnell, Florida 32110  
(386) 437-9400, Fax (386) 437-9414

Please Reply to Bunnell

February 4, 2017

Amy McKeever Toman, Esquire  
Executive Director, Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
Via email (only): [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Re: Case No. FEC 16-357 Respondent: Gaylord A. Wood, Jr.  
Respondent's Motion to Award Fees and Costs

Dear Director Toman:

I wish to bring to your attention the case of *Hadeed v. Florida Commission on Ethics*, \_\_\_ So.3d \_\_\_ (Fla. 1<sup>st</sup> DCA 2016) which may be found to be relevant to our pending Motion.

For your information, neither Mr. Woolsey nor I are planning to attend the Commission's meeting on February 28, 2017.

Sincerely,



GAYLORD A. WOOD, JR.

GAW/jkf

cc: (by email only) Richard "Rick" Lussy



**FLORIDA ELECTIONS COMMISSION**

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

January 4, 2017

J. Christopher Woolsey  
Wood & Stuart PA  
PO Box 1987  
Bunnell, FL 32110

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr.**

Dear Mr. Woolsey:

On December 27, 2016, the Florida Elections Commission received the enclosed letter of response from Richard Lussy.

Since the letter appears to respond to your Petition for Fees in FEC 16-357, we are including this response in the case materials made available to the members of the Commission for their review and consideration at the February 28-March 1, 2017 meeting.

If you have any questions, please let me know.

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Complaint w/attachments

cc: R.C. Lussy, Complainant, w/out enclosure

# RICHARD LUSSY & ASSOCIATES

Real Estate Appraisers, Analysts & Consultants

Richard C. Lussy, MAI, SRA

December 19, 2016

State Certified General Real Estate Appraiser RZ0001564  
Via US First Class, Mailed Tuesday December 20, 2016

Ms. Amy McKeever Toman, Fact Witness Individually ✓ Phone: (850) 922-4539  
Executive Director of Florida Elections Commission 2016 DEC 27 P 12: 50 Facsimile: (850) 921-0783  
107 W. Gains Street, Suite 224, Collins Building  
Tallahassee, FL. 32399-1050 cc: Gaylord Wood Jr & Wolfsey, P.O. Box 1987, Bunnell, Fla. 32110.

**RE: FEC 16-245 Skinner 24-year Incumbent Prop. App. & counterclaim FEC 2016-357 Wood Esq.**  
Nine questions please: #1 Question. Request agency court reporter contact information as Florida State has their own contract. This is for regularly scheduled FEC meeting February 28 thru March 1, 2017.

#2 Question. Request authority "time expended" as malice extends within 20-years F.S. 95.11(1).

#3 Question. Request Wood Esq. client contract with candidate Skinner per UCC for >\$500 fee.

#4 Question. Request malice sovereign immunity exemption prior to August 30, 2016 election deadline obstruction of justice for each year of the 24-continuing years of deferred maintenance years, 13-election property appraisal issues require property tax fund bailouts for owners per Exhibit A-8472 (4-p).

#5 Question. Request functional literacy test of Gaylord Wood Esq. plus his named expert witness in collusion to extort money, abuse political power as lawyers with 100% market share, no competition and no consumer freedom of choice have Sherman anti-trust service violations in lying for a living to steal \$1,980 versus expert witness: David Luban Esq: author of Lawyers & Justice, page 200.

#6 Question. Request confirmation of a Leon County Circuit Court jurisdiction for appeal.

#7 Question. Request confirmation of Exhibit A-2900 with 86-exemptions to impeach "vexatious" litigant lie bubble per Fla. Stat. 68.093, as a respectable guide to prosecute Wood & Skinner.

#8 Question. Please allow this petitioned rule for a: 100% jury trial verdict due process redress.

#9 Question. Please allow my sworn telephone conference attendance at this formal hearing.

**Dear Ms. Amy McKeever Toman, Fact Witness individually & Executive Director of FEC:**

Much appreciation to your answers to these 9-questions after 50-page. I shall appreciate your cooperation.

Respectfully submitted,  Richard C. Lussy, MAI, SRA property appraiser: Candidate 2020.

Exhibit A-8351 (15-page) SCOPE USPA Practices against Abraham Skinner & "counsel" Gaylord A. Wood Jr. Esq aide & abettor in organized crime of racketeering concealing from voters deferred maintenance: took public salary & not do required work for 24-years.

1<sup>st</sup>) Deferred maintenance 24-year tax rolls (5-year cycle maintenance) violates Florida Statute 193 023(2)

2<sup>nd</sup>) Deferred maintenance of 24-years incumbent to pay & hold harmless Higginbotham back taxes per Fla. Stat. 768 28(9)(a) with Form DR0462 for missing from tax roll 1-house & 2-barns 700 Big Cypress Rd #00370600004

3<sup>rd</sup>) Deferred maintenance for 8.7-years retroactive to January 1, 2008 both refused Form DR-501T "Transfer of Homestead Assessment Difference" Fla Stat 193 155(8) is 27<sup>th</sup> Florida Constitutional Amendment.

4<sup>th</sup>) Deferred maintenance of 24-year old computer assist valuation system as system is antiquated & ossified never updated for 24-years

5<sup>th</sup>) Deferred maintenance adequate staff instruction Portability of Homestead Exemption Fla. 27<sup>th</sup> Amendment authorizing this Fla Stat.

6<sup>th</sup>) Deferred maintenance of 24-year old web page nomenclature is confusing, unhelpful & anti-business.

7<sup>th</sup>) Deferred maintenance to clarity ossified language web page (assessed value is not market value) confuses registered voter taxpayers

8<sup>th</sup>) Deferred maintenance of over-assessed, over taxed properties in Collier i.e. Marco Island contributed to the World Wide Housing Bubble & Foreclosure Debacle not att'd: SUMMARY EXHIBIT "A" Requires Next year Assessed Values From Skinner Archives (257-pages).

9<sup>th</sup>) Deferred maintenance of dishonest Abe's accountability womanizing treatment of monopoly government employee ladies contemptuous, when not compliant & not accepting as he and these ladies were already married. Skinners despicable, legendary, sexual advances source is: Gary Michael Siciliano (with his son present), notary public & owner of Green Spire & Associates, Naples, Florida Located: Suite #105, light industrial park: 5850-5880 Shirley St., Naples, Collier County, Fla. Verified by Rick Lussy MAI, SRA, August 11, 2016 at 3:30 pm

10<sup>th</sup>) Deferred maintenance as a 100% failure in the life of competition, dishonest Abe unwisely used his office power for a personal escape: by use of arbitrary & capricious control called discretion, yet his sworn oath is of a ministerial duty, 100% mandate to apply a uniform, consistent method to benefit all registered taxpayer voters equally.

11<sup>th</sup>) Deferred maintenance as boring peer public official (husband to Jennifer Edwards current Supervisor of Elections Collier County Florida) with Skinners unrelenting dirty jokes.

12<sup>th</sup>) Deferred maintenance inference to time of Skinner's 1991 political appointment by Governor Lawton Chiles. Then: 30+/- year office holder property appraiser Sam Colding quit & refused to recommend Skinner as replacement: Skinner not capable only put in his time: a robot.

13<sup>th</sup>) Deferred maintenance refused to enact portability of homestead exemption law for Marco Island resident for over 8 7-years.

Fla. Statute 68 093 Vexatious Litigant (1) (a) "Action" ... but does not include actions concerning ... Florida Small Claims Rules ... maintained, pro se, five or more civil actions ... actions finally & adversely determined ... If an action commenced by attorney licensed...

West Coast Appraisal Office: 2840 Shoreview Drive, Suite #2, Naples, Florida 34112

Phone (239) 263-5413 Electronic Mail: ricklussy@yahoo.com

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

RECEIVED  
2016 DEC 13 P 1:42  
STATE OF FLORIDA  
ELECTIONS COMMISSION

IN RE: Gaylord A. Wood, Jr.  
Respondent

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AMENDED PETITION TO AWARD FEES AND COSTS

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Respondent, GAYLORD A. WOOD, JR., pursuant to Section 106.265, Florida Statutes, and Rule 2B-1.0045, FAC, requests that this Honorable Commission determine that RICHARD "RICK" LUSSY has filed a complaint against GAYLORD A. WOOD, JR., with a malicious intent to injure the reputation of the person complained against by filing the complaint, with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of Chapters 104 or 106, Florida Statutes, and should the Commission so find, to enter an award for costs and reasonable attorney's fees incurred in the defense of GAYLORD A. WOOD, JR., including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.



The facts and grounds that demonstrate that the respondent is entitled to an award of costs and attorney's fees from the complainant are as follows:

1. In the 2016 election cycle, Respondent was not a candidate for public office, nor did he serve in any capacity in connection with a campaign by a candidate for public office such as Treasurer, Campaign Manager, etc. Except as to donation amounts to candidates, all within limits, Respondent simply was not subject to Chapters 104 or 106 Florida Statutes.

2. Respondent has been a member of The Florida Bar since 1962.

Respondent has served the people of Collier County, Florida as counsel to the Collier County Property Appraiser's office since 1979. No one - not even Mr. Lussy - has ever filed a complaint concerning Respondent's performance of his duties as such with any agency - such as the Florida Department of Revenue (the agency having overall supervision over the assessment and collection of taxes), The Florida Bar, the Florida Commission on Ethics, the Sheriff of Collier County, etc., etc.

3. Richard "Rick" Lussy was an unsuccessful candidate for the office of Collier County Property Appraiser in 2016. Mr. Lussy was a candidate for the office of Martin County Property Appraiser in the previous six (6) elections.

4. Mr. Lussy's *modus operandi* as part of his campaigns appears to be

routine filing of complaints with this agency against his political opponent and sometimes his opponent's attorney. Records of this Commission show that Mr.

Lussy has brought the following Complaints, each of which was dismissed :

Case Number	Respondent
FEC 1996-129	Sarah Woods, Esquire <sup>1</sup>
FEC 1996-130	Laurel Kelly, Martin County Property Appraiser
FEC 1996-230	"Laura" [sic] Kelly, Martin County Property Appraiser
FEC 1996-254	Multiple persons
FEC 1998-040	Gunster Yoakley Stewart PA law firm
FEC 2004-160	Laurel Kelly, Martin County Property Appraiser
FEC 2004-319	Laurel Kelly, Martin County Property Appraiser
FEC 2008-263	Laurel Kelly, Martin County Property Appraiser
FEC 2016-245	Abraham Skinner, Collier County Property Appraiser
FEC 2016-357	Gaylord A. Wood, Jr., Esquire

5. Mr. Lussy is no stranger to the Court systems of several States. Acting on its own inherent power, the Florida Supreme Court declared Mr. Lussy to be a "Vexatious Litigant" and required the initial pleading in any subsequent case to be endorsed by a Member of The Florida Bar. See attached Order.

6. The Circuit Courts of the Nineteenth and Twentieth Judicial Circuits have likewise declared Mr. Lussy to be a "Vexatious Litigant." See attached Orders. <sup>2</sup>

7. The "bad blood" which Mr. Lussy harbors against Respondent no doubt

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<sup>1</sup> Ms Woods, Attorney with the Martin County Attorney's office, represented the Martin County Property Appraiser in various matters.

<sup>2</sup> The Martin County Order is attached as Exhibit "A" to the 2012 Order of the Administrative Judge denying Mr. Lussy leave to sue the Martin County Supervisor of Elections.

arises from the Deposition which Respondent took of Mr. Lussy on February 9, 2011. The vitriol which Petitioner apparently has against the Courts simply pours from his words in that Deposition. See, for example, the comments he made about Circuit Judge Robert E. Belanger in Martin County who declared him to be a "Vexatious Litigant by his Order of March 2, 2006:

(At Page 13:) [By Mr. Wood] Q Do you recognize that particular document?<sup>3</sup>

A Yes.

Q What is it?

A It's a matter that was determined by a judge that was a candidate that lost the election and there are sour grapes for which the matter is not reserved and incomplete.

Q Well, sir, is that an order of a court declaring you to be a vexatious litigant?

A The matter is contested.

Q Is it yes or no? It calls for a simple answer. Did that judge declare you a vexatious litigant?

A I'm stating that it's a false, fraudulent and malicious matter for which is yet to be determined and it's not final. That piece of paper is temporary. It's not -- the order is not --

Q What's the --

A The matter on that paper is not worth the paper that it's written on.

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<sup>3</sup> Showing Mr. Lussy the March 2, 2006 Order of the Martin County Circuit Court declaring him to be a "Vexatious Litigant."

Q Oh, so you have no respect for the judge who wrote it?

A I didn't say that, sir.

Q Do you?

A I have -- I know the judge that was an unsuccessful candidate for judge and there's some sour grapes ongoing there. As he goes by the nickname judge -- well, he's got a nickname.

Q What's his nickname?

A Is it relevant to this?

MR. FLAGG: None of this is relevant, but he's got broad ability to ask you about relevant matters.

THE WITNESS: His nickname is Putz.

In his stream-of-consciousness, proposed Complaint against the Martin County Supervisor of Elections (attached) he again refers to Judge Belanger as "putz predator:"

...Lussy v. 4<sup>th</sup> DCA & Lussy v. Fenniman Esq., Wiksnar Esq.. Etc etal denial Montana comity by Florida Hearsay Judiciary basis for ongoing 24-year false, fraudulent and malicious "vexatious" litigant order by former Bruce Colton State Attorney's putz predator Belanger Esq. Lower 8/31/08 judge job candidate, later buy [sic] fraud as incompetent appointed to 19<sup>th</sup>. Circuit Judge Okeechobee due to Florida population growth; ...

8. To briefly review the allegations which Mr. Lussy brought against

Respondent, false accusations of crime, which is libel *per se*:

1. ACCESSORY TO THIS CRIME WILLFUL KNOWING: PARTY PRO SE  
WOOD ESQ.

Gaylord A. Wood Jr. Esq. Bar # 089465, ("WOOD") a member of the Bar Association lawyer cartel behemoth ("BALCB") sole signature use rule of law [FN#30] prohibits Open Primary 2016 Collier County Property Appraisal Issues- to "Keep Skinner for experience" attached Exhibit A-8339 (1-page), August 25, 2016, is another written conduit statement(s):

[1-A] WOOD Esq. June 9, 2016 Re: Deferred Maintenance all 24 including three-preceding [sic] tax rolls attached Exhibit A-8348 (1-page) require 100% impeachment of published public hearsay infamous Sunshine Manual page #141: attached Exhibit A-8418;

[1-B] WOOD Esq. Aug. 17, 2016 "Initial response To Amended Complaint" att'd Exhibit A-8347 (5-page), both supply knowledge necessary: commit a criminal over \$300 felony treason violation.

[1-C] WOOD Esq's timely public record *obstruction of 24-years critical voter information* prior to 2016 property appraiser election that protects the criminal racketeer, organized criminal: SKINNER.

[1-D] WOOD Esq's timely purpose is to conceal, hide, and cover up SKINNER'S false swearing, neglect of duty and corrupt acts as Skinner is too busy getting paid to do the required work during the 24- years of prior tax rolls FN#14 accessory] and specific appraisal issues [FN#15] .

2. WOOD ESQ .'S WILLFUL KNOWING GROSS FELONY IS OVER \$300 JURISDICTION SOUGHT As yet to be paid back property taxes lost to Naples-Collier County, Florida to categories A-B-C-D referenced above specified: footnote #14, all exceed \$300 pursuant 3-preceding Collier County Tax Rolls [FN# 16]. WOOD ESQ contributes direct graft of public monies as a corrupt persuader and racketeer in elected public office, WOOD ESQ racketeering use of

pay to play: commercial bribery is accessory-contributory false swearing in SKINNER'S advertising: The most QUALIFIED, The most EXPERIENCED, Superior CUSTOMER SERVICE, A PROVEN RECORD, FAIR & EQUITABLE APPRAISALS The Most fiscally conservative, www.voteabeskinner.com not attached Exhibit A-8351 (1 of 15).

Is WOOD ESQ. collusion anti-trust CONSCIOUS PARALLELISM 100% collusion; oligopolistic price coordination see Conscious Parallelism ibid see also [FN#20] Blacks Law Dictionary 10th Edition (2014) page 1680.

9. None of those rash and incoherent statements are facts constituting a violation of Chapters 104 or 106, Florida Statutes.

10. In Footnote 13 of the original Complaint against Respondent, Mr. Lussy stated that he is still a victim of the International Green Machine:<sup>4</sup>

Each 90-days, different skills are used. Method is the 24/7 Target-Stalk-Attack-Bully-Badger-Torment in a wet blanket sting(s) of the subject: Rick Lussy.

11. It is indeed unfortunate that the Commission feels that it lacks the inherent authority to label Complainant as a "Vexatious Litigant" and bar him from filing future *pro se* complaints with this Tribunal, as the Supreme Court did. The only thing that will get Mr. Lussy's attention and perhaps break him of the habit of filing frivolous complaints which waste the valuable time and limited resources of this Commission in the future is an award of attorneys' fees and costs.

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<sup>4</sup> It should be parenthetically noted that Laurel Kelly, the Martin County Property Appraiser, of Irish descent, refers to her campaign organization as the "Green Machine;" her campaign materials and signs are Kelly green.

Dated this 30th. day of November, 2016.

Respectfully submitted,

J. CHRISTOPHER WOOLSEY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Petition for Attorneys' Fees and Costs has been furnished via US Mail and E-mail this 30<sup>th</sup>. day of November, 2016 to:

Richard Charles "Rick" Lussy  
2840 Shoreview Drive, Suite #2  
Naples FL 34104  
email: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com)

/s/ J. Christopher Woolsey  
J. CHRISTOPHER WOOLSEY FBN 537438  
PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)



Florida Supreme Court Docket

Cases for Party LUSSY, RICHARD C. (0014651)

Printer Friendly View

Case	Status	Filed	Type	Style	Disposed
<a href="#">SC60-82166</a>	Closed	08/02/1993	Statutory or Constitutional Invalidity	LUSSY v. GORNY	08/09/1993
<a href="#">SC60-83540</a>	Closed	04/18/1994	Direct Conflict of Decisions	RICHARD LUSSY v. DAVID GORNY	04/25/1994
<a href="#">SC60-84926</a>	Closed	01/03/1995	Direct Conflict of Decisions	RICHARD LUSSY v. DAVID GORNY	01/10/1995
<a href="#">SC60-91046</a>	Closed	07/21/1997	Direct Conflict of Decisions	RICHARD C. LUSSY v. JEFFREY SCOTT KAUFMAN,	07/29/1997
<a href="#">SC60-92261</a>	Closed	01/27/1998	Direct Conflict of Decisions	RICHARD C. LUSSY v. CITY OF STUART	01/30/1998
<a href="#">SC60-92282</a>	Closed	02/02/1998	Direct Conflict of Decisions	RICHARD CHARLES LUSSY v. CITY OF STUART	02/06/1998
<a href="#">SC60-92867</a>	Closed	04/27/1998	Direct Conflict of Decisions	RICHARD C. LUSSY v. CITY OF STUART	04/30/1998
<a href="#">SC60-95199</a>	Closed	03/26/1999	Direct Conflict of Decisions	RICHARD C. LUSSY v. CARLA B. SCHMOCK, ET AL.	04/07/1999
<a href="#">SC60-95438</a>	Closed	04/26/1999	Direct Conflict of Decisions	RICHARD CHARLES LUSSY v. CITY OF STUART, ETC.	05/06/1999
<a href="#">SC60-96896</a>	Closed	11/01/1999	Direct Conflict of Decisions	RICHARD C. LUSSY, ETC. v. JOHN FENNIMAN, ETC.,	11/09/1999
<a href="#">SC60-96897</a>	Closed	11/01/1999	Direct Conflict of Decisions	RICHARD C. LUSSY v. CITY OF STUART, ETC.	11/09/1999
<a href="#">SC60-96898</a>	Closed	11/01/1999	Direct Conflict of Decisions	RICHARD C. LUSSY v. JOHN FENNIMAN, ETC.	11/09/1999
<a href="#">SC99-57</a>	Closed	12/06/1999	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. CARLA B. SCHMOCK,	12/20/1999
<a href="#">SC00-123</a>	Closed	01/18/2000	Prohibition	RICHARD C. LUSSY v. LIMITED GUARDIANSHIP OF	05/30/2000
<a href="#">SC00-209</a>	Closed	01/31/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. JOHN FENNIMAN, ETC.	02/07/2000
<a href="#">SC00-278</a>	Closed	01/24/2000	Direct Conflict of Decisions	RICHARD C. LUSSY v. JOHN FENNIMAN, ETC.,	05/30/2000
<a href="#">SC00-1390</a>	Closed	06/26/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY, ETC. v. JOHN FENNIMAN, ETC., ET AL.	07/13/2000
<a href="#">SC00-1497</a>	Closed	07/14/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY, ETC. v. JOHN FENNIMAN, ETC.,	07/25/2000
<a href="#">SC00-1963</a>	Closed	08/30/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. CITY OF STUART, ETC.,	09/28/2000
<a href="#">SC00-2016</a>	Closed	09/15/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. CITY OF STUART, ETC.	10/05/2000
<a href="#">SC00-2041</a>	Closed	09/27/2000	Statutory or Constitutional Invalidity	RICK C. LUSSY v. FOURTH DISTRICT COURT OF APPEAL,	10/05/2000
<a href="#">SC00-2699</a>	Closed	11/01/2000	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. CARLA B. SCHMOCK, ET AL.	01/16/2001
<a href="#">SC01-53</a>	Closed	01/05/2001	Statutory or Constitutional Invalidity	RICHARD C. LUSSY v. CITY OF STUART, ETC.	01/16/2001
<a href="#">SC01-242</a>	Closed	02/01/2001	Direct Conflict of Decisions	RICK C. LUSSY v. FOURTH DISTRICT COURT	06/29/2001
<a href="#">SC01-542</a>	Closed	03/09/2001	Mandamus	RICHARD C. LUSSY v. CARLA B. SCHMOCK	08/20/2001
<a href="#">SC01-849</a>	Closed	04/20/2001	Mandamus	RICK C. LUSSY v. FOURTH DISTRICT COURT	12/20/2001
<a href="#">SC01-933</a>	Closed	04/20/2001	Mandamus	RICHARD C. LUSSY, ETC. v. JOHN FENNIMAN, ETC.,	12/20/2001
<a href="#">SC01-2224</a>	Closed	10/04/2001	Direct Conflict of Decisions	RICHARD C. LUSSY v. CARLA B. SCHMOCK, ET AL.	10/22/2001
<a href="#">SC01-2326</a>	Closed	10/19/2001	Direct Conflict of Decisions	RICHARD C. LUSSY v. CARLA B. SCHMOCK, ET AL.	10/30/2001
<a href="#">SC01-2718</a>	Closed	12/03/2001	Direct Conflict of Decisions	RICHARD C. LUSSY v. CARLA B. SCHMOCK,	12/12/2001
<a href="#">SC02-921</a>	Closed	04/19/2002	Direct Conflict of Decisions	RICHARD C. LUSSY v. CARLA B. SCHMOCK, ET AL.	05/08/2002
<a href="#">SC02-1088</a>	Closed	05/08/2002	Mandamus	RICHARD C. LUSSY v. CHARLES HENRY DAMSEL, JR.	12/17/2002
<a href="#">SC02-1246</a>	Closed	05/30/2002	Mandamus	RICHARD C. LUSSY v. STATE OF FLORIDA	12/17/2002
<a href="#">SC02-1247</a>	Closed	06/04/2002	Mandamus	RICHARD C. LUSSY v. CARLA B. SCHMOCK,	12/17/2002
<a href="#">SC04-367</a>	Closed	03/03/2004	Direct Conflict of Decisions	RICHARD C. LUSSY v. CITY OF STUART	03/15/2004
<b>Total Cases 35</b>					

Printer Friendly View



# Supreme Court of Florida

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No. SC01-849

No. SC01-933

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**RICK C. LUSSY,**  
Petitioner,

vs.

**FOURTH DISTRICT COURT OF APPEAL, etc., et al.,**  
Respondents.

---

**RICHARD C. LUSSY, etc.,**  
Petitioner,

vs.

**JOHN FENNIMAN, etc., et al.,**  
Respondents.

[September 26, 2002]

PER CURIAM.

In April, 2001, Rick C. Lussy, also known as Richard C. Lussy, petitioned this Court for writs of mandamus against the Fourth District Court of Appeal and others and John Fenniman and others. We consolidated these related cases and,

on December 20, 2001, issued an order to show cause, dismissing the petitions as facially insufficient and requiring Lussy to show cause why he should not be prospectively denied the right to file pro se petitions with this Court.<sup>1</sup> On January 11, 2002, Lussy filed his “Reply & Motion To Strike Show Cause Order.” The Court hereby denies the motion to strike and imposes sanctions on Lussy for his continued abuse of the judicial system.

---

1. In addition to the pleadings and papers filed in these consolidated cases, Lussy has filed similar pleadings in the following related cases: Lussy v. Fourth District Court of Appeal, 791 So. 2d 1099 (Fla. 2001) (review denied); Lussy v. Fourth District Court of Appeal, 773 So. 2d 56 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 770 So. 2d 159 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 767 So. 2d 458 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 766 So. 2d 222 (Fla. 2000) (review denied); Lussy v. Buob, 766 So. 2d 222 (Fla. 2000) (prohibition dismissed); Lussy v. Fenniman, 753 So. 2d 565 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 749 So. 2d 503 (Fla. 1999) (appeal dismissed). These cases were dismissed for lack of jurisdiction or because of facial insufficiency. Additionally, he has filed with this Court numerous actions unrelated to the present cases, all of which have been dismissed, as follows: Lussy v. Schmock, 799 So. 2d 218 (Fla. 2001); Lussy v. Schmock, 794 So. 2d 605 (Fla. 2001); Lussy v. City of Stuart, 780 So. 2d 914 (Fla. 2001); Lussy v. Schmock, 780 So. 2d 914 (Fla. 2001); Lussy v. City of Stuart, 773 So. 2d 56 (Fla. 2000); Lussy v. Schmock, 751 So. 2d 51 (Fla. 1999); Lussy v. City of Stuart, 744 So. 2d 455 (Fla. 1999); Lussy v. City of Stuart, 732 So. 2d 327 (Fla. 1999); Lussy v. Schmock, 760 So. 2d 947 (Fla. 1999); Lussy v. Schmock, 762 So. 2d 917 (Fla. 1999); Lussy v. City of Stuart, 717 So. 2d 534 (Fla. 1998); Lussy v. City of Stuart, 707 So. 2d 1125 (Fla. 1998); Lussy v. City of Stuart, 705 So. 2d 902 (Fla. 1998); Lussy v. Kaufman, 697 So. 2d 1217 (Fla. 1997); Lussy v. Gorny, 654 So. 2d 131 (Fla. 1995); Lussy v. Gorny, 639 So. 2d 979 (Fla. 1994); Lussy v. Gorny, 624 So. 2d 267 (Fla. 1993). Subsequent to our issuance of the order to show cause, Lussy filed another pro se action with this Court, Lussy v. Damsel, No. SC02-1088 (Fla. petition filed May 8, 2002).

Abuse of the legal system is a serious matter, one that requires this Court to exercise its inherent authority to prevent. As we held in Rivera v. State, 728 So. 2d 1165, 1166 (Fla. 1998): “This Court has a responsibility to ensure every citizen’s access to courts. To further that end, this Court has prevented abusive litigants from continuously filing frivolous petitions, thus enabling the Court to devote its finite resources to those who have not abused the system.”

Although rare, we have not hesitated to sanction petitioners who abuse the legal process by requiring them to be represented by counsel in future actions. In Jackson v. Florida Department of Corrections, 790 So. 2d 398 (Fla. 2001), the sanction of requiring a member of The Florida Bar to sign all of petitioner’s filings with this Court and dismissing all other pending cases was imposed on a litigious inmate who repeatedly filed frivolous lawsuits that disrupted the Court’s proceedings. In Martin v. State, 747 So. 2d 386, 389 (Fla. 2000), the sanction was imposed against a petitioner who, like Lussy, repeatedly filed lawsuits that included personal attacks on judges, were “abusive,” “malicious,” “insulting,” and demeaning to the judiciary. In Attwood v. Singletary, 661 So. 2d 1216 (Fla. 1995), the petitioner was sanctioned for filing numerous frivolous petitions, including one that was filed shortly after the Court’s order to show cause was issued.

Like the individual in Attwood, Lussy has abused the processes of this Court

with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. See generally In re McDonald, 489 U.S. 180, 184 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources").

Ours is not the only judicial system that Lussy has assaulted. In the 1980s, he erroneously filed meritless claims in the State of Montana. In Lussy v. Davidson, 683 P.2d 915, 915-16 (Mont. 1984), the court found: "Appellant Richard Lussy is no stranger to this Court. . . . In the words of Judge Sullivan, this motion and accompanying brief 'amount to little more than incoherent rambling.'" In Lussy v. Bennett, 692 P.2d 1232, 1234 (Mont. 1984), the same court indicated that it had issued a restraining order against Lussy, "enjoining him from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se." The court further commented:

Richard C. Lussy, by his various pro se actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of "Justinhoard," and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts

open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits.

Id. at 1236.

Lussy's abuse of the judicial system has drawn the ire of at least one federal court as well. In Lussy v. Haswell, 618 F. Supp. 1360, 1360 (D. Mont. 1985), the court found Lussy to be "a disgruntled litigant who has filed these 13 separate federal cases against the named state and federal judicial officers, each of whom has ruled adversely to him in previous suits." In Haswell, the court ordered Lussy to pay his opponents' litigation fees and expenses as a sanction for his abuse of the justice system.

As we said in Attwood: "We find that Petitioner's pro se activities before this Court have substantially interfered with the orderly process of judicial administration . . . ." Therefore, we deny Lussy's motion to strike our show cause order and direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar. Any other cases that may be pending in this Court in which Lussy is proceeding pro se will be dismissed unless a notice of appearance signed by a member in good standing of The Florida Bar is filed in each case within thirty days of this opinion becoming final.

It is so ordered.

ANSTEAD, C.J., SHAW, WELLS, PARIENTE, LEWIS, and QUINCE, JJ., and  
HARDING, Senior Justice, concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND  
IF FILED, DETERMINED.

Two Cases Consolidated:

Two Original Proceedings - Mandamus

Arthur Brandt, Palm Beach Gardens, Florida,

for Petitioner

No Appearance

for Respondent

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA SMALL CLAIMS DIVISION

JOHN ROBERT THOMPSON,  
Plaintiff,

vs.

Case No.: 07-2396-SC

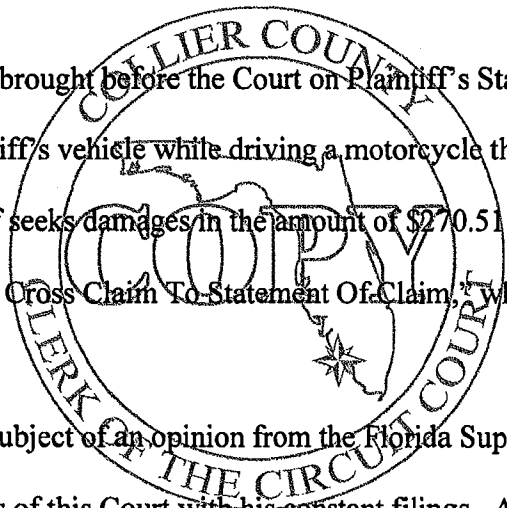
RICHARD CHARLES LUSKY  
(SIC) LUSSY  
Defendant(s).

**ORDER OF DISMISSAL OF DEFENDANT'S  
DEMAND FOR TRIAL BY JURY CROSS CLAIM TO STATEMENT OF CLAIM**

FILED 07  
COLLIER COUNTY, FLORIDA  
2008 JAN 28 4 4: 1  
CLERK OF COURTS  
A. SELLENGH  
BY ELEANOR G. PRITCHETT

THIS CAUSE was brought before the Court on Plaintiff's Statement of Claim. Plaintiff alleges Defendant hit Plaintiff's vehicle while driving a motorcycle thereby causing damage to Plaintiff's vehicle. Plaintiff seeks damages in the amount of \$270.51. Defendant filed a "Demand For Trial By Jury Cross Claim To Statement Of Claim," which is dismissed for the reasons that follow.

1. Defendant was the subject of an opinion from the Florida Supreme Court. "...Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others." Rick C. Lussy v. Fourth District Court of Appeal, 828 So.2d 1026 (Fla. 2002). Therefore, the Florida Supreme Court prohibited Defendant from filing anything without the assistance and representation of counsel.
2. Defendant was further declared a vexatious litigant in an Oder dated March 24, 2006, a copy of which is attached hereto and incorporated herein as "Exhibit A." As a vexatious



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RECORDED in the OFFICIAL RECORDS of COLLIER COUNTY, FL  
01/31/2008 at 12:21PM DWIGHT B. BROCK, CLERK

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REC FEB

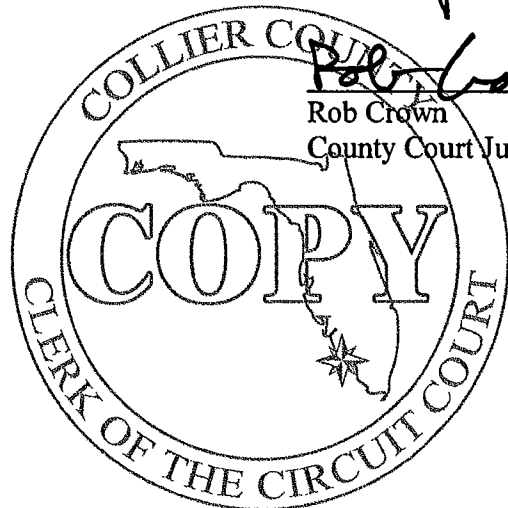
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litigant, there are various restrictions imposed upon Defendant with regard to filings in this Court.

3. Defendant has failed to comply with the restrictions imposed upon him by the Florida Supreme Court and the Circuit Court of the Twentieth Judicial Circuit. It is therefore

**ORDERED AND ADJUDGED** that Defendant's Demand For Trial By Jury Cross Claim To Statement Of Claim is hereby dismissed.

**DONE AND ORDERED** on this 28 day of Jan, 2008.



*Rob Crown*  
\_\_\_\_\_  
Rob Crown  
County Court Judge

*cc: All Parties 1/29/08*  
*RS*

OR: 4325 PG: 3994



IN THE CIRCUIT COURT OF THE 20<sup>TH</sup> JUDICIAL CIRCUIT  
COLLIER COUNTY, FLORIDA

CASE NO. 05-1631-CA

Asst  
R.C. "RICK" LUSSY,  
Plaintiff

v.

RICK LOBER, et. al.,  
Defendants

COPY

ORDER DECLARING R.C. "RICK" LUSSY A VEXATIOUS LITIGANT

This cause was before the court on March 24, 2006 for hearing on the Motion to Declare Plaintiff a Vexatious Litigant filed by Defendants Richard E. Lober and David Rodriguez pursuant to the Florida Vexatious Litigant Law, § 68.093, Fla. Stat. (2005). The court received evidence and testimony and heard arguments from the parties on the legal and factual issues. On the evidence presented, the court finds as follows.

Findings of fact

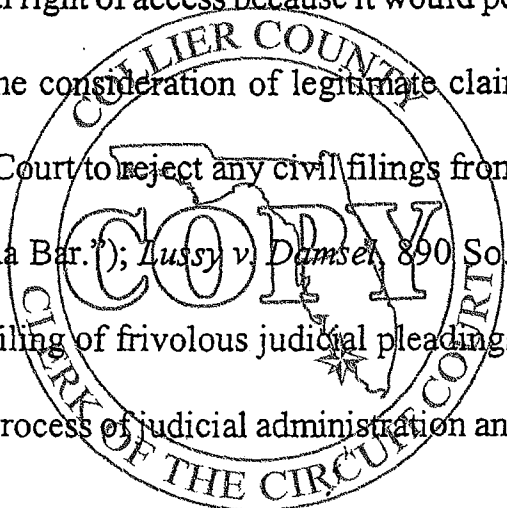
In the five years immediately preceding this lawsuit, Plaintiff, R.C. "Rick" Lussy, also known as Rick Lussy and Richard C. Lussy, has filed, pro se, five or more civil actions in the courts in this state, other than actions governed by the Florida Small Claims Rules, which have been finally and adversely determined against him.

A list of these actions and their dispositions is attached to this order and made part hereof by reference.

The court takes notice that the Supreme Court of Florida and the Fourth District Court of Appeal, acting under their inherent authority, have prohibited Mr. Lussy from filing pro se civil pleadings. *Lussy v. Fourth Dist. Court of Appeal*, 828 So. 2d 1026, 1027-1028 (Fla. 2002) (“Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others...[we] direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar.”); *Lussy v. Damsel*, 890 So. 2d 1184, 1185 (Fla. 4th DCA 2004) (Lussy’s “filing of frivolous judicial pleadings with no basis in law or fact interferes with the process of judicial administration and requires a restriction in this Court.”).

The court also takes notice that on March 2, 2006, the circuit court in Collier County entered an order declaring Mr. Lussy a vexatious litigant and entered restrictions under the Florida Vexatious Litigant Law. The order is attached to Defendants’ Request for Judicial Notice dated March 17, 2006 and is incorporated here by reference.

OR: 4325 PG: 3996



Conclusions of law

I. Plaintiff is a vexatious litigant

The Florida Vexatious Litigant Law defines "vexatious litigant" as a person who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity.

§ 68.093(2)(d)1, Fla. Stat. (2005).

This definition fits Mr. Lussy <sup>TB</sup> like a glove, as the court has found that he filed at least five civil actions, other than small claims, that were determined against him with finality in the last five years. Therefore, the court concludes that Mr. Lussy is a vexatious litigant in the meaning of § 68.093(2)(d)1.

In concluding that Mr. Lussy is a vexatious litigant the court has relied upon his litigation history shown in the attached list. While the court has taken notice of the March 2, 2006 Collier County order declaring Mr. Lussy a vexatious litigant, the court has not relied upon that order, nor does this order <sup>Modify any ruling</sup> in that order. TB

II. Security should be denied without prejudice

Having concluded that Mr. Lussy is a vexatious litigant, the court next considers Defendants' motion to require security pursuant to § 68.093(3)(a), Fla. Stat. (2005). "Security" is defined as "an undertaking by a vexatious litigant to ensure

payment to a defendant in an amount reasonably sufficient to cover the defendant's anticipated, reasonable expenses of litigation, including attorney's fees and taxable costs." § 68.093(2)(a), Fla. Stat. (2005).

By separate order, the court will dismiss Mr. Lussy's amended complaint as to Defendants Lober and Rodriguez. This will render moot their need for security at this time. Therefore the court will deny, without prejudice, Defendants' motion for security.

III. Prefiling order will be entered

The court next considers Defendants' request for a prefiling order restricting Mr. Lussy's future court access in this circuit. The authority to do so is as follows:

In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the administrative judge of that circuit. Disobedience of such an order may be punished as contempt of court by the administrative judge of that circuit. Leave of court shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security as provided in this section.

§ 68.093(4), Fla. Stat. (2005).

Section 68.093(4) preserves Florida's judicial resources for citizens who have not abused the courts and other citizens with constant vexatious lawsuits as Mr. Lussy

has done. Therefore, a prefiling order will be entered restricting Mr. Lussy's court access in this circuit to the full extent permitted by § 68.093(4).

Mr. Lussy will retain access to the courts in this circuit. He will be permitted to file, pro se, a meritorious action if he obtains leave of the administrative judge. He will be permitted to file a new action which is signed and prosecuted on his behalf by a member of The Florida Bar.

WHEREFORE, for the foregoing reasons, it is

ADJUDGED:

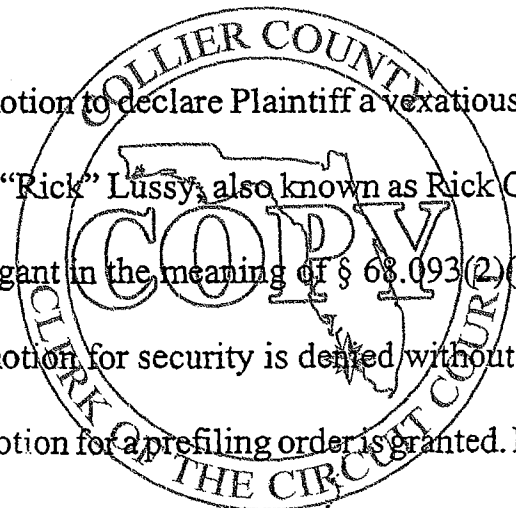
(1) Defendants' motion to declare Plaintiff a vexatious litigant is granted. The court declares that R. C. "Rick" Lussy, also known as Rick C. Lussy and Richard C. Lussy, is a vexatious litigant in the meaning of § 68.093(2)(d)1, Fla. Stat. (2005).

(2) Defendants' motion for security is denied without prejudice.

(3) Defendants' motion for a prefiling order is granted. Pursuant to § 68.093(4), Fla. Stat. (2005), Mr. Lussy is prohibited from commencing, pro se, any new civil action in the Twentieth Judicial Circuit without first obtaining leave of the administrative judge.

(4) The clerk of this court is ordered to reject, without accepting for filing, any new pro se civil action submitted by Mr. Lussy unless it is accompanied by a certified copy of an order of the administrative judge granting leave to file the new action. If

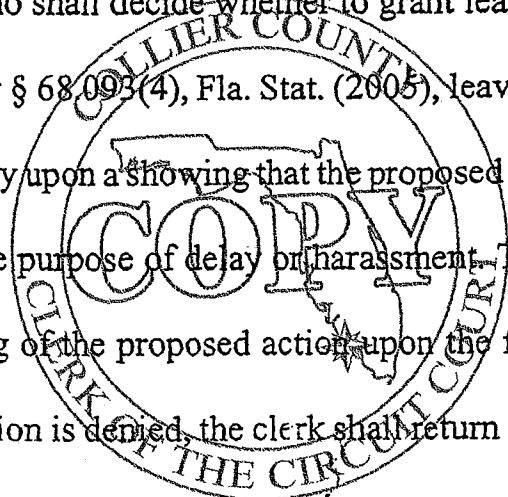
OR: 4325 PG: 3999



the administrative judge orders Mr. Lussy to post security as a condition of filing a new action, the clerk shall accept the new action for filing only upon proof that Mr. Lussy has posted security as ordered.

(5) Mr. Lussy shall be permitted to submit a motion for leave to file a proposed new action only on the following conditions: Mr. Lussy must attach to the motion a copy of this order and he must attach the proposed new action. The clerk shall not file the motion and its attachments but instead shall immediately furnish it to the administrative judge who shall decide whether to grant leave to allow the action to be filed. As provided by § 68.093(4), Fla. Stat. (2005), leave shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security. If leave to file the new action is denied, the clerk shall return it, unfiled, to Mr. Lussy. If leave is granted, the clerk shall file the action which will then proceed as normal, provided Mr. Lussy has paid the filing fee.

(6) The clerk is ordered to furnish copies of this order to all deputy clerks who are responsible for accepting new case filings in this circuit, to the administrative judge for the civil division of this circuit, to the chief judge of this circuit, and to all civil division judges in this circuit.



(7) Pursuant to § 68.093(6), Fla. Stat. (2005), the clerk is ordered to furnish a certified copy of this order to the Clerk of the Supreme Court of Florida for inclusion in the registry of vexatious litigants.

(8) If Mr. Lussy wilfully violates the restrictions imposed by this order he may be subject to contempt of court.

ORDERED in Collier County, Florida on March 24, 2006.

The original of this document was signed

MAR 24 2006

by Ted Brousseau

~~TED H. BROSSEAU, CIRCUIT JUDGE~~

Copies furnished:

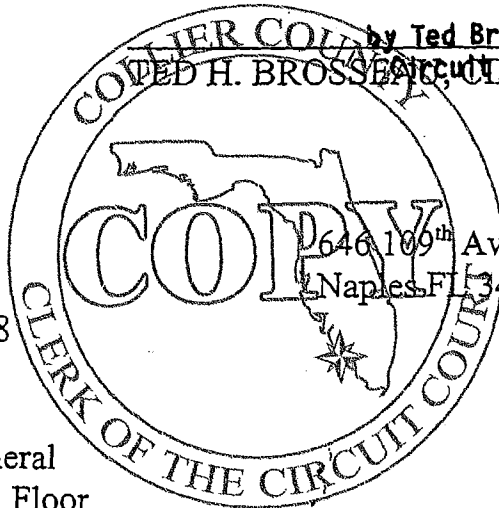
Rick C. Lussy  
4033 Guava Drive  
Naples, FL 34104-4468

David J. Glantz  
Office of Attorney General  
110 SE 6th Street, 10th Floor  
Ft. Lauderdale FL 33301-5001

Mark Ellis Solomon  
4767 New Broad Street, # 1024  
Orlando FL 32814

Curtright C. Truitt  
12711 World Plaza Lane, Building 81  
Fort Myers FL 33907

Richard D. Sparkman



OR: 4325 PG: 4001

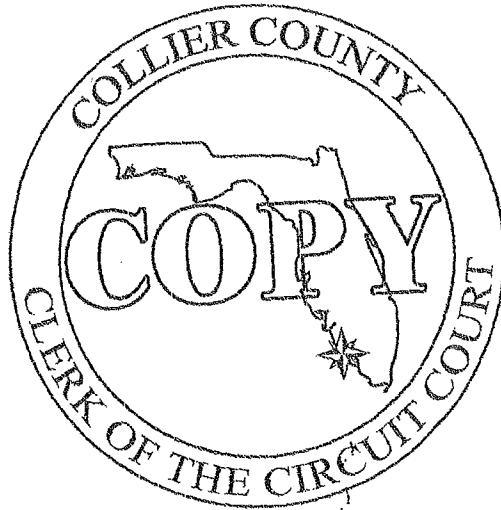
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Date	Case	Nature of order
3/9/2006	District Court of Appeal of Florida, Second District, case no. 2D06-506	Order dismissing appeal
1/24/2006	Lussy v. Florida Bar Association, et. al., no 4D04-2914, District Court of Appeal, Fourth District	Order dismissing appeal
3/1/2005	Lussy v. Roby, et. al., no. 04-409 CA, 19 <sup>th</sup> Judicial Circuit, Martin County	Order of dismissal with prejudice
12/29/2004	Lussy v. Damsel, no. 4D04-2914, District Court of Appeal, Fourth District (reported at 890 So. 2d 1184)	Final summary judgment for defendant affirmed
7/1/2004	Lussy v. Damsel, no. CL01-13189 AI, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Final summary judgment for defendant
11/17/2003	Lussy v. Hanley, et al., no. 2003-016 MARTIN/03-817 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order dismissing appeal
8/28/2003	Lussy v. Hanley, et. al., no. 2003-005 MARTIN/03-295 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order of dismissal
11/7/2002	Lussy v. Schmock, et. al. no. CA 02 8695 AH, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Order of dismissal with prejudice



OR: 4325 PG: 4003

9/26/2002	Lussy v. Fourth District Court of Appeal, et. al., consolidated appeals nos. SC01-849 and SC01-933, Supreme Court of Florida (reported at 828 So. 2d 1026) <sup>1</sup>	Order denying petitions for writs of mandamus (counts as two actions because two petitions were consolidated and denied)
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<sup>1</sup>In this decision the supreme court cited five cases which it adjudicated adversely to Plaintiff in 2001: *Lussy v. Schmock*, 799 So.2d 218 (Fla. 2001); *Lussy v. Schmock*, 794 So.2d 605 (Fla. 2001); *Lussy v. City of Stuart*, 780 So.2d 914 (Fla. 2001); *Lussy v. Schmock*, 780 So.2d 914 (Fla. 2001). See *Lussy v. Fourth Dist. Court of Appeal*, 828 So.2d at 1027. When added to those listed above, they bring to fourteen the number of adverse final determinations in the five years immediately preceding this lawsuit.

828 So.2d 1026, 27 Fla. L. Weekly S788

Briefs and Other Related Documents

Supreme Court of Florida.  
Rick C. LUSSY, Petitioner,

v.

FOURTH DISTRICT COURT OF APPEAL, etc., et al., Respondents.

Richard C. Lussy, etc., Petitioner,

v.

John Fenniman, etc., et al., Respondents.

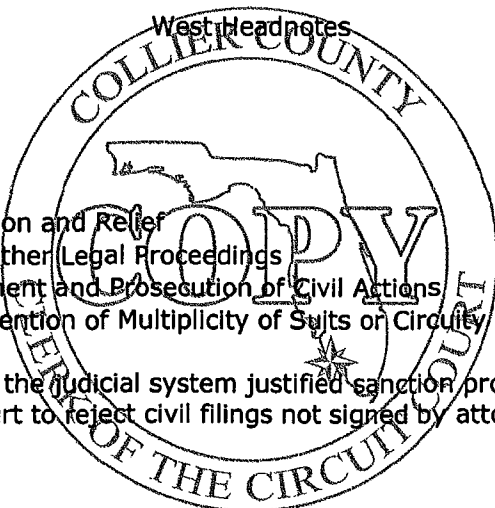
Nos. SC01-849, SC01-933.

Sept. 26, 2002.

Pro se petitions for writ of mandamus were filed. The Supreme Court dismissed the petitions as facially insufficient and required petitioner to show cause why he should not be prospectively denied the right to file pro se petitions with the Supreme Court. Petitioner filed a motion to strike. The Supreme Court held that continued abuse of the judicial system justified sanction prohibiting pro se filings and requiring clerk of Supreme Court to reject civil filings not signed by attorney. So ordered.

OR: 4325 PG: 4004

West Headnotes



[1] KeyCite Notes



←212 Injunction

←212II Subjects of Protection and Relief

←212II(A) Actions and Other Legal Proceedings

←212k26 Commencement and Prosecution of Civil Actions

←212k26(4) k. Prevention of Multiplicity of Suits or Circuity of Action. Most Cited Cases

Petitioner's continued abuse of the judicial system justified sanction prohibiting pro se filings and requiring clerk of Supreme Court to reject civil filings not signed by attorney.

[2] KeyCite Notes



←92 Constitutional Law

←92XIX Rights to Open Courts, Remedies, and Justice

←92k2311 k. Right of Access to the Courts and a Remedy for Injuries in General. Most Cited

Cases

(Formerly 92k328)

The Supreme Court has a responsibility to ensure every citizen's access to courts.

\*1026 Arthur Brandt, Palm Beach Gardens, FL, for Petitioner.

No Appearance for Respondent.

PER CURIAM.



[1] In April, 2001, Rick C. Lussy, also known as Richard C. Lussy, petitioned this Court for writs of mandamus against the Fourth District Court of Appeal and others and John Fenniman and others. We consolidated these related cases and, on December 20, 2001, issued an order to show cause,

dismissing the petitions as facially insufficient and requiring Lussy to show cause why he should not be prospectively denied the right to file pro se petitions with this Court.<sup>FN1</sup> On January 11, \*1027 2002, Lussy filed his "Reply & Motion To Strike Show Cause Order." The Court hereby denies the motion to strike and imposes sanctions on Lussy for his continued abuse of the judicial system.

FN1. In addition to the pleadings and papers filed in these consolidated cases, Lussy has filed similar pleadings in the following related cases: Lussy v. Fourth District Court of Appeal, 791 So.2d 1099 (Fla.2001) (review denied); Lussy v. Fourth District Court of Appeal, 773 So.2d 56 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 770 So.2d 159 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 767 So.2d 458 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 766 So.2d 222 (Fla.2000) (review denied); Lussy v. Buob, 766 So.2d 222 (Fla.2000) (prohibition dismissed); Lussy v. Fenniman, 753 So.2d 565 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 749 So.2d 503 (Fla.1999) (appeal dismissed). These cases were dismissed for lack of jurisdiction or because of facial insufficiency. Additionally, he has filed with this Court numerous actions unrelated to the present cases, all of which have been dismissed, as follows: Lussy v. Schmock, 799 So.2d 218 (Fla.2001); Lussy v. Schmock, 794 So.2d 605 (Fla.2001); Lussy v. City of Stuart, 780 So.2d 914 (Fla.2001); Lussy v. Schmock, 780 So.2d 914 (Fla.2001); Lussy v. City of Stuart, 773 So.2d 56 (Fla.2000); Lussy v. Schmock, 751 So.2d 51 (Fla.1999); Lussy v. City of Stuart, 744 So.2d 455 (Fla.1999); Lussy v. City of Stuart, 732 So.2d 327 (Fla.1999); Lussy v. Schmock, 760 So.2d 947 (Fla.1999); Lussy v. Schmock, 762 So.2d 917 (Fla.1999); Lussy v. City of Stuart, 717 So.2d 534 (Fla.1998); Lussy v. City of Stuart, 707 So.2d 1125 (Fla.1998); Lussy v. City of Stuart, 705 So.2d 902 (Fla.1998); Lussy v. Kaufman, 697 So.2d 1217 (Fla.1997); Lussy v. Gorny, 654 So.2d 131 (Fla.1995); Lussy v. Gorny, 639 So.2d 979 (Fla.1994); Lussy v. Gorny, 624 So.2d 267 (Fla.1993). Subsequent to our issuance of the order to show cause, Lussy filed another pro se action with this Court, Lussy v. Damsel, No. SC02-1088 (Fla. petition filed May 8, 2002).

[2] Abuse of the legal system is a serious matter, one that requires this Court to exercise its inherent authority to prevent. As we held in Rivera v. State, 728 So.2d 1165, 1166 (Fla.1998): "This Court has a responsibility to ensure every citizen's access to courts. To further that end, this Court has prevented abusive litigants from continuously filing frivolous petitions, thus enabling the Court to devote its finite resources to those who have not abused the system."

Although rare, we have not hesitated to sanction petitioners who abuse the legal process by requiring them to be represented by counsel in future actions. In Jackson v. Florida Department of Corrections, 790 So.2d 398 (Fla.2001), the sanction of requiring a member of The Florida Bar to sign all of petitioner's filings with this Court and dismissing all other pending cases was imposed on a litigious inmate who repeatedly filed frivolous lawsuits that disrupted the Court's proceedings. In Martin v. State, 747 So.2d 386, 389 (Fla.2000), the sanction was imposed against a petitioner who, like Lussy, repeatedly filed lawsuits that included personal attacks on judges, were "abusive," "malicious," "insulting," and demeaning to the judiciary. In Attwood v. Singletary, 661 So.2d 1216 (Fla.1995), the petitioner was sanctioned for filing numerous frivolous petitions, including one that was filed shortly after the Court's order to show cause was issued.

Like the individual in Attwood, Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. See generally In re McDonald, 489 U.S. 180, 184, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources").

Ours is not the only judicial system that Lussy has assaulted. In the 1980s, he \*1028 erroneously filed meritless claims in the State of Montana. In Lussy v. Davidson, 210 Mont. 353, 683 P.2d 915, 915-16 (1984), the court found: "Appellant Richard Lussy is no stranger to this Court.... In the words

of Judge Sullivan, this motion and accompanying brief 'amount to little more than incoherent rambling.' " In Lussy v. Bennett, 214 Mont. 301, 692 P.2d 1232, 1234 (1984), the same court indicated that it had issued a restraining order against Lussy, "enjoining him from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se." The court further commented:

Richard C. Lussy, by his various *pro se* actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of "Justinhoard," and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits.

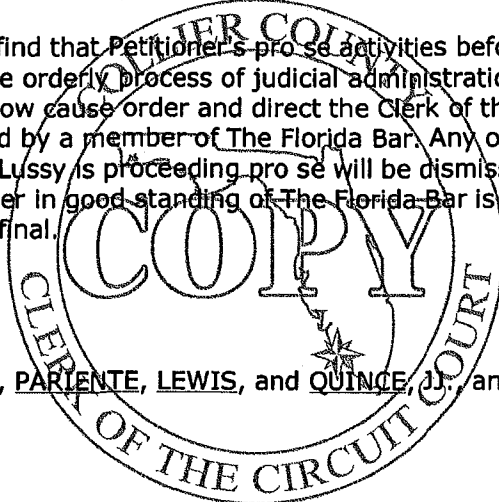
*Id.* at 1236.

Lussy's abuse of the judicial system has drawn the ire of at least one federal court as well. In Lussy v. Haswell, 618 F.Supp. 1360, 1360 (D.Mont.1985), the court found Lussy to be "a disgruntled litigant who has filed these 13 separate federal cases against the named state and federal judicial officers, each of whom has ruled adversely to him in previous suits." In Haswell, the court ordered Lussy to pay his opponents' litigation fees and expenses as a sanction for his abuse of the justice system.

As we said in Attwood: "We find that Petitioner's *pro se* activities before this Court have substantially interfered with the orderly process of judicial administration...." Therefore, we deny Lussy's motion to strike our show cause order and direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar. Any other cases that may be pending in this Court in which Lussy is proceeding *pro se* will be dismissed unless a notice of appearance signed by a member in good standing of The Florida Bar is filed in each case within thirty days of this opinion becoming final.

It is so ordered.

ANSTEAD, C.J., SHAW, WELLS, PARIENTE, LEWIS, and QUINCE, J., and HARDING, Senior Justice, concur.



Fla.,2002.  
Lussy v. Fourth Dist. Court of Appeal  
828 So.2d 1026, 27 Fla. L. Weekly S788

Briefs and Other Related Documents ([Back to top](#))

- [SC01-933](#) (Docket) (Apr. 20, 2001)
- END OF DOCUMENT

\*\*\* OR: 4325 PG: 4006 \*\*\*

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR MARTIN COUNTY, FLORIDA

R.C. "RICK" LUSSY, ET AL,

CASE NO.: None at this time

Plaintiff,

v.

VICKIE DAVIS,

Defendant.

FILED FOR RECORD  
MARTIN COUNTY  
2012 AUG - 1 PM 5: 05  
CLERK OF CIRCUIT COURT  
B.C.

**PRE-FILING ORDER PURSUANT TO FLA. STAT. §68.093, DENYING LEAVE TO FILE**

**THIS MATTER** having come before the Court on what appears to be Mr. Lussy's request for leave, from the administrative judge, to file *pro se*, a civil action against Vickie Davis, Individually as well as in her capacity of Supervisor of Elections, Martin County ("Davis"). The Court, after thoroughly considering Mr. Lussy's proposed civil action against Davis and his request for of leave of Court to file such civil action *pro se*, finds and concludes as follows:

1. R.C. "Rick" Lussy (hereinafter referred to as "Lussy") was declared a vexatious litigant by the Honorable Robert Belanger, Circuit Judge, 19<sup>th</sup> Judicial Circuit, on March 2, 2006 in Martin County Case No.: 2005-954 CA (the "Vexatious Order"). The Vexatious Order is attached hereto and marked as Exhibit "A" to this Order. The Vexatious Order specifically requires that a "prefiling order will be entered which restricts Mr. Lussy's access to the courts of this circuit to the full extent permitted by § 68.093(4)". The Vexatious Order further notes that Lussy "will be permitted to file, *pro se*, a meritorious action if he obtains leave of the administrative judge." Leave of

the administrative judge is not automatic and is controlled by Fla. Stat. §68.093(4).

The undersigned is the Civil Administrative Judge for the 19<sup>th</sup> Judicial Circuit.

2. Lussy seeks to file a civil complaint against Davis in Martin County, *pro se* (the "Complaint"). The Complaint Lussy seeks to file is entitled "COMPLAINT: SPECIFIC PERFORMANCE: BALLOT NAME: R.C. "RICK" LUSSY MAI, SRA, CANDIDATE PROPERTY APPRAISER IN MARTIN COUNTY & DAMAGES". The undersigned, as Civil Administrative Judge for the 19<sup>th</sup> Judicial Circuit received the Complaint, however, it appears that the undersigned received the Complaint directly from Lussy and not from the Martin County Clerk of Court as required by the Vexatious Order. Lussy provided the undersigned Judge with a proposed "pre-filing Order" however, an actual motion for leave to file a proposed new action was not received by this Civil Administrative Judge. Lussy proceeded to, on his own, set a hearing before the undersigned Judge in Okeechobee County to request/obtain a "pre-filing order". Lussy appeared via telephone before the undersigned on 7/19/2012. Lussy stated during such hearing that he was seeking a pre-filing order which would allow him to file the Complaint, *pro se*, against Davis. Lussy further stated that his "showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment" is the Complaint itself and nothing further. A copy of the Complaint is attached hereto and marked as Exhibit "B" to this Order.
3. Inasmuch as Lussy has been declared a vexatious litigant in this Circuit and as a result of the Vexatious Order, Lussy may only file the Complaint, *pro se*, upon a showing by him that the proposed action against Davis "is meritorious and is not being filed for the purpose of delay or harassment." *See*, Fla. Stat. §68.093(4). Lussy

has failed to make the required showing and therefore, leave of court will not be granted by the Civil Administrative Judge of the 19<sup>th</sup> Judicial Circuit which would allow Lussy to file the Complaint, *pro se*. It is noted that the Complaint on its face fails to state a viable cause of action against Davis as a matter of law and thus, is not meritorious. Certainly, as per the Vexatious Order, Lussy "will not be restricted from filing a new action which is signed on his behalf by a member of The Florida Bar."

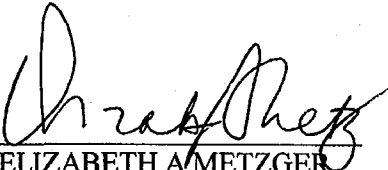
In light of the foregoing findings and conclusions, it is hereby

**ORDERED AND ADJUDGED:**

1. Lussy's request for leave of court to file the Complaint *pro se* against Davis is

**DENIED.**

**DONE AND ORDERED** in Okeechobee, Okeechobee County, Florida this 25<sup>th</sup> day of July, 2012.

  
ELIZABETH A. METZGER  
Circuit Judge

cc:  
R.C. "Rick" Lussy  
Vicki Davis, Supervisor of Elections, Martin County  
Marsha Ewing, Clerk of Court, Martin County

**Copies Provided**

JUL 25 2012

By: J. Cason J.A.

IN THE CIRCUIT COURT OF THE 19<sup>TH</sup> JUDICIAL CIRCUIT  
MARTIN COUNTY, FLORIDA

CASE NO. 05-954-CA

R.C. "RICK" LUSSY,  
et. al.,  
Plaintiff,

v.

FLORIDA BAR ASSOCIATION,  
et.al.,  
Defendants

06 MAR -2 PM 5:14  
MARSHA EWING  
CLERK OF CIRCUIT COURT  
BY [Signature] D.C.

ORDER DECLARING PLAINTIFF A VEXATIOUS LITIGANT

This cause was before the court on March 2, 2006 for hearing on the Motion to Declare Plaintiff a Vexatious Litigant filed by Defendants Robert Russell Makemson, John G. Fletcher, David M. Gersten, and Frank A. Shepherd pursuant to the Florida Vexatious Litigant Law, § 68.093, Fla. Stat. (2005). The court received evidence and testimony and heard arguments from the parties on the legal and factual issues. On the evidence presented, the court finds as follows.

Findings of fact

In the five years immediately preceding this lawsuit, Plaintiff, R.C. "Rick" Lussy, also known as Rick Lussy and Richard C. Lussy, has filed, pro se, five or more civil actions in the courts in this state, other than actions governed by the Florida

Page 1 of 10

Exhibit "A"



Small Claims Rules, which have been finally and adversely determined against him.

A list of these actions and their dispositions is attached to this order and made part hereof by reference.

This court takes notice that two Florida courts, acting under their inherent authority, have prohibited Mr. Lussy from filing pro se civil pleadings. In *Lussy v. Fourth Dist. Court of Appeal*, 828 So. 2d 1026 (Fla. 2002), the Supreme Court of Florida found that “Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others.” *Id.* at 1027. The supreme court directed the clerk “to reject any civil filings from Lussy unless signed by a member of The Florida Bar.” *Id.* at 1028.

The Fourth District Court of Appeal also prohibited Mr. Lussy from filing pro se legal documents, finding that his “filing of frivolous judicial pleadings with no basis in law or fact interferes with the process of judicial administration and requires a restriction in this Court.” *Lussy v. Damsel*, 890 So. 2d 1184, 1185 (Fla. 4th DCA 2004).

The court finds that Mr. Lussy continues to assault the courts with vexatious pleadings. Disregarding the Fourth District's order in *Lussy v. Damsel, supra.*, Mr.

Lussy attempted to appeal, pro se, this court's nonfinal order dismissing his initial complaint without prejudice, entered December 29, 2005 *nunc pro tunc* December 20, 2005. The Fourth District's order of dismissal entered January 24, 2006 states as follows:

We hereby strike Appellant Richard Lussy's Notice of Appeal and dismiss the appeal. *See Lussy v. Damsel*, 890 So. 2d 1184 (Fla. 4th DCA 2004). Appellant is advised that the filing fee shall not be returned in this case and if any more Notices of Appeal are filed in violation of *Lussy v. Damsel*, the court may consider additional sanctions.

Finally, the court finds that Mr. Lussy had fair warning he could face restrictions under the Florida Vexatious Litigant Law. This court's order dismissing Mr. Lussy's initial complaint without prejudice specifically retained jurisdiction to consider imposing restrictions, subject to notice and hearing which have now been provided.

#### Conclusions of law

##### I. Plaintiff is a vexatious litigant

The Florida Vexatious Litigant Law defines "vexatious litigant" as a person who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity.

§ 68.093(2)(d)1, Fla. Stat. (2005).

Mr. Lussy meets this definition, as the court has found that he filed at least five civil actions that were determined against him with finality in the last five years. Therefore, the court concludes that Mr. Lussy is a vexatious litigant in the meaning of § 68.093(2)(d)1.

## II. Security should be denied without prejudice

Having concluded that Mr. Lussy is a vexatious litigant, the court next considers Defendants' motion to require security pursuant to § 68.093(3)(a), Fla. Stat. (2005). "Security" is defined as "an undertaking by a vexatious litigant to ensure payment to a defendant in an amount reasonably sufficient to cover the defendant's anticipated, reasonable expenses of litigation, including attorney's fees and taxable costs." § 68.093(2)(a), Fla. Stat. (2005).

By separate order, the court will dismissed Mr. Lussy's amended complaint with prejudice as to Defendants Makemson, Fletcher, Gersten, and Shepherd This renders moot their need for security at this time. But since Mr. Lussy has a right of appeal, Defendants may incur litigation costs at a future stage in this proceeding. Therefore, the court will deny without prejudice Defendants' motion for security. Defendants may renew the motion if the need arises later in this proceeding.

## III. Prefiling order will be entered

The court next considers Defendants' request for a prefiling order restricting

Mr. Lussy's future access to the courts of this circuit. The authority to do so is contained in § 68.093(4), which provides:

In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the administrative judge of that circuit. Disobedience of such an order may be punished as contempt of court by the administrative judge of that circuit. Leave of court shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security as provided in this section.

§ 68.093(4), Fla. Stat. (2005).

Section 68.093(4) preserves judicial resources for persons with worthy causes who have not abused Florida's courts and citizens with constant, vexatious lawsuits as Mr. Lussy has done. Therefore, a prefiling order will be entered which restricts Mr. Lussy's access to the courts of this circuit to the full extent permitted by § 68.093(4).

Mr. Lussy will not be denied all access to the courts of this circuit. He will be permitted to file, pro se, a meritorious action if he obtains leave of the administrative judge. He will not be restricted from filing a new action which is signed on his behalf by a member of The Florida Bar.

WHEREFORE, for the foregoing reasons, it is

ADJUDGED:

(1) Defendants' motion to declare Plaintiff a vexatious litigant is granted. The court hereby declares that R. C. "Rick" Lussy, also known as Rick C. Lussy and Richard C. Lussy, is a vexatious litigant in the meaning of § 68.093(2)(d)1, Fla. Stat. (2005).

(2) Defendants' motion for security is denied without prejudice.

(3) Defendants' motion for a pre-filing order is granted. Pursuant to § 68.093(4), Fla. Stat. (2005), Mr. Lussy is hereby prohibited from commencing, pro se, any new civil action in the courts of the Nineteenth Judicial Circuit without first obtaining leave of the administrative judge of this circuit.

(4) The clerk of this court is ordered to reject, without accepting for filing, any new pro se civil action submitted by Mr. Lussy unless it is accompanied by a certified copy of an order of the administrative judge granting leave to file the new action. If the administrative judge orders Mr. Lussy to post security as a condition of filing a new action, the clerk shall accept the new action for filing only upon proof that Mr. Lussy has posted security as ordered.

(5) Mr. Lussy shall be permitted to submit a motion for leave to file a proposed new action only on the following conditions: Mr. Lussy must submit to the clerk of

this court a motion for leave to file a proposed new action. Mr. Lussy must attach to the motion a copy of this order and he must attach the proposed new action. The clerk shall not file the motion and its attachments but instead shall immediately furnish it to the administrative judge who shall decide whether to grant leave to allow the action to be filed. As provided by § 68.093(4), Fla. Stat. (2005), leave shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security. If leave to file the new action is denied, the clerk shall return it, unfiled, to Mr. Lussy. If leave is granted, the clerk shall file the action which will then proceed in the normal manner, provided Mr. Lussy has paid the filing fee.

(6) The clerk is ordered to furnish copies of this order to all deputy clerks who are responsible for accepting new case filings in this circuit, to the administrative judge for the civil division of this circuit, to the chief judge of this circuit, and to all civil division judges in this circuit.

(7) Pursuant to § 68.093(6), Fla. Stat. (2005), the clerk is ordered to furnish a certified copy of this order to the Clerk of the Supreme Court of Florida for inclusion in the registry of vexatious litigants.

(8) If Mr. Lussy wilfully violates the restrictions imposed by this order he may be subject to contempt of court.

ORDERED in Martin County, Florida on March 2, 2006.

  
\_\_\_\_\_  
ROBERT E. BELANGER, CIRCUIT JUDGE

Copies furnished:

Rick C. Lussy  
4033 Guava Drive  
Naples, FL 34104-4468

David J. Glantz  
Office of Attorney General  
110 SE 6th Street, 10th Floor  
Ft. Lauderdale FL 33301-5001

Bridget K. Smitha  
Greenberg Traurig P.A.  
P O Drawer 1823  
Tallahassee FL 32302

<b>Date</b>	<b>Case</b>	<b>Nature of order</b>
1/24/2006	Lussy v. Florida Bar Association, et. al., no 4D04-2914, District Court of Appeal, Fourth District	Order dismissing appeal
3/1/2005	Lussy v. Roby, et. al., no. 04-409 CA, 19 <sup>th</sup> Judicial Circuit, Martin County	Order of dismissal with prejudice
12/29/2004	Lussy v. Damsel, no. 4D04-2914, District Court of Appeal, Fourth District (reported at 890 So. 2d 1184)	Final summary judgment for defendant affirmed
7/1/2004	Lussy v. Damsel, no. CL01-13189 AI, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Final summary judgment for defendant
11/17/2003	Lussy v. Hanley, et. al., no. 2003-016 MARTIN/03-817 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order dismissing appeal
8/28/2003	Lussy v. Hanley, et. al., no. 2003-005 MARTIN/03-295 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order of dismissal
11/7/2002	Lussy v. Schmock, et. al. no. CA 02 8695 AH, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Order of dismissal with prejudice



9/26/2002	Lussy v. Fourth District Court of Appeal, et. al., consolidated appeals nos. SC01-849 and SC01-933, Supreme Court of Florida (reported at 828 So. 2d 1026) <sup>1</sup>	Order denying petitions for writs of mandamus (counts as two actions because two petitions were consolidated and denied)
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<sup>1</sup>In this decision the supreme court cited five cases which it adjudicated adversely to Plaintiff in 2001: *Lussy v. Schmock*, 799 So.2d 218 (Fla. 2001); *Lussy v. Schmock*, 794 So.2d 605 (Fla. 2001); *Lussy v. City of Stuart*, 780 So.2d 914 (Fla. 2001); *Lussy v. Schmock*, 780 So.2d 914 (Fla. 2001). See *Lussy v. Fourth Dist. Court of Appeal*, 828 So.2d at 1027. When added to those listed above, they bring to thirteen the number of adverse final determinations in the five years immediately preceding this lawsuit.



former Bruce Colton State Attorney's putz predator Belanger Esq. loser 8/31/08 judge job candidate, later buy fraud as incompetent appointed to 19<sup>th</sup> Circuit Judge Okeechobee due to Florida population growth;  
[K] Hearsay Florida State Supreme Court Esquire entitlement filed May 19, 1997, Exhibit A-1386.  
[L] Tuesday August 14, 2012 Primary Election, *Sample Ballot Name malice evidence: R. C. "Rick" Lussy.*

Pro se Plaintiff R. C. "Rick" LUSSY MAI (Member Appraisal Institute), SRA (Senior Residential Appraiser) Esquire, Candidate R (Republican) Martin County Property Appraiser aka R. C. "Rick" Lussy MAI SRA Esquire sues pro se defendant VICKI DAVIS Martin County Supervisor of Elections & Individually joint & several liability enforcing Article II Section 5(b) Loyalty Oath Contract 1968 Fla. State Constitution requiring individual responsibility after determining pro se defendant's no mental illness, no functional illiteracy or cognitive disability existing, reliance on hearsay from incompetent Gary J. Holland Esq. & Dr. Gisela Salas Director Elections Division, Fla. Dept. State shall not represent FREE this pro se defendant demanding litigation not education, with functional illiteracy "shall not speculate in warrants or certificates" [Fla. Stat. 839.04 as consistent with falsification official public records Fla.St. 839.13 is 100% gross felony].

1.) ACTION (Fla. Court rule 1.110(b) short & plain statement of ultimate facts showing that the pleader is entitled to relief, and a demand for judgment for the relief to which the pleader deems himself entitled. Relief of several different types is demanded including costs, expert & fact witness expenses, attorney pro se fees and all other contributing expenses in proving malice of foresight by VICKI DAVIS etc. etal:

(1-a) This is an action for specific performance of a contract to convey R. C. "Rick" Lussy MAI SRA Esq. Ballot Name, pursuant authorities in this action prologue enumerated reference are alphabet letters A thru L.

(1-b) This R. C. "Rick" Lussy MAI SRA Esq. at exiting Supervisor of Elections office following a NGO meeting June 29<sup>th</sup> and my Salvation Army supporters: defendant Vicki Davis was serving dinner 7/6/12:

(1-c) Loss of door to door campaign time by lack of virtue this malicious smear, wait 4-year election cycle.

5/5/12 3+7=10-pages 3-hours at \$350 per hour Authority "C" is \$1,050 multiple 3 for malice is \$3,150

5/14/12 2-pages 3-hours at \$350 per hour Authority "C" is \$1,050 multiple 3 for malice is \$3,150

5/20/12 2+29=33-page summary FAX 5-hours \$350/hour per "C" \$1,750 multiple 3 for malice is \$5,250

6/7/12 4+8=12-pages 3-hours at \$350 per hour Authority "C" is \$1,050 multiple 3 for malice is \$3,150

6/21/12 4+33=37-pages 6-hours at \$350 per hour Authority "C" is \$2,100 multiple 3 for malice is \$6,300

6/29/12 2+6=8-pages Motion Affidavit 3 hours at \$350/hour "C" is \$1,050 malice multiple 3 is \$3,150

7/9/12 complaint & summons 9-hours at \$350 per hour Authority "C" is \$3,150 malice multiple is \$9,450

Page subtotal 102 today +time pass demonstrate intentional malice before 8/14/12 Election \$33,600 + costs

(1-d) This is an R. C. "Rick" Lussy MAI SRA Esq. Ballot Name to add time as accruing for 100% jury trial verdict Special Interrogatory that shall include VICKI DAVIS'S removal from public monopoly office.

2.) On dates noted defendant VICKI DAVIS etc etal refused her public duties by malice of fore though.

2-a.) June 29<sup>th</sup> when I was leaving NGO meeting in her office she said no written response to Motion Affidavit will be made till (complaint) charges are filed demonstrating arrogant & retaliatory bad faith earning the Connotation Case Caption Political *Sobriquet* noted on page one:

2-b.) Affirmation is by her silence, Effect of Failure to Reply per Fla. Court Rule 1.110(e) while she was serving dinner with her Supervisor of Elections Staff at the Salvation Army soup kitchen on July 6, 2012.

2-c.) Both dates affirm acknowledgement malicious Ballot name R. C. "Rick" Lussy opposite approval by prior Supervisor of Elections date stamp as filed honest R. C. "Rick" Lussy MAI, SRA Esq. ballot name whereby VICKI DAVIS etc etal earns her gutter defendant status for removal from public monopoly office.

3.) Plaintiff tendered Ballot Name R. C. "Rick" Lussy MAI, SRA Esq. to defendant paragraph one filing on April 25, 2012 (75-days) to July 9, 2012 complaint filing, before 8/14/12 sole 4-year Martin County Property Appraiser election cycle, prologue authority evidence in defendant(s) possession paragraph (1-c).

3-a.) Plaintiff R. C. "Rick" Lussy MAI, SRA Esq. Ballot Name skilled profession concurrence in Martin County Property Appraiser office is 100% opposite ministerial Supervisor of Elections office demonstrated as Ballot Name is a terminal Appraisal Institute designation recognized by registered voters to be ethical requiring equal treatment without incumbent political fraud making it up as she goes along: self impeaches.

3-b.) Plaintiff R. C. "Rick" Lussy MAI, SRA Esq. profession is demonstrated against 20-year incumbent, not a proper noun's 6+130 plus issues earning Plaintiff Votes, as local advertising is not available to out of the area absentee voters, that would recognize MAI, SRA professionalism denied on public record Ballot. It is unethical to give preferential treatment: undervaluing Big People & overvaluing Little People for votes.

3-c.) Plaintiff Property Appraiser R. C. "Rick" Lussy MAI, SRA Esq. for 39-years shall be damaged if Ballot name is R. C. "Rick" Lussy denying MAI, SRA "as is" already filed and already accepted Ballot Name within this Supervisor of Elections Office as evidence enumerated in Authorities In Action Prologue.

3-d.) Financial economic damage loss today is \$32,550 and after 8/14/12 election shall be \$32,550 + \$117,000 salary plus increase to \$60-million dollar tax base addition Beau Rivage annexation, 99.9% certain, from St. Lucie County to Martin County at November 2012 Election, to add to these Damages.

4.) Pro se Defendant refused to accept tender as is Ballot name or make the conveyance specifically filed already in her constitutional Supervisor of Elections public monopoly office.

5.) Pro se Plaintiff offered remedy be accepted as filed Ballot Name R. C. "Rick" Lussy MAI, SRA Esq.

6.) Pro se Defendant VICKI DAVIS etc etal already accepted and already filed Ballot Name R. C. "Rick" Lussy MAI, SRA Esq. per Prologue Authorities as filed, in evidence already in date stamped possession.

6-a.) Pro se Defendant plans to throw election by misleading registered voting electorate with express omission by 100% concealment of already filed Ballot Name R. C. "Rick" Lussy MAI, SRA Esq.

6-b.) Pro se Defendant VICKI DAVIS etc etal is inventing this libel per se<sup>1</sup> by malice of forethought.

6-c.) Pro se Defendant VICKI DAVIS etc etal hearsay from incompetent Gary J. Holland Esq. & Dr. Gisela Salas Director Division of Elections, Fla. Dept. State opinion DE 86-06 & DE 12-06 have nothing to do with Appraisal Institute professionalism as Florida Bar Ass'n is a business not a profession, plagiarism is not a profession and is not relevant to: R. C. "Rick" Lussy MAL SRA Esq. in property appraisal office.

- Defendant County officers cannot speculate in county Ballot public records per Fla. Stat. 839.04.

6-d.) Pro se Defendant VICKI DAVIS etc etal while serving soup kitchen dinner demonstrated bad faith with this malicious evidence illustrated in the false Ballot Name R. C. "Rick" Lussy in the Sample Ballot receipt from Ms. Kherrri Anderson, Deputy of Elections Office in Salvation Army, July 6, 2012. She said this Sample Ballot had been out for some time. See Authorities In Action Prologue [L].

#### COUNT I SPECIFIC PERFORMANCE BY MALICE OF FORETHOUGHT

- 7.) Plaintiff realleges & incorporate self defense allegations paragraphs 1-6 Authorities Action Prologue.
- 8.) Plaintiff demonstrate direction to defendant for specific performance to correct false Ballot name lack of virtue over \$501 felony Oath Fraud, after pre-employment loyalty Article II Oath 1968 Fla. Constitution.
- 9.) Plaintiff illustrates repeated malice of forethought by defendant refusal to correct false Ballot name.

#### COUNT II AGGRAVATED ABUSE DISCRIMINATION REPRISAL RETALIATION CHAMPERTY

##### COUNT II AGGRAVATED ABUSE DISCRIMINATION REPRISAL & RETALIATION CHAMPERTY

- 10.) Plaintiff realleges incorporates self defense allegations paragraphs 1-6 Authorities Action Prologue.
- 11.) Plaintiff demonstrates Defendant's aggravated abuse discrimination reprisal & retaliation champerty use gov't as personal piggy bank in upcoming August 14, 2012 election refuse to correct false Ballot name.
- 12.) Plaintiff illustrates repeated malice of forethought by defendant refusal to correct false Ballot name.

#### COUNT III AGGRAVATED ABUSE OBSTRUCT, ACCESSORY AFTER THE FACT & REPETITION OF LIBEL PER SE

- 13.) Plaintiff realleges incorporate self defense allegations paragraphs 1-6 Authorities Action Prologue.
- 14.) Plaintiff demonstrates Defendant aggravated abuse obstruct, accessory after the face & repetition of libel per se [FN#1] with directions to defendant to correct false R. C. "Rick Lussy Ballot name of 7/6/2012.
- 15.) Plaintiff illustrates repeated malice of forethought by defendant refusal to correct false Ballot name.
- 16.) Plaintiff default damage (Rule 1.500(a)) listed: \$33,600 + costs before 8/14/12 more after 8/14/12.

#### DEMAND FOR 100% JURY TRIAL VERDICT WITH PLAINTIFF'S SPECIAL INTERROGATORIES

WHEREFORE, plaintiff demands judgment that defendant be required to perform the contract Ballot Name R. C. "Rick" Lussy MAL SRA Esq. before August 14, 2012 and or be liable more fully after August

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<sup>1</sup> "...repetition of libel per se is actionable, even though the libeler explicitly refuses to vouch personally

14, 2012 for damages. Damages that include lump sum \$117,000 X 4-years equal to \$468,000 Martin County Property Appraiser Salary plus any salary increase due to a \$60-million tax base increase from St. Lucie County to Martin County 99.9% sum certain due after November 2012 Election, to be determined in Special Interrogatory 100% jury trial verdict, to include court costs, fact & expert witness fees plus ALL costs including pro se plaintiff attorney fees for R. C. "Rick" Lussy MAI, SRA Esq. already approved in judge made law \$350 per hour Authorities In Action Prologue [C].

STATE OF FLORIDA )

VERIFICATION

County of Martin )

The individual signed below, for himself individually, affirms and states under penalties of perjury, I declare that I have authored and have read the foregoing demanding a 100% JTV (Jury Trial Verdict) with judge television (JTV), and declare statement of alleged facts in evidence stated in it are true.

By Richard C. Lussy/R.C. "Rick" Lussy MAI, SRA Esq., Plaintiff Pro Se, Co-Counsel, in all capacities noted as captioned as Candidate For Property Appraiser (R) a/s/o R. C. "RICK" LUSSEY MAI, SRA Individually Plaintiff(s), Florida State Certified General Real Estate Appraiser No. RZ001564, Florida License No. SL531638 & International Appraisal Institute Designation No. 902668, Qualified Member Executive Branch Fla. Government, Esquire Entitlement Exhibit A-1386, 438 SE Parkway Drive, Stuart, FL. 34996. Phone (772) 463-3175 as Fact & Expert Witness via Judicial Admin. Rule 2.060(d)

SWORN TO AND SUBSCRIBED before me this 9<sup>th</sup> day of July 2012,

by Richard C. Lussy/R.C. "Rick" Lussy MAI, SRA, who ( ) is personally known to me or who (X) has produced his Florida Drivers License as identification.

By Heather Paige Anderson Notary Public, State of Florida.

Heather Paige Anderson type, Notary Public Name (SEAL)



Certificate of process served this 9<sup>th</sup> day of July 2012 by R.C. "Rick" Lussy MAI, SRA as: Date stamped original process served receipt by pro se Defendant VICKI DAVIS etc etal.

- (1) Vicki Davis, Martin County Supervisor of Elections, 135 SE Martin Luther King, Jr. Blvd. , P.O. Box 1257, Stuart, FL 34995, Ph (772) 288-5637, FAX 772-288-5765
- (2) Honorable Elizabeth A. Metzger, Administrative Circuit Court Judge, 312 NE 3<sup>rd</sup> Street, Okeechobee, FL. 34972, Ph (863-763-1240) FAX 863-763-1242 via Judicial Assistant Janet Cason
- (3) Hon. S. Rumph/M. Lovell Esq. Inspector General, Tallahassee, Ph (850) 488-5285, FAX (850) 921-3066

Attachment Summons only. None as noted 102 subtotal of pages today are filed, date stamped already in defendants possession.

for its verity." Lewis v Evans, 406 So. 2d 489 (Fla. 2<sup>nd</sup> Dist Ct App.1981). 19 Fla Jur 2d 409, Ex A-2557.

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RECEIVED

FEC Case No: 16-357

2016 DEC -2 P 2:43

IN RE: Gaylord A. Wood, Jr.  
Respondent

STATE OF FLORIDA  
ELECTIONS COMMISSION

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**AFFIDAVIT AS TO TIME EXPENDED**

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STATE OF FLORIDA :  
: S S  
COUNTY OF FLAGLER :

BEFORE ME, the undersigned authority, this day personally appeared J.

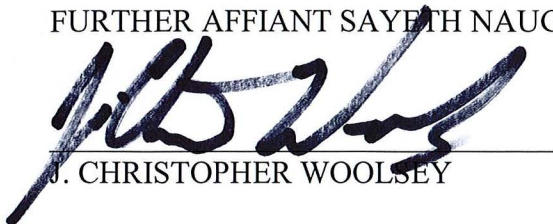
CHRISTOPHER WOOLSEY, who, upon first being duly sworn and cautioned, upon his oath  
deposed and said as follows:

1. I am an Attorney at Law, having been admitted to practice by the Florida Supreme  
Court on December 17, 2001. I am attorney of record for the Respondent herein, Gaylord A.  
Wood, Jr. Our firm's billing rate for private clients is \$200.00 per hour.

4. The following time was necessarily expended in and about the defense of this case:

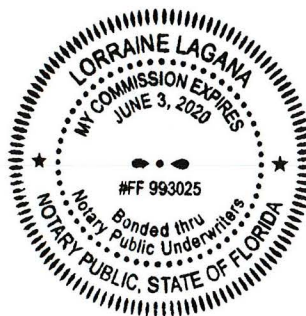
Date	Time	Description
8/26/16	2.0	Review Mr. Lussy's original Complaint
8/26/16	1.5	Review Chapters 104 and 106, Florida Statutes
8/26/16	1.0	Review Rules of Fla. Elections Commission Ch. 2B F.A.C.
8/31/16	1.8	Prepare Initial Response to Complaint
8/31/16	.2	Prepare Notice of Appearance
8/31/16	.6	Motion To Declare Mr. Lussy Vexatious Litigant
10/7/16	.3	Letter to Director Toman re Vexatious Litigant determination
11/2/16	2.5	Review Amended Complaint
Total time: 9.9 hours		
Total \$1,980.00		

FURTHER AFFIANT SAYETH NAUGHT

  
J. CHRISTOPHER WOOLSEY

SWORN TO and subscribed before me as true this 28<sup>th</sup> day of November, 2016

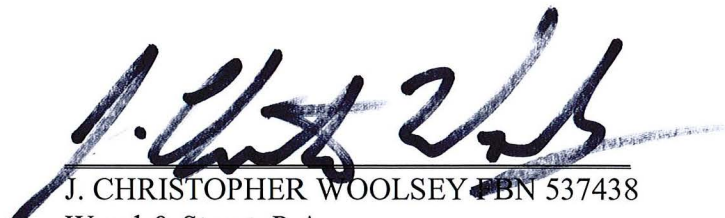
  
Notary Public, State of Florida



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Affidavit was served by U.S. Mail and electronic mail this 29<sup>th</sup> day of November 2016, on:

Richard Charles "Rick" Lussy  
2840 Shoreview Drive, Suite #2  
Naples FL 34104  
email: ricklussy@yahoo.com

  
J. CHRISTOPHER WOOLSEY #BN 537438  
Wood & Stuart, P.A.,  
PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)





**FLORIDA ELECTIONS COMMISSION**

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

November 18, 2016

R.C. "Rick" Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr. (Amended to correct the date of our next meeting)**

Dear Mr. Lussy:

The Florida Elections Commission has received your amended complaint, including any additional information you provided, alleging violations of Florida's election laws. I have reviewed your amended complaint and still find it to be legally insufficient.

While almost impossible to discern, the essential allegation of this complaint, as amended, appears to be that Respondent conspired with Property Appraiser Abraham Skinner to manipulate and falsify public records and obstruct justice. This complaint, as amended, fails to state a cognizable claim under Chapter 104 or 106, Florida Statutes. The amended complaint is, therefore, beyond the jurisdiction of the Florida Elections Commission and is legally insufficient.

Since this case is now closed, in accordance with Rule 2B-1.0045(1), Florida Administrative Code, enclosed please find a copy of a Motion to Award Fees and Costs filed on behalf of Respondent in connection with this matter. **At its next regularly scheduled meeting (February 28-March 1, 2017), the Commission shall consider this petition.** All parties will be notified accordingly.

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

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/dam

cc: J. Christopher Woolsey, Attorney for Respondent  
Enclosure: Motion to Award Fees and Costs

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

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MOTION TO AWARD FEES AND COSTS

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Respondent, GAYLORD A. WOOD, JR., pursuant to Section 106.265, Florida Statutes, requests that this Honorable Commission determine that RICHARD "RICK" LUSSY has filed a complaint against GAYLORD A. WOOD, JR., with a malicious intent to injure the reputation of the person complained against by filing the complaint, with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of Chapters 104 or 106, Florida Statutes, and should the Commission so find, to enter an award for costs and reasonable attorney's fees incurred in the defense of GAYLORD A. WOOD, JR., including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

Dated this 31st. day of August, 2016.

**CERTIFICATE OF SERVICE**

Pursuant to instructions regarding confidentiality received from the Clerk, no copy of the foregoing has been served on Complainant.

/s/ J. Christopher Woolsey

J. CHRISTOPHER WOOLSEY FBN 537438

PO Box 1987

Bunnell, FL 32110

Tel: (386) 437-9400

Fax: (386) 437-9414

Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)



**Re: Case No. FEC 16-357**   
Florida Elections Commission **to:** Gaylord Wood  
**Sent by:** Amy Toman

11/18/2016 10:56 AM

**From:** Florida Elections Commission/OAG  
**To:** Gaylord Wood <gaylord@bellsouth.net>

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Good morning Mr. Wood,

I apologize for the error on the date -- thank you for bringing it to our attention. The meeting is currently scheduled for February 28 and March 1, 2017. We will send a corrected letter today.

I will keep an eye out for the bill you mention.

Amy Toman

Gaylord Wood

Dear Ms Toman: Thank you for your letter of No...

11/17/2016 05:24:44 PM

**From:** Gaylord Wood <gaylord@bellsouth.net>  
**To:** Florida Elections Commission <fec@myfloridalegal.com>  
**Date:** 11/17/2016 05:24 PM  
**Subject:** Case No. FEC 16-357

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Dear Ms Toman:

Thank you for your letter of November 15 terminating this case.

I do not see how the Commission could take my motion for fees up at its hearing on February 28-29 2016, particularly when there is no February 29 in 2017.

If I were the executive director, which I'm not (Praises be! You've got the worst job in Tallahassee!) I would seriously think about sending out another letter with maybe better dates...

Thank you,

Gaylord

PS - Don't be surprised if you see a bill in the Legislature next year giving agencies subject to Chapter 120 the power to enact rules and procedures to declare vexatious litigants. Your support would be appreciated.

Best regards,

GAW



**FLORIDA ELECTIONS COMMISSION**

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

November 15, 2016

R.C. "Rick" Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr.**

Dear Mr. Lussy:

The Florida Elections Commission has received your amended complaint, including any additional information you provided, alleging violations of Florida's election laws. I have reviewed your amended complaint and still find it to be legally insufficient.

While almost impossible to discern, the essential allegation of this complaint, as amended, appears to be that Respondent conspired with Property Appraiser Abraham Skinner to manipulate and falsify public records and obstruct justice. This complaint, as amended, fails to state a cognizable claim under Chapter 104 or 106, Florida Statutes. The amended complaint is, therefore, beyond the jurisdiction of the Florida Elections Commission and is legally insufficient.

Since this case is now closed, in accordance with Rule 2B-1.0045(1), Florida Administrative Code, enclosed please find a copy of a Motion to Award Fees and Costs filed on behalf of Respondent in connection with this matter. At its next regularly scheduled meeting (February 28-29, 2016), the Commission shall consider this petition. All parties will be notified accordingly.

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

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/dam

cc: J. Christopher Woolsey, Attorney for Respondent  
Enclosure: Motion to Award Fees and Costs

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

---

MOTION TO AWARD FEES AND COSTS

---

Respondent, GAYLORD A. WOOD, JR., pursuant to Section 106.265, Florida Statutes, requests that this Honorable Commission determine that RICHARD "RICK" LUSSY has filed a complaint against GAYLORD A. WOOD, JR., with a malicious intent to injure the reputation of the person complained against by filing the complaint, with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of Chapters 104 or 106, Florida Statutes, and should the Commission so find, to enter an award for costs and reasonable attorney's fees incurred in the defense of GAYLORD A. WOOD, JR., including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

Dated this 31st. day of August, 2016.

**CERTIFICATE OF SERVICE**

Pursuant to instructions regarding confidentiality received from the Clerk, no copy of the foregoing has been served on Complainant.

/s/ J. Christopher Woolsey  
J. CHRISTOPHER WOOLSEY FBN 537438  
PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)



**FLORIDA ELECTIONS COMMISSION**

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

November 2, 2016

Christopher J. Woolsey, Esquire  
Wood & Stuart PA  
P.O. Box 1987  
Bunnell, FL 32110

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood, Jr.**

Dear Mr. Woolsey:

On October 27, 2016, the Florida Elections Commission received the enclosed amended letter of information/complaint alleging that your client 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 amended complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined legally sufficient.

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

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



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

Sincerely,

*Erin Riley*

Deputy Agency Clerk

/enr

Enclosure: Amended Complaint

RECEIVED  
2016 OCT 27 AM 11:19  
FLORIDA STATE COMMISSION

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

**CONFIDENTIAL ADDITIONAL INFORMATION AFFIDAVIT FORM**

*CASE NO.: FLORIDA ELECTIONS COMMISSION Case Number 16-357*

Additional Information to Cure: legal insufficiency Notice Oct. 19, 2016, action within 14-days.

Respondent: pro se GAYLORD A. WOOD JR. ESQ.

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

**1. PERSONS COMPLAINT:**

Name: R. C. "Rick" Lussy aka HON RICK ESQ      Work Phone: (239) 263-5413  
Address: 2840 Shoreview Drive, Suite #2      Home Phone: (239) 263-5413  
City: Naples      County: Collier      State: Florida      Zip Code: 34104

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:** Gaylord A. Wood Jr. Esq. Bar # 089465, in bar Association lawyer cartel behemoth ("BALCB") for 26-year incumbent SKINNER.

Address: P.O. Box 1987      Phone: (239) 252-8141  
City: Bunnell      County: Flagler      State: Florida      Zip Code: 32110

**3. JURISDICTIONAL AUTHORITIES Legend To Use of Abbreviations:**

- BALCB is bar association lawyer cartel behemoth.<sup>1</sup>
- MAGI is monopoly American government infrastructure.
- PSLJJA is public servant lawyer judge justice agent.
- MSD-SB are mollycoddled.<sup>2</sup> sugar daddies to (PSLJJA) to sugar babies (members: BALCB)
- RVT is registered voter taxpayer.
- MAI designation is Member Appraisal Institute (non-discriminating in not for profit professional organization that requires academic theory peer certified application practical real world theory before designation & applied with clients to public at large; not done by BALCB.
- SRA designation is Senior Residential Appraiser in Appraisal Institute (non-discriminate ibid).
- Both MAI & SRA's curriculum today's theory & practical application that requires experience before designation as separate from certified general or certified residential license & BALCB.
- CPA is certified public accountant (non-discriminate not for profit professional organization).
- All MAI, SRA, CPA require personal responsibility absent BALCB thru PSLJJA in MAGI.

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<sup>1</sup>**Behemoth** *noun* a huge powerful animal described in Job 40:15-24 that is probably the hippopotamus; also 2. Something of monstrous size or power The New Merriam-Webster Dictionary (1989) page 80.

<sup>2</sup>**Mollycoddle** *noun* mol·ly·cod·dle \ˈmə-lē-ˌkă-dəl/ **Definition:** a pampered or effeminate man or boy. Source Merriam Webster Dictionary, internet 7/27/15. **AND** **Mollycoddle** *verb* : to treat (someone) with more kindness and attention than is appropriate : to treat (someone) too nicely or gently; transitive verb : to treat with an excessive or absurd degree of indulgence and attention — **mol·ly·cod·dler** *noun* **Examples of MOLLYCODDLE** 1.) The coach has been *mollycoddling* the team's star players. 2.) <refused to *mollycoddle* her malingering son and sent him off to school> **First Known Use** 1864; Synonyms cocker, coddle, cosset, dandle, indulge, baby, nurse, pamper, spoil, wet-nurse Source Merriam Webster Dictionary, internet 7/27/15.

Insurable Errors & Omission Insurance with Prior bad acts: Chapter 104 & 105 Florida Statutes by administrative Florida Statute 106.25. Chapter 104: Florida Statute 104.011,<sup>3</sup> Florida Statute 104.051<sup>4</sup> and Florida Statute 104.091<sup>5</sup> are treason felonies,<sup>6</sup> applied domestic comity<sup>7</sup> consistent with **WOOD ESQ** as an accessory in contribution to the crime<sup>8</sup> is a felony to manipulate and falsify public records to obstruct

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<sup>3</sup>**False swearing**; submission of **Florida Statute 104.011** A person who willfully swears or false voter registration information.—(1) affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who willfully (2) submits any false voter registration information commits a felony of third degree, punishable as provided in s. 775.082 or s. 775.083.

<sup>4</sup>**Violations; neglect of duty; corrupt** practices **Florida Statute 104.051**.—Any (1) willfully violates any of the provisions of this **election official who shall be excluded from the polls**. Any code is excluded shall be replaced as provided in this election official who code. Any official who (2) willfully refuses or willfully neglects to perform his or her duties as prescribed by this election code is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any official who performs (3) his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any supervisor, deputy (4) supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot commits a felony of third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

<sup>5</sup>**Florida Statute 104.091 Aiding, abetting, advising, or conspiring in violation of the code.** (1) Any person who knowingly aids, abets, or advises the violation of this code shall be punished....(2) Any person who agrees, conspires, combines, or confederates with another person to commit a violation of this code shall be punished as if he or she had committed the violation. (3) Any person who knows of a felony violation of this code and gives any aid to the offender who has violated this code, with intent that the offender avoid or escape detection, arrest, trial, or punishment, shall be punished as if he or she had committed the violation. ***This subsection does not prohibit a member of the Florida Bar from giving legal advice to a client.*** [Not public record obstruction critical info 2016 property appraiser election].

<sup>6</sup>**Treason felony.** English law. An act that shows an intention of committing treason, unaccompanied by any further act to carry out that intention. This offense usu. Results in life imprisonment rather than the death penalty. 2. Scots law. The devising of the overthrow of the sovereign or successors. 3. Scots law. The devising of the levying of war on the sovereign to compel a change of measures or counsels, to intimidate Parliament, or to induce a foreign invasion. Cf. Treasonable misdemeanor. Black's Law Dictionary, Tenth Edition (2014) Page 1731.

<sup>7</sup>**Judicial comity** is the granting of reciprocity to decisions or laws by one state or jurisdiction to another. Since it is based upon respect and deference rather than strict legal principles, it does not require that any state or jurisdiction adopt a law or decision by another state or jurisdiction that is in contradiction, or repugnant, to its own law. *Comity of states* is the voluntary acceptance by courts of one state of the decision of a sister state on a similar issue or question. West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved **AND** Comity 1. A practice among political entities (as nations, states, or courts of different jurisdiction, involving esp. mutual recognition of legislative, executive, and judicial acts. —Also termed comitas gentium; courtoisie internationale. See Federal comity doctrine; judicial comity. CF. abstention. “Comity, “ in the legal sense, is neither a matter of absolute obligation, on the one hand, nor of mere courtesy and good will, upon the other. But it is the recognition which one nation allows within the territory to the legislative, executive or judicial acts of another nation, having due regard both to international duty and convenience, and to the rights of its own citizens, or of other persons who are under the protection of its laws.” *Hilton v. Guy of*. 159 U.S. 113, 163-64, 16 S.Ct. 139, 143 (1895). Blacks Law Dictionary 8<sup>th</sup> Edition (2004, page 284.

<sup>8</sup>**Accessory** n. (15c) 1. Something of secondary or subordinate importance. 2. Criminal law. Someone who aids or contributes in the commission or concealment of a crime. \***An accessory is usu. Liable only if the crime is a felony.** Cf. Principal (2) [Cases Criminal Law 68-77; Homicide 573. C.J. S. Criminal aw 137-142.] accessory, adj. accessoryship, n. “In most jurisdictions, the common-law distinctions between principals and accessories have largely been abolished, although the pertinent statutes vary in form and substance. Conceptually, the common-law pattern remains the same; The person who aids, abets, commands, counsels, or otherwise encourages another to

justice, fragile US democratic election: prior to the August 30, 2016 Open Primary Collier County Property Appraiser election. All public servants appointed or elected have taken a pre-employment Article II(5)(b)<sup>8</sup> Loyalty Oath Fraud to correct manipulated and falsified public Records Florida Statute 839.13(2)(d)<sup>10</sup> and 18 USC § 494<sup>11</sup> &/or 18 USC 1519. **WOOD ESQ'S** purpose is to justify the pretense: *SKINNER is too busy getting paid to do the required work a justiciable fact*<sup>12</sup> (West's Encyclopedia of

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commit a crime is still regarded as a party to the underlying crime as at common-law, even though the labels principal in the first degree, principal in the second degree, & accessory before the fact are no longer used, & even though it usually does not matter whether the aider & abettor is or is not present at the scene of the crime.” 1. Charles E. Tucia, Wharton’s Criminal Law 35, at 202-03 (15<sup>th</sup> ed. 1993). Black’s Law Dictionary 10<sup>th</sup> Edition (2014) p. 17.

<sup>8</sup>Oath Article II Section 5(b) **pre-employment**: “I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the constitution of the state; and that I will well and faithfully perform the duties of  (title of office)  on which I am now about to enter. So help me God”. 1968 Florida State Constitution Article II Section 5(b).

<sup>10</sup>Falsifying records Florida Statute 839.13 ... (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent ... shall steal embezzle, alter, corruptly withdraw, falsify or avoid any record, ... or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully ... or falsify any document or instrument recorded, or filed in any court, or any registry, ... or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; ... (d) This section does not prohibit the disposing or archiving of records as otherwise provided by law. In addition, this section does not prohibit any person from correcting or updating records. In any prosecution under this section, it shall not be necessary to prove the ownership or value of any paper or instrument involved. (emphasis).

<sup>11</sup>**18 USC § 1519 - DESTRUCTION, ALTERATION, OR FALSIFICATION OF RECORDS IN FEDERAL INVESTIGATIONS AND BANKRUPTCY**, Is a preliminary release and may be subject to further revision before it is released again as a final version. Current through Pub. L. 113-14. (See Public Laws for the current Congress.) Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

<sup>12</sup>**Justiciable Fact.** The U.S. Constitution limits hearing **nine classes of cases or controversies**, and, **in the twentieth century, the Supreme Court has added further restrictions.** State courts also have rules requiring matters brought before them to be justiciable. At their simplest, the tests concern (1) **the plaintiff**, (2) **the adversity between the parties**, (3) **the substance of the issues in the case**, and (4) **the timing of the case.** The Supreme Court declared **constitutional and prudential components**: according to interpretation of **Article III**, considered prudent **Judicial Administration**. This distinction **limits of judicial power. Judicial Review; cannot pass laws that override constitutional limits.** Thus, the Supreme Court has insulated federal courts from congressional influence areas of justiciability. Among the most complex justiciability doctrines is **standing**, which covers the plaintiff. **Standing focuses on the party, not on the issues he wishes to have adjudicated** (*Flast v. Cohen*, 392 U.S. 83, 88 S. Ct. 1942, 20 L. Ed. 2d 947). A **claimant said to have standing** has been found by the court to have the **right to a trial**. To reach such a determination, the court uses several general rules. These rules require that the **claimant has suffered an actual or threatened injury**; a **sufficient connection (or nexus) between the injury and the defendant's action**; that injury can be redressed by a favorable decision; and that **the plaintiff neither brings a generalized grievance nor represents a third party. In addition, separate rules govern taxpayers, organizations, legislators, and government entities.** [RCL: malice makes gov't individually responsible] The question of justiciability involves **legal relationship of the parties in the case**, as well as the substance of their dispute. To be found justiciable, **the case must involve parties who have an adversary controversy between them.**

The fourth concern test for justiciability, **timing of the case**, is evaluated under the concepts of **Ripeness and mootness**. The ripeness doctrine holds that a case is justiciable if "the harm asserted has matured sufficiently to warrant judicial intervention" (*Warth v. Seldin*, 422 U.S. 490, 95 S.

American Law, edition 2) Justiciable Fact<sup>[13]</sup> (Wikipedia, free encyclopedia) words for conflict resolution, that requires settlement that BALCB refuses to sue prosecute impeach itself.

The Florida Election Commission rule 2B-1.0025 Florida Rules of Administrative procedure Form COM005 (5/09) reference Confidential Additional Information Form was not available as (Florida) State Court Administration Rules started with 2.110 Scope in (Florida) Rules of Court Volume I-State 2015 Revised Edition received thru August 1, 2015.

Also, included:

- ✓ 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.

Ct. 2197, 45 L. Ed. 2d 343 [1975]). **The mootness doctrine prevents a court from addressing issues that are hypothetical or dead.** A case may become moot because of a change in law or in the status of the litigants. **Most commonly, a fact or event that renders the alleged wrong no longer existent.** For example, in 1952 the Supreme Court refused to review a state court decision in a case challenging Bible reading in the public schools. **The child behind the suit had already graduated, and the parents and taxpayers who brought the suit could show no financial injury** (*Doremus v. Board of Education*, 342 U.S. 429, 72 S. Ct. 394, 96 L. Ed. 475). Source West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved

<sup>[13]</sup>**Justiciable Fact** includes, but is not limited to, concept of standing, use is appropriate to establishing an actual adversarial issue exists. Essentially, justiciability in American law seeks ability to provide adequate resolution of the dispute; where a court cannot offer such a final determination, matter is not justiciable. The United States use it to judge granting writ of certiorari. *[Rick C Lussy: If the court is too busy getting paid to do the work as to go thru the motions to look busy. Continuing to deny a 100% jury trial verdict due process redress to applying malice against pro se defendant public servant lawyer judge, justice, agents ("PSLJJA") post October 22, 1981 in DV-80-41 (Anaconda MT) and CV-78-67-BU (Butte MT) during 16-elections with identical fraud issues 1988-92-96-00-04-06-08-12-16, now continuing into 2020 similar property appraiser (Martin & Collier) County Florida Elections WHEREBY PSLJJA refuse RICK LUSSY to sue-prosecute-impeach PSLJJA & personal responsibility.*

In order for an issue to be justiciable by a United States federal court, all of the following conditions must be met: **1-)** The parties must not be seeking an advisory opinion. **2-)** There must be an actual controversy between the parties, meaning the parties cannot agree to a lawsuit where all parties seek the same particular judgment from the court (known as a collusive suit or friendly suit); rather, the parties must each be seeking a different outcome. **3-)** The question must be neither unripe nor moot. An unripe question is one for which there is not yet at least a threatened injury to the plaintiff, or where all available judicial alternatives have not been exhausted. \*A moot question is one for which the potential for an injury to occur has ceased to exist, or where the injury has been removed. However, if the issue is likely to reoccur, yet will continually become moot before any challenge can reach a court of competent jurisdiction ("capable of repetition, yet evading review"), courts may allow a case that is moot to be litigated. **4-)** The suit must not be seeking judgment upon a political question. \* Political questions involve matters where there is: \*"a textually demonstrable constitutional commitment of the issue to a coordinate political department" (meaning that the U.S. Constitution requires another branch of government to resolve questions regarding the issue); \*"a lack of judicially discoverable and manageable standards for resolving it"; \*an "impossibility of deciding [a matter] without an initial policy determination of a kind clearly for nonjudicial discretion"; \*an "impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government"; \*"an unusual need for unquestioning adherence to a political decision already made"; or \* a "potentiality of embarrassment from multifarious pronouncements by various departments on one question.". \*Political questions include such issues as **whether the nation is 'at war' with another country**, or whether the U.S. Senate has properly "tried" an impeached federal officer. If the case fails to meet any one of these requirements, the court cannot hear it. \* **State courts** tend to require a similar set of circumstances, although some states permit their courts to give advisory opinions on questions of law, even though there may be no actual dispute between parties to resolve.

→1. **ACCESSORY<sup>14</sup> TO THIS CRIME WILLFUL KNOWING: PARTY PRO SE WOOD ESQ**  
Gaylord A. Wood Jr. Esq. Bar # 089465, (“WOOD”) a member of the bar Association lawyer cartel behemoth (“BALCB”) sole signature use rule of law [FN#30] prohibits Open Primary 2016 Collier County Property Appraisal Issues<sup>15</sup> to “*Keep Skinner for experience*” **attached Exhibit A-8339 (1-page)**, August 25, 2016, is another written conduit statement(s):

[1-A] **WOOD Esq.** June 9, 2016 Re: Deferred Maintenance all 24 including three-preceding tax rolls<sup>16</sup> **attached Exhibit A-8348 (1-page)** require 100% impeachment of published public hearsay infamous Sunshine Manual page #141: **attached Exhibit A-8418**;

[1-B] **WOOD Esq.** Aug. 17, 2016 “Initial response To Amended Complaint” **att’d Exhibit A-8347 (5-page)**, both supply knowledge necessary: commit a criminal over \$300 felony treason violation.

[1-C] **WOOD Esq’s timely** public record *obstruction of 24-years critical voter information* prior to 2016 property appraiser election that protects the criminal racketeer, organized criminal: SKINNER.

[1-D] **WOOD Esq’s timely** purpose is to conceal, hide, and cover up SKINNER’S false swearing, neglect of duty and corrupt acts as *Skinner is too busy getting paid to do the required work during the 24-years of prior tax rolls* [FN#14 accessory] and specific appraisal issues [FN#15].

→2. **WOOD ESQ.’S WILLFUL KNOWING GROSS FELONY IS OVER \$300 JURISDICTION SOUGHT** As yet to be paid back property taxes lost to Naples-Collier County, Florida to **categories A-B-C-D referenced above** specified: footnote #14, all exceed \$300 pursuant 3-preceding Collier County Tax

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<sup>14</sup>**Accessory** n. (15c) 1. Something of secondary or subordinate importance. 2. Criminal law. Someone who aids or contributes in the commission or concealment of a crime. \***An accessory is usu. Liable only if the crime is a felony.** Cf. Principal (2) [Cases Criminal Law 68-77; Homicide 573. C.J. S. Criminal aw 137-142.] accessory, adj. accessoryship, n. “In most jurisdictions, the common-law distinctions between principals and accessories have largely been abolished, although the pertinent statutes vary in form and substance. Conceptually, the common-law pattern remains the same; The person who aids, abets, commands, counsels, or otherwise encourages another to commit a crime is still regarded as a party to the underlying crime as at common-law, even though the labels principal in the first degree, principal in the second degree, & accessory before the fact are no longer used, & even though it usually does not matter whether the aider & abettor is or is not present at the scene of the crime.” 1. Charles E.Tocia, Wharton’s Criminal Law 35, at 202-03 (15<sup>th</sup> ed. 1993). Black’s Law Dictionary 10<sup>th</sup> Edition (2014) p. 17.

<sup>15</sup>**SCOPE** Uniform Standard Professional Appraisal Practices against **Gaylord A. Wood Jr. Esq.** aide & abet criminal activity of SKINNER’S Deferred Maintenance **taking public salary and not doing the work for 24-years:**

<sup>1st</sup>) *Deferred maintenance 26-year tax rolls (5-year cycle maintenance) violates Florida Statute 193.023(2);*

<sup>2nd</sup>) *Deferred maintenance of 25-years incumbent to pay & hold harmless Higginbotham back taxes per Fla. Stat. 768.28(9)(a) with Form DR0462 for missing from tax roll 1-house & 2-barns 700 Big Cypress Rd #00370600004.*

<sup>3rd</sup>) *Deferred maintenance for 8.7-years retroactive to January 1, 2008 both refuse Form DR-501T “Transfer of Homestead Assessment Difference” Fla. Stat 193.155(8) is 27<sup>th</sup> Florid Constitutional Amendment.*

<sup>4th</sup>) *Deferred maintenance of 26-year old computer assist valuation system as system is antiquated & ossified;*

<sup>5th</sup>) *Deferred maintenance adequate staff instruction Portability of Homestead Exemption Fla. 27<sup>th</sup> Amendment.*

<sup>6th</sup>) *Deferred maintenance of 26-year old web page nomenclature is confusing, unhelpful anti-business.*

<sup>7th</sup>) *Deferred maintenance to clarity ossified language web page (assessed value is not market value).*

<sup>8th</sup>) *Deferred maintenance of over-assessed, over taxed properties in Collier i.e. Marco Island contributing to the World Wide Housing Bubble & Foreclosure Debacle per not attached: **SUMMARY EXHIBIT “A” Requiring Next year Assessed Values From Property Appraiser Archives (257-page).***

<sup>16</sup>These public web page improvements to our mutual public web page, shall improve accuracy; not free as claimed by incumbent after spending \$6.77M (2015), \$6.499M (2014) and \$6.423M (2013) of public budgeted monies. Source [www.collierappraiser.com](http://www.collierappraiser.com) web page.

Rolls [FN#16]. **WOOD ESQ** contributes direct graft<sup>17</sup> of public monies as a *corrupt persuader*<sup>18</sup> a racketeer<sup>19</sup> in elected public office, **WOOD ESQ** racketeering<sup>20</sup> use of *pay to play*: commercial bribery<sup>21</sup> is accessory-contributory false swearing in SKINNER'S advertising: The most QUALIFIED, The most EXPERIENCED. Superior CUSTOMER SERVICE, A PROVEN RECORD, FAIR & EQUITABLE APPRAISALS The Most fiscally conservative, [www.voteabeskinner.com](http://www.voteabeskinner.com) *not attached* Exhibit A-8351 (1 of 15). Is **WOOD ESQ**. collusion<sup>22</sup> anti-trust CONSCIOUS PARALLELISM<sup>23</sup> 100% collusion; oligopolistic price coordination see Conscious Parallelism ibid see also [FN#20] Blacks Law Dictionary 10th Edition (2014) page 1680.

→3. **WOOD ESQ.'S CONTINUING WILLFUL KNOWING GROSS FELONY IS OVER \$300 JURISDICTION SOUGHT** As to unearned monies paid by Naples-Collier County, Florida additional categories:

[3-A] **WOOD Esq.** criminal contribution is a conduit to SKINNER'S election fraud exceeding \$300 *de minimis* limit during the August 30, 2016 Collier County Property Appraiser Election as SKINNER *too busy getting paid to do the necessary work*: [1-A], [1-B], [1-C] & [1-D] double dipping (\$214,129/year +/-) *where State retiree with pensions and still get salary. SKINNER was employed 1961 TO 1991*

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<sup>17</sup> **Graft** n. 1. The act of taking advantage of a position of trust to gain money or property dishonestly; esp., a public official's fraudulent acquisition of public funds. 2. Money or property gained illegally or unfairly. Black's Law Dictionary 8<sup>th</sup> Edition (2004) Page 718. **And** Graft n. 3 a) the act of taking advantage of one's position to gain money, property, etc. dishonestly, as in politics (b) anything acquired by such illegal methods, as an illicit profit from government business. New World Dictionary of American English Third College Edition Deluxe Color Edition (1991) Page 585.

<sup>18</sup> Nancy Temple Esq. "corrupt persuader," having improper purpose, "an intent to ... impede fact-finding ability of official proceeding;" convinced federal jury Andersen lawyer persuading others to destroy documents to investigation of Enron Corp. U.S. v. Arthur Andersen, LLP, (2002). Too Big To Jail Branadon Garrett (2012) page 41.

<sup>19</sup> **Racketeer** n. (1924) Someone who engages in racketeering; specif., someone who earns money from organized crime. -racketeer, vb. Black's Law Dictionary 10<sup>th</sup> Edition, (2014), page 1448.

<sup>20</sup> **Racketeering**, n. (1897) 1. A system of organized crime traditionally involving the extortion of money from businesses by intimidation, violence, or other illegal methods. 2. A pattern of illegal activity (such as bribery, extortion, fraud, and murder) carried out as part of an enterprise (such as a crime syndicate) that is owned or controlled by those engaged in the illegal activity. The modern sense (sense 2) derives from the federal RICO statute, which greatly broadened the term's original sense to include such activities as mail fraud, securities fraud and the collection of illegal gambling debts. See 18 SUSCA 1951-1960. Cases; Racketeer Influenced and Corrupt Organizations 4, 103. Black's Law Dictionary 10<sup>th</sup> Edition, (2014). page 1449.

<sup>21</sup> **Commercial Bribery**. (1927) 1. The knowing solicitation or acceptance of a benefit in exchange for violating an oath of fidelity, such as that owed by an employee, partner, trustee, or attorney. Model Penal Code 224.8(1). 2. A supposedly disinterested appraiser's acceptance of a benefit that influences the appraisal of goods or services. Model penal Code 224.8(2). 3. Corrupt dealing with the agents or employees of prospective buyers to secure an advantage over business competitors. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 229 & 230.

<sup>22</sup> **Collusion** n. (14c) 1. An agreement to defraud another or to do or obtain something forbidden by law. 2. As a defense to divorce, an agreement between a husband and wife to commit or to appear to commit an act that is grounds for divorce. \* For example, before the advent of no-fault divorce, a husband and wife might agree to make it appear that one of them had committed adultery. Cf. connivance (2) Condonation (2); Recrimination (2). Collude, vb.-collusive, adj. colluder n. > tacit collusion. Antitrust. See **CONSCIOUS PARALLELISM**. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 230.

<sup>23</sup> **CONSCIOUS PARALLELISM** (1951) Antitrust. An act of two or more businesses in a concentrated market intentionally engaging in monopolistic conduct. - Also termed tacit collusion; oligopolistic price coordination. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 367 & 368

*before political appointment by (D) Lawton Chiles: (2008) \$111,049.48 Property Appraiser Salary, \$106,080 in pensions & annuities plus \$46,235 in Social Security benefits (for both Skinner & wife) Source: Naples Daily News, December 27, 2011 by Katherine Albers "How much are our elected constitutional officers worth in Collier and Lee?"*

[3-B] **WOOD Esq. criminal contribution is an accessory** to this felony crime of over \$300 is 100% hearsay not allowed by Hon. Florida Election Commission quote infamous: page 141: Sunshine Manual not attached Exhibit A-8418. **Hearsay rule**<sup>24</sup> with Hearsay footnote<sup>25</sup> is provided for the record.

[3-C] **WOOD Esq's hearsay from this infamous page 141 requires live testimony for cross examination with primary source witnesses with first-hand knowledge, now placed burden on willful knowing WOOD ESQ, continues to press for the infamous page 141 use as "relevant & appropriate"**.

[3-C-i, infamous page 141] Compare *Woodard v. State*, 885 so. 2d 444, 446 (Fla. 4<sup>th</sup> DCA 2004);

[3-C-ii, infamous page 141] See *Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So. 2d 302, 305, 1 (Fla. 3d DCA 2001);

[3-C-iii, infamous page 141] *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (F4<sup>th</sup> DCA '14)

[3-C-iv, infamous page 141] See *Sullivan v. Cty of New Port Richey*, No. 86-1129CA (Fla. 6<sup>th</sup> Cir. Ct. May 22, 1987), per curiam affirmed, 529 So. 2d 1124 (Fla. 2d DCA 1988);

[3-C-v, infamous page 141] See *Times Publishing Company v. Ake*, 660 So. 2d 255 [Fla. 1995];

[3-C-vi, infamous page 141] *In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002);

[3-C-vii, infamous page 141] See also *Bevan V. Wanicka*, 505 So. 2d 1116 (Fla. 2d DCA 1987);

[3-C-viii, infamous page 141] *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (F4<sup>th</sup> DCA '14)

[3-D] **Add burden of subpoena by HON RICK ESQ aka R.C. "Rick" Lussy (MAI, SRA property appraising for his life time of 43-years since graduation from University of Montana), the salacious fact witness against SKINNER & his abuse of subordinate women employees: during 24-years office holder.**

[3-D-i salacious fact witness testimony] as **WOOD ESQ. already waived his right to confidentiality with his not attached Exhibit A-8347 (5-page with envelope) "Initial Response To Amended Complaint"**.

[3-D-ii salacious fact witness testimony] as **WOOD ESQ. deferred denial on SKINNER'S womanizing treatment of subordinate monopoly government employee ladies**<sup>26</sup> contemptuous, when not compliant & not accepting to SKINNER already a married man. Skinner is despicable & legendary for his sexual advances, for public record publications.

[3-D-ii salacious fact witness testimony] as **WOOD ESQ. deferred denial after retrospective to Skinner's political appointment in 1991 by Governor Lawton Chiles. Then: 30+/- year property appraiser San Colding quit & did not recommend Skinner as his replacement officer-holder.**

[3-D-iii salacious fact witness testimony] as **WOOD ESQ. deferred denial SKINNER a married man; persisted in womanizing treating monopoly government employee ladies with contempt, when not**

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<sup>24</sup>**Hearsay Rule** denotative. (1896) A rule that no assertion offered as testimony can be received unless it is or has been open to test by cross-examination or an opportunity for cross-examination, except as provided otherwise by the rules of evidence, by court rules, or by statute. The chief reasons for the rule are that out-of-court statements amounting to hearsay are not made under oath and are not subject to cross-examination. Fed. R. Evid. 802. Rule 803 provides 23 explicit exceptions to the hearsay rule, regardless of whether the out-of-court statements declarant is available to testify, and Rule 804 provides five more exceptions for situations in which the declarant is unavailable to testify ... Black's Law Dic. 10<sup>th</sup> Ed (2014) p838. Ibid 8<sup>th</sup> Ed ('04) page 739.

<sup>25</sup>Executive/Legislative mandate Florida Evidence Code/Statute 90.802. Hearsay Rule: **Except as provided by statute, hearsay evidence is inadmissible.**

<sup>26</sup>Source (A) Gary Michael Siciliano (with his son present), notary public & owner of Green Spire & Associates, Naples, Fla. Located: Suite #105, light industrial park: 5850-5880 Shirley St., Naples, Collier County, Fla. Verified Rick Lussy MAI, SRA, Aug. 11, 2016 @ 3:30 pm.



compliant to his sexual advances. And boring peer public officials (husband to Jenifer Edwards Supervisor of Elections, with his unrelenting dirty jokes of first hand knowledge to women employees in “his” public office. A near infinite statute of limitations per Comedian Bill Cosby<sup>27</sup> & 20+/- women on Roger Aires founder & CEO of Fox Radio & Television Broadcasting ongoing to date.

[3-D-iv fact witness testimony] as WOOD ESQ. deferred testimony will forfeit SKINNERS worldly goods, co-participants in organized crime 24-years money to purchase goods to forfeit to HON RICK ESQ.

→4. **JURISDICTION** The Florida Elections Commission a precursor to domestic comity: Federal Election Commission felony criminal statute called 18 U.S. C. 1001<sup>28</sup> in and of monopoly government acts as a surety<sup>29</sup> to self-administer existing rule of law,<sup>30</sup> which no public official, elected or appointed can be above the rules of law and are personally responsible. No punishment is to be meted out against WE THE (little) PEOPLE of Florida, State of which HON RICK ESQ is one as WE THE serious little pro se PEOPLE/persons as self-administrating and prosecutor, herein.

→5. **METHOD OF REDRESS REMEDY SOUGHT** a 100% jury trial verdict due process redress<sup>31</sup> (100% JTV-DP-R) for redress. This is double protection for the public servants as administrators to

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<sup>27</sup>Cosby: Massachusetts case by Tamara Green, Therese Serignese, Linda Trazit & Ms. Bowman sued Mr. Cosby. Angela Leslie of Michigan, says she was assaulted in a hotel room in Las Vegas in 1992. Ms. Tarshis, of New York, drugged and raped on two occasions around 1969 or 1970. Ms. Moritz, of California, says she was assaulted in 1969. “Defamation Suits Against Cosby, Point to Peril of Belittling Accusers source. NYT, B-1-B-5 Sat. Nov. 14, 2015.

<sup>28</sup>**Federal Election Commission** is a rather scary felony criminal Statute called 18 U.S. C. 1001, which stipulates fines or prison terms of up to five years for anyone who **knowingly and willfully “makes any materially false, fictitious or fraudulent statement or representation”** 20 years, or both. Politicians have been prosecuted under this statute before: in 2008, Ted Stevens Alaska U.S. Senate was indicted for willfully concealing and failing to report large gifts prosecutorial misconduct in the case, and Stevens died in a mysterious plane crash in 2010. “Snakes on a Campaign” *Vanity Fair* magazine August 2016 pp110-152.

<sup>29</sup>**Surety** (14c) 1. Someone who is primarily liable for paying another’s debt or performing another’s obligation; specif., a person who becomes a joint obligor, the terms of the undertaking being identical with the other obligor’s, and the circumstances under which the joint obligation is assumed being such that, if the joint obligor becomes requires to pay anything, he or she will be entitled to complete reimbursement. Although a surety is similar to an insurer, one important difference is that a surety often receives no compensation for assuming liability. A surety differs from a guarantor, who is liable to the creditor only if the debtor does not meet the duties owed to the creditor; the surety is directly liable. Cf. GUARANTOR “The words surety and guarantor are often used indiscriminately as synonymous terms; but while ... Black’s Law Dictionary, 10<sup>th</sup> Edition (2014) page 1670. And A person who is primarily liable for the payment of another’s debt or the performance of another’s obligation. Although a performance is of another’s obligation. Although a surety is similar to an insurer, one important difference is that a surety often receives no compensation for assuming liability. A surety differs from a guarantor, who is liable to the creditor only if the debtor does not meet the duties owed to the creditor; the surety is directly liable. Cf. Guarantor. [Cases principal and Surety 1, 65-66. C.J.S. Principal and Surety 2-5, 70, 72.] ... Black’s Law Dictionary, 8<sup>th</sup> Edition (2004) page 1482.

<sup>30</sup>What is the “**rule of law**”? Question #12 on U.S. Citizenship & Immigration Services Test beginning October 1, 2008. Answer: Everyone must follow the law. Leaders must obey the law. Government must obey the law. No one is above the law. (emphasis) AND “No title of Nobility shall be granted by the United States: And no Person holding any Office of profit or Trust under them, shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.<sup>30</sup> US Constitution, Article I Section 9.

<sup>31</sup>A 100% jury trial verdict due process redress is to be located in Naples-Collier County. It is as defined by HON RICK ESQ as requiring 2-judges, 1-Naples, Florida State Judge and 1-US District Court Judge Jurisdiction in small claims court (ONLY jurisdiction for “vexatious” litigant is small claims court). Requires: HON RICK ESQ’S satisfaction: 2-juror sworn oaths, 1-group juror oath & 1-individual juror signature(s) with HON RICK

unrelenting false swearing, neglect of duty and corrupt acts [FN#3, #4, #5, #6] in continuum about the role of monopoly government helping RVT not helping BALCB by PSLJJA self-protecting class as MSD-SB in MAGI with one hundred percent market share, no competition and no consumer freedom of choice.

- o Additional materials attached (check one)? Yes  No
- o 1-page *Exhibit A-8348*, WOOD & STUART P.A. signed conduit statement necessary to commit a criminal over \$300 gross felony violation.
- o 1-page, *Exhibit A-8418* infamous hearsay page 141, monopoly *Gov't-In-The-Sunshine-Manual*.
- o 1-page *Exhibit A-8339*, "Keep Skinner for experience" collaborated conduit statement necessary to commit a criminal over \$300 gross felony violation.
- o 5-page *Exhibit A-8347*, as written has waived all confidentiality a one hundred percent conduit of interstate commerce: "Initial Response Amend Complaint".

**5. OATH: STATE OF FLORIDA ELECTIONS COMMISSION  
STATE OF FLORIDA COUNTY OF Collier**

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

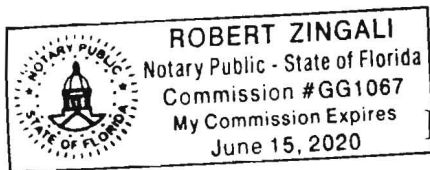
*[Signature]*  
**Original Signature of Person Bringing Complaint**

Sworn to and subscribed before me this 24<sup>nd</sup>, day of October, 2016

*Robert J. Zingali*  
Signature of Officer Authorized to Administer Oaths or Notary public.

Robert J Zingali  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known  Or Produced Identification



Type of Identification Produced:

Florida Drivers License Class E, [REDACTED]

**SEAL**

FEC 002

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.

ESQ jury instructions to include actual Florida Statute plead, not allowed in Fla. State Courts system (Provost Judge). No statute editing. 1<sup>st</sup> jury is to find liability. 2<sup>nd</sup> jury is in US District Court is to find damages.

Wood & Stuart, P.A.

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gaylord.wood@alumni.duke.edu

P.O. Box 1987  
Bunnell, Florida 32110  
(386) 437-9400

Please Reply to Bunnell

June 9, 2016

Mr. Richard Charles Lussy  
2840 Shoreview "Dirve" #2  
Naples, FL 34112  
Via email (only): ricklussy@yahoo.com

Re: Your communication of May 25, 2016

Dear Mr. Lussy:

This firm represents the Collier County Property Appraiser's office. Your letter is requesting answers to questions rather than making a public records act request. Pursuant to Chapter 119 of the Florida Statutes, it is the obligation of a public official only to produce records upon a request being received. You have already received all records that exist relating to proper requests you have made.

There is no obligation on the part of the Property Appraiser's office to answer questions. To quote from the Attorney General's Government in the Sunshine Law Manual, page 141:

11. Is an agency required to answer questions about its public records, create a new record in response to a request for information, or respond to requests for information about costs to obtain records?

The statutory obligation of the custodian of public records is to provide access to, or copies of, public records "at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records" provided that the required fees are paid. Section 119.07(1) (a) and (4), F.S. However, a custodian is not required to give out information from the records of his or her office, AGO 80-57. The Public Records Act does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town, AGO 92-38. Cf. In re Report of the Supreme Court Workgroup on Public Records, 825 So. 2d 889, 898 (Fla. 2002) (the custodian of judicial records "is required to provide access to or copies of records but is not required either to provide

information from records or to create new records in response to a request").

In other words, Ch. 119, F.S., provides a right of access to inspect and copy an agency's existing public records; it does not mandate that an agency create new records in order to accommodate a request for information from the agency. Thus, the clerk of court is not required to provide an inmate with a list of documents from a case file which may be responsive to some forthcoming request. *Wooten v. Cook*, 590 So. 2d 1039 (Fla. 1st DCA 1991). See also AGO 88-29.

I am therefore leaving it to you to figure out what agency of Collier County government owns the building occupied by the Property Appraiser's office and to inquire of that agency as to any "deferred maintenance" or "needed capital improvements." And as to your questions [A] through [U], those are not appropriate public records requests; the Property Appraiser's office has no documents responsive to those requests.

I trust this completely answers your inquiry; kindly direct any further correspondence relative thereto to this office rather than the Property Appraiser's office.

Sincerely,

*[Signature]*

GAYLORD A. WOOD, JR.

GAW/jkf

cc: Hon. Abe Skinner, CFA

< @ >

*Higgins Dollars was 25 years of unassisted Tax Roll Delivered Measure Upgrade multiple computer assist for Human Oversight*

*EXHIBIT A-8348 Notes SKinner v. Pub. Servant 5/10/16*

records. Compare *Woodard v. State*, 885 So. 2d 444, 446 (Fla. 4th DCA 2004) (records custodian must furnish copies of records when the person requesting them identifies the portions of the record with sufficient specificity to permit the custodian to identify the record and forwards the statutory fee).

**9. May an agency require that a request to inspect or copy public records be made in writing?**

Chapter 119, F.S., does not authorize an agency to require that requests for records be in writing. See *Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So. 2d 302, 305n.1 (Fla. 3d DCA 2001) ("There is no requirement in the Public Records Act that requests for records must be in writing"). As noted in AGO 80-57, a custodian must honor a request for copies of records which is sufficient to identify the records desired, whether the request is in writing, over the telephone, or in person, provided that the required fees are paid. "In sum, the city could not properly condition disclosure of the public records, to the then-anonymous requester on filling out the city's form . . ." *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (Fla. 4th DCA 2014).

If a public agency believes that it is necessary to provide written documentation of a request for public records, the agency may require that the *custodian* complete an appropriate form or document; however, the person requesting the records cannot be required to provide such documentation as a precondition to the granting of the request to inspect or copy public records. See *Sullivan v. City of New Port Richey*, No. 86-1129CA (Fla. 6th Cir. Ct. May 22, 1987), *per curiam affirmed*, 529 So. 2d 1124 (Fla. 2d DCA 1988), noting that a requestor's failure to complete a city form required for access to documents did not authorize the custodian to refuse to honor the request to inspect or copy public records.

However, a request for records of the *judicial* branch (which is not subject to Ch. 119, F.S., see *Times Publishing Company v. Ake*, 660 So. 2d 255 [Fla. 1995]), must be in writing. Rule 2.420(m)(1), Fla. R. Jud. Admin. In its commentary accompanying the rule change that incorporated this requirement, the Court said that the "writing requirement is not intended to disadvantage any person who may have difficulty writing a request; if any difficulty exists, the custodian should aid the requestor in reducing the request to writing." *In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002).

**10. May an agency require that the requestor disclose his or her name or furnish background information to the custodian?**

A person requesting access to or copies of public records may not be required to disclose his or her name, address, telephone number or the like to the custodian, unless the custodian is required by law to obtain this information prior to releasing the records. AGO s 92-38 and 91-76. *Accord* Inf. Op. to Cook, May 27, 2011. See also *Bevan v. Wanicka*, 505 So. 2d 1116 (Fla. 2d DCA 1987) (production of public records may not be conditioned upon a requirement that the person seeking inspection disclose background information about himself or herself). Cf. s. 1012.31(2)(f), F.S., providing that the custodian of *public school employee* personnel files shall maintain a record in the file of those persons reviewing an employee personnel file each time it is reviewed.

Thus, a city may not require an anonymous requestor who made a public records request via e-mail to provide an "address or other identifiable source for payment of the associated costs." *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (Fla. 4th DCA 2014). Instead, "the city could have sent an estimate of costs through e-mail to the requester just as it could through regular mail, had the request been made via paper by an anonymous requester." *Id.*

**11. Is an agency required to answer questions about its public records, create a new record in response to a request for information, or respond to requests for information about costs to obtain records?**

The statutory obligation of the custodian of public records is to provide access to, or copies of, public records "at any reasonable time, under reasonable conditions, and under supervision by

Page 141.

(Pam Bondi) Attorney General's Government-In-The-Sunshine-Manual

Exhibit A-8418

3 (10/1) Page 141 Gov't - in - the - Sunshine

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-245

IN RE: Abraham Skinner  
Respondent

8/17/16  
8/18/16 Saturday

Not shown  
as in Higgins  
the document  
with Skinner

INITIAL RESPONSE TO AMENDED COMPLAINT

Reply: Repetition of label page, (You say it you prove it)

Respondent, ABRAHAM SKINNER, files this Initial Response to the Amended Complaint herein and respectfully says as follows:

1. The Amended Complaint is as rambling and incoherent as the original Complaint. It also apparently still incorporates by reference an original complaint "...as separate from Wilkison, French & counsel in ORIGINAL COMPLAINT..." which has not been furnished to Respondent. Complainant has again taken it upon himself to "cut and paste" the official Complaint Form FEC 002 (Rev. 05-05-2014) to make an unrecognizable document. The "Amended Complaint" is not self-contained in that it refers to documents supposedly attached to an original Complaint filed against "Wilkison, French & counsel" and those attached to the "Confidential APPEND Complaint Form" which Complainant filed on July 26, 2016 and did not incorporate into the "Amended Complaint."

Case #1  
2. Complainant first discusses the assessment of property belonging to someone named Higginbotham and the Property Appraiser's alleged failure to assess one house and two barns located on the property. The only thing new about this amendment is that Complainant makes the statement:

Append. INFORMATION SUPPORT 3-Fact Witnesses: Coconut Grove Bank As Guardian For Property of Dwain W. Higginbotham & Director Dan Demorett for Respondent, not then available documentation, now available to Original Complaint:

If the Property Appraiser has not assessed "one house and two barns," this is not a violation of Section 104.011 or 104.051, Florida Statutes. Section 104.011, FS, requires that a false oath be made "...in connection with or arising out of voting or elections..." Section 104.051 discusses neglect of duties "...as prescribed by this election code." Complainant's remedy relative to underassessment of property is with the agency of State government having overall supervision of Property Appraisers, the Florida Department of Revenue.<sup>1</sup> Complainant is still annoyed that counsel for the Property Appraiser's office would not answer questions he propounded to that office in the guise of a public records act request. (See letter at page 12 of the attachments to the original Complaint). If Complainant feels he has been denied public records, Chapter 119 provides a specific and speedy judicial remedy and attorneys' fees. That remedy is not with this tribunal. The addition of various names as "fact witnesses" do not change the fact that Complainant has failed to allege a violation of the election laws by Respondent.

Cause #2

3. Complainant next discusses "2 pages of Skinner Political Advertising" as constituting false swearing contrary to Section 104.011, F.S. and "corrupt practices neglect of duty Fla.Stat. 104.051." That allegation is unchanged from the July Complaint to which Respondent has previously replied and still fails to state a violation of the election laws. It would certainly make campaigns a lot less interesting if candidates' campaign materials and statements were required to be sworn to under oath, but that is not the law today. *False - Purpose of HWRC FEC #16-245*

???  
→ as incumbent

<sup>1</sup> §195.001(1), Fla.Stat.: "The Department of Revenue shall have general supervision of the assessment and valuation of property so that all property will be placed on the tax rolls and shall be valued according to its just valuation, as required by the constitution." ...

Exhibit A-8347(2 of 5)

Laurel #3  
Case #4

4. Complainant is next concerned because someone named Henderson was denied "Save Our Homes Portability" because he did not own his property on January 1, 2015. (Complaint, page 21 / sic pp-3)  
Mr. Henderson's situation has nothing whatsoever to do with Chapters 104 or 106, Florida Statutes. If Mr. Henderson felt he was entitled to portability of his homestead exemption, he had every opportunity to file a petition with the Collier County Value Adjustment Board. There is no change to this allegation, which miserably fails to allege a violation of the election laws.

5. Complainant is finally concerned about "...Dishonest Abe's Tax Roll Vernacular..." There is no change to this allegation. Again, whatever the Property Appraiser says or does in connection with his duties as Collier County Property Appraiser has nothing to do with Chapters 104 or 106, Florida Statutes.

### CONCLUSION

The mish-mash of allegations that Complainant continues to make are wholly frivolous and, as in the five (5) FEC cases he filed against his opponent, Hon. Laurel Kelly, when unsuccessfully running six (6) times for the office of Property Appraiser in Martin County,<sup>2</sup> do not allege violations of law cognizable by the Florida Elections Commission. It is respectfully requested that the Executive Director promptly act on Complainant's allegations, as Respondent fears that Complainant may well bring up the existence of this proceeding as an "August Surprise" in the primary election contest thirteen days hence.

Finally, Respondent respectfully requests that the full Board consider Respondent's Motion to Declare Complainant a Vexatious Litigant at its November 16-17, 2016 meeting.

---

<sup>2</sup> See LUSSY's complaints in FEC 1996-130, FEC 1996-230, FEC 2004-160, FEC 2004-319, and FEC 2008-263, all dismissed even before requiring a response from Laurel Kelly, Martin County Property Appraiser.

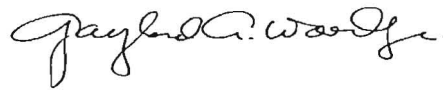
Exposition  
of Lidd  
per SC.

Dated this 17th day of August, 2016.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Initial Response to Amended Complaint has been furnished via US Mail and E-mail this 17th day of August, 2016 to:

Richard Charles "Rick" Lussy  
2840 Shoreview Drive, Suite #2  
Naples FL 34104  
email: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com)



---

GAYLORD A. WOOD, JR. FBN 089465  
J. CHRISTOPHER WOOLSEY FBN 537438  
Wood & Stuart, P.A., PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)



PO Box 1987  
Bunnell, FL 32110

ORLANDO  
FL 328  
18 JUL 15  
FN 34

Mr. R. Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104



94112-566102



Exhibit A-8387 (5065)

# EDITORIAL OPINION

## Naples Daily News

**WILLIAM R. BARKER**  
PRESIDENT AND PUBLISHER

**MANNY GARCIA**  
EXECUTIVE EDITOR

**ALLEN BARTLETT**  
EDITORIAL PAGE EDITOR

1100 Immokalee Road, Naples, Florida 34110 • 739-262-3161

### Collier property appraiser Keep Skinner for experience

#### NAPLES DAILY NEWS

#### EDITORIAL BOARD

**C**ollier County Property Appraiser Abe Skinner is the clear choice for re-election to another term.

Skinner is one of two Republicans running. Our endorsements typically recommend which candidate we believe voters should support. In this case, we take the additional step to specifically urge voters not to cast a ballot for challenger Rick Lussy.

Skinner, who has held the office since 1991, has a superior understanding of the public appraiser's duties because of his experience. He remains dedicated to the office and enthusiastic about his work. He proudly points to an office budget that is only 1.1 percent more than eight years ago and his record of returning some \$1 million yearly to local taxing authorities because he doesn't spend all he has in his budget. He touts how his office mapping system saved taxpayers money when other governments were able to piggyback on it, rather than spend to create their own.

"Retirement is an ugly word," Skinner told our editorial board. We add that he assured us there are staffers in his office capable of stepping into the top job in the future, so we're comfortable he is grooming eventual successors.

Four years ago, when Skinner was 81 years old, we endorsed his opponent, who was experienced in the office in a key role. We cannot even consider Skinner's opponent this time.

In September 2002, court records show, Lussy was ordered by the Florida Supreme Court to never again file a lawsuit on his own, known as a pro se action, instead requiring he only file suits through a member of The Florida Bar. The high court labeled Lussy an "abusive" and "malicious" litigant, records show.

Lussy tells us he considers his disagreement with the justices very much active, 14 years later.

He's run for property appraiser in Martin County on Florida's east coast, making some of the same weak arguments he offers against Skinner, except for noting the incumbent's age.

We endorse Skinner as the voters' clear choice.

#### Endorsements

Below is a recap of the Naples Daily News editorial board endorsements for contests and issues on the Aug. 30 ballot. Winners in a primary race face other challengers on Nov. 8.

U.S. Congress District 19, Republican primary: Francis Rooney

Florida Senate District 28, Republican primary: Kathleen Passidomo

Florida House District 106, Republican primary: Lavigne Kirkpatrick

Florida House District 80, Republican primary: Byron Donalds

State constitutional amendment 4: Yes. This ballot issue allows businesses to qualify for tax breaks to install solar equipment.

Collier County Commission District 5, Republican primary: Randy Cash

Collier County Commission District 3, Republican primary: Russell Tuff

Collier County Commission District 2, final vote: Andy Solis

Collier County School Board District 2, non-partisan, final vote: Stephanie Lucarelli

Collier County School Board District 4, non-partisan, final vote: Erick Carter

Collier Clerk of Courts, final vote: Dwight Brock, conditional on his ending his feud with Collier County commissioners within a year.

Collier County Property Appraiser, final vote: Abe Skinner

Collier County fire district annexations: Yes

Lee County Commission District 3, Republican primary: Dick Anderson

Lee County Commission District 5, Republican primary: Frank Mann

Lee County School Board District 3, non-partisan, final vote: Chris Patricca

Lee County School Board District 2, non-partisan: With six candidates, to avoid election with a diluted vote, we suggest the best outcome is a runoff Nov. 8 with Jeanne Dozier and Charlie Flores.

Lee County School Board District 6, at large, nonpartisan: Jane Kuckel

Lee County School Board District 7, at large, nonpartisan: With five candidates, to avoid election with a diluted vote, we suggest the best outcome is for a runoff Nov. 8 between Cathleen Morgan and Guido Minaya.

Lee County Sheriff, Republican primary: Mike Scott

Lee County Supervisor of Elections, non-partisan: Sharon Harrington

For a recap of our reasoning on each, go to [naplesnews.com](http://naplesnews.com) for the original editorials.

Exhibit A-0339

Richard Lussy & Associates



Re: FEC Cases Nos. 16-245 and 16-357   
Florida Elections Commission to: Gaylord Wood  
Sent by: Donna Malphurs

10/31/2016 12:12 PM

From: Florida Elections Commission/OAG  
To: Gaylord Wood <gaylord@bellsouth.net>

---

Our records indicate that we mailed you letters dated October 19th in each case. Did you receive our correspondence?

Gaylord Wood

Good morning! I cannot find a response to my e...

10/30/2016 03:07:29 PM

From: Gaylord Wood <gaylord@bellsouth.net>  
To: Florida Elections Commission <fec@myfloridalegal.com>  
Date: 10/30/2016 03:07 PM  
Subject: Re: FEC Cases Nos. 16-245 and 16-357

---

Good morning!

I cannot find a response to my earlier emails and in particular to my letters of October 7 requesting that my motions to declare Rick Lussy a "vexatious litigant" be scheduled for hearing on the November docket.

Could you kindly update me as to the status of the pending Motions in these two cases? (Mr. Lussy was served with a copy of the motion in Case No. 245 but not in case 357.) We have not been furnished a response by him in Case No. 245.

Thank you for your co-operation.

Sincerely,

Gaylord A Wood, Jr. (Case 16-245, Abe Skinner)  
J. Christopher Woolsey (Case 16-357, Gaylord A. Wood, Jr.)

On Monday, October 10, 2016 8:38 AM, Florida Elections Commission <fec@myfloridalegal.com> wrote:

Thank you.

▼ Gaylord Wood ---10/07/2016 02:19:40 PM---Please see enclosed correspondence. Thank you,

From: Gaylord Wood <gaylord@bellsouth.net>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>, Rain <rain@woodstuartpa.com>  
Date: 10/07/2016 02:19 PM  
Subject: FEC Cases Nos. 16-245 and 16-357

---

Please see enclosed correspondence.

Thank you,

Gaylord A. Wood, Jr.

J. Christopher Woolsey[attachment "Executive\_Director\_Letter\_1.pdf" deleted by Erin Riley/OAG]  
[attachment "Executive\_Director\_Letter\_1.pdf" deleted by Erin Riley/OAG]



Re: FEC Cases Nos. 16-245 and 16-357

Gaylord Wood

to:

Florida Elections Commission

10/30/2016 03:07 PM

Hide Details

From: Gaylord Wood <gaylord@bellsouth.net>

To: Florida Elections Commission <fec@myfloridalegal.com>

Please respond to Gaylord Wood <gaylord@bellsouth.net>

Good morning!

I cannot find a response to my earlier emails and in particular to my letters of October 7 requesting that my motions to declare Rick Lussy a "vexatious litigant" be scheduled for hearing on the November docket.

Could you kindly update me as to the status of the pending Motions in these two cases? (Mr. Lussy was served with a copy of the motion in Case No. 245 but not in case 357.) We have not been furnished a response by him in Case No. 245.

Thank you for your co-operation.

Sincerely,

Gaylord A Wood, Jr. (Case 16-245, Abe Skinner)

J. Christopher Woolsey (Case 16-357, Gaylord A. Wood, Jr.)

On Monday, October 10, 2016 8:38 AM, Florida Elections Commission <fec@myfloridalegal.com> wrote:

Thank you.

▼ Gaylord Wood ---10/07/2016 02:19:40 PM---Please see enclosed correspondence. Thank you,

From: Gaylord Wood <gaylord@bellsouth.net>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>, Rain <rain@woodstuartpa.com>

Date: 10/07/2016 02:19 PM

Subject: FEC Cases Nos. 16-245 and 16-357

Please see enclosed correspondence.

Thank you,

Gaylord A. Wood, Jr.

J. Christopher Woolsey[attachment "Executive\_Director\_Letter\_1.pdf" deleted by Erin Riley/OAG] [attachment "Executive\_Director\_Letter\_1.pdf" deleted by Erin Riley/OAG]

.



**FLORIDA ELECTIONS COMMISSION**

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

October 19, 2016

R.C. "Rick" Lussy  
2840 Shoreview Drive, Suite # 2  
Naples, FL 34104

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr.**

Dear Mr. Lussy:

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

This complaint fails to state a cognizable claim under Chapter 104 or 106, Florida Statutes. The complaint is, therefore, beyond the jurisdiction of the Florida Elections Commission and legally insufficient.

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

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

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

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/enr

Enclosure: Additional Information Form

cc: J. Christopher Woolsey, Attorney for Respondent w/out Enclosure

Com005 (5/09)

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

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

**Telephone Number: (850) 922-4539**

**www.fec.state.fl.us**

**CONFIDENTIAL ADDITIONAL INFORMATION FORM**

**Case Number: FEC 16-357**

Pursuant to Rule 2B-1.0025, Florida Rules of Administrative Procedure, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain below and attach any relevant documentation to this form:

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---

---

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

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

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

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

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary public.

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

Personally known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

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

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



**FLORIDA ELECTIONS COMMISSION**

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

October 19, 2016

J. Christopher Woolsey  
Post Office Box 1987  
Bunnell, FL 32110

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr.**

Dear Mr. Woolsey:

I am in receipt of your correspondence requesting that your "Motion to Declare Complainant a Vexatious Litigant" be placed on the Commission's November meeting agenda.

While I understand and appreciate your concerns, it appears that the Commission does not have the authority to consider the motion or enter the order requested by it.

As you know, Section 68.093, Florida Statutes, defines a vexatious litigant as a person who "in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more **civil actions** in **any court** in this state . . . which actions have been finally and adversely determined against such person or entity . . ." The Florida Elections Commission is not a court and the complaints filed with it are not civil actions. Further, the statute prescribing the Commission's jurisdiction (Chapter 106, Florida Statutes) does not authorize it to declare a complainant to be a vexatious litigant.

We are also in receipt of your "Motion to Award Attorney's Fees and Costs" which, in accordance with Rule 2B-1.0045, Florida Administrative Code, must be filed and will be considered by the Commission following disposition of the complaint.

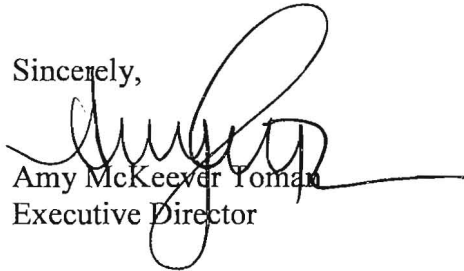
While I am aware that there is case law interpreting a similar provision in the Rules of Civil Procedure to mean that a motion for fees can be filed at any time, even prior to final judgment,



the Commission is not bound by that decision or by the Rules of Civil Procedure, but rather by its own rules and statutory obligations.

Thank you for your correspondence. I look forward to the resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy McKeever Yoman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amy McKeever Yoman  
Executive Director



FEC Cases Nos. 16-245 and 16-357

Gaylord Wood

to:

fec@myfloridalegal.com, Rain

10/07/2016 02:19 PM

Hide Details

From: Gaylord Wood <gaylord@bellsouth.net>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>, Rain  
<rain@woodstuartpa.com>

Please respond to Gaylord Wood <gaylord@bellsouth.net>

2 Attachments



Executive Director Letter 1.pdf Executive Director Letter 1.pdf

Please see enclosed correspondence.

Thank you,

Gaylord A. Wood, Jr.  
J. Christopher Woolsey

# Wood & Stuart, P.A.

Attorneys at Law

Gaylord A. Wood, Jr.  
B. Jordan Stuart (1943-2016)  
J. Christopher Woolsey

626 S.W. 11th Court  
Fort Lauderdale, Florida 33315  
(954) 463-4040, Fax (954) 764-5734

P.O. Box 1987  
Bunnell, Florida 32110  
(386) 437-9400, Fax (386) 437-9414

Please Reply to Bunnell

October 7, 2016

Amy McKeever Toman, Esquire  
Executive Director, Florida Elections Commission  
Via email (only): [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

In Re: Gaylord A. Wood, Jr., Case No. 16-357

Dear Director Toman:

On August 31, I filed a Motion asking the Commission to determine that Mr. Lussy is a "Vexatious Litigant" - not for Mr. Wood's benefit - but for the benefit of those persons who have the bad luck to act as counsel for Mr. Lussy's election opponents in the future. Mr. Lussy must know that he is a vexatious litigant as so declared by the Supreme Court and the Circuit Courts of the Nineteenth and Twentieth Judicial Circuits. He has filed at least 10 frivolous cases with this Commission. He wastes the limited resources and valuable time of the Commission which should be spent on real cases. If an attorney must sign Mr. Lussy's initial filings in the Supreme and Circuit Courts, there is no reason for this Commission not to adopt the same restriction.

Mr. Lussy's targets should not have to put up with drivel such as his claims in this case that he is a victim of the International Green Machine: "Each 90-days, different skills are used. Method is the 24/7 Target- Stalk- Attack- Bully- Badger-Torment in a wet blanket sting(s) of the subject: Rick Lussy."

I respectfully request that the Commission issue a notice to Mr. Lussy to respond if he so chooses, and that my Motion be placed on the agenda for the November 16-17, 2016 meeting of the Commission. Please advise if it is necessary for me to waive confidentiality to accomplish this. Thank you.

Sincerely,

*J. Christopher Woolsey*

J. CHRISTOPHER WOOLSEY

JCW/jkf



**Re: Case Number 16-357**   
Florida Elections Commission to: Rain  
Sent by: Donna Malphurs

09/07/2016 10:56 AM

Dear Mr. Woolsey,

The Florida Elections Commission is in receipt of your Motion for Fees. However, please refer to Rule 2B-1.0045, which states that to claim fees, a Respondent must file a petition for fees with the Commission clerk "no later than 30 days following disposition of the complaint."

The other pleadings will be included in the materials provided to the Commission in connection with this case when/if the complaint is found to be legally sufficient, is investigated and is presented to the Commission for adjudication.

If you have any questions, please let me know.

Sincerely,

Donna Ann Malphurs  
Agency Clerk

"Rain"

Please see attached.

08/31/2016 08:38:00 PM

From: "Rain" <rain@woodstuartpa.com>  
To: <fec@myfloridalegal.com>  
Date: 08/31/2016 08:38 PM  
Subject: Re: Case Number 16-357

Please see attached.

Thank you,  
Rain


Lorraine Lagana  
Paralegal  
Wood & Stuart, P.A.  
P.O. Box 1987  
Bunnell, FL 32110  
tel-386-437-9400< /o:p>  
rain@woodstuartpa.com

The information contained in this email is confidential, within the attorney-client privilege, and intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver to the intended recipient), you are hereby notified that any dissemination, distribution or copying of this communication is prohibited by federal and state law. If you have received this communication in error, please notify my office by telephone to the number listed above, or by return email, and return the

original message to my office at the above post office address.

Lorraine Lagana Paralegal Wood & Stuart, P.A. P.O. Box 1987 Bunnell, FL 32110  
386-437-9400 [attachment "Initial\_Response\_FEC\_16-357.pdf" deleted by Donna  
Malphurs/OAG] [attachment "Motion\_for\_Fees\_FEC\_16-357.pdf" deleted by Donna  
Malphurs/OAG] [attachment "Motion\_to\_Declare\_Vexatious\_Litigant\_FEC\_16-357.pdf"  
deleted by Donna Malphurs/OAG] [attachment "Notice\_of\_Appearance\_FEC\_16-357.pdf"  
deleted by Donna Malphurs/OAG]



**Re: Fw: Case Number 16-357**   
Amy Toman to: Florida Elections Commission

09/06/2016 04:50 PM

From: Amy Toman/OAG  
To: Florida Elections Commission/OAG@OAG

---

Yes, please refer to Rule 2B-1.0045, which states that to claim fees, a R. must file a petition for fees with the Commission clerk "no later than 30 days following disposition of the complaint."

The other pleadings will be included in the materials provided to the Commission in connection with this case when/if the complaint is found to be legally sufficient, is investigated and is presented to the Commission for adjudication.

**Amy McKeever Toman, J.D.**  
Executive Director  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050  
amy.toman@myfloridalegal.com  
(850) 922-4539  
(850) 921-0783 fax  
www.fec.state.fl.us

Florida Elections Commission    Motion for Fees. This case is still pe...    09/06/2016 10:03:19 AM

From: Florida Elections Commission/OAG  
To: Amy Toman/OAG@OAG  
Date: 09/06/2016 10:03 AM  
Subject: Fw: Case Number 16-357  
Sent by: Donna Malphurs

---

Motion for Fees. This case is still pending 14-day review. Is it premature to request fees. Would you like me to respond that case must be closed before fees can be requested?

Donna  
----- Forwarded by Donna Malphurs/OAG on 09/06/2016 10:01 AM -----

From: "Rain" <rain@woodstuartpa.com>  
To: <fec@myfloridalegal.com>  
Date: 08/31/2016 08:38 PM  
Subject: Re: Case Number 16-357

---

Please see attached.

Thank you,  
Rain

Lorraine Lagana  
Paralegal  
Wood & Stuart, P.A.  
P.O. Box 1987  
Bunnell, FL 32110

tel-386-437-9400< /o:p>  
rain@woodstuartpa.com

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Lorraine Lagana Paralegal Wood & Stuart, P.A. P.O. Box 1987 Bunnell, FL 32110  
386-437-9400 [attachment "Initial\_Response\_FEC\_16-357.pdf" deleted by Amy Toman/OAG]  
[attachment "Motion\_for\_Fees\_FEC\_16-357.pdf" deleted by Amy Toman/OAG] [attachment  
"Motion\_to\_Declare\_Vexatious\_Litigant\_FEC\_16-357.pdf" deleted by Amy Toman/OAG]  
[attachment "Notice\_of\_Appearance\_FEC\_16-357.pdf" deleted by Amy Toman/OAG]



Re: Case Number 16-357  
Rain  
to:  
fec  
08/31/2016 08:38 PM  
Hide Details  
From: "Rain" <rain@woodstuartpa.com>  
To: <fec@myfloridalegal.com>  
History: This message has been forwarded.

4 Attachments



Initial\_Response\_FEC\_16-357.pdf



Motion\_for\_Fees\_FEC\_16-357.pdf



Motion\_to\_Declare\_Vexatious\_Litigant\_FEC\_16-357.pdf



Notice\_of\_Appearance\_FEC\_16-357.pdf

Please see attached.

Thank you,  
Rain

Lorraine Lagana  
Paralegal  
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Lorraine Lagana Paralegal Wood & Stuart, P.A. P.O. Box 1987 Bunnell, FL 32110 386-437-9400



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

---

**NOTICE OF APPEARANCE**

---

PLEASE TAKE NOTICE that the undersigned firm hereby enters its appearance as counsel on behalf of Respondent, GAYLORD A. WOOD, JR., in this cause and requests that all pleadings, announcements, notices and filings also be served upon the undersigned.

Dated this 31<sup>st</sup>. day of August, 2016.

**CERTIFICATE OF SERVICE**

Pursuant to instructions regarding confidentiality received from the Clerk, no copy of the foregoing has been served on Complainant.

/s/ J. Christopher Woolsey  
J. CHRISTOPHER WOOLSEY FBN 537438  
PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

---

**INITIAL RESPONSE TO COMPLAINT**

---

Respondent, GAYLORD A. WOOD, Jr., files this Initial Response to the Complaint herein and respectfully says as follows:

1. The Complaint is rambling and incoherent. Without authority or leave from the Commission, Complainant has taken it upon himself to “cut and paste” the official Complaint Form FEC 002 (Rev. 05-05-2014) to make an unrecognizable document. Respondent’s telephone number is not (239) 252-8141, it is (386) 437-9400.

2. LUSSY first mentions something he calls “Respondent’s Voluntary Alleged Notice of Deficiency pursuant comity Fed.Rule App. Procedure 42(b).” Rule 42(b), FRAP, discusses how a Federal appeal may be dismissed on filing of a stipulation by the parties. LUSSY fails to attach the “Alleged Notice of Deficiency” to which he refers and the Federal Rules of Appellate Procedure have nothing whatsoever to do with proceedings before this Commission.

3. LUSSY then has created something he calls JURISDICTIONAL AUTHORITIES, which is not a provision found in this Commission’s official Complaint Form FEC 002, in lieu of this Commission’s requirement headed ALLEGED VIOLATION(S).

4. LUSSY claims that Respondent has violated Sections 104.051, 104.011 and 104.091,

Florida Statutes and in footnotes 2, 3 and 4 actually quotes those statutes. However, LUSSY fails to provide facts which, if true, would constitute violations of those sections. While LUSSY freely libels the Collier County Property Appraiser, ABE SKINNER,<sup>1</sup> the sum total of what he says about Respondent is that Respondent advised LUSSY that the Public Records Law, Chapter 119, Florida Statutes, did not require a public official to answer questions, Mr. Wood quoting verbatim from the Attorney General's Sunshine Law Manual.

5. Next from LUSSY comes an *ad hominem* attack on Respondent, calling him a "corrupt persuader," and that Respondent "has created additional personal culpability with direct & continuing collusion, to obstruct justice not ignorance of the law, but with malice of [sic] aforethought manipulation and falsification of public record(s) through discrimination the formal policy of the American-National Bar Association as advocates, partisans and lobbyists." Again, these scurrilous, disjointed words do not allege a violation of statutes over which this Commission has jurisdiction.

6. In Footnote 13, LUSSY claims that he is a victim of something he calls the International Green Machine: "Each 90-days, different skills are used. Method is the 24/7 Target-Stalk-Attack-BullyBadger-Torment in a wet blanket sting(s) of the subject: Rick Lussy." A tinfoil hat is thought to be 100% effective in countering the "International Green Machine."

7. LUSSY wants to settle this Complaint by having ABE SKINNER voluntarily terminate his candidacy before the August 30 primary election (he was soundly defeated). He does not say how this is within the ability of Respondent to bring about.

---

<sup>1</sup> "Deferred denial on SKINNER'S womanizing treatment of subordinate monopoly government employee ladies contemptuous, when not compliant & not accepting to SKINNER already a married man. Skinner is despicable & legendary for his sexual advances."

## CONCLUSION

The mish-mash of allegations that LUSSY has made are wholly frivolous and, as in the cases he filed against his opponent when running six times for the office of Property Appraiser in Martin County,<sup>2</sup> do not allege violations of law cognizable by the Florida Elections Commission.

WHEREFORE, Respondent respectfully requests that this Commission find that LUSSY's Complaint is utterly without basis, dismiss the same, award Respondent costs and attorneys' fees against LUSSY pursuant to Section 106.625, Florida Statutes, and declare LUSSY to be a Vexatious Litigant, barring him from filing future Complaints with this Commission unless they are endorsed by a Member of The Florida Bar.

Dated this 31st. day of August, 2016.

---

<sup>2</sup> See LUSSY's complaints in FEC 1996-130, FEC 1996-230, FEC 2004-160, FEC 2004-319, and FEC 2008-263, all dismissed even before requiring a response from Laurel Kelly, Martin County Property Appraiser.

**CERTIFICATE OF SERVICE**

Pursuant to instructions regarding confidentiality received from the Clerk, no copy of the foregoing Response has been served on Complainant.

/s/ J. Christopher Woolsey

J. CHRISTOPHER WOOLSEY FBN 537438

Wood & Stuart, P.A.,

PO Box 1987

Bunnell, FL 32110

Tel: (386) 437-9400

Fax: (386) 437-9414

Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

---

**MOTION TO DECLARE COMPLAINANT A VEXATIOUS LITIGANT**

---

Respondent, GAYLORD A. WOOD, JR., respectfully requests that this Commission exercise its inherent authority and powers and declare Complainant to be a Vexatious Litigant and require any future Complaint filed with this Commission to also be endorsed by a Member of The Florida Bar. Respondent respectfully requests that this Commission consider this Motion at its meeting on November 16-17, 2016.

In support thereof, Respondent would respectfully show as follows:

1. Complainant LUSSY has been an unsuccessful candidate for the office of Property Appraiser of Martin County in six (6) elections from 1992 to 2012, each time against Laurel Kelly. Complainant is now the unsuccessful former candidate for the office of Property Appraiser of Collier County, having been defeated in the primary election held on August 30, 2016.

2. Complainant has filed at least the following Complaints in this tribunal:

Case Number	Respondent
FEC 1996-129	Sarah Woods, Esquire
FEC 1996-130	Laurel Kelly, Martin County Property Appraiser
FEC 1996-230	"Laura" [sic] Kelly, Martin County Property Appraiser
FEC 1996-254	Multiple persons
FEC 1998-040	Gunster Yoakley Stewart PA law firm
FEC 2004-160	Laurel Kelly, Martin County Property Appraiser

FEC 2004-319  
FEC 2008-263  
FEC 2016-245  
FEC 2016-357

Laurel Kelly, Martin County Property Appraiser  
Laurel Kelly, Martin County Property Appraiser  
Abraham Skinner, Collier County Property Appraiser  
Gaylord A. Wood, Jr., Esquire

3. The years 1996, 2004, 2008 and 2016 are all years in which LUSSY was a candidate for the office of Property Appraiser against the Respondent in that particular case.

4. SARAH WOODS, against whom LUSSY filed a Florida Elections Commission Complaint in Case No. 1996-129, is an attorney at law who was counsel for LAUREL KELLY, Martin County Property Appraiser. None of Mr. LUSSY's FEC Complaints ever passed the gatekeeper of this Commission to even require a response from the party complained against.

5. LUSSY's expressed contempt for public officials knows no limits. In his *pro se* filings, Mr. LUSSY routinely makes the most vile and scurrilous allegations against members of the Judiciary and others. See, for example, a pleading in Small Claims Court recorded in O/R Book 4520 at Page 163, Collier County Public Records in which he refers to a sitting County Court Judge as "unqualified and incompetent," a liar, refers to himself as HON. RICK, ESQ., etc.

6. The Florida Supreme Court has declared LUSSY to be a Vexatious Litigant by Order dated September 26, 2002 in Cases Nos. SC01-849 and SC01-933, copy attached.

7. The Circuit Court of the Nineteenth Judicial Circuit has declared LUSSY to be a Vexatious Litigant by Order dated March 2, 2006 in Case No. 05-954-CA, copy attached.

8. The Circuit Court of the Twentieth Judicial Circuit has declared LUSSY to be a Vexatious Litigant by Order dated March 24, 2006 in Case No. 05-1631-CA, attached as an Exhibit to an Order dated January 28, 2008 in Case No. 07-2396-SC, copy attached.

9. Those Orders refer to other instance outside the State of Florida in which LUSSY has also

been declared a Vexatious Litigant.

10. If this were a Court, LUSSY's filing would violate the foregoing Orders. Because of his unsuccessful complaints to this Commission, LUSSY satisfies the numerosity requirements of Section 68.093(2)(d)(1), F.S. This Commission has limited resources, which should be devoted to the hearing of meritorious cases. Enough is enough. It will not unduly limit LUSSY's access to this Commission for a Member of The Florida Bar to be required to endorse LUSSY's future Complaints stating that he has investigated LUSSY's claims and expresses a belief, based upon a reasoned and professional judgment, that the Complaint alleges a legally sufficient violation of a specific provision of Chapters 104, 106 or Section 105.071, Florida Statutes.

11. Unless restrained by Order of this Commission, Respondent fears that LUSSY will continue to spew malicious, incomprehensible allegations of wrongdoing against various officials, requiring expenditure of time and resources of the Respondent in such case and this Tribunal in responding to them. The least restrictive and most effective remedy would be for this Commission to require a Member of The Florida Bar to endorse any future complaint filed by LUSSY as a condition precedent to its filing with this tribunal.

WHEREFORE, Respondent respectfully moves for the entry of an Order, after response by LUSSY and hearing, declaring him to be a Vexatious Litigant and require a Member of The Florida Bar to endorse any future Complaints he files with this Commission.



**CERTIFICATE OF SERVICE**

Pursuant to directions received from the Clerk, because this proceeding is confidential, a copy of the foregoing Motion has not been served upon Complainant.

/s/ J. Christopher Woolsey

J. CHRISTOPHER WOOLSEY, Esq.

Florida Bar No. 537438

Wood & Stuart, P.A.,

PO Box 1987

Bunnell, FL 32110

Tel: (386) 437-9400

Fax: (386) 437-9414

Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)

Secondary email: [rain@ woodstuartpa.com](mailto:rain@woodstuartpa.com)

34

IN THE SMALL CLAIMS COURT OF 20<sup>TH</sup> JUDICIAL CIRCUIT IN & FOR COLLIER, FLORIDA

09-19-AP

RICHARD C. LUSSY HONORABLE, R.C. "RICK" LUSSY, MAI, SRA, ESQ. \*\*Small Claim#09-1688 SC  
Candidate For Property Appraiser ( R ) a/s/o RICK LUSSY Individually Plaintiffs

versus

DEBRA A. KELLY; UNKNOWN SPOUSE OF DEBRA A. KELLY IF ANY, ANY AND ALL  
UNKNOWN PARTIES CLAIMING BY THROUGH, UNDER, AND AGAINST THE HEREIN  
NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR  
ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES,  
HEIRS, DEVEISEES GRANTEES OR OTHER CLAIMANTS, JANE DOE AND/OR JOHN DOE

\*\*  
\*\*  
\*\*  
\*\*  
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\*\*  
\*\*

NOTICE OF 100% APPEAL

Form 9.900 and Mandatory Fla. R. App. P. 9.125 Great Public Importance Throwing Elections In Fraud-Public Records

FILED 40  
CLERK OF CIRCUIT COURT  
2009 DEC 14 11:33 AM  
COLLIER COUNTY, FLORIDA

NOTICE IS GIVEN THAT RICHARD C. LUSSY HONORABLE, R.C. "RICK" LUSSY, MAI,  
SRA, ESQ. (HON. RICK ESQ.) Plaintiff/Appellant, appeals to the APPELLATE COURT DIVISION OF  
20<sup>TH</sup> CIRCUIT the Final \$295.70 Judgment of this court Judge John Michael Provost #365025 rendered  
December 10<sup>th</sup>, 2009, receipt Saturday December 12<sup>th</sup>, 2009, now filed Monday December 14, 2009.

- 1<sup>st</sup> Judge John M. Provost Fla. Bar Ass'n monopoly member #365025 is unqualified & incompetent;
  - 2<sup>nd</sup> Judge John M. Provost #365025 lied Article II oath to get judge job/pension for life for "discretion".
  - 3<sup>rd</sup> Judge Provost #365025 100% denial of authorities of all statutes, court rules, local court rules and administrative orders relevant to the public judge annual paid salary \$144,649 purpose required as conservator of peace Section 19 and prohibited practice of advocacy law in political office to throw Florida Elections with fraudulent-malicious public records as abuse of discretion pursuant, Section 13, Article V 1968 Florida State Constitution and to terminate employment of Judge John Michael Provost #365025;
  - 4<sup>th</sup> Ordered Mediator Leo F. Rattigan to deny jury trial as petitioned 7/22/09 at 9/25/09 pre trial;
  - 5<sup>th</sup> Denied 11/9/09 subpoenaed fact witnesses prove punitive damages by gov't worker green machine;
  - 6<sup>th</sup> Created 11/9/09 KELLY Counter claim not written, not verbally asked for after Provost prompting;
  - 7<sup>th</sup> Denied 11/9/09 Smear malice "vexatious" litigant fact witnesses smirked with Provost's prejudice;
  - 8<sup>th</sup> Denial 11/17/09 after 11/9/09 Juror Clarification Oath f/ juror review double agent-bias & illiteracy;
  - 9<sup>th</sup> Denial 11/17/09 respectful demeanor HON RICK ESQ. to walk beyond the podium & address jury;
  - 10<sup>th</sup> Denial 11/17/09 of Complaint Fla. Statute 83.67(1) electric utility turn off & (6) egregious punitive damages subsequent repeated violations & to allow pro se attorney in fact fees by jury determination;
  - 11<sup>th</sup> Denial 11/17/09 HON. RICK ESQ. plaintiff Special Interrogatory 100% Jury Verdict Form;
  - 12<sup>th</sup> Created 11/17/09 a 100% nullity purpose f/complaint, prejudice by Judge's jury trial verdict form;
- The nature of the order is a final judgment from 100% Judge Provost NOT a conservator of peace & engaged in prohibited practice of advocacy law thus requiring a 100% JTV/JTV pursuant footnote #1.<sup>1</sup>

Done this 12/14/09 with 12/10/09 order, 11/17/09 juror verdict form, *[Signature]* Richard C. Lussy, Plaintiff/Appellant, Attorney-in Fact, Fla. State Cert. Gen. R.E. Appraiser #RZ1564, Fla. SL #531638 & International Appraisal Institute Designation #902668; Esq., Entitlement Exhibit A-1386, Office: 2165 Greenback Circle, Suite #5-303, Naples, FL. 34112 (P) (239) 263-5413, Expert & Fact Witness, in pro per Copy: Def. Debra Kelly at 26932 Spanish Gardens Dr. Bonita Springs FL. 34135 & Inspector General

<sup>1</sup> 100% JTV/JTV (Jury Trial Verdict with 1-camera on judge television pursuant no brain easily read & understood Fla. Stat. 68.084(4) judge television similar quality Brock verses Collier Commissioners hearing 7/28/09 [www.colliergov.net](http://www.colliergov.net) loyalty oath.

# Supreme Court of Florida

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No. SC01-849

No. SC01-933

---

**RICK C. LUSSY,**

Petitioner,

vs.

**FOURTH DISTRICT COURT OF APPEAL, etc., et al.,**

Respondents.

---

**RICHARD C. LUSSY, etc.,**

Petitioner,

vs.

**JOHN FENNIMAN, etc., et al.,**

Respondents.

[September 26, 2002]

PER CURIAM.

In April, 2001, Rick C. Lussy, also known as Richard C. Lussy, petitioned this Court for writs of mandamus against the Fourth District Court of Appeal and others and John Fenniman and others. We consolidated these related cases and,

on December 20, 2001, issued an order to show cause, dismissing the petitions as facially insufficient and requiring Lussy to show cause why he should not be prospectively denied the right to file pro se petitions with this Court.<sup>1</sup> On January 11, 2002, Lussy filed his “Reply & Motion To Strike Show Cause Order.” The Court hereby denies the motion to strike and imposes sanctions on Lussy for his continued abuse of the judicial system.

---

1. In addition to the pleadings and papers filed in these consolidated cases, Lussy has filed similar pleadings in the following related cases: Lussy v. Fourth District Court of Appeal, 791 So. 2d 1099 (Fla. 2001) (review denied); Lussy v. Fourth District Court of Appeal, 773 So. 2d 56 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 770 So. 2d 159 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 767 So. 2d 458 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 766 So. 2d 222 (Fla. 2000) (review denied); Lussy v. Buob, 766 So. 2d 222 (Fla. 2000) (prohibition dismissed); Lussy v. Fenniman, 753 So. 2d 565 (Fla. 2000) (appeal dismissed); Lussy v. Fenniman, 749 So. 2d 503 (Fla. 1999) (appeal dismissed). These cases were dismissed for lack of jurisdiction or because of facial insufficiency. Additionally, he has filed with this Court numerous actions unrelated to the present cases, all of which have been dismissed, as follows: Lussy v. Schmock, 799 So. 2d 218 (Fla. 2001); Lussy v. Schmock, 794 So. 2d 605 (Fla. 2001); Lussy v. City of Stuart, 780 So. 2d 914 (Fla. 2001); Lussy v. Schmock, 780 So. 2d 914 (Fla. 2001); Lussy v. City of Stuart, 773 So. 2d 56 (Fla. 2000); Lussy v. Schmock, 751 So. 2d 51 (Fla. 1999); Lussy v. City of Stuart, 744 So. 2d 455 (Fla. 1999); Lussy v. City of Stuart, 732 So. 2d 327 (Fla. 1999); Lussy v. Schmock, 760 So. 2d 947 (Fla. 1999); Lussy v. Schmock, 762 So. 2d 917 (Fla. 1999); Lussy v. City of Stuart, 717 So. 2d 534 (Fla. 1998); Lussy v. City of Stuart, 707 So. 2d 1125 (Fla. 1998); Lussy v. City of Stuart, 705 So. 2d 902 (Fla. 1998); Lussy v. Kaufman, 697 So. 2d 1217 (Fla. 1997); Lussy v. Gorny, 654 So. 2d 131 (Fla. 1995); Lussy v. Gorny, 639 So. 2d 979 (Fla. 1994); Lussy v. Gorny, 624 So. 2d 267 (Fla. 1993). Subsequent to our issuance of the order to show cause, Lussy filed another pro se action with this Court, Lussy v. Damsel, No. SC02-1088 (Fla. petition filed May 8, 2002).

Abuse of the legal system is a serious matter, one that requires this Court to exercise its inherent authority to prevent. As we held in Rivera v. State, 728 So. 2d 1165, 1166 (Fla. 1998): “This Court has a responsibility to ensure every citizen’s access to courts. To further that end, this Court has prevented abusive litigants from continuously filing frivolous petitions, thus enabling the Court to devote its finite resources to those who have not abused the system.”

Although rare, we have not hesitated to sanction petitioners who abuse the legal process by requiring them to be represented by counsel in future actions. In Jackson v. Florida Department of Corrections, 790 So. 2d 398 (Fla. 2001), the sanction of requiring a member of The Florida Bar to sign all of petitioner’s filings with this Court and dismissing all other pending cases was imposed on a litigious inmate who repeatedly filed frivolous lawsuits that disrupted the Court’s proceedings. In Martin v. State, 747 So. 2d 386, 389 (Fla. 2000), the sanction was imposed against a petitioner who, like Lussy, repeatedly filed lawsuits that included personal attacks on judges, were “abusive,” “malicious,” “insulting,” and demeaning to the judiciary. In Attwood v. Singletary, 661 So. 2d 1216 (Fla. 1995), the petitioner was sanctioned for filing numerous frivolous petitions, including one that was filed shortly after the Court’s order to show cause was issued.

Like the individual in Attwood, Lussy has abused the processes of this Court

with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. See generally In re McDonald, 489 U.S. 180, 184 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources").

Ours is not the only judicial system that Lussy has assaulted. In the 1980s, he erroneously filed meritless claims in the State of Montana. In Lussy v. Davidson, 683 P.2d 915, 915–16 (Mont. 1984), the court found: "Appellant Richard Lussy is no stranger to this Court. . . . In the words of Judge Sullivan, this motion and accompanying brief 'amount to little more than incoherent rambling.'" In Lussy v. Bennett, 692 P.2d 1232, 1234 (Mont. 1984), the same court indicated that it had issued a restraining order against Lussy, "enjoining him from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se." The court further commented:

Richard C. Lussy, by his various pro se actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of "Justinhoard," and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts

open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits.

Id. at 1236.

Lussy's abuse of the judicial system has drawn the ire of at least one federal court as well. In Lussy v. Haswell, 618 F. Supp. 1360, 1360 (D. Mont. 1985), the court found Lussy to be "a disgruntled litigant who has filed these 13 separate federal cases against the named state and federal judicial officers, each of whom has ruled adversely to him in previous suits." In Haswell, the court ordered Lussy to pay his opponents' litigation fees and expenses as a sanction for his abuse of the justice system.

As we said in Attwood: "We find that Petitioner's pro se activities before this Court have substantially interfered with the orderly process of judicial administration . . . ." Therefore, we deny Lussy's motion to strike our show cause order and direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar. Any other cases that may be pending in this Court in which Lussy is proceeding pro se will be dismissed unless a notice of appearance signed by a member in good standing of The Florida Bar is filed in each case within thirty days of this opinion becoming final.

It is so ordered.

ANSTEAD, C.J., SHAW, WELLS, PARIENTE, LEWIS, and QUINCE, JJ., and  
HARDING, Senior Justice, concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND  
IF FILED, DETERMINED.

Two Cases Consolidated:

Two Original Proceedings - Mandamus

Arthur Brandt, Palm Beach Gardens, Florida,

for Petitioner

No Appearance

for Respondent



IN THE CIRCUIT COURT OF THE 19<sup>TH</sup> JUDICIAL CIRCUIT  
MARTIN COUNTY, FLORIDA

CASE NO. 05-954-CA

R.C. "RICK" LUSSY,  
et. al.,  
Plaintiff,

v.

FLORIDA BAR ASSOCIATION,  
et.al.,  
Defendants

06 MAR -2 PM 5:14  
MARSHA EWING  
CLERK OF CIRCUIT COURT  
D.C.

ORDER DECLARING PLAINTIFF A VEXATIOUS LITIGANT

This cause was before the court on March 2, 2006 for hearing on the Motion to Declare Plaintiff a Vexatious Litigant filed by Defendants Robert Russell Makemson, John G. Fletcher, David M. Gersten, and Frank A. Shepherd pursuant to the Florida Vexatious Litigant Law, § 68.093, Fla. Stat. (2005). The court received evidence and testimony and heard arguments from the parties on the legal and factual issues. On the evidence presented, the court finds as follows.

Findings of fact

In the five years immediately preceding this lawsuit, Plaintiff, R.C. "Rick" Lussy, also known as Rick Lussy and Richard C. Lussy, has filed, pro se, five or more civil actions in the courts in this state, other than actions governed by the Florida

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Page 1 of 10

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MARSHA EWING MARTIN COUNTY DEPUTY CLERK C Burkey

Small Claims Rules, which have been finally and adversely determined against him. A list of these actions and their dispositions is attached to this order and made part hereof by reference.

This court takes notice that two Florida courts, acting under their inherent authority, have prohibited Mr. Lussy from filing pro se civil pleadings. In *Lussy v. Fourth Dist. Court of Appeal*, 828 So. 2d 1026 (Fla. 2002), the Supreme Court of Florida found that “Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others.” *Id.* at 1027. The supreme court directed the clerk “to reject any civil filings from Lussy unless signed by a member of The Florida Bar.” *Id.* at 1028.

The Fourth District Court of Appeal also prohibited Mr. Lussy from filing pro se legal documents, finding that his “filing of frivolous judicial pleadings with no basis in law or fact interferes with the process of judicial administration and requires a restriction in this Court.” *Lussy v. Damsel*, 890 So. 2d 1184, 1185 (Fla. 4th DCA 2004).

The court finds that Mr. Lussy continues to assault the courts with vexatious pleadings. Disregarding the Fourth District’s order in *Lussy v. Damsel, supra.*, Mr.

Lussy attempted to appeal, pro se, this court's nonfinal order dismissing his initial complaint without prejudice, entered December 29, 2005 *nunc pro tunc* December 20, 2005. The Fourth District's order of dismissal entered January 24, 2006 states as follows:

We hereby strike Appellant Richard Lussy's Notice of Appeal and dismiss the appeal. *See Lussy v. Damsel*, 890 So. 2d 1184 (Fla. 4th DCA 2004). Appellant is advised that the filing fee shall not be returned in this case and if any more Notices of Appeal are filed in violation of *Lussy v. Damsel*, the court may consider additional sanctions.

Finally, the court finds that Mr. Lussy had fair warning he could face restrictions under the Florida Vexatious Litigant Law. This court's order dismissing Mr. Lussy's initial complaint without prejudice specifically retained jurisdiction to consider imposing restrictions, subject to notice and hearing which have now been provided.

#### Conclusions of law

##### I. Plaintiff is a vexatious litigant

The Florida Vexatious Litigant Law defines "vexatious litigant" as a person who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity.

§ 68.093(2)(d)1, Fla. Stat. (2005).

Mr. Lussy meets this definition, as the court has found that he filed at least five civil actions that were determined against him with finality in the last five years. Therefore, the court concludes that Mr. Lussy is a vexatious litigant in the meaning of § 68.093(2)(d)1.

### II. Security should be denied without prejudice

Having concluded that Mr. Lussy is a vexatious litigant, the court next considers Defendants' motion to require security pursuant to § 68.093(3)(a), Fla. Stat. (2005). "Security" is defined as "an undertaking by a vexatious litigant to ensure payment to a defendant in an amount reasonably sufficient to cover the defendant's anticipated, reasonable expenses of litigation, including attorney's fees and taxable costs." § 68.093(2)(a), Fla. Stat. (2005).

By separate order, the court will dismissed Mr. Lussy's amended complaint with prejudice as to Defendants Makemson, Fletcher, Gersten, and Shepherd This renders moot their need for security at this time. But since Mr. Lussy has a right of appeal, Defendants may incur litigation costs at a future stage in this proceeding. Therefore, the court will deny without prejudice Defendants' motion for security. Defendants may renew the motion if the need arises later in this proceeding.

### III. Prefiling order will be entered

The court next considers Defendants' request for a prefiling order restricting

Mr. Lussy's future access to the courts of this circuit. The authority to do so is contained in § 68.093(4), which provides:

In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the administrative judge of that circuit. Disobedience of such an order may be punished as contempt of court by the administrative judge of that circuit. Leave of court shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security as provided in this section.

§ 68.093(4), Fla. Stat. (2005).

Section 68.093(4) preserves judicial resources for persons with worthy causes who have not abused Florida's courts and citizens with constant, vexatious lawsuits as Mr. Lussy has done. Therefore, a prefiling order will be entered which restricts Mr. Lussy's access to the courts of this circuit to the full extent permitted by § 68.093(4).

Mr. Lussy will not be denied all access to the courts of this circuit. He will be permitted to file, pro se, a meritorious action if he obtains leave of the administrative judge. He will not be restricted from filing a new action which is signed on his behalf by a member of The Florida Bar.

WHEREFORE, for the foregoing reasons, it is

ADJUDGED:

(1) Defendants' motion to declare Plaintiff a vexatious litigant is granted. The court hereby declares that R. C. "Rick" Lussy, also known as Rick C. Lussy and Richard C. Lussy, is a vexatious litigant in the meaning of § 68.093(2)(d)1, Fla. Stat. (2005).

(2) Defendants' motion for security is denied without prejudice.

(3) Defendants' motion for a prefiling order is granted. Pursuant to § 68.093(4), Fla. Stat. (2005), Mr. Lussy is hereby prohibited from commencing, pro se, any new civil action in the courts of the Nineteenth Judicial Circuit without first obtaining leave of the administrative judge of this circuit.

(4) The clerk of this court is ordered to reject, without accepting for filing, any new pro se civil action submitted by Mr. Lussy unless it is accompanied by a certified copy of an order of the administrative judge granting leave to file the new action. If the administrative judge orders Mr. Lussy to post security as a condition of filing a new action, the clerk shall accept the new action for filing only upon proof that Mr. Lussy has posted security as ordered.

(5) Mr. Lussy shall be permitted to submit a motion for leave to file a proposed new action only on the following conditions: Mr. Lussy must submit to the clerk of

this court a motion for leave to file a proposed new action. Mr. Lussy must attach to the motion a copy of this order and he must attach the proposed new action. The clerk shall not file the motion and its attachments but instead shall immediately furnish it to the administrative judge who shall decide whether to grant leave to allow the action to be filed. As provided by § 68.093(4), Fla. Stat. (2005), leave shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security. If leave to file the new action is denied, the clerk shall return it, unfiled, to Mr. Lussy. If leave is granted, the clerk shall file the action which will then proceed in the normal manner, provided Mr. Lussy has paid the filing fee.

(6) The clerk is ordered to furnish copies of this order to all deputy clerks who are responsible for accepting new case filings in this circuit, to the administrative judge for the civil division of this circuit, to the chief judge of this circuit, and to all civil division judges in this circuit.

(7) Pursuant to § 68.093(6), Fla. Stat. (2005), the clerk is ordered to furnish a certified copy of this order to the Clerk of the Supreme Court of Florida for inclusion in the registry of vexatious litigants.

(8) If Mr. Lussy wilfully violates the restrictions imposed by this order he may be subject to contempt of court.

ORDERED in Martin County, Florida on March 2, 2006.

  
\_\_\_\_\_  
ROBERT E. BELANGER, CIRCUIT JUDGE

Copies furnished:

Rick C. Lussy  
4033 Guava Drive  
Naples, FL 34104-4468

David J. Glantz  
Office of Attorney General  
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Ft. Lauderdale FL 33301-5001

Bridget K. Smitha  
Greenberg Traurig P.A.  
P O Drawer 1823  
Tallahassee FL 32302



Date	Case	Nature of order
1/24/2006	Lussy v. Florida Bar Association, et. al., no 4D04-2914, District Court of Appeal, Fourth District	Order dismissing appeal
3/1/2005	Lussy v. Roby, et. al., no. 04-409 CA, 19 <sup>th</sup> Judicial Circuit, Martin County	Order of dismissal with prejudice
12/29/2004	Lussy v. Damsel, no. 4D04-2914, District Court of Appeal, Fourth District (reported at 890 So. 2d 1184)	Final summary judgment for defendant affirmed
7/1/2004	Lussy v. Damsel, no. CL01-13189 AI, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Final summary judgment for defendant
11/17/2003	Lussy v. Hanley, et. al., no. 2003-016 MARTIN/03-817 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order dismissing appeal
8/28/2003	Lussy v. Hanley, et. al., no. 2003-005 MARTIN/03-295 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order of dismissal
11/7/2002	Lussy v. Schmock, et. al. no. CA 02 8695 AH, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Order of dismissal with prejudice

9/26/2002	Lussy v. Fourth District Court of Appeal, et. al., consolidated appeals nos. SC01-849 and SC01-933, Supreme Court of Florida (reported at 828 So. 2d 1026) <sup>1</sup>	Order denying petitions for writs of mandamus (counts as two actions because two petitions were consolidated and denied)
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<sup>1</sup>In this decision the supreme court cited five cases which it adjudicated adversely to Plaintiff in 2001: *Lussy v. Schmock*, 799 So.2d 218 (Fla. 2001); *Lussy v. Schmock*, 794 So.2d 605 (Fla. 2001); *Lussy v. City of Stuart*, 780 So.2d 914 (Fla. 2001); *Lussy v. Schmock*, 780 So.2d 914 (Fla. 2001). See *Lussy v. Fourth Dist. Court of Appeal*, 828 So.2d at 1027. When added to those listed above, they bring to thirteen the number of adverse final determinations in the five years immediately preceding this lawsuit.

14 X

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA SMALL CLAIMS DIVISION

JOHN ROBERT THOMPSON,  
Plaintiff,

vs.

Case No.: 07-2396-SC

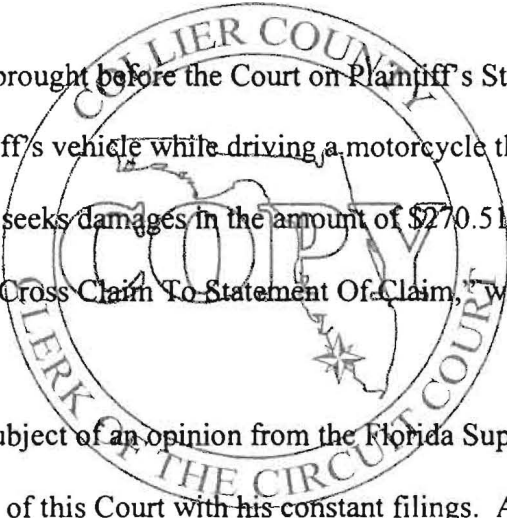
RICHARD CHARLES LUSKY  
(SIC) LUSSY  
Defendant(s).

FILED 07  
COLLIER COUNTY, FL  
2008 JAN 28 AM 4:11  
CLERK OF COURTS  
A. SELLEIGH  
BY ELEANOR G. HAMPTON

ORDER OF DISMISSAL OF DEFENDANT'S  
DEMAND FOR TRIAL BY JURY CROSS CLAIM TO STATEMENT OF CLAIM

THIS CAUSE was brought before the Court on Plaintiff's Statement of Claim. Plaintiff alleges Defendant hit Plaintiff's vehicle while driving a motorcycle thereby causing damage to Plaintiff's vehicle. Plaintiff seeks damages in the amount of \$270.51. Defendant filed a "Demand For Trial By Jury Cross Claim To Statement Of Claim," which is dismissed for the reasons that follow.

1. Defendant was the subject of an opinion from the Florida Supreme Court. "...Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others." Rick C. Lussy v. Fourth District Court of Appeal, 828 So.2d 1026 (Fla. 2002). Therefore, the Florida Supreme Court prohibited Defendant from filing anything without the assistance and representation of counsel.
2. Defendant was further declared a vexatious litigant in an Oder dated March 24, 2006, a copy of which is attached hereto and incorporated herein as "Exhibit A." As a vexatious



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01/31/2008 at 12:21PM DWIGHT E. BROCK, CLERK

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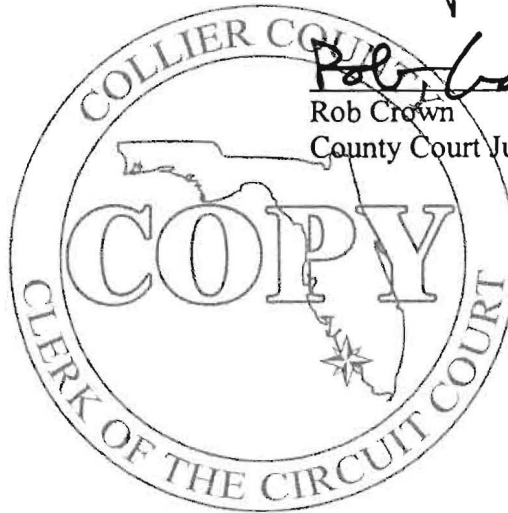
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litigant, there are various restrictions imposed upon Defendant with regard to filings in this Court.

3. Defendant has failed to comply with the restrictions imposed upon him by the Florida Supreme Court and the Circuit Court of the Twentieth Judicial Circuit. It is therefore

**ORDERED AND ADJUDGED** that Defendant's Demand For Trial By Jury Cross Claim To Statement Of Claim is hereby dismissed.

**DONE AND ORDERED** on this 28 day of Jan, 2008.



*Rob Crown*  
Rob Crown  
County Court Judge

*cc: All Parties 1/29/08*  
*RS*

IN THE CIRCUIT COURT OF THE 20<sup>TH</sup> JUDICIAL CIRCUIT  
COLLIER COUNTY, FLORIDA

CASE NO. 05-1631-CA

*Ad*  
R.C. "RICK" LUSSY,  
Plaintiff

v.

RICK LOBER, et. al.,  
Defendants

COPY

ORDER DECLARING R.C. "RICK" LUSSY A VEXATIOUS LITIGANT

This cause was before the court on March 24, 2006 for hearing on the Motion to Declare Plaintiff a Vexatious Litigant filed by Defendants Richard E. Lober and David Rodriguez pursuant to the Florida Vexatious Litigant Law, § 68.093, Fla. Stat. (2005). The court received evidence and testimony and heard arguments from the parties on the legal and factual issues. On the evidence presented, the court finds as follows.

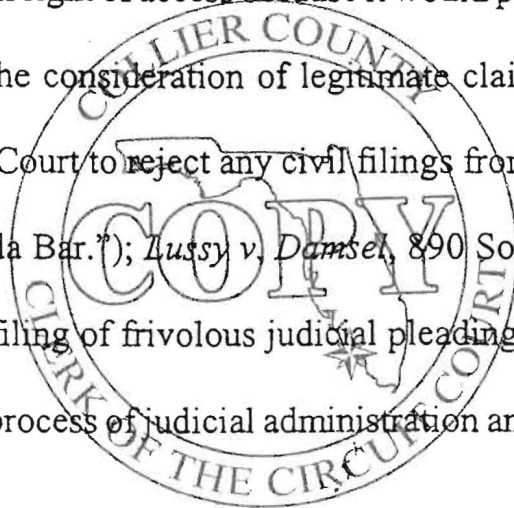
Findings of fact

In the five years immediately preceding this lawsuit, Plaintiff, R.C. "Rick" Lussy, also known as Rick Lussy and Richard C. Lussy, has filed, pro se, five or more civil actions in the courts in this state, other than actions governed by the Florida Small Claims Rules, which have been finally and adversely determined against him.

A list of these actions and their dispositions is attached to this order and made part hereof by reference.

The court takes notice that the Supreme Court of Florida and the Fourth District Court of Appeal, acting under their inherent authority, have prohibited Mr. Lussy from filing pro se civil pleadings. *Lussy v. Fourth Dist. Court of Appeal*, 828 So. 2d 1026, 1027-1028) (Fla. 2002) (“Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others...[we] direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar.”); *Lussy v. Damsel*, 890 So. 2d 1184, 1185 (Fla. 4th DCA 2004) (Lussy’s “filing of frivolous judicial pleadings with no basis in law or fact interferes with the process of judicial administration and requires a restriction in this Court.”).

The court also takes notice that on March 2, 2006, the circuit court in Collier County entered an order declaring Mr. Lussy a vexatious litigant and entered restrictions under the Florida Vexatious Litigant Law. The order is attached to Defendants’ Request for Judicial Notice dated March 17, 2006 and is incorporated here by reference.



Conclusions of law

I. Plaintiff is a vexatious litigant

The Florida Vexatious Litigant Law defines "vexatious litigant" as a person who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity.

§ 68.093(2)(d)1, Fla. Stat. (2005).

This definition fits Mr. Lussy <sup>TB</sup> like a glove, as the court has found that he filed at least five civil actions, other than small claims, that were determined against him with finality in the last five years. Therefore, the court concludes that Mr. Lussy is a vexatious litigant in the meaning of § 68.093(2)(d)1.

In concluding that Mr. Lussy is a vexatious litigant the court has relied upon his litigation history shown in the attached list. While the court has taken notice of the March 2, 2006 Collier County order declaring Mr. Lussy a vexatious litigant, the court has not relied upon that order, nor does this order <sup>Modify any ruling</sup> in that order. TB

II. Security should be denied without prejudice

Having concluded that Mr. Lussy is a vexatious litigant, the court next considers Defendants' motion to require security pursuant to § 68.093(3)(a), Fla. Stat. (2005). "Security" is defined as "an undertaking by a vexatious litigant to ensure

payment to a defendant in an amount reasonably sufficient to cover the defendant's anticipated, reasonable expenses of litigation, including attorney's fees and taxable costs." § 68.093(2)(a), Fla. Stat. (2005).

By separate order, the court will dismiss Mr. Lussy's amended complaint as to Defendants Lober and Rodriguez. This will render moot their need for security at this time. Therefore the court will deny, without prejudice, Defendants' motion for security.

III. Prefiling order will be entered

The court next considers Defendants' request for a prefiling order restricting Mr. Lussy's future court access in this circuit. The authority to do so is as follows:

In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the administrative judge of that circuit. Disobedience of such an order may be punished as contempt of court by the administrative judge of that circuit. Leave of court shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security as provided in this section.

§ 68.093(4), Fla. Stat. (2005).

Section 68.093(4) preserves Florida's judicial resources for citizens who have not abused the courts and other citizens with constant vexatious lawsuits as Mr. Lussy



has done. Therefore, a prefiling order will be entered restricting Mr. Lussy's court access in this circuit to the full extent permitted by § 68.093(4).

Mr. Lussy will retain access to the courts in this circuit. He will be permitted to file, pro se, a meritorious action if he obtains leave of the administrative judge. He will be permitted to file a new action which is signed and prosecuted on his behalf by a member of The Florida Bar.

WHEREFORE, for the foregoing reasons, it is

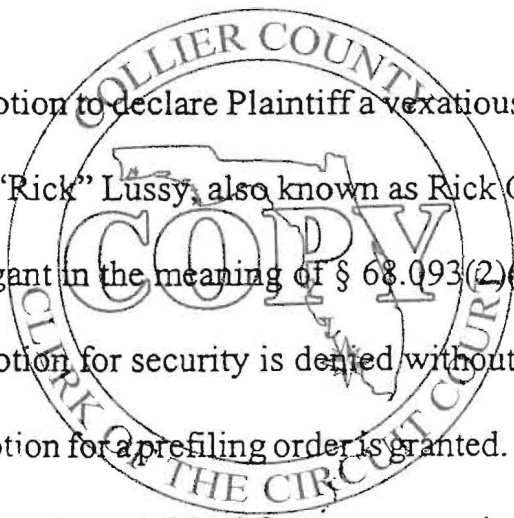
ADJUDGED:

(1) Defendants' motion to declare Plaintiff a vexatious litigant is granted. The court declares that R. C. "Rick" Lussy, also known as Rick C. Lussy and Richard C. Lussy, is a vexatious litigant in the meaning of § 68.093(2)(d)1, Fla. Stat. (2005).

(2) Defendants' motion for security is denied without prejudice.

(3) Defendants' motion for a prefiling order is granted. Pursuant to § 68.093(4), Fla. Stat. (2005), Mr. Lussy is prohibited from commencing, pro se, any new civil action in the Twentieth Judicial Circuit without first obtaining leave of the administrative judge.

(4) The clerk of this court is ordered to reject, without accepting for filing, any new pro se civil action submitted by Mr. Lussy unless it is accompanied by a certified copy of an order of the administrative judge granting leave to file the new action. If



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the administrative judge orders Mr. Lussy to post security as a condition of filing a new action, the clerk shall accept the new action for filing only upon proof that Mr. Lussy has posted security as ordered.

(5) Mr. Lussy shall be permitted to submit a motion for leave to file a proposed new action only on the following conditions: Mr. Lussy must attach to the motion a copy of this order and he must attach the proposed new action. The clerk shall not file the motion and its attachments but instead shall immediately furnish it to the administrative judge who shall decide whether to grant leave to allow the action to be filed. As provided by § 68.093(4), Fla. Stat. (2005), leave shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The administrative judge may condition the filing of the proposed action upon the furnishing of security. If leave to file the new action is denied, the clerk shall return it, unfiled, to Mr. Lussy. If leave is granted, the clerk shall file the action which will then proceed as normal, provided Mr. Lussy has paid the filing fee.

(6) The clerk is ordered to furnish copies of this order to all deputy clerks who are responsible for accepting new case filings in this circuit, to the administrative judge for the civil division of this circuit, to the chief judge of this circuit, and to all civil division judges in this circuit.

(7) Pursuant to § 68.093(6), Fla. Stat. (2005), the clerk is ordered to furnish a certified copy of this order to the Clerk of the Supreme Court of Florida for inclusion in the registry of vexatious litigants.

(8) If Mr. Lussy wilfully violates the restrictions imposed by this order he may be subject to contempt of court.

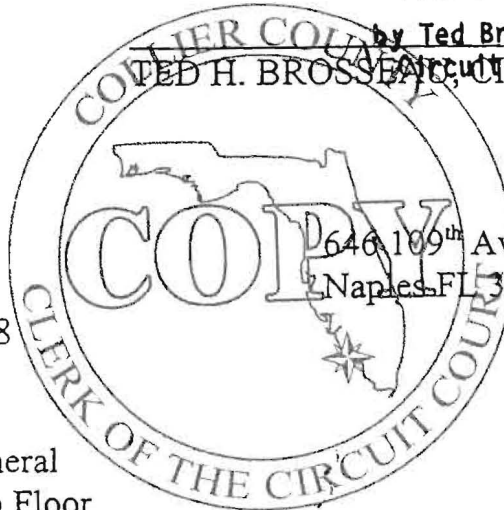
ORDERED in Collier County, Florida on March 24, 2006.

The original of this document was signed

MAR 24 2006

by Ted Brousseau

TED H. BROUSSEAU, Circuit Judge



Copies furnished:

Rick C. Lussy  
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Mark Ellis Solomon  
4767 New Broad Street, # 1024  
Orlando FL 32814

Curtright C. Truitt  
12711 World Plaza Lane, Building 81  
Fort Myers FL 33907

Richard D. Sparkman

Date	Case	Nature of order
3/9/2006	District Court of Appeal of Florida, Second District, case no. 2D06-506	Order dismissing appeal
1/24/2006	Lussy v. Florida Bar Association, et. al., no 4D04-2914, District Court of Appeal, Fourth District	Order dismissing appeal
3/1/2005	Lussy v. Roby, et. al., no. 04-409 CA, 19 <sup>th</sup> Judicial Circuit, Martin County	Order of dismissal with prejudice
12/29/2004	Lussy v. Damsel, no. 4D04-2914, District Court of Appeal, Fourth District (reported at 890 So. 2d 1184)	Final summary judgment for defendant affirmed
7/1/2004	Lussy v. Damsel, no. CL01-13189 AI, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Final summary judgment for defendant
11/17/2003	Lussy v. Hanley, et al., no. 2003-016 MARTIN/03-817 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order dismissing appeal
8/28/2003	Lussy v. Hanley, et. al. no. 2003-005 MARTIN/03-295 CA, 19 <sup>th</sup> Judicial Circuit, Appellate Division, Martin County	Order of dismissal
11/7/2002	Lussy v. Schmock, et. al. no. CA 02 8695 AH, 15 <sup>th</sup> Judicial Circuit, Palm Beach County	Order of dismissal with prejudice

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9/26/2002	Lussy v. Fourth District Court of Appeal, et. al., consolidated appeals nos. SC01-849 and SC01-933, Supreme Court of Florida (reported at 828 So. 2d 1026) <sup>1</sup>	Order denying petitions for writs of mandamus (counts as two actions because two petitions were consolidated and denied)
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<sup>1</sup>In this decision the supreme court cited five cases which it adjudicated adversely to Plaintiff in 2001: *Lussy v. Schmock*, 799 So.2d 218 (Fla. 2001); *Lussy v. Schmock*, 794 So.2d 605 (Fla. 2001); *Lussy v. City of Stuart*, 780 So.2d 914 (Fla. 2001); *Lussy v. Schmock*, 780 So.2d 914 (Fla. 2001). See *Lussy v. Fourth Dist. Court of Appeal*, 828 So.2d at 1027. When added to those listed above, they bring to fourteen the number of adverse final determinations in the five years immediately preceding this lawsuit.

828 So.2d 1026, 27 Fla. L. Weekly S788

Briefs and Other Related Documents

Supreme Court of Florida.  
Rick C. LUSSY, Petitioner,  
v.  
FOURTH DISTRICT COURT OF APPEAL, etc., et al., Respondents.  
Richard C. Lussy, etc., Petitioner,  
v.  
John Fenniman, etc., et al., Respondents.  
Nos. SC01-849, SC01-933.  
Sept. 26, 2002.

Pro se petitions for writ of mandamus were filed. The Supreme Court dismissed the petitions as facially insufficient and required petitioner to show cause why he should not be prospectively denied the right to file pro se petitions with the Supreme Court. Petitioner filed a motion to strike. The Supreme Court held that continued abuse of the judicial system justified sanction prohibiting pro se filings and requiring clerk of Supreme Court to reject civil filings not signed by attorney. So ordered.

OR: 4325 PG: 4004

West Headnotes

[1] KeyCite Notes↳ 212 Injunction↳ 212II Subjects of Protection and Relief↳ 212II(A) Actions and Other Legal Proceedings↳ 212k26 Commencement and Prosecution of Civil Actions↳ 212k26(4) k. Prevention of Multiplicity of Suits or Circuity of Action. Most Cited Cases

Petitioner's continued abuse of the judicial system justified sanction prohibiting pro se filings and requiring clerk of Supreme Court to reject civil filings not signed by attorney.

[2] KeyCite Notes↳ 92 Constitutional Law↳ 92XIX Rights to Open Courts, Remedies, and Justice↳ 92k2311 k. Right of Access to the Courts and a Remedy for Injuries in General. Most Cited Cases

(Formerly 92k328)

The Supreme Court has a responsibility to ensure every citizen's access to courts.

**\*1026** Arthur Brandt, Palm Beach Gardens, FL, for Petitioner.


No Appearance for Respondent.

PER CURIAM.

[1] In April, 2001, Rick C. Lussy, also known as Richard C. Lussy, petitioned this Court for writs of mandamus against the Fourth District Court of Appeal and others and John Fenniman and others. We consolidated these related cases and, on December 20, 2001, issued an order to show cause,

dismissing the petitions as facially insufficient and requiring Lussy to show cause why he should not be prospectively denied the right to file pro se petitions with this Court.<sup>FN1</sup> On January 11, \*1027 2002, Lussy filed his "Reply & Motion To Strike Show Cause Order." The Court hereby denies the motion to strike and imposes sanctions on Lussy for his continued abuse of the judicial system.

FN1. In addition to the pleadings and papers filed in these consolidated cases, Lussy has filed similar pleadings in the following related cases: Lussy v. Fourth District Court of Appeal, 791 So.2d 1099 (Fla.2001) (review denied); Lussy v. Fourth District Court of Appeal, 773 So.2d 56 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 770 So.2d 159 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 767 So.2d 458 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 766 So.2d 222 (Fla.2000) (review denied); Lussy v. Buob, 766 So.2d 222 (Fla.2000) (prohibition dismissed); Lussy v. Fenniman, 753 So.2d 565 (Fla.2000) (appeal dismissed); Lussy v. Fenniman, 749 So.2d 503 (Fla.1999) (appeal dismissed). These cases were dismissed for lack of jurisdiction or because of facial insufficiency. Additionally, he has filed with this Court numerous actions unrelated to the present cases, all of which have been dismissed, as follows: Lussy v. Schmock, 799 So.2d 218 (Fla.2001); Lussy v. Schmock, 794 So.2d 605 (Fla.2001); Lussy v. City of Stuart, 780 So.2d 914 (Fla.2001); Lussy v. Schmock, 780 So.2d 914 (Fla.2001); Lussy v. City of Stuart, 773 So.2d 56 (Fla.2000); Lussy v. Schmock, 751 So.2d 51 (Fla.1999); Lussy v. City of Stuart, 744 So.2d 455 (Fla.1999); Lussy v. City of Stuart, 732 So.2d 327 (Fla.1999); Lussy v. Schmock, 760 So.2d 947 (Fla.1999); Lussy v. Schmock, 762 So.2d 917 (Fla.1999); Lussy v. City of Stuart, 717 So.2d 534 (Fla.1998); Lussy v. City of Stuart, 707 So.2d 1125 (Fla.1998); Lussy v. City of Stuart, 705 So.2d 902 (Fla.1998); Lussy v. Kaufman, 697 So.2d 1217 (Fla.1997); Lussy v. Gorny, 654 So.2d 131 (Fla.1995); Lussy v. Gorny, 639 So.2d 979 (Fla.1994); Lussy v. Gorny, 624 So.2d 267 (Fla.1993). Subsequent to our issuance of the order to show cause, Lussy filed another pro se action with this Court, Lussy v. Damsel, No. SC02-1088 (Fla. petition filed May 8, 2002).

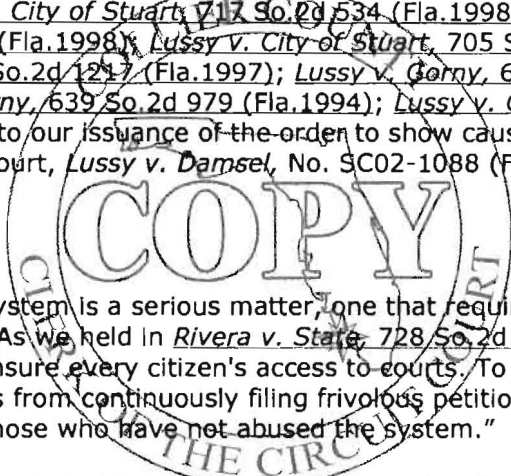
[2]  Abuse of the legal system is a serious matter, one that requires this Court to exercise its inherent authority to prevent. As we held in Rivera v. State, 728 So.2d 1165, 1166 (Fla.1998): "This Court has a responsibility to ensure every citizen's access to courts. To further that end, this Court has prevented abusive litigants from continuously filing frivolous petitions, thus enabling the Court to devote its finite resources to those who have not abused the system."

Although rare, we have not hesitated to sanction petitioners who abuse the legal process by requiring them to be represented by counsel in future actions. In Jackson v. Florida Department of Corrections, 790 So.2d 398 (Fla.2001), the sanction of requiring a member of The Florida Bar to sign all of petitioner's filings with this Court and dismissing all other pending cases was imposed on a litigious inmate who repeatedly filed frivolous lawsuits that disrupted the Court's proceedings. In Martin v. State, 747 So.2d 386, 389 (Fla.2000), the sanction was imposed against a petitioner who, like Lussy, repeatedly filed lawsuits that included personal attacks on judges, were "abusive," "malicious," "insulting," and demeaning to the judiciary. In Attwood v. Singletary, 661 So.2d 1216 (Fla.1995), the petitioner was sanctioned for filing numerous frivolous petitions, including one that was filed shortly after the Court's order to show cause was issued.

Like the individual in Attwood, Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. See generally In re McDonald, 489 U.S. 180, 184, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources").

Ours is not the only judicial system that Lussy has assaulted. In the 1980s, he \*1028 erroneously filed meritless claims in the State of Montana. In Lussy v. Davidson, 210 Mont. 353, 683 P.2d 915, 915-16 (1984), the court found: "Appellant Richard Lussy is no stranger to this Court.... In the words

OR: 4325 PG: 4005



of Judge Sullivan, this motion and accompanying brief 'amount to little more than incoherent rambling.' " In *Lussy v. Bennett*, 214 Mont. 301, 692 P.2d 1232, 1234 (1984), the same court indicated that it had issued a restraining order against Lussy, "enjoining him from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se." The court further commented:

Richard C. Lussy, by his various *pro se* actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of "Justinhoard," and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits.

*Id.* at 1236.

Lussy's abuse of the judicial system has drawn the ire of at least one federal court as well. In *Lussy v. Haswell*, 618 F.Supp. 1360, 1360 (D.Mont.1985), the court found Lussy to be "a disgruntled litigant who has filed these 13 separate federal cases against the named state and federal judicial officers, each of whom has ruled adversely to him in previous suits." In *Haswell*, the court ordered Lussy to pay his opponents' litigation fees and expenses as a sanction for his abuse of the justice system.

As we said in *Attwood*: "We find that Petitioner's *pro se* activities before this Court have substantially interfered with the orderly process of judicial administration...." Therefore, we deny Lussy's motion to strike our show cause order and direct the Clerk of this Court to reject any civil filings from Lussy unless signed by a member of The Florida Bar. Any other cases that may be pending in this Court in which Lussy is proceeding *pro se* will be dismissed unless a notice of appearance signed by a member in good standing of The Florida Bar is filed in each case within thirty days of this opinion becoming final.

It is so ordered.

ANSTEAD, C.J., SHAW, WELLS, PARIENTE, LEWIS, and QUINCE, J.J., and HARDING, Senior Justice, concur.

Fla., 2002.

Lussy v. Fourth Dist. Court of Appeal  
828 So.2d 1026, 27 Fla. L. Weekly S788

Briefs and Other Related Documents ([Back to top](#))

- [SC01-933](#) (Docket) (Apr. 20, 2001)

END OF DOCUMENT



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-357

IN RE: Gaylord A. Wood, Jr.  
Respondent

---

MOTION TO AWARD FEES AND COSTS

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Respondent, GAYLORD A. WOOD, JR., pursuant to Section 106.265, Florida Statutes, requests that this Honorable Commission determine that RICHARD "RICK" LUSSY has filed a complaint against GAYLORD A. WOOD, JR., with a malicious intent to injure the reputation of the person complained against by filing the complaint, with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of Chapters 104 or 106, Florida Statutes, and should the Commission so find, to enter an award for costs and reasonable attorney's fees incurred in the defense of GAYLORD A. WOOD, JR., including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

Dated this 31st. day of August, 2016.

**CERTIFICATE OF SERVICE**

Pursuant to instructions regarding confidentiality received from the Clerk, no copy of the foregoing has been served on Complainant.

/s/ J. Christopher Woolsey  
J. CHRISTOPHER WOOLSEY FBN 537438  
PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 16-357**

**Respondent:** Gaylord Wood Jr.

**Complainant:** Richard Lussy

1. **Date and time:** 08/25/16

**Name:** Respondent

**Phone #:** called me

**Summary:** Mr. Wood called to discuss a separate matter and then informed me he received a copy of a complaint that appears to be filed against him with FEC. I confirmed to Mr. Wood that FEC received a complaint against him and that a copy was mailed to him yesterday via certified mail.

I reminded Mr. Wood not to send copies of his responses to Complainant as the complaint is confidential until after probable cause determination. Mr. Wood stated he understood.

**Memo to File?** No

**Entered by:** DMalphurs

2. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

3. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

4. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

5. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**



**FLORIDA ELECTIONS COMMISSION**

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

August 25, 2016

**CERTIFIED MAIL 9214 8969 0099 9790 1609 9194 00**

Gaylord A. Wood Jr.  
Post Office Box 1987  
Naples, FL 32110

**RE: Case No.: FEC 16-357; Respondent: Gaylord A. Wood Jr.**

Dear Mr. Wood:

On August 24, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

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

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

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

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

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

Sincerely,  
*Erin Riley*  
Deputy Agency Clerk

ip/enr  
Enclosure: Complaint w/attachments

U.S. Postal Service™			
CERTIFIED MAIL™ RECEIPT			
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>			
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>			
9214 8969 0099 9790 1609 9194 00			
Postage	\$ 0.465	Electronic Return Receipt Requested	Postmark Here
Certified Fee	\$ 3.30		
Return Receipt Fee (Endorsement Required)	\$ 1.35		
Restricted Delivery Fee (Endorsement Required)	\$ 0.00		
Total Postage & Fees	\$ 5.115		
Sent To	Gaylord A. Wood, Jr. P.O. Box 1987 Naples, FL 32110		
Street, Apt. No.; or PO Box No.			
City, State, Zip+4	8/24/2016 5:24:15PM		
PS Form 3800, January 2013		See Reverse for Instructions	

Code: 16-357; 14 Day Ltr



- To Affirm SKINNER & include **WOOD Esq. Neglect of duty** ... other officer F. Stat. 104.11<sup>5</sup>
  - **Chapter 104. & 105 Florida Statutes** by administrative Florida Statute 106.25 as per Honorable Donna Malphurs Agency Clerk per July 20, 2016 phone Call (850) 921-0783. The election Florida Statutes are consistent with pre-employment Article II(5)(b)<sup>6</sup> Loyalty Oath Fraud with manipulation and falsified public Records Florida Statute 839.13(2)(d)<sup>7</sup> and 18 USC § 494<sup>8</sup> &/or 18 USC 1519.

Also, included:

- ✓ 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.

**EXISTING FOUNDATION FACT FRAGILITY OF AMERICAN DEMOCRACY ELECTIONS:**

**#3-A)-REQUIRED SKINNER thru Wood Esq. RESPONSES on Differed Maintenance:**

**Florida Elections Complaint No. 16-245:**

SCOPE PETITIONER ALLEGATIONS against Gaylord A. Wood Jr. Esq. aided & abetted criminal activity by SKINNER'S use of DEFERRED MAINTENANCE (aka **Quid pro Quot**):

- 1<sup>st</sup>)** *Deferred maintenance of 26-year tax roll (all with & without building permits, within 5-year cycle);*
- 2<sup>nd</sup>)** *Deferred maintenance of 26-year old computer assist valuation system;*
- 3<sup>rd</sup>)** *Deferred maintenance staff instruction Portability of Homestead Exemption Fla. 27<sup>th</sup> Amendment.*
- 4<sup>th</sup>)** *Deferred maintenance of 26-year old web page.*
- 5<sup>th</sup>)** *Deferred maintenance to clarity ossified language web page (assessed value is not market value).*
- 6<sup>th</sup>)** *Deferred maintenance of over-assessed, over taxed properties in Collier i.e. Marco Island*

contributing to the World Wide Housing Bubble & Foreclosure Debacle. per attached: **SUMMARY EXHIBIT "A" Requiring Next year Assessed Values From Property Appraiser Archives (257-page).**

punished as if he or she had committed the violation. ***This subsection does not prohibit a member of the Florida Bar from giving legal advice to a client. [UNCONSTITUTIONAL COLLUSION].***

<sup>5</sup>Florida Statute 104.11 Neglect of duty by sheriff or other officer... .

<sup>6</sup>Oath Article II Section 5(b) **pre-employment**: "I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the constitution of the state; and that I will well and faithfully perform the duties of   (title of office)   on which I am now about to enter. So help me God". **1968 Florida State Constitution Article II Section 5(b).**

<sup>7</sup>Falsifying records Florida Statute 839.13 ... (2), if any **judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent ... shall steal embezzle, alter, corruptly withdraw, falsify or avoid any record, ... or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully ... or falsify any document or instrument recorded, or filed in any court, or any registry, ...or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; ... (d) This section does not prohibit the disposing or archiving of records as otherwise provided by law. In addition, this section does not prohibit any person from correcting or updating records. (emphasis added); In any prosecution under this section, it shall not be necessary to prove the ownership or value of any paper or instrument involved. (emphasis).**

<sup>8</sup>18 USC § 1519 - **DESTRUCTION, ALTERATION, OR FALSIFICATION OF RECORDS IN FEDERAL INVESTIGATIONS AND BANKRUPTCY**, Is a preliminary release and may be subject to further revision before it is released again as a final version. Current through Pub. L. 113-14. (See Public Laws for the current Congress.) Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

7<sup>th</sup>) Deferred questions on Skinners corrupt office policies contribute: 1/3 to the establishment of property tax as separate from (mill rate) Tax Collectors Office and the (budget setting) County Commission.

8<sup>th</sup>) Deferred denial on SKINNER'S womanizing treatment of subordinate monopoly government employee ladies<sup>9</sup> contemptuous, when not compliant & not accepting to SKINNER already a married man. Skinner is despicable & legendary for his sexual advances. (A) Irrespective retrospective to Skinner's political appointment in 1991 by Governor Lawton Chiles. Then: 30+/- year property appraiser San Colding quit & did not recommend Skinner as his replacement officer-holder. Skinner a married man; persisted in (B) womanizing treating monopoly government employee ladies with contempt, when not compliant [FN#10]. And (C) boring peer public officials (husband to Jenifer Edwards Supervisor of Elections, with his unrelenting dirty jokes. A near infinite statute of limitations per Comedian Bill Cosby<sup>10</sup> & 20+/- women on Roger Aires founder & CEO of Fox Radio & Television Broadcasting.

9<sup>th</sup>) Deferred answer to update for August 30, 2016 Open Primary SKINNER'S 2008 Election: double dipping (\$214,129/year +/-) *where State retiree with pensions and still get salary. SKINNER was employed 1961 TO 1991 before political appointment by (D) Lawton Chiles: (2008) \$111,049.48 Property Appraiser Salary, \$106,080 in pensions & annuities plus \$46,235 in Social Security benefits (for both Skinner & wife) Source: Naples Daily News, December 27, 2011 by Katherine Albers "How much are our elected constitutional officers worth in Collier and Lee?"*

#### DOCUMENT EXHIBIT REFERENCE AS ATTACHMENTS:

#3-B-i)-May 23, 2016: #4 & #5 Are not applicable to this office. (emphasis added) Questions: #4 Deferred maintenance to Tax Roll, #5 (Deferred maintenance to) Capital Improvements to Tax Roll.

#### Exhibit Infamous SKINNER OFFICE POLICY (2 OF 4):

- o #3-B-ii)-May 27, 2016: Mr. Lussy ... The notice of any deferred maintenance and plan for any capital improvements is all handled by the Facilities department of Collier County. Exhibit Infamous SKINNER OFFICE POLICY (4 OF 4):
- o #3-B-iii)-June 9, 2016: Mr. Richard Charles Lussy ... There is no obligation on the part of the Property Appraiser's office to answer questions. To quote from the Attorney General's Government in the Sunshine Law Manual, page 141: ... I am therefore leaving it to you to figure out what agency of Collier County government owns the building occupied by the Property Appraiser's office and to inquire of that agency as to any "deferred maintenance" or "needed capital improvements." And as to your questions [A] thru [U], those are not appropriate public records requests; the Property Appraiser's office has no documents responsive to those requests. I trust this completely answers your inquiry, kindly direct any further correspondence relative thereto to this office rather than the Property Appraiser's office. Infamous Exhibit SKINNER NOT A PUBLIC SEVANT BY FT. LAUDERDALE LAWYER (1 OF 1):

ALLEGATION CONCLUSION #3-B-iv)- June 9, 2016 infamous Wood & Stuart, P.A. letter citing: the attached page 141 as quoted by Respondent Wood Esq. Attorney Generals Government-In-The-Sunshine-Manual.<sup>11</sup> There is no such conclusion, no interpretation, no functional literacy that can lead to this malicious statement, a 4-year report card, during the 4-year electoral cycle: "*There is no obligation on the part of the Property Appraiser's office to answer questions.*" *Ibid.*

<sup>9</sup>Source (A) Gary Michael Siciliano (with his son present), notary public & owner of Green Spire & Associates, Naples, Fla. Located: Suite #105, light industrial park: 5850-5880 Shirley St., Naples, Collier County, Fla. Verified Rick Lussy MAI, SRA, Aug. 11, 2016 @ 3:30 pm.

<sup>10</sup>In Massachusetts case filed by Tamara Green, Therese Serignese, Linda Traitz & Ms. Bowman sued Mr. Cosby. Angela Leslie of Michigan, says she was assaulted in a hotel room in Las Vegas in 1992. Ms. Tarshis, of New York, drugged and raped on two occasions around 1969 or 1970. Ms. Moritz, of California, says she was assaulted in 1969. "Defamation Suits Against Cosby, Point to Peril of Belittling Accusers source. NYT, B-1-B-5 Sat. Nov. 14, 2015.

<sup>11</sup>Page 141 quoted Respondent Wood Esq. Attorney Generals Government-In-The-Sunshine-Manual.



**EXISTING ALLEGATIONS August 22, 2016 & Can Be Retrospective to 1776 War of Independence** from Old England, the British-Westminster Classist Discriminating Judicial System. #3-C-i) CAUSE OF ACTION Respondent Wood Esq. claims the remedy to 25-year property owner Higginbotham's missing 1-house and 2-barns for 25-years, each year of the 25-years is deferred maintenance<sup>12</sup> concurrent with questions [A] thru [U], of the annual tax roll. Wood Esq. claims this is not the tribunal for this cause of action in **Florida Elections Complaint Case No. 16-245** during this August 30, 2016 Collier County Property Appraiser Election, a 4-year only report card. CONCLUSION WOOD ESQ. is 100% incorrect.

#3-C-ii) RESPONDENT: Respondent CAUSE OF ACTION #2. Wood Esq. claims the 2-pages of SKINNEER'S advertising oath of office with outrageous willful claims of [A] The most qualified, [B] the most experienced, [C] Superior Customer Service & [D] A proven record: "is not false" advertising Exhibit infamous SKINNER ADVERTISEMENT (2 OF 2): One hundred percent: FALSE in this is the purpose of this **Florida Election Complaint Case No. 16-245**. Wood Esq. braggadocio- empty boasting: "It would certainly make campaigns a lot less interesting if candidates' campaign materials and statements were required to be sworn to under oath, but that is not the law today." Source: INITIAL RESPONSE TO AMENDED COMPLAINT FEC Case No.: 16-245, paragraph 3, page 3. CONCLUSION WOOD ESQ. is 100% incorrect.

#3-C-iii) RESPONDENT: Respondent CAUSE OF ACTION #3 & #4. Wood Esq. claims "Henderson was denied 'Save Our Homes Portability' because he did not own his property on January 1, 2015. Mr. Henderson's situation has nothing whatsoever to do with Chapters 104 or 106, Florida Statutes ..." This **FEC Case No. 16-245** deals with deferred maintenance including deferred instruction of the 8.3-year old Florida Statute 193.155\*) the 27<sup>th</sup> Florida Constitutional Amendment and the ministerial staff self-administration of giving out Form DR-501T "Transfer of Homestead Assessment Difference" representative of from \$50K to \$500K in property assessment savings account. CONCLUSION WOOD ESQ. is 100% incorrect.

#3-C-iv) RESPONDENT: Respondent CAUSE OF ACTION "...Dishonest Abe's Tax Roll Vernacular..." Wood Esq. claims SKINNERS words and actions in office has nothing to do with Collier County Property Appraiser 2016 Election and nothing to do with Chapters 104 or 106 in this **Florida Election Complaint Case No. 16-245**. CONCLUSION WOOD ESQ. is 100% incorrect. With additional proof of malice by SKINNER'S shills that have attacked Mr. Nagel, a contributor to Rick Lussy's property appraiser campaign, in their scorched earth, death by 100K cuts, made infamous by Bernardo Provenzano's coming out of the closet, organized crime, the opiate for the masses: a 24/7 international green machine.<sup>13</sup>

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<sup>12</sup> SCOPE PETITIONER ALLEGATIONS SKINNER DEFERRED MAINTENANCE: <sup>1<sup>st</sup></sup> of 26-year tax roll; <sup>2<sup>nd</sup></sup> of 26-year old computer assist valuation system; <sup>3<sup>rd</sup></sup> of staff instruction Portability of Homestead Exemption Fla. 27<sup>th</sup> Amendment. <sup>4<sup>th</sup></sup> of 26-year old web page; <sup>5<sup>th</sup></sup> of clarity ossified language web page; <sup>6<sup>th</sup></sup> of over-assessed, over taxed properties in Collier i.e. Marco Island contributing to the World Wide Housing Bubble & Foreclosure Debacle 257-pages still requiring next year assessed values from Collier County Florida Property Appraiser Archives; <sup>7<sup>th</sup></sup> of Skinners corrupt office policies contribute 1/3 to establish property tax; <sup>8<sup>th</sup></sup> of SKINNER'S womanizing of subordinate monopoly government employee ladies contemptuous, when not compliant, SKINNER already a married man is despicable & legendary for his sexual advances. <sup>9<sup>th</sup></sup> of SKINNER'S double dipping (\$214,129/year +/-) receiving 2-property appraiser pay checks for 1- job in the same office is fraud on WE THE PEOPLE fee simple estate owners of all monopoly government requiring bottom up WE THE serious little pro se PEOPLE.

<sup>13</sup> Bernardo Provenzano. Lived in Sicily his whole life. Famous for using 28-shills to deliver simple short messages. At his arrest: bragged: "you will be sorry". Rick Lussy attributes Provenzano coming out-of-the-closet:

#3-C-v) GAYLORD A. WOOD JR. ESQ. REPETITION OF LIBEL PER SE<sup>14</sup> (you say it you prove it):

[A] Respondent Wood Esq. the absolute finest Florida Bar Association cartel representative lawyer. An American lawyer with 100% market share, no competition and no consumer freedom of choice continues.

#3-C-vi) GAYLORD A. WOOD JR. ESQ. is a classic *corrupt persuader*<sup>15</sup> “August Surprise” describes *not-a-proper-noun, incompetent what’s her name* the incumbent property appraiser in Martin County, Florida (Hon. (sic) Laurel Kelly) & Vexatious Litigant in Nov. 16-17, 2016 meeting: in same concluding finale.

- o Respondent Wood Esq. *opens the door* of vicious, vindictive “vexatious” litigant with *REPETITION OF LIBEL PER SE: (You say it you prove it)*. [FN#14]. Source: INITIAL RESPONSE TO AMENDED COMPLAINT FEC Case No.: 16-245, paragraph 3, page 3.

#3-C-vii) GAYLORD A. WOOD JR. ESQ. has created additional personal culpability with direct & continuing collusion, to obstruct justice<sup>16</sup> not ignorance of the law, but with malice of aforethought<sup>17</sup> manipulation and falsification of public record(s) through discrimination the formal policy of the American-National Bar Association as advocates, partisans and lobbyists. Discrimination is defined as express omissions, 100% concealment and insider trading to disrupt this fragile American democracy by

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with the public *International Green Machine, a for profit business that sells malice*. It is the antithesis to the conventional public relations for profit business that sells positive pretense of “spin”. This *international green machine method* is 24/7 phone tapping, 24/7 electronic monitoring, word, number changes, file deletions with personal comings and goings. Hired by another political opponent: *not a proper noun, incompetent what’s her name* during 1992-96-00-04-08 & 12) Martin County Florida Property Appraiser elections. This *international Green Machine* brags to manipulate & falsify any public record, anywhere, any time use 150-shills per targeted city aka Kamikaze’s with an IQ of 2. Each 90-days, different skills are used. Method is the 24/7 Target-Stalk-Attack-Bully-Badger-Torment in a wet blanket sting(s) of the subject: Rick Lussy. **Provenzano** was born in Corleone, Sicily, Italy 1933-2016 (aged 83) a Mafia faction that originated in the town of Corleone, & de facto *capo di tutti capi* (boss of all bosses) of entire Sicilian Mafia til 2006 arrest His nickname was *Binnu u tratturi* (Sicilian for “Binnie the tractor”) as, in words of 1-informant, “he mows people down.” Another nickname *The Accountant* due to his apparently subtle & low-key approach to running his crime empire, in contrast his more violent predecessors. Source numerous: NYT & Wikipedia the free encyclopedia August 21, 2016.

<sup>14</sup>“...repetition of libel per se is actionable, even though the libeler explicitly refuses to vouch personally for its verity.” Lewis v Evans, 406 So. 2d 489 (Fla. Dist. Ct App. 2 Dist 1981). 19 Fla. Jur. 2d 409. While refusing to enforce Executive/Leg. Fla. Evidence Code/Statute 90.907 competency of judge witnesses; 90.608 Impeachment; 90.106 summing up & no 100% Jury trial Verdict Evidence Code F.S. 90.501 requires witnesses to testify & produce proof.

<sup>15</sup>Nancy Temple Esq. “corrupt persuader,” having improper purpose, “an intent to ... impede fact-finding ability of official proceeding;” convinced federal jury Andersen lawyer persuading others to destroy documents to investigation of Enron Corp. U.S. v. Arthur Andersen, LLP, (2002). Too Big To Jail Branadon Garrett (2012) page 41.

<sup>16</sup>**Obstruction of justice** n. an attempt to interfere with the administration of the courts, the judicial system or law enforcement officers, including threatening witnesses, improper conversations with jurors, hiding evidence, or interfering with an arrest. Such activity is a crime. Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill. All Right reserved.

<sup>17</sup>**Malice aforethought**. The requisite mental state for common-law murder, encompassing, any one of the following: (1) the intent to kill, (2) the intent to inflict grievous bodily harm, (3) extremely reckless indifference to the value of human life (the so-called abandoned and malignant heart), or (4) the intent to commit a dangerous felony (which leads to culpability under the felony-murder rule). –Also termed premeditated malice; preconceived malice; malice pretense; *militia pracogitata*. [Cases: Homicide 529, 541, 546]. “Malice aforethought is the term which came into use during the medieval times to indicate the mental element necessary in the felony of murder. It has been the subject of voluminous jurisprudential enquiry ...” J.W. Cecil Turner, Kenny’s Outlines of Criminal Law 27 (16 ed. 1952). “Every intentional killing is with malice aforethought unless under circumstances sufficient to constitute (1) justification, (2) excuse, or (3) mitigation.” Rollin M. Perkins & Ronald N. Boyce, criminal Law 58 (3d ed. 1982). Black’s Law Dictionary 8<sup>th</sup> Edition (2004) Page 977.

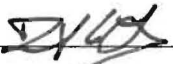
SKINNER skinning the innocent registered voter taxpayers ("RVT") in Collier County, Florida another 4-years. This by a RINO,<sup>18</sup> from a DINO<sup>19</sup> 26-year incumbent, 86-year old SKINNER not to be elected on August 30, 2016. This is to be after a voluntary deficiency admission by Abraham Skinner.

#3-C-viii) GAYLORD A. WOOD JR. ESQ. is offered the proposal of SKINNER'S *Voluntary Alleged Notice of Deficiency*" pursuant comity<sup>20</sup> Fed. Rule App. Procedure 42(b.)<sup>21</sup> as to voluntarily terminate SKINNER'S candidacy before the Republican: August 30, 2016 Open Primary Election, Collier County Florida for perjury, by his silence and malicious lying with concealment<sup>22</sup> as a racketeer,<sup>23</sup> racketeering<sup>24</sup> by repetition of libel per se<sup>25</sup> as the plot hatched justifying the targeting of Rick Lussy (MAI, SRA) Candidate Property Appraiser as opposing SKINNER.

- o Additional materials attached (check one)?  Yes  X  No \_\_\_\_\_
  - 1-page **SUMMARY EXHIBIT "A" Requiring Next year Assessed Values Property Appraiser Archives**, Rick Lussy (MAI, SRA) work product from a confidential informant.
  - 1-page, reference from the infamous June 9, 2016 letter WOOD & STUART, P.A. page 141 as quoted from, (Pam Bondi) *Attorney Generals Government-In-The-Sunshine-Manual*.
  - 5-page, reference Initial Response To Amended Complaint dated August 17, 2016.
  - 3-pages SKINNERS political advertising,
  - 4-pages SKINNERS OFFICE POLICY,
  - 1-page 6/9/16, SKINNER NOT A PUBLIC SERANT BY FORT LAUDERDALE LAWYER.

**CERTIFICATE OF SERVICE** I Rick Lussy (MAI, SRA) Candidate hereby certify a true & correct copy of the foregoing has been furnished via US Mail this **August 22, 2016** to:

Gaylord A. Wod, Jr. Wood & Stuart, P.A., PO Box 1987, Bunnell, Fla. 32110  
and Fla. Elections Commission, 107 West Gaines Street, # 224, Tallahassee, Fla. 32399-1050. ✓

By  Rick Lussy, Candidate, 2840 Shoreview Drive, Suite #2, Naples, FL. 34112.

<sup>18</sup>Rino, (Republican in name only) tenant of national GOP is accountability and self responsibility. Source Collier County Republican Executive Club ("CCREC").

<sup>19</sup>DINO, (Democrat in name only) as appointed by Democratic Governor Lawton Chiles.

<sup>20</sup>Judicial comity is the granting of reciprocity to decisions or laws by one state or jurisdiction to another. Since it is based upon respect and deference rather than strict legal principles, it does not require that any state or jurisdiction adopt a law or decision by another state or jurisdiction that is in contradiction, or repugnant, to its own law. *Comity of states* is the voluntary acceptance by courts of one state of the decision of a sister state on a similar issue or question. West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved

<sup>21</sup>Respondent SKINNER-WOOD ESQ. **one hundred percent voluntary dismissal** to take SKINNER off Poll/Ballot Open Primary August 30, 2016 Collier County Election, as candidate pursuant Florida Statutes: 104.051 [FN#2], 104.011 [FN#3], 104.091 [FN#4] and 104.11 [FN#5].

<sup>22</sup>"...in no way... lie your way out of trouble!" *Justice & Lawyers*, David Luban Esq. page 200.

<sup>23</sup>Racketeer A person who engages in racketeering. *Black's Law Dictionary* 8<sup>th</sup> Edition, (2004), page 1286

<sup>24</sup>Racketeering, n. 1. A system of organized crime traditionally involving the extortion of maoney from businesses by intimidation, violence, or other illegal methods. Cases; Racketeer Influenced and Corrupt Organizations 4, 103. *Black's Law Dictionary* 8<sup>th</sup> Edition, (2004), page 1286

<sup>25</sup>"...repetition of libel per se is actionable, even though the libeler explicitly refuses to vouch personally for its verity." Lewis v Evans, 406 So. 2d 489 (Fla. Dist. Ct App. 2 Dist 1981). 19 Fla Jur 2d 409, Exhibit A-2557. While refusing to enforce Executive/Leg. Fla. Evidence Code/Statute 90.907 competency of judge witnesses; 90.608 Impeachment; 90.106 summing up & comment without 100% Jury trial Verdict Due Process Redress: Evidence Code F.S. 90.501 requires witnesses to testify & produce proof.

**5. OATH: STATE OF FLORIDA ELECTIONS  
COMMISSION**

**STATE OF FLORIDA COUNTY OF Collier**

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

[Signature]  
**Original Signature of Person Bringing Complaint**  
Sworn to and subscribed before me this 2<sup>nd</sup>, day of August, 2016

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

LOU-LOU NEACE  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ Or Produced Identification FLORIDA DRIVERS LICENSE

Type of Identification Produced:  
Florida Drivers License Class E, [REDACTED]

**SEAL**



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.

**ORGANIZED CRIME PROPERTY TAX & MORTGAGE FRAUD POLICY BY**

**POLITICAL APPOINTEE "Rino" (Republican In Name Only) paid on both sides of deal:**

**SKINNER THE FRAUDSTER**

**SKINNERS**

LOCATION: COLLIER COUNTY Fla	MLS SALES DEED	\$ ASSESSED	\$ CHANGE	% CHANGE
1.) Aug-06 822 Magnolia Ct., Marco	\$850,000	\$1,056,000	\$206,000	24.24%
3.) Oct-06 824 Fairlawn, Marco Island	\$825,000	\$695,000	(\$130,000)	-15.76%
4.) Jul-06 South Seas 3 #150, Marco	\$698,000	\$550,000	(\$148,000)	-21.20%
5.) Sept-06 445 River, Marco Island	\$490,000	\$517,000	\$27,000	5.51%
6.) Nov-05 116 Delbrook, Marco Island	\$525,000	\$407,000	(\$118,000)	-22.48%
7.) Nov-05 990 Baltic, Marco Island	\$550,000	\$350,000	(\$200,000)	-36.36%
9.) Mar-07 940 San Marco, Marco Island	\$650,000	\$654,000	(\$40,000)	-0.62%
10.) Mar-07 108 Templewood, Marco Is.	\$675,000	\$600,000	(\$75,000)	-11.11%
11.) Nov-06 310 Worthington, Marco	\$402,000	\$406,000	(\$4,000)	-1.0%
13.) Dec-06 299 S. Heathwood, Marco	\$475,000	\$399,000	(\$51,000)	-11.33%
16) Aug-06 561 Seagrape, Marco Is.	\$1,395,000	\$824,000	(\$571,000)	-40.93%
18) May-06 489 Balsam, Marco Is.	\$1,475,000	\$804,000	(\$671,000)	-45.49%
19.) Mar-06 1101 Strawberry Ct., Marco	\$995,000	\$737,000	(\$258,000)	-25.93%
20.) Apr-06 721 Partridge CL Marco Is.	\$1,350,000	\$864,000	(\$486,000)	-36.0%
21.) Feb-06 816 Elkcam, Marco Island	\$232,000	\$176,000	(\$56,000)	-24.14%
22.) Jul-06 South Seas E. #C1, Marco Is.	\$545,000	\$340,000	(\$205,000)	-37.61%
23.) Oct-06 178 Geranium, Marco Is.	\$839,000	\$799,000	(\$40,000)	-4.77%
24.) Feb-05 1850 Apataki, Marco Island	\$1,275,000	\$616,000	(\$659,000)	-51.69%
25.) Feb-05 1805 Woodbine Ct., Marco	\$1,249,000	\$799,000	(\$40,000)	-4.77%
26.) Oct-06 832 Rose Ct., Marco Island	\$680,000	\$672,000	(\$360,000)	-28.82%
27.) Oct-06 356 Rookery Ct., Marco Is.	\$625,000	\$779,000	(\$8,000)	-1.18%

**TOTAL**

\$16,800,000	\$13,044,000	(\$3,887,000)	-12.82%
--------------	--------------	---------------	---------

\*Confidential Source: Marco Island Realtor

\*\*Given after his permission, after his retirement

SALES VERIFIED D SKINNERS	SKINNERS	SKINNERS	SKINNERS
SKINNERS AVERAGE ASSESSED	ASSESSED VALUE	\$ CHANGE	AVG CHANGE
\$621,143	SKINNERS MINIMUM		\$176,000
SKINNERS STANDARD DEVIATION	\$217,023	SKINNERS MAXIMUM	\$1,056,000
SKINNERS MEDIAN	\$654,000	SKINNERS MID-POINT	\$616,000

\*\*\*Exterior Inspections Only

SUMMARY Exhibit "A"  
 Regarding Half Year Adjusted Values  
 Property Appraiser Reductions

Examine Property Taxes  
 & Mortgage Fraud  
 from 2007 TO the Present.

records. *Compare Woodard v. State*, 885 So. 2d 444, 446 (Fla. 4th DCA 2004) (records custodian must furnish copies of records when the person requesting them identifies the portions of the record with sufficient specificity to permit the custodian to identify the record and forwards the statutory fee).

**9. May an agency require that a request to inspect or copy public records be made in writing?**

Chapter 119, F.S., does not authorize an agency to require that requests for records be in writing. *See Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So. 2d 302, 305n.1 (Fla. 3d DCA 2001) (“There is no requirement in the Public Records Act that requests for records must be in writing”). As noted in AGO 80-57, a custodian must honor a request for copies of records which is sufficient to identify the records desired, whether the request is in writing, over the telephone, or in person, provided that the required fees are paid. “In sum, the city could not properly condition disclosure of the public records, to the then-anonymous requester on filling out the city’s form . . . .” *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (Fla. 4th DCA 2014).

If a public agency believes that it is necessary to provide written documentation of a request for public records, the agency may require that the *custodian* complete an appropriate form or document; however, the person requesting the records cannot be required to provide such documentation as a precondition to the granting of the request to inspect or copy public records. *See Sullivan v. City of New Port Richey*, No. 86-1129CA (Fla. 6th Cir. Ct. May 22, 1987), *per curiam affirmed*, 529 So. 2d 1124 (Fla. 2d DCA 1988), noting that a requestor’s failure to complete a city form required for access to documents did not authorize the custodian to refuse to honor the request to inspect or copy public records.

However, a request for records of the *judicial* branch (which is not subject to Ch. 119, F.S., *see Times Publishing Company v. Ake*, 660 So. 2d 255 [Fla. 1995]), must be in writing. Rule 2.420(m)(1), Fla. R. Jud. Admin. In its commentary accompanying the rule change that incorporated this requirement, the Court said that the “writing requirement is not intended to disadvantage any person who may have difficulty writing a request; if any difficulty exists, the custodian should aid the requestor in reducing the request to writing.” *In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002).

**10. May an agency require that the requestor disclose his or her name or furnish background information to the custodian?**

A person requesting access to or copies of public records may not be required to disclose his or her name, address, telephone number or the like to the custodian, unless the custodian is required by law to obtain this information prior to releasing the records. AGO s 92-38 and 91-76. *Accord* Inf. Op. to Cook, May 27, 2011. *See also Bevan v. Wanicka*, 505 So. 2d 1116 (Fla. 2d DCA 1987) (production of public records may not be conditioned upon a requirement that the person seeking inspection disclose background information about himself or herself). *Cf.* s. 1012.31(2)(f), F.S., providing that the custodian of *public school employee* personnel files shall maintain a record in the file of those persons reviewing an employee personnel file each time it is reviewed.

Thus, a city may not require an anonymous requestor who made a public records request via e-mail to provide an “address or other identifiable source for payment of the associated costs.” *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1085 (Fla. 4th DCA 2014). Instead, “the city could have sent an estimate of costs through e-mail to the requester just as it could through regular mail, had the request been made via paper by an anonymous requester.” *Id.*

**11. Is an agency required to answer questions about its public records, create a new record in response to a request for information, or respond to requests for information about costs to obtain records?**

The statutory obligation of the custodian of public records is to provide access to, or copies of, public records “at any reasonable time, under reasonable conditions, and under supervision by

**Page 141.**

(Pam Bondi) *Attorney General's Government-In-The-Sunshine-Manual*

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FEC Case No: 16-245

IN RE: Abraham Skinner  
Respondent

8/17/16  
For 8/10/16 Saturday

Not sworn  
as in H. 10/16  
the decision  
with Skinner

INITIAL RESPONSE TO AMENDED COMPLAINT

Reply: Repetition of label page, (You say it you prove it)

Respondent, ABRAHAM SKINNER, files this Initial Response to the Amended Complaint herein and respectfully says as follows:

1. The Amended Complaint is as rambling and incoherent as the original Complaint. It also apparently still incorporates by reference an original complaint "...as separate from Wilkison, French & counsel in ORIGINAL COMPLAINT..." which has not been furnished to Respondent. Complainant has again taken it upon himself to "cut and paste" the official Complaint Form FEC 002 (Rev. 05-05-2014) to make an unrecognizable document. The "Amended Complaint" is not self-contained in that it refers to documents supposedly attached to an original Complaint filed against "Wilkison, French & counsel" and those attached to the "Confidential APPEND Complaint Form" which Complainant filed on July 26, 2016 and did not incorporate into the "Amended Complaint."

Case #1

2. Complainant first discusses the assessment of property belonging to someone named Higginbotham and the Property Appraiser's alleged failure to assess one house and two barns located on the property. The only thing new about this amendment is that Complainant makes the statement:

Append. INFORMATION SUPPORT 3-Fact Witnesses: Coconut Grove Bank As Guardian For Property of Dwain W. Higginbotham & Director Dan Demorett for Respondent, not then available documentation, now available to Original Complainant:

If the Property Appraiser has not assessed “one house and two barns,” this is not a violation of Section 104.011 or 104.051, Florida Statutes. Section 104.011, FS, requires that a false oath be made “...in connection with or arising out of voting or elections...” Section 104.051 discusses neglect of duties “...as prescribed by this election code.” Complainant’s remedy relative to underassessment of property is with the agency of State government having overall supervision of Property Appraisers, the Florida Department of Revenue.<sup>1</sup> Complainant is still annoyed that counsel for the Property Appraiser’s office would not answer questions he propounded to that office in the guise of a public records act request. (See letter at page 12 of the attachments to the original Complaint). If Complainant feels he has been denied public records, Chapter 119 provides a specific and speedy judicial remedy and attorneys’ fees. That remedy is not with this tribunal. The addition of various names as “fact witnesses” do not change the fact that Complainant has failed to allege a violation of the election laws by Respondent.

*Course #2*

3. Complainant next discusses “2 pages of Skinner Political Advertising” as constituting false swearing contrary to Section 104.011, F.S. and “corrupt practices neglect of duty Fla.Stat. 104.051.” That allegation is unchanged from the July Complaint to which Respondent has previously replied and still fails to state a violation of the election laws. It would certainly make campaigns a lot less interesting if candidates’ campaign materials and statements were required to be sworn to under oath, but that is not the law today. *Falsis - Purpose of Interc FEC #16-245*

???  
→ as incumbent

---

<sup>1</sup> §195.001(1), Fla.Stat.: “The Department of Revenue shall have general supervision of the assessment and valuation of property so that all property will be placed on the tax rolls and shall be valued according to its just valuation, as required by the constitution.” ...



Laurel #3  
Case #4

4. Complainant is next concerned because someone named Henderson was denied "Save Our Homes Portability" because he did not own his property on January 1, 2015. (Complaint, page 21) *(sic page 3)*  
Mr. Henderson's situation has nothing whatsoever to do with Chapters 104 or 106, Florida Statutes. If Mr. Henderson felt he was entitled to portability of his homestead exemption, he had every opportunity to file a petition with the Collier County Value Adjustment Board. There is no change to this allegation, which miserably fails to allege a violation of the election laws.

5. Complainant is finally concerned about "...Dishonest Abe's Tax Roll Vernacular..." There is no change to this allegation. Again, whatever the Property Appraiser says or does in connection with his duties as Collier County Property Appraiser has nothing to do with Chapters 104 or 106, Florida Statutes.

### CONCLUSION

The mish-mash of allegations that Complainant continues to make are wholly frivolous and, as in the five (5) FEC cases he filed against his opponent, Hon. Laurel Kelly, when unsuccessfully running six (6) times for the office of Property Appraiser in Martin County,<sup>2</sup> do not allege violations of law cognizable by the Florida Elections Commission. It is respectfully requested that the Executive Director promptly act on Complainant's allegations, as Respondent fears that Complainant may well bring up the existence of this proceeding as an "August Surprise" in the primary election contest thirteen days hence.

Finally, Respondent respectfully requests that the full Board consider Respondent's Motion to Declare Complainant a Vexatious Litigant at its November 16-17, 2016 meeting.

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<sup>2</sup> See LUSSY's complaints in FEC 1996-130, FEC 1996-230, FEC 2004-160, FEC 2004-319, and FEC 2008-263, all dismissed even before requiring a response from Laurel Kelly, Martin County Property Appraiser.

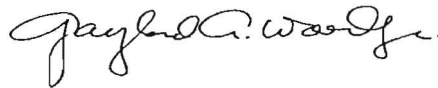
*Exposition  
of L&L  
per J.C.*

Dated this 17th day of August, 2016.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Initial Response to Amended Complaint has been furnished via US Mail and E-mail this 17th day of August, 2016 to:

Richard Charles "Rick" Lussy  
2840 Shoreview Drive, Suite #2  
Naples FL 34104  
email: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com)



---

GAYLORD A. WOOD, JR. FBN 089465  
J. CHRISTOPHER WOOLSEY FBN 537438  
Wood & Stuart, P.A., PO Box 1987  
Bunnell, FL 32110  
Tel: (386) 437-9400  
Fax: (386) 437-9414  
Primary email: [pleadings@woodstuartpa.com](mailto:pleadings@woodstuartpa.com)

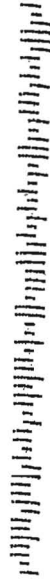
PO Box 1987  
Bunnell, FL 32110

ORLANDO  
FL 328  
BUNNELL  
FL 321



Mr. R. Lussy  
2840 Shoreview Drive, Suite 2  
Naples, FL 34104

34112-568102

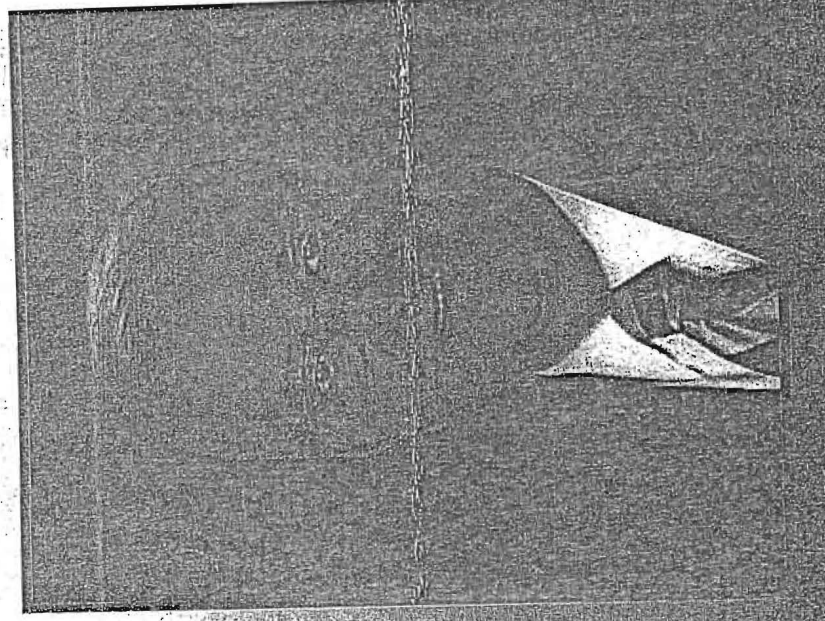


**VOTE**

Acknowledged  
Detailed

**ABE SKINNER**

PROPERTY APPRAISER



☆ EXPERIENCE ☆  
☆ A PROVEN RECORD ☆  
☆ INTEGRITY ☆

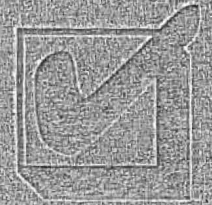
4888 Davis Blvd. #179 Naples, FL 341

[www.VoteAbeSkinner.com](http://www.VoteAbeSkinner.com)

PAID FOR AND APPROVED BY ABE SKINNER (P) FOR COLLIER COUNTY PROPERTY APPRAISER

SKinner Huber (1 of 2)

VOTE



**ABE SKINNER**

Collier County Property Appraiser

- The most **QUALIFIED**
- The most **EXPERIENCED**
- Superior **CUSTOMER SERVICE**
- A **PROVEN** record
- **FAIR AND EQUITABLE** appraisals
- The most **CONSERVATIVE**

**COMMITTED to our Community:**

My Wife Martha and I were born and educated in Southwest Florida. Our two children graduated from the Collier County Public Schools.


Collier County is my home. I care deeply for this county and its citizens. I am proud of my record of being fair, honest and open to the public. As your Property Appraiser, I, Pledge to you that I will continue to serve the people of Collier County with integrity, commitment and sincerity.

★ This is your office. I work for you. ★

4888 Davis Blvd. #179 ★ Naples, FL 34104

[www.VoteAbeSkinner.com](http://www.VoteAbeSkinner.com)

VOTE 3950 (add 2) 34107




**ABE SKINNER**

Collier County Property Appraiser

- The most QUALIFIED
- The most EXPERIENCED
- Superior CUSTOMER SERVICE
- A PROVEN RECORD
- FAIR AND EQUITABLE APPRAISALS
- The most FISCALLY CONSERVATIVE
- www.voteabeskinner.com

239-252-8141

VOTE



**ABE SKINNER**

PROPERTY APPRAISER

EXPERIENCE A PROVEN RECORD INTEGRITY

PAID FOR AND APPROVED BY ABE SKINNER  
FOR COLLIER COUNTY PROPERTY APPRAISER

Skinner Advertisement  
(2 of 2)

Disbursement A/c  
a financial property appraiser

NAME: Abe Skinner

ADDRESS: 4415 Kathy Ave. Naples, FL 34104

PHONE: HO- 239-643-0082 (work 239-252-8255)

Same labeling

E-MAIL: askinner@collierappraiser.com

CANDIDATE FOR: Collier County Property Appraiser

PLEASE STATE YOUR REASON(S) FOR SEEKING THIS OFFICE:

I want to continue providing honest equitable property appraisals to all citizens of Collier County while always remembering, "I work for them".

I want to continue to provide up to date, easy to use computer access to all Collier County properties. We record approximately 1,000,000 computer access hits per month. This system was developed under my direction and has been shared with all public, and state and local governmental entities at no cost to them.

I know the property appraiser's job in its entirety but still feel challenged every day to contribute to the continuing success of the office.

PLEASE PROVIDE A BRIEF STATEMENT REGARDING YOUR EXPERIENCE AND QUALIFICATIONS FOR THIS OFFICE:

I have been employed in the Property Appraiser Office for many years and during that time have actively participated in every aspect of the operation, i.e. doing field appraisals, mapping, computer development, and ect.

In 1991 Governor Lawton Chiles appointed me to the position of Collier County Property Appraiser. I have been reelected by the citizens of Collier County for the past 6 terms.

July 2011 possible to elect a position

I am past president of a state property appraisers association. I am also a Director of the Property Appraisers Association of Florida.

I am a State Certified Florida Appraiser

CPA w/0 field work experience by 4 yr college

DO YOU HAVE WEEKLY OR MONTHLY MEETINGS THAT WOULD IMPACT THE DATES SET FOR OUR CANDIDATE SCREENING COMMITTEE TO INTERVIEW YOU, IF SO, DAY(S)/DATE(S):

comprehensive Exam

I have no meetings that cannot be re-scheduled.

SKinner's Application For Endowment  
From Collier County Republican Executive Committee  
2

SKinner CCRCG  
Application

THE EGREGIOUS \$2/PAGE RECEIPT FROM: DISHONEST ABE, THE FUCAZI (NOT GENUINE) OFFICE HOLDER, NOT ELECTED: BUT POLITICALLY APPOINTED (1991) BY DEMOCRAT LAWTON CHILDES GOVERNOR OF FLORIDA



Office of ABE SKINNER  
COLLIER COUNTY PROPERTY APPRAISER — NAPLES, FL

No. 33301

RECEIVED FROM Rick Lussy DATE May 23, 2016

For: Maps:	_____	\$	_____
Photocopies:	_____	\$	_____
Date Processing:	_____	\$	_____
Other:	<u>Discovery Request</u>	\$	<u>20--</u>
Cash	_____	\$	_____
Check#	<u>118</u>	TOTAL \$	<u>20--</u>

By: Charles Munk

4:5 Am money  
5/23/16



REPRESENTING  
ABE SKINNER  
PROPERTY APPRAISER  
COLLIER COUNTY  
www.collierappraiser.com

CUSTOMER SERVICE DEPARTMENT  
2500 Shosh  
Parking Deck  
3950 RADIO ROAD  
NAPLES, FLORIDA 34104-3750  
PHONE (239) 252-8141  
FAX (239) 252-2071  
@collierappraiser.com

Skinner office Policy  
(1064)



# COLLIER COUNTY PROPERTY APPRAISER

ABE SKINNER, CFA

Mr. R. C Lussy  
2840 Shoreview Dr., Ste 2  
Naples, Fl 34112

Please see below for the information per your request dated May 16, 2016.

#1 Number of positions: Main Office 53, Golden Gate Office 1, Orange Blossom 2. *516 Budget pages*

#2 & #3 Please see attached schedule for Job Descriptions and salaries.

#4 Here are the budget figures for the following years.

2015	\$ 6,777,382
2014	\$ 6,499,474
2013	\$ 6,423,130

#4 & #5 Are not applicable to this office. *#4 Deferred Maintenance to Tax Roll*

*#5 Capital Improvements to Tax Roll*

*Rick Lussy MAE, SRA*

*20 For 2- Pages (Page 1 of 2)*

*Skinner office reply  
(2 of 4)*



DEPARTMENT CLASSIFICATIONS

*From* MINIMUM *To* MAXIMUM

DIRECTOR MIS/ RECORDS/FACILITY MANAGER	\$ 107,000.00	\$127,000.00
ADMIN OF REAL ESTATE APPR	\$ 107,000.00	\$127,000.00
DIRECTOR CONDO DEPT	\$ 80,000.00	\$105,000.00
DIRECTOR MAPPING	\$ 80,000.00	\$100,000.00
DIRECTOR HOMSTEAD EXP/CUSTOMER SERVICE	\$ 80,000.00	\$100,000.00
DIRECTOR SALES QUAL/DATA MGMT/TAX COMP	\$ 80,000.00	\$100,000.00
DIRECTOR TPP	\$ 80,000.00	\$100,000.00
DIRECTOR OF ACCOUNTING	\$ 70,000.00	\$90,000.00
BRANCH MANAGER	\$ 45,000.00	\$75,000.00
EXE. SECRETARY/HR	\$ 45,000.00	\$85,000.00
SUPERIVISOR HMSTD EXEMPTION	\$ 45,000.00	\$75,000.00
SUPERVISOR CUSTOMER SERVICE	\$ 45,000.00	\$75,000.00
HOMESTEAD REPRESENTATIVE II	\$ 35,000.00	\$50,000.00
HOMESTEAD REPRESENTATIVE I	\$ 25,000.00	\$35,000.00
HOMESTEAD INVESTAGATOR II	\$ 35,000.00	\$50,000.00
HOMESTEAD INVESTAGATOR I	\$ 25,000.00	\$35,000.00
PROPERTY APPRAISER SENIOR <i>Supervisor</i>	\$ 75,000.00	\$100,000.00
PROPERTY APPRAISER II	\$ 45,000.00	\$75,000.00
PROPERTY APPRAISER I <i>Class in the Field County</i>	\$ 35,000.00	\$45,000.00
SYSTEM ANALYSIST II <i>minimum 31,000</i>	\$ 65,000.00	\$85,000.00
SYSTEM ANALYSIST I	\$ 45,000.00	\$65,000.00
DATA ENTRY OPERATOR SENIOR	\$ 55,000.00	\$65,000.00
DATA ENTRY OPERATOR II	\$ 45,000.00	\$55,000.00
DATA ENTRY OPERATOR I	\$ 25,000.00	\$45,000.00
CUSTOMER SERVICE SENIOR	\$ 45,000.00	\$60,000.00
CUSTOMER SERVICE REP II	\$ 30,000.00	\$45,000.00
CUSTOMER SERVICE REP I	\$ 25,000.00	\$30,000.00
GIS ANALYST II	\$ 50,000.00	\$80,000.00
GIS ANALYST I	\$ 47,000.00	\$67,000.00
MAPPING TECHNICIAN SENIOR	\$ 65,000.00	\$80,000.00
MAPPING TECHNICIAN II	\$ 45,000.00	\$65,000.00
MAPPING TECHNICIAN I	\$ 25,000.00	\$45,000.00
SENIOR OFFICE ASST	\$ 55,000.00	\$65,000.00
OFFICE ASST II	\$ 35,000.00	\$55,000.00
OFFICE ASST I	\$ 25,000.00	\$35,000.00

*(Pages 2 of 7)*

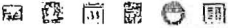
*SKinner  
office  
Policy  
(3 of 4)*

All Search

Search Mail

Search Web

Home Rick



Compose

Archive Move Delete Spam All Forward

- Add another mailbox
- Inbox (287)
- Drafts (300)
- Sent
- Archive
- Spam
- Trash (1971)
- Smart Views
- Folders
  - Lee County Prop App...
  - Sara Marie
- Recent

Answer to Request (2)

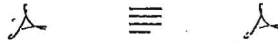
People

Vickie Downs <vdowns@collierappraiser.com> May 27 at 5:05 PM  
To ricklussy@yahoo.com

Mr. Lussy, this is the information that you requested that could be answered by the office. The notice of any deferred maintenance and plan for any capital improvements is all handled by the Facilities department of Collier County. I believe you already have the employee counts and the salary ranges.

Vickie A. Downs  
Director of MIS/Records  
Representing Abe Skinner, CFA  
Collier County Property Appraiser  
3950 Radio Road  
Naples, FL 34104-3750  
Phone: 239-252-8147  
Fax : 239-252-8196  
Email : vdowns@collierappraiser.com  
Web : www.collierappraiser.com

3 Attachments | View all | Download all



3 Years Ap... .pdf BENEFIT .docx Job descri... .pdf

Reply, Reply All or Forward | More



*25-year of Deferred Maintenance of Higginbotham Property*  
*3, no up grade for multiple cooperation software assist.*



*Eric Lussy*

Rick Lussy <ricklussy@yahoo.com>  
To vdowns@collierappraiser.com

May 27 at 9:39 PM

Thank you Vickie for your always cheerful and prompt attention.  
Rick Lussy MAI, SRA  
Candidate Property Appraiser Open Election August 30, 2016

Show original message

Reply, Reply All or Forward | More

Click to Reply, Reply All or Forward

Send @ Tt B I [Icons] [Icons] [Icons] [Icons] [Icons] [Icons] [Icons]

*Skipped office Policy (4 of 4)*

Wood & Stuart, P.A.

Attorneys at Law

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Fort Lauderdale, Florida 33315  
gaylord.wood@alum.mit.edu

P.O. Box 1987  
Bunnell, Florida 32110  
(386) 437-6400

Please Reply to Bunnell

June 9, 2016

Mr. Richard Charles Lussy  
2840 Shoreview "Dirvc" #2  
Naples, FL 34112  
Via email (only): ricklussy@yahoo.com

Re: Your communication of May 25, 2016

Dear Mr. Lussy:

This firm represents the Collier County Property Appraiser's office. Your letter is requesting answers to questions rather than making a public records act request. Pursuant to Chapter 119 of the Florida Statutes, it is the obligation of a public official only to produce records upon a request being received. You have already received all records that exist relating to proper requests you have made.

There is no obligation on the part of the Property Appraiser's office to answer questions. To quote from the Attorney General's Government in the Sunshine Law Manual, page 141:

11. Is an agency required to answer questions about its public records, create a new record in response to a request for information, or respond to requests for information about costs to obtain records?

The statutory obligation of the custodian of public records is to provide access to, or copies of, public records "at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records" provided that the required fees are paid. Section 119.07(1) (a) and (4), F.S. However, a custodian is not required to give out information from the records of his or her office. AGO 80-57. The Public Records Act does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town. AGO 92-38. Cf. *In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002) (the custodian of judicial records "is required to provide access to or copies of records but is not required either to provide

information from records or to create new records in response to a request").

In other words, Ch. 119, F.S., provides a right of access to inspect and copy an agency's existing public records; it does not mandate that an agency create new records in order to accommodate a request for information from the agency. Thus, the clerk of court is not required to provide an inmate with a list of documents from a case file which may be responsive to some forthcoming request. *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1st DCA 1991). See also AGO 08-29.

I am therefore leaving it to you to figure out what agency of Collier County government owns the building occupied by the Property Appraiser's office and to inquire of that agency as to any "deferred maintenance" or "needed capital improvements." And as to your questions [A] through [U], those are not appropriate public records requests; the Property Appraiser's office has no documents responsive to those requests.

I trust this completely answers your inquiry; kindly direct any further correspondence relative thereto to this office rather than the Property Appraiser's office.

Sincerely,

GAYLORD A. WOOD, JR.

GAW/jkf

cc: Hon. Abe Skinner, CFA < @ >

*Higgins do the work  
25 years of missed tax sale  
Tax Sale Department  
upgrade multiple properties  
computer assist for  
Human Oversight*

*Notes  
by [unclear] 6/10/16  
Skinner Note  
Public Servant*