

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED

15 MAR 24 AM 1:30

STATE OF FLORIDA  
ELECTIONS COMMISSION

ROBERT J. BARNAS,

Petitioner,

vs.

Agency Case No.: FEC 13-125  
DOAH: 13-4759F  
F.O. No.: FOFEC 15-022W

SHARON YEAGO,

Respondent.

---

**FINAL ORDER**

This matter came before the Florida Elections Commission ("Commission") at a duly-noticed public meeting on October 28, 2014 and continued on February 24, 2015, in Tallahassee, Florida, for consideration of the Administrative Law Judge's Recommended Order, Petitioner's Motion to Dismiss, Petitioner's Exceptions to the Recommended Order, Respondent's Exceptions to the Recommended Order, Petitioner's Response to Respondent's Exceptions, and Respondent's Response to Petitioner's Exceptions (copies of which are attached hereto as Exhibits A, B, C, D, E, and F respectively) in the above-styled cause. Petitioner was present and represented by Joseph Little, Esq. Respondent was present and was represented by counsel, Paul Regensdorf, Esq.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Commission makes the following findings and conclusions.

## RULING ON PETITIONER'S MOTION TO DISMISS

Upon review of the record, argument of the parties, and otherwise advised in the premises, Petitioner's Motion to Dismiss is hereby DENIED.

## RULINGS ON EXCEPTIONS

1 Petitioner's Exceptions to Paragraphs 1, 3, 5, 9, 10, 12, 17, 22, 23, 24, 26, 27, 29, 30, 31, 35, 36, 44, 49, 51, and 52 are REJECTED as the Administrative Law Judge's findings of fact in these paragraphs are based on competent substantial evidence.

2 Petitioner's Exception to Paragraph 32 is ACCEPTED in part and REJECTED in part. The second sentence, "It was unclear what 'unfairness' he saw in Concerned Citizen's activities." is stricken as it is not based on competent substantial evidence and for the reasons stated in the Petitioner's Exceptions. The phrase, "and silence its activities." in the third sentence of the paragraph is stricken as it is not based on competent substantial evidence. The rest of the paragraph is based on competent substantial evidence and shall remain.

3. Petitioner's Exception to Paragraph 33 is ACCEPTED. The phrase "as her co-conspirator" in the second sentence shall be stricken as it is not based on competent substantial evidence. The remainder of the paragraph is based on competent substantial evidence and shall remain.

4 Petitioner's exception to Paragraph 38 is ACCEPTED. The phrase, "For reasons that are not clear in the record" in the second sentence is stricken as it is not based on competent substantial evidence and for the reasons set forth in Petitioner's Exceptions

5. Petitioner's exception to Paragraph 41 is ACCEPTED. The phrase, "Again, for reasons that are not clear in the record" in the second sentence is stricken as it is not based on

competent substantial evidence and for the reasons set forth in Petitioner's Exceptions.

6. Respondent's Exceptions are REJECTED as they do not meet the requirements set forth in Section 120.57(1)(k), Florida Statutes. Further, Respondent's exceptions regarding the admissibility of prior actions of Petitioner are exceptions based upon evidence excluded by the Administrative Law Judge over which the Commission does not have jurisdiction.

### **FINDINGS OF FACT**

1. The remaining findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact

### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Section 106.265(6), Florida Statutes.
2. The remaining conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

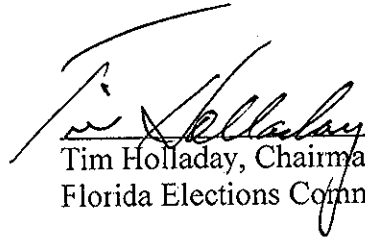
### **DISPOSITION**

Upon a complete review of the record in this case, the Commission determines and upholds the ruling by the Administrative Law Judge that the Respondent is entitled to an award of \$42,360.00 in attorney's fees and \$4,516.95 in costs that were incurred in the matter.

This Final Order shall take effect upon being filed with the Clerk of the Florida Election Commission.

**DONE AND ORDERED** by the Florida Elections Commission on

February 24, 2015.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:

Michael Flury, Commission Counsel  
Paul R. Regensdorf, Attorney for Sharon Yeago  
Joseph P. Little, Attorney for Robert Barnas  
Division of Administrative Hearings

**NOTICE OF RIGHT TO APPEAL**

This order is final agency action. Any party who is adversely affected by this order has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by filing a notice of administrative appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050 and by filing a copy of the notice of appeal with the appropriate district court of appeal. The party must attach to the notice of appeal a copy of this order and include with the notice of appeal filed with the district court of appeal the applicable filing fees. **The notice of administrative appeal must be filed within 30 days of the date this order is filed with the Commission.** The date this order was filed appears in the upper right-hand corner of the first page of the order.



STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ROBERT J. BARNAS,

Petitioner,

vs.

Case No. 13-4759F

SHARON L. YEAGO,<sup>1/</sup>

Respondent.

---

RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held before the Division of Administrative Hearings Administrative Law Judge Diane Cleavinger on February 25, 2014, and April 24, 2014, in Gainesville, Florida.

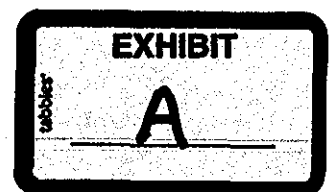
APPEARANCES

For Petitioner: Joseph W. Little, Esquire  
3731 Northwest 13th Place  
Gainesville, Florida 32605

For Respondent: Paul R. Regensdorf, Esquire  
Holland and Knight LLP  
50 North Laura Street  
Jacksonville, Florida 32202

STATEMENT OF THE ISSUE

The issue in this proceeding is whether Respondent is entitled to attorney's fees and costs pursuant to section 106.265(6), Florida Statutes (2012), and Florida Administrative Code Rule 2B-1.0045.



PRELIMINARY STATEMENT

On April 1, 2013, Complainant, Robert J. Barnas, filed an ethics complaint with the Florida Elections Commission (FEC) against Respondent, Sharon L. Yeago, as the spokesman of an organization known as Concerned Citizens for a Better High Springs (Concerned Citizens). In the Complaint, Mr. Barnas alleged that Ms. Yeago and others had formed Concerned Citizens to oppose a High Springs charter amendment referendum and to support certain High Springs city commission candidates in the November 6, 2012, general election. The Complaint further alleged that such activity had violated various provisions of chapter 106, Florida Statutes, since Concerned Citizens failed to register as a political committee, failed to appoint a treasurer, failed to appoint a registered agent, failed to file reports of financial expenditures, and failed to keep records. Ms. Yeago filed a response to the complaint. After review, FEC ultimately dismissed the underlying complaint.

At the hearing in this matter, Mr. Barnas claimed that procedural flaws regarding notice had occurred during the underlying proceeding. However, the decision of the FEC in the underlying action was not appealed by Mr. Barnas and is now final. Therefore, such alleged procedural flaws have not been addressed in this Recommended Order.

After the FEC decision, Ms. Yeago filed a Petition for Costs and Attorney's Fees pursuant to section 106.265(6) and Florida Administrative Code Rule 2B-1.0045. The Petition alleged that Mr. Barnas filed the ethics Complaint with malicious intent to injure her reputation, by filing the Complaint with knowledge that it contained one or more false allegations, or with reckless disregard for whether the Complaint contained one or more false allegations. Mr. Barnas disputed the Petition for Fees and the matter was forwarded to the Division of Administrative Hearings (DOAH) for formal hearing.

At the hearing, Complainant, Mr. Barnas, testified in his own behalf and presented the testimony of two witnesses. Complainant also offered 12 exhibits into evidence. Respondent, Ms. Yeago, testified in her own behalf and presented the testimony of three witnesses. Additionally, Respondent offered 19 exhibits into evidence.

After the hearing, Petitioner/Complainant filed a Proposed Recommended Order on June 27, 2014. Respondent filed a Proposed Recommended Order on June 30, 2014.

#### FINDINGS OF FACT

1. Robert Barnas was an elected member to the City Commission of the City of High Springs, Florida. At the time relative to this proceeding, the City of High Springs was having

serious financial difficulty, had cut salaries and staff and was having difficulty meeting its obligations.

2. Mr. Barnas was a sponsor and supporter of a referendum to amend the City of High Springs charter. In general, the proposed amendment sought to limit the power of the City of High Springs to borrow money without a super majority vote of the City Commission and an approving vote of the electorate.

3. The charter amendment was passed by the City Commission without following proper procedures and was slated to appear on the November 6, 2012, general election ballot. The restrictive nature of the referendum and the manner of the referendum's passage angered many voters who campaigned against it. Further, a legal action by opponents of the referendum was filed in Circuit Court to invalidate the passage of the referendum. Due to that legal action, the Circuit Court preliminarily voided the impending vote on the charter amendment but did not remove the question from the ballot.

4. In addition, politics in High Springs had too many people become shockingly contentious, mean-spirited and discourteous. The referendum and its questionable passage added to the negative political atmosphere. As a consequence, around September 28, 2012, an informal, unincorporated organization was formed in the City of High Springs called Concerned Citizens for a Better High Springs (Concerned Citizens). It was formed for a

variety of "good government" concerns regarding government and politics in High Springs.

5. Throughout the period of time between its organization and the election in November of 2012, four people were responsible for Concerned Citizens and constituted its Steering Committee. Those four people were Becky Johnson, John Manley, Bob Jones, and Linda Jones.

6. The group was a volunteer organization and did not have dues or a bank account. The evidence was not clear if Concerned Citizens had official members in its organization or less official supporters since to "join" the organization a person could email Concerned Citizens or "like" the group on Facebook and thereby be listed as a supporter.

7. Ms. Yeago was affiliated with or a supporter of Concerned Citizens and served from time to time as a volunteer spokesperson for that organization. She also assembled from other supporters ideas, and/or typed up the mission statement and other documents that will be discussed later in this order. She did draft the group's description/solicitation for support which will also be discussed later in this order.

8. Ms. Yeago lived in the county where High Springs is located, but did not live in High Springs. She, therefore, was not a voter in High Springs city elections. Her political stance on any High Springs city commission candidates or on the charter

amendment was not known and not demonstrated by the evidence. Further, no effort was made by Mr. Barnas to ascertain Ms. Yeago's position on these issues and there was a complete lack of evidence demonstrating that Ms. Yeago campaigned for or against any candidate for the City's commission or advocated for or against the charter amendment on the ballot.

9. Ms. Yeago supported Concerned Citizens and helped the group because she was genuinely concerned with fostering a better political atmosphere in High Springs. She was not on the steering committee and not responsible for guiding the group. Further, due to her professional work with various local governments and people of all political persuasions it was of primary concern to her that Concerned Citizens or any group she was associated with be non-political and nonpartisan.

10. On the other hand, some of Concerned Citizens' publicly identified supporters, in their private capacity, actively and publicly opposed adoption of the proposed charter amendment and actively and publicly supported election of particular candidates for seats on the High Springs city commission whose election Mr. Barnas opposed.

11. Two of the candidates opposed by Mr. Barnas were Bryan Williams and Scott Jamieson. Mr. Williams' opponent was Patrick Rush. Mr. Jamieson's opponent was Edward Reiss.

12. Concerned Citizens created a Facebook identity and started a Facebook page on September 28, 2012, the official day of its formation. The group posted under the name "Concerned Citizens for a Better High Springs." Individuals posted under whatever Facebook name they used. The group did not control who posted to its Facebook page or the contents of such posts.

13. On September 28, 2012, the official day of formation of Concerned Citizens, Gene Levine posted a comment on Concerned Citizens' Facebook page. The evidence was not clear if Mr. Levine was then a supporter of Concerned Citizens. However, by November 1, 2012, he was listed as a supporter by the organization in an advertisement it ran in the local newspaper offering rides to the polls.

14. Mr. Levine's comment read:

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

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

We must remember Pat Rush as the owner of "Pat's Place," a coffee shop on Main Street that went out of business. He couldn't blame anyone else for his businesses' demise because he made all the decisions. How can any citizen of High Springs even think of voting

for someone who couldn't successfully run his own business to run our City's big business?

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

15. Immediately following Mr. Levine's comment, Concerned Citizens disclaimed Mr. Levine's comment and posted:

This group will not be addressing political campaign issues. Those are for other groups. We are nonpartisan and nonpolitical and will only be focused on policy recommendations to move High Springs forward.

16. Concerned Citizens further advised people to "take a look at our Principles and Policy Recommendations under About." Notably, through the time of filing the FEC complaint underlying this action and other than congratulating the election's winner after the election and wishing him well, there were no other postings on the Concerned Citizens' Facebook page or on its "About" page regarding any political candidates. Further, there were clearly no postings by Ms. Yeago regarding any political candidates.

17. Indeed, Mr. Jamieson's race was uncontested and listed as such on the ballot in November. Mr. William's race remained contested and most of the evidence in this hearing focused on



Mr. William's race. However, Mr. Barnas misrepresented, to the point of falsification, that Concerned Citizens supported these two candidates when he cut and pasted into an attachment to his FEC complaint only Mr. Levine's post on Facebook, deliberately leaving out the nonpartisan statement and position of Concerned Citizens which followed Mr. Levine's post. Moreover, by April 1, 2013, when Mr. Barnas sent his complaint to the FEC, Mr. Barnas knew that Mr. Jamieson's race was uncontested, but falsely represented that Concerned Citizens had expressly advocated for his election when no such advocacy occurred because the race was uncontested.

18. As indicated, Concerned Citizens published on its Facebook page and in a variety of documents its mission statement, its four guiding principles, and its five key areas of principal concern to effectuate its goals of greater civility in politics and better government in High Springs.

19. The Mission Statement read:

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

20. In addition to the mission statement that appeared on its Facebook page, there were two publications/statements created that included the group's above-quoted mission statement. One publication contained the mission statement and listed the

group's four "Guiding Principles." Those guiding principles were:

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

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

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

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

These four principles were followed by a variety of policy recommendations that Concerned Citizens felt were important considerations to implement its principles. Importantly, this publication did not mention Mr. Williams, Mr. Jamieson, or expressly advocate for their election, the defeat or passage of any candidate or charter amendment and could not be reasonably read to do so.

21. A second publication/statement by Concerned Citizens was created that included the group's mission statement and listed "Five Key Areas of Principal Concern." The Five areas were, in relevant part:

1. The Dispatch Project is a major financial drain whose re-installation was premature at best and ill-advised at worst.

\* \* \*

2. The morale of the City's employees has been badly eroded by the City's Commission leadership and attitudes. The non-union employees have had to bear a disproportionate share in reductions to their compensation and benefits, all in an increasingly hostile atmosphere.

\* \* \*

3. The prolonged absence of professional management is destroying the City's credibility and greatly reducing its performance.

\* \* \*

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

\* \* \*

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

a. The amendment would prohibit the City Commission from incurring any debt beyond one million dollars unless first approved by a

2/3 vote (4 out of 5) of the Commission PLUS passage of a referendum by the voters approving the debt, before the loan could be made, ensuring that an immediate response to a major crisis is virtually impossible from a financial perspective.

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

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

(Bold and italics in original.)

22. The Five Principals were posted on the group's Facebook page and also distributed as a paper document at a candidate's forum conducted in High Springs shortly prior to the November 6, 2012, election. Notably, concern 5 was a reasonable analysis of the charter amendment and only endeavored to explain the charter amendment, its potential effects and things that should be considered by a voter when voting on this amendment. Importantly, this second publication does not expressly advocate

for or against any candidate or for or against the charter amendment. Moreover, paragraph 5 could not be reasonably read to expressly advocate for or against any candidate or the charter amendment. The italicized portion of paragraph 5 only describes the amendment's method for limiting debt by subjecting such a decision to two votes and further stating the group's belief that such restrictions limit the city commission's ability to act. Nowhere in this language does the group indicate how a person should vote regarding the ballot referendum on the charter amendment.

23. Unfortunately, Mr. Barnas read item 5 above and deemed it to be express advocacy opposing the pending referendum on the proposal to amend the City of High Springs charter. Mr. Barnas' complaint affirmatively accuses Ms. Yeago, on behalf of the Concerned Citizens group, with expressly advocating the defeat of the charter amendment. As indicated, this single reference by Concerned Citizens to the charter amendment in its many publications was fair comment on the amendment and did not expressly advocate for its passage or defeat.

24. The Concerned Citizens' statement that included item 5 above also contained the following group description/request for support:

Concerned Citizens for a Better High Springs  
is a nonpartisan, nonpolitical grassroots  
citizens' group and, pursuant to Florida

Statute, section 106.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort by email at [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or "Liking" the group at <http://tinyurl.com/bosiqm3>.

25. On November 1, 2012, Concerned Citizens' published a full-page advertisement in the Alachua County Today newspaper. The advertisement identified the names of Concerned Citizens' members including Ms. Yeago. The advertisement began "**VOTE ON NOVEMBER 6TH GO ALL THE WAY TO THE END OF THE BALLOT to ensure your voice is heard!**" (Emphasis in original.) The advertisement listed the four "Guiding Principles." It also included a statement eliciting support similar to but not identical to the one quoted above.

26. As indicated earlier, Ms. Yeago drafted these statements in order to describe the group as nonpartisan and nonpolitical, seek support and make it clear that the group was not a political committee engaged in election activities. The language regarding section 106.011 was added to emphasize that the group was not formed to advocate for any campaign or on any election issue. More importantly, no part of these group descriptions/requests for support could reasonably be read as express advocacy regarding a candidate or election issue.

27. Again, Mr. Barnas, in his complaint, incorrectly asserted that the group's description/request for support demonstrated its intention and that of Ms. Yeago to thwart the law regarding political committees. He also believed that Concerned Citizens had tried to hide its "advocacy" against the charter amendment by omitting the above mentioned paragraph 5 from its four principles document. In fact, the paragraph had never been part of the group's four principles and had only been contained in its "Five Key Areas of Principal Concern." Mr. Barnas did not inquire or make any investigation regarding these documents but assumed bad intent on the part of Concerned Citizens and, more specifically, Ms. Yeago. Such a failure to investigate these statements and documents constitutes reckless disregard for the truth of the allegations made by Mr. Barnas in his FEC complaint.

28. Concerned Citizens' newspaper advertisement published on November 1, 2012, contained a list of its supporters including the names of Tom Hewlett and Linda Hewlett. During the run-up to the election, the Hewletts made two 4' by 4' posters stating "Vote No" in large letters which they prominently displayed at the High Springs voting precincts on election day, November 6, 2012. One of these posters was introduced into evidence but the other poster had been destroyed. The uncontested evidence demonstrated that the Hewletts created these signs in their

private capacity as voters in High Springs and without the assistance or cooperation of Concerned Citizens.

29. Mr. Barnas testified he saw a large "Vote No" sign that included Concerned Citizens' identification affixed from holes in its corners to a fence at a High Springs voting precinct on Election Day November 6, 2012. Other than his testimony, Mr. Barnas presented no evidence or witnesses that the signs he described had ever existed. However, the evidence demonstrated that the Hewlett signs were the only large "Vote No" signs at the precinct. Moreover, the signs, contrary to Mr. Barnas' claim at hearing, bore no marking or legend that linked it to Concerned Citizens and his testimony to the contrary on this point was not credible.

30. In his complaint against Ms. Yeago, Mr. Barnas alleged that Concerned Citizens had endorsed or prepared two large, four-foot by four-foot signs which said "Vote No" and which signs contained the appropriate disclaimer at the bottom that would be required by a political committee if publishing such a statement or sign. Mr. Barnas did not make any inquiries regarding these signs and did not make any inquiries of Concerned Citizens, Ms. Yeago or the Hewletts.

31. Based on private political activities of people who were also supporters of Concerned Citizens, Mr. Barnas inferred, without evidence, that Concerned Citizens was expressly



advocating defeat of the charter amendment and had spent in excess of \$500 in doing so. As such, he failed to distinguish between private activities of individuals who also are members or supporters of various other political and nonpolitical organizations. Mr. Barnas did not inquire of these people if they were speaking for Concerned Citizens or any other organization when they campaigned against the charter amendment. He simply, without evidence, concluded that they spoke for Concerned Citizens and in so doing made false allegations in his complaint against Ms. Yeago. Based on these facts, such failure to investigate the facts surrounding these private political actions constitutes reckless disregard for the truth of the allegations he made against Ms. Yeago in his FEC complaint by attributing the private political activities of others to her or Concerned Citizens.

32. Mr. Barnas was determined to file a complaint with FEC against Concerned Citizens as an organization because he believed it should comply with chapter 106, Florida Statutes, to assure a "fair playing field" in future elections. It was unclear what "unfairness" he saw in Concerned Citizens' activities. His intent was to file against Concerned Citizens as a group and silence its activities.

33. However, after inquiry of FEC staff about how to make a complaint against Concerned Citizens, he concluded that

complaints must be made against responsible persons in an unincorporated organization and not the organization itself. He believed that he must identify at least two responsible persons in the complaint; and therefore, filed the complaint against Sharon Yeago as the "Person Against Whom Complaint is Brought" and naming Linda Jones as her co-conspirator, as well as listing Concerned Citizens' failure to register as a political committee, to name a registered agent and registered treasurer, and to file required reports as the violations.

34. The Barnas' complaint stated, in part:

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

35. Mr. Barnas claimed in testimony that Linda Jones publicly identified herself as a member of the Concerned Citizens' steering committee in a High Springs City Commission meeting conducted in March 2013, and thereby provided him with a second person to name in his FEC complaint. However, the evidence demonstrated that Mr. Barnas was aware of whom, including Ms. Jones, the members of the Concerned Citizens'

steering committee were before the November election in 2012, and well before the meeting in 2013. In fact, the evidence showed that the likely motive for filing the underlying FEC complaint was that Mr. Barnas was called a "fool" by someone he thought was a member of Concerned Citizens and thereby decided to file an FEC complaint against the offending group, selecting April Fools' Day as the date to mail his complaint to the FEC.

36. Ms. Yeago was simply a means to an end, enabling Mr. Barnas to file an FEC complaint against an organization who he felt opposed something he favored. However, by Mr. Barnas using Ms. Yeago as a means to an end in his FEC complaint, Ms. Yeago was compelled to hire counsel and vigorously defend against the complaint's allegations in order to protect her professional reputation as an ethical person. Towards that end, Ms. Yeago hired Mr. Regensdorf under an agreement for an hourly fee capped at \$505.00 which he would receive only if awarded such fees and costs for defending the underlying FEC complaint and consequent litigation establishing entitlement to such fees and costs.

37. Unknown to Mr. Barnas, Ms. Yeago's lawyer filed a notice of appearance in the underlying action with FEC on April 26, 2013, but did not serve a copy on Mr. Barnas.

38. Ms. Yeago, through her attorney, filed a response to the complaint in the underlying action. For reasons that are not clear in the record, Mr. Barnas did not know that Ms. Yeago had

filed a response to his complaint until October 28, 2013.

39. On June 10, 2013, FEC's executive director issued a notice that Mr. Barnas' complaint was facially insufficient because the allegations did not establish that Concerned Citizens had expended in excess of \$500 in express advocacy during the election. FEC's notice informed Mr. Barnas that he was entitled to supply additional information to support his complaint.

40. On June 28, 2013, FEC issued a statement that the case was closed.

41. On July 10, 2013, Ms. Yeago filed the petition for fees and costs that is the subject of this proceeding, but did not serve a copy on Mr. Barnas. Again, for reasons that are not clear in the record, prior to October 28, 2013, Mr. Barnas did not know that Ms. Yeago had filed a petition for fees and costs.

42. By notice dated October 24, 2013, FEC notified Ms. Yeago and Mr. Barnas that a hearing on Ms. Yeago's fee petition had been set for November 13, 2013. Mr. Barnas received this notice on October 28, 2013, and elected not to ask for a continuance of the hearing date. As indicated, on the same date, FEC supplied Mr. Barnas copies of Ms. Yeago's filings in the case.<sup>2/</sup>

43. Mr. Barnas filed a response to Ms. Yeago's fee and cost petition. Mr. Barnas was also afforded an opportunity to present all his evidence regarding a reasonable basis for filing his FEC

complaint at both the FEC hearing and the evidentiary hearing in this case.<sup>3/</sup>

44. The billable records for Ms. Yeago's attorney listed 110.9 hours of time spent on this matter for which Ms. Yeago's attorney admits 102.8 hours of attorney time were reasonably attributable towards defending both the underlying FEC complaint and seeking fees for that defense. A review of those records confirms that 102.8 hours of time is a reasonable amount of hours to expend on this action. Additionally, a second partial day of hearing, consisting of 3.1 hours, was held in this cause, resulting in total hours of 105.9. However, other than the 3.1 hours spent in hearing on the second day, there was no evidence regarding the amount of time Ms. Yeago's attorney spent on preparation of later filings in this action. Therefore, no award for that time is made in this matter. Further, the expert evidence demonstrated that an hourly fee for an experienced litigator who is not a practitioner before the FEC of \$400.00 was reasonable for litigation of this type. Finally, the evidence demonstrated that reasonable costs in the amount of \$4,516.95 were incurred by Ms. Yeago in defending the underlying action and in litigating this fee action. Therefore, Ms. Yeago is entitled to a total of \$42,360.00 in attorney's fees and \$4,516.95 in costs.

CONCLUSIONS OF LAW

45. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. See §§ 120.569 and 120.57(1) Fla. Stat. (2013).

46. Section 106.265(6), Florida Statutes (2012) and Florida Administrative Code Rule 2B-1.0045 provide for an award of attorney's fees and costs in certain FEC actions. Section 106.265(6) provides in part:

(6) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

47. Further, Florida Administrative Code Rule 2B-1.0045(1) provides:

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation

of chapter 104 or 106, F.S., the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the complaint, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

48. As the party asserting entitlement, Respondent has the burden to prove "by clear and convincing evidence" that an award of attorney's fees and costs is appropriate pursuant to section 106.265(6) and rule 2B-1.0045(4). See Dep't of Banking & Fin. v. Osborne Stern & Co., 670 So. 2d 932, 934 (Fla. 1996); Dep't of Transp. v. J.W.C. Co., 396 So. 2d 778, 787 (Fla. 1st DCA 1981).

49. In Brown v. Fla. Commission on Ethics, 969 So. 2d 553, 560 (Fla. 1st DCA 2007), the court determined that the actual malice standard of New York Times Co. v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964) does not apply to fees sought pursuant to section 112.317, now 106.265. The court established that the elements of a claim by a public official for attorney's fees are: (a) the complaint was made with a malicious intent to injure the official's reputation; (b) the person filing the complaint knew that the statements about the official were false or made the statements about the official with reckless disregard for the truth; and (c) the statements were material. The Brown court emphasized that even without the Sullivan standard, "[t]he statute sets a very high bar for recovery of fees." Id. at 560. However, that bar is met where, as here, the

person filing an ethics complaint acts with conscious indifference to the truth of that complaint. Id.

50. Under Brown, it is clear that ethics complaints which allege facts insufficient to prove the elements of a violation of an ethics statute will not automatically render a complaint baseless or wholly untenable. Moreover, it is clear that an award of attorney's fees is not warranted in every situation wherein an ethics complaint is dismissed for lack of probable cause.

51. However, in this case, the evidence demonstrated that Mr. Barnas maliciously filed the complaint in order to silence those whom he perceived as opposing him and the issues that were important to him. Additionally, the evidence showed that Mr. Barnas maintained a conscious indifference to the truth or falsity of his allegations when he failed to reasonably investigate or inquire about Concerned Citizens, Ms. Yeago's relationship to Concerned Citizens, the private actions of supporters of Concerned Citizens or any of the various documents/statements attributable to Concerned Citizens. More importantly, such indifference was demonstrated when he cut and pasted portions of a Facebook page/blog from a person advocating for a candidate while leaving out Concerned Citizens' response to the post which clearly demonstrated the groups' intention not to



be a political committee. As such Ms. Yeago is entitled to an award of attorney's fees and costs pursuant to section 106.265.

52. Based on the expert evidence, a fee of \$400 per hour is a reasonable hourly fee for the services of Mr. Paul R. Regensdorf, the attorney who represented Ms. Yeago in this matter. Further the amount of 105.9 hours of time expended by Mr. Regensdorf in this matter is reasonable. Finally, the evidence demonstrated that reasonable costs in the amount of \$4,516.95 were incurred by Ms. Yeago in defending the underlying action and in litigating this fee action. Therefore, Ms. Yeago is entitled to an award of \$42,360.00 in attorney's fees and \$4,516.95 in costs that were incurred in this matter.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Commission enter a Final Order granting the Petition for fees and costs and awarding the amounts established above to Ms. Yeago.

DONE AND ENTERED this 28th day of August, 2014, in  
Tallahassee, Leon County, Florida.

*Diane Cleavinger*

---

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

Filed with the Clerk of the  
Division of Administrative Hearings  
this 28th day of August, 2014.

ENDNOTES

<sup>1/</sup> The parties are identified as required by Florida Administrative Code Rule 2B-1.0045(4): "(4) The parties to the claim shall be the respondent and the complainant."

<sup>2/</sup> Rule 2B-1.0045(2) provides that service of the petition for fees shall be accomplished by the Commission and provides, "The Commission clerk shall forward a copy of the petition to the complainant by certified mail . . . ." Although such service was extremely slow, service was accomplished by the FEC on October 28, 2013, with no prejudice to Mr. Barnas demonstrated by the evidence.

<sup>3/</sup> Mr. Barnas' evidence remained largely the same as when he filed his complaint. However, Mr. Barnas presented one additional witness who, in very vague testimony testified that an unknown man "with gorgeous eyes" gave her literature regarding Concerned Citizens and that he told her Concerned Citizens opposed the charter amendment. At the time of the complaint, this information was not known to Mr. Barnas. However, the testimony regarding this person are both vague and hearsay and not reliable to establish any facts regarding the legitimacy of Mr. Barnas' claims in his underlying FEC complaint.

COPIES FURNISHED:

Paul R. Regensdorf, Esquire  
Holland and Knight LLP  
50 North Laura Street  
Jacksonville, Florida 32202  
(eServed)

Amy McKeever Toman, Esquire  
Florida Elections Commission  
Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050

Joseph W. Little, Esquire  
3731 Northwest 13th Place  
Gainesville, Florida 32605  
(eServed)

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

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

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

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

ROBERT J. BARNAS,  
Petitioner,

Case No. 13-125

vs.

SHARON L. YEAGO,  
Respondent.

---

**MOTION TO DISMISS**

Pursuant to Fla. Admin. Code R. 28-106.204(3), Robert J. Barnas, complainant in proceedings before the Florida Elections Commission (FEC) that gave rise to this proceeding, moves to dismiss Respondent Yeago's petition for fees and costs as not having been timely served and filed

**FACTS**

The operative facts are set forth in the attached affidavit of Robert J. Barnas (Exhibit 1) and the other exhibits attached hereto. The essential facts are these:

1. On April 3, 2013 Barnas submitted a complaint to FEC naming Yeago as respondent
2. FEC dismissed Barnas's complaint against Yeago as insufficient and closed the case on or about June 28, 2013.
3. Under FEC rule 2B-1.0045(2) a petition for an award of attorney's fees and



costs authorized by §106.265(6) Fla. Stat. must be filed with FEC's clerk  
"within 30 days following dismissal of the complaint."

4. Yeago served her petition upon FEC bearing service date of 10<sup>th</sup> day of July 2013.
  5. Yeago did not serve her petition upon Barnas.
  6. FEC did not provide Barnas with a copy of Yeago's petition.
  7. Barnas did not know Yeago's petition for fees and costs existed until October 28, 2013 on which date he received a copy of a "Notice of Hearing (Motion for Attorney's Fees)" from FEC bearing date of October 24, 2013.
- DOAH Recommended Order, case number 13-4759F, paragraph 38, p. 19.

### ARGUMENT

Pursuant to §120.54(c)(1) Fla. Stat. Florida Election Commission's procedures are prescribed by the Uniform Rules of Procedure in Fla. Admin. Code R. 28-106. The Uniform Rules that apply to this motion are:

#### **28-106.110. Service of Papers.**

Unless the presiding officer otherwise orders, every pleading *and every other paper filed in a proceeding*, except applications for witness subpoenas, *shall be served on each party or on each party's counsel or representative at the last address of record.*

(Italics added.)

**28-106.104. Filing.**

(1) In construing these rules or any order of a presiding officer, filing shall mean received by the office of the agency clerk during normal business hours or, by the presiding officer during the course of a hearing.

(2) All pleadings filed with the agency *shall contain* the following:

- (a) The style of the proceeding involved;
- (b) The docket, case or file number, if any;
- (c) The name of the party on whose behalf the pleading is filed;
- (d) The name, address, any e-mail address, and telephone number of the person filing the pleading;
- (e) The signature of the person filing the pleading; and
- (f) *A certificate of service that copies have been furnished to all other parties as required by subsection (4) of this rule.*

(3) [Omitted.]

(4) Whenever a party files a pleading or *other document* with the agency, *that party shall serve copies of the pleading or other document upon all other parties to the proceeding.* A certificate of service shall accompany each pleading or other document filed with the agency.

(5)-(8) [Omitted.]

(Italics added.)

In the FEC proceedings FEC provided Yeago notice that Barnas' case was closed in a letter bearing date June 28, 2013. (Exhibit 2.) To comply with FEC R. 2B-1.0045(2), Yeago had 30 days from June 28, 2013 to submit a valid petition for fees and costs.

Yeago submitted a petition for fees and costs to FEC bearing date of 10<sup>th</sup> day of July 2013. (Exhibit 3, Petition, pp. 1, 23,24.) Yeago's certificate of service does not indicate she had served it upon Barnas as required by R. 28-

106.104(2)(f), R. 28-106.104(4), and R. 28-106.110. Yeago did not then serve the petition upon Barnas and has never done so. FEC did not provide Barnas with the petition until after October 28, 2013. DOAH Recommended Order, case number 13-4759F, paragraph 38, p. 19

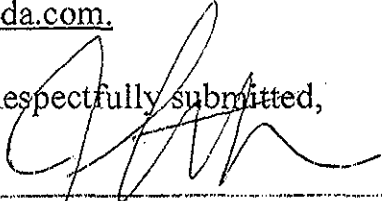
The foregoing establishes conclusively that Yeago never served FEC with a petition that complied with the requirements of a pleading or document that qualified to be filed until the period prescribed by FEC R. 2B-1.0045(2) had expired and *has never done so*.

In sum, Yeago did not and has not filed a timely petition for fees and costs and the petition should be dismissed.

#### CERTIFICATE OF SERVICE

I certify that on September 8, 2014, I served this document by email on Paul R. Regensdorf, attorney for Yeago at [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com) and on the Florida Elections Commission at [fec@myflorida.com](mailto:fec@myflorida.com).

Respectfully submitted,



---

Joseph W. Little  
Florida Bar No. 196749  
3731 NW 13<sup>th</sup> Place  
Gainesville, Fl. 32605  
352-372-5955  
[Littlegnv@gmail.com](mailto:Littlegnv@gmail.com)

**EXHIBIT 1**

**ROBERT J. BARNAS AFFIDAVIT**



**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

ROBERT J. BARNAS,  
Petitioner,

Case No. 13-4759  
13-125

vs.

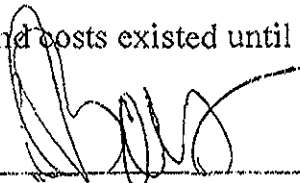
SHARON L. YEAGO,  
Respondent.

---

**AFFIDAVIT OF ROBERT J. BARNAS**

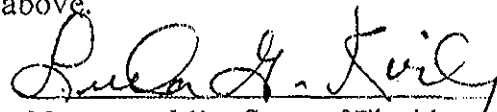
1. I am Robert J. Barnas.
2. I am the complainant in the proceedings in the Florida Elections Commission that gave rise to this proceeding and I am the respondent to Yeago's petition for fees and costs
3. I filed a complaint in the Florida Elections Commission naming Sharon L. Yeago as the person against whom complaint is brought.
4. Records of the Florida Elections Commission indicate the Commission received the complaint on April 3, 2013.
5. In June 2013, I received a communication from the Florida Elections Commission bearing date June, 10, 2013 and informing me that my complaint was legally insufficient and I could provide additional information.
6. I provided no additional information
7. Unknown to me until October 28, 2013, Yeago filed a response to my complaint.
8. Yeago did not serve her response on me and the Florida Elections Commission did not send me a copy or notify me of its existence until after October 28, 2013.

9. Yeago's response was undated and bore no certificate of service.
10. I did not know that Yeago's response existed before Florida Elections Commission closed my case and I had no opportunity to rebut it.
11. I did not know Yeago's response existed until after October 28, 2013.
12. By letter bearing date June 28, 2013 the Florida Elections Commission indicated the case involving my complaint was closed.
13. Thereafter on a date unknown to me, Yeago filed a petition for an award of fees and costs against me in the Florida Elections Commission.
14. Yeago did not serve a copy of the petition for fees and costs upon me.
15. The Florida Elections Commission did not provide me a copy of Yeago's petition for fees and costs or otherwise notify me of its existence.
16. On October 28, 2013, I received a copy of a "Notice of Hearing (Motion for Attorney's Fees) from the Florida Elections Commission bearing date of October 24, 2013.
17. I did not know Yeago's petition for fees and costs existed until October 28, 2013.

  
\_\_\_\_\_  
Robert J. Barnas

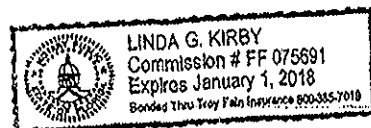
STATE OF FLORIDA  
COUNTY OF ALACHUA

Before me on this 6<sup>th</sup> day of February 2014 appeared Robert J. Barnas, who identified himself with a valid Florida drivers license, took an oath affirming the foregoing affidavit, and affixed his signature above.

  
\_\_\_\_\_  
Notary public, State of Florida

My commission expires:

January 1, 2018



**EXHIBIT 2**

**FLORIDA ELECTIONS COMMISSION LETTER CLOSING BARNAS'S CASE**



**FLORIDA ELECTIONS COMMISSION**

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

June 28, 2013

Paul Regensdorf, Esquire  
Holland & Knight  
50 North Laura Street  
Jacksonville, FL 32202

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

Dear Mr. Regensdorf:

On June 10, 2013, the Florida Elections Commission notified Robert J. Barnas that the complaint he filed on April 3, 2013 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, the case has been closed.

Please let me know if you have any questions.

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/dam

cc: Robert J. Barnas, Complainant

**EXHIBIT 3**

**YEAGO'S PETITION, PP. 1, 23, 24.**

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

CASE NO: FEC 13-125

In Re: SHARON L YEAGO  
Respondent

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

The Respondent, Sharon L. Yeago, by and through her undersigned counsel, files this Petition for Attorneys' Fees and Costs Pursuant to Florida Statute §106.265 and Rule 2B-1 0045 of the Florida Elections Commission, and would show this Commission as follows:

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

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

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

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

Respectfully submitted,

---

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

---

**CERTIFICATE OF SERVICE**

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

Donna Ann Malphurs  
Agency Clerk  
Florida Elections Commission

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

/s/ Paul R. Regensdorf

#24114488\_v1

46



**STATE OF FLORIDA**

**FLORIDA ELECTIONS COMMISSION**

ROBERT J. BARNAS,

Petitioner,

vs.

Case No: FEC No. 13-125

SHARON L. YEAGO,

DOAH No. 13-4759F

Respondent.

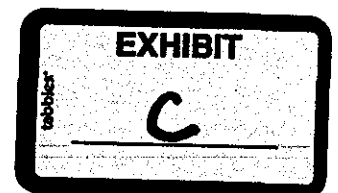
---

**BARNAS'S EXCEPTIONS TO PROPOSED FINAL ORDER**

Pursuant to Rule 28-106.217, F.A.C. Barnas respectfully files exceptions to the Recommended Order of the Administrative Law Judge (ALJ) entered in DOAH Case No. 13-4759F on August 28, 2014 and requests the Florida Elections Commission (FEC) to enter a Final Order finding that Yeago did not prove an entitlement to attorneys fees against him pursuant to the standards of §106.265(6) Fla. Stat. and Rule 2B-1.0045, F.A.C. and dismissing her petition for fees

**BRIEF STATEMENT OF PROCEDURAL HISTORY**

Barnas filed a complaint with FEC dated April 1, 2013 requesting FEC to investigate activities of an organization styled Concerned Citizens for a Better High Springs (CC) that had formed prior to the 2012 general election and made



public statements about current policy issues pertaining to the government in the City of High Springs, including statements about a proposal to amend the charter of the City of High Springs. Some of CC's publicly identified supporters publicly opposed adoption of the charter amendment and publicly supported a candidate who also opposed it. In his complaint Barnas attached various of CC's public statements that he thought FEC could find to be express advocacy of the defeat of the charter amendment. (App., p. A19-A20.) Barnas's complaint also described express advocacy activities of various CC supporters that he thought could be attributed to CC. Barnas concluded that CC was a political committee formed to influence the impending 2012 election and that it should comply with Chapter 106 Fla. Stat. (T1, 238, l. 12 to 241, l. 21; T2, 27, l. 11-14.)

The November 2012 election approved the charter amendment proposition by a strong majority of the electorate. (T2, p. 34, l. 5 to 16.) Barnas concluded that CC had violated Chapter 106 by not filing as a political committee and decided FEC should determine whether he was correct. (242, l. 13 to l. 1.) Barnas had no intention to influence the election by filing a FEC complaint (T1, 243, l. 17-19) and could not have done so because the election was over. (T2, 34, l. 11-13.) Hence intention was to seek compliance in the future. Before the end of November 2012 Barnas called FEC to ask how to file a complaint against CC and

understood from what he was told that he must name two people. (T1, 243, l. 1 - 16.) On December 5, 2012 Yeago sent Barnas an email in which she identified herself as CC's spokesperson. (App., p. A9-A10.) In March 2013 Linda Jones publicly identified herself to Barnas as a CC steering committee member in a City of High Springs city commission meeting. (T1, 164, l. 12-13.) (Barnas was a sitting city commissioner.) Having had Yeago and Jones personally identify themselves to him as CC spokesperson and CC steering committee member respectively, Barnas concluded that he had two names and filed the complaint naming Yeago as the person complained against.

On April 3, 2013, FEC sent Yeago a certified letter with a copy of Barnas's complaint and informed her she had 14 days to file an initial response. Yeago filed a response to Barnas's complaint but she did not serve Barnas with a copy and did not otherwise inform him of it. Yeago's lawyer testified under oath that he did not provide Barnas a copy of the response because FEC sent him instructions in writing that he was not required to do so. (T2, 94, l. 3 to 97, l. 7.) He did not produce the writing.

By letter dated June 10, 2013 FEC informed Barnas that his complaint was legally insufficient and informed him of his right to submit additional information. Unaware of Yeago's response and its contents, Barnas decided not to submit

additional information to FEC. Barnas testified that he would have responded if he had known the content of Yeago's response. (T2, 31, l. 17 to 34, l. 4.) In a letter dated June 28, 2013 FEC dismissed Barnas's complaint as legally insufficient.

On July 10, 2013 Yeago through her lawyer served a petition for fees and on FEC but did not serve a copy on Barnas and did not otherwise inform him of it. FEC did not provide Barnas with a copy of Yeago's petition and did not otherwise inform him of it until October 28, 2013. On the latter date Barnas finally learned of Yeago's response and fee petition when he received a FEC notice dated October 24, 2013 stating that FEC would conduct a hearing on Yeago's fee petition on November 14, 2013. At Barnas's request FEC then sent him copies of Yeago's response to his complaint and of her fee petition. Barnas acting *pro se* filed a response to Yeago's fee petition and appeared before the FEC in its November 14, 2013 hearing. In that proceeding FEC found probable cause and referred Yeago's fee petition to DOAH for an evidentiary hearing.

The undersigned lawyer filed a notice of appearance for Barnas with DOAH and filed a motion to dismiss the fee petition on the grounds that it had not been timely filed because Yeago had not served it upon him as required by Rule 28-106 104(4)(4), F.A.C. (This is the rule that Yeago's lawyer testified FEC had

informed him in writing that he was not required to follow.) The ALJ denied Barnas's motion to dismiss without comment. Barnas also served that motion to dismiss on FEC.

The ALJ conducted evidentiary hearings on February 25, 2014 and April 24, 2014, the parties filed proposed recommended orders, and the ALJ issued the recommended order on August 28, 2014. Pursuant to Rule 28-106.217, F.A.C., Barnas's exceptions must be filed on or before September 12, 2014.

#### BARNAS RESUBMITS MOTION TO DISMISS TO FEC

Initially, Barnas moves FEC to dismiss Yeago's petition for fees on the grounds that it was not timely filed (Barnas served FEC with a copy of the motion.) Pursuant to §120.57(f)(1) the DOAH motion is part of the record of this case. ("The record in a case governed by this subsection shall consist only of: 1. All notices, pleadings, motions, and intermediate rulings.") Nevertheless, Barnas contemporaneously resubmits his motion to dismiss to FEC in a separate document.

#### STANDARD OF REVIEW

FEC's standard of review of an ALJ's recommended order is governed by

§120.57(2)(1) Fla. Stat.<sup>1</sup> *Hoffman v. State Dep't of Mgmt. Servs., Div of*

*Retirement*, 964 So.2d 163, 166 (Fla. 1st DCA 2007), applied the standards as follows:

An agency may not reject an ALJ's factual findings if they are supported by competent, substantial evidence. See § 120.57(1)(1), Fla. Stat. (2005). However, an agency reviews the ALJ's conclusions of law and interpretation of administrative rules within its substantive jurisdiction *de novo*. The agency may reject such conclusions after stating its reasons with particularity and making a finding that its substituted conclusion is as reasonable or more reasonable than the ALJ's conclusion. *Id.*

*Id.*, 964 So.2d at 165. In this case, FEC must review the Recommended Order to determine whether it violates the rule that “Administrative agencies cannot,

---

<sup>1</sup>(1) The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action

moreover, apply statutes *ex post facto* to authorize sanctions for acts or omission antedating enactment that were not sanctionable at the time they took place.”

*McGann v. Florida Elections Commission*, 803 So.2d 763, 764 (Fla. 1<sup>st</sup> DCA 2002).

BARNAS IS ENTITLED TO DISMISSAL ON THE MERITS AS A MATTER  
OF LAW

Application of the standard of review to the facts and law is determinative in this case because, as shown below, the ALJ misapplied the elements of §106.265(5) Fla. Stat. to reach her legal conclusion that Yeago had proved entitlement to fees. In short, the ALJ made no finding that Barnas filed his complaint with malicious intent to injure Yeago’s reputation, which is an essential element of proof in a fee petition under §106.265(5) Fla. Stat. Moreover, as shown below, no such a finding could be made. Accordingly, Yeago’s petition should be dismissed as unproved.

In addition, because Yeago is a public figure for the purposes of this proceeding and her claim is in the nature of defamation, the First Amendment standards of *New York Times v. Sullivan* apply. Yeago did not and could not prove that Barnas entertained serious doubt as to the truth of any statement in his FEC complaint. Accordingly, Yeago’s petition must be dismissed as unproved.

## REFERENCES TO RECORD

References to the record are in this form:

1. To the Recommended Order: to numbered paragraphs.
2. To transcript:
  - a. Hearing Feb., 25, 2014: (T1, 35, l. 2-5.), meaning Vol. I, page 35, lines 2 through 5.
  - b. Hearing Apr., 24, 2014: (T2, 85, l. 2 to 86, l. 5.), meaning Vol. 2, page 85, line 2 through page 86, line 5.
3. To Appendix: App., p. A1: Appendix, page A1. (This appendix contains Barnas's FEC Complaint )

## EXCEPTIONS

Barnas takes no exceptions to the preliminary matter in the Recommended Order prior to the heading "Findings of Fact" found on page 3. Barnas states his exceptions to the remainder of the Recommended Order in numbered paragraphs that correspond to the same numbers of the paragraphs in the Recommended Order.

1. No exceptions to description of Bob Barnas. There is no sworn testimony as to the second sentence; therefore Barnas formally takes exception although he agrees that the unsupported statement is not material of itself.



2. No exceptions.
3. There is no sworn testimony as to much of this paragraph: therefore Barnas formally takes exception although he agrees that the unsupported statements are not material of themselves.
4. No exceptions.
5. No exceptions to members of steering committee. Barnas takes exception to any inference or conclusion that these “four people were responsible” for the organization to the exclusion of Yeago. Yeago identified herself to Barnas and others as CC’s “official spokesperson” (T1, 178, l. 12 to 19) and she requested Barnas to direct his questions, concerns or issues about CC to her. (T1, 178, l. 25 to 179, l. 6.; App., p. A10.) Yeago also testified that she was the person developed and published CC’s public statements. (T1 204, l. 4 - 12; App., p. A9-A10.)
6. No exceptions.
7. No exceptions.
8. No exceptions.
9. No exceptions, except to the finding that “She was.....not responsible for guiding the group.” This is contrary to her own testimony that she was CC’s spokesperson (T1, 201, l. 15- 20) and was the person who authored

CC's public statements. (T1, 204, l. 4 - 12.) It is also contrary to the first sentence of paragraph 26 of the Recommended Order describing Yeago's function in preparing CC's published statements.

10. No exceptions.
11. No exceptions.
12. Barnas takes exception to the italicized portion of the final sentence: "The group did not control who posted to its Facebook page *or the contents of such posts.*" This is contradicted by Barnas's unrefuted testimony that CC had the power to remove unwanted posts from its Facebook page (T1, 172, l. 12-19) and had not done so at the time the hearing was conducted on February 25, 2014. (T1, 166, l. 18 to 167, l. 2.) Yeago herself testified that nothing "was taken down." (T1, 206, l. 8-9.)
13. No exceptions.
14. No exceptions.
15. No exceptions.
16. No exceptions.
17. Barnas takes exception as follows:
  - a. First sentence. Barnas takes exception to any implication that CC could not have advocated for the election of Jamison because he was

always uncontested. In fact, the ballot itself shows that the election was initially contested and the record does not establish when Jamison's opponent withdrew. (App., p. 7.) Hence, the record does not disprove that CC could have supported Jamison before his opponent withdrew.

- b. Second sentence: no exceptions.
- c. Third sentence: Barnas takes exception to the statement that he misrepresented anything in providing Levine's advocacy statement he posted on CC's Facebook page. Barnas accurately provided FEC exactly what Levine posted on CC' Facebook page. (App., p. A25.)
- d. Fourth sentence: Barnas agrees he knew Jamison's election was uncontested on the November election day when he filed his complaint on April 1, 2014, but takes exception to the statement, "but falsely represented that Concerned Citizens expressly advocated for his election when no such advocacy occurred *because the race was uncontested.*" (Italics added.) What Barnas's complaint stated is that "a group of many individual (sic) formed an organization/PC, to defeat the ballot issue and also support the election of Byran Williams and Scott Jamison." Because the record contains no testimony to

establish when Jamison's opponent withdrew; the Recommended Order's implication that Barnas must have known that CC *never* advocated for Jamison's election is not supported by the record. Jamison withdrew sometime before the election but his name was on the ballot. (App., p. 7.)

18. No exceptions.
19. No exceptions.
20. No exceptions.
21. No exceptions.
22. Barnas takes exceptions as follows:
  - a. First sentence; no exceptions.
  - b. Second sentence: Barnas takes exception to the conclusion CC's published concern 5 "only endeavored to explain the charter amendment." (App., p. A20.) Barnas believed that CC's statement 5 constituted express advocacy of defeat of the charter amendment. The Recommended Order itself made a finding that Barnas "deemed" CC's statement to constitute express advocacy.
  - c. Third and fourth sentences: Barnas takes exception to the conclusion that reasonable persons could not interpret paragraph 5 as expressly

advocating defeat of the charter amendment.

- d. Fifth sentence: Barnas takes exception to the conclusion that all reasonable persons would construe the italicized language as “only” explanatory and not advocacy of a vote against the charter amendment.
- e. Sixth sentence: Barnas takes exception to the conclusion that paragraph 5 does not “indicate how a person should vote” on the ballot measure. Barnas testified that he thought that paragraph and CC’s preface, “therefore we believe” and its invitation to persons who “support our” goals to become CC members constituted “express advocacy” of its defeat. (T2, 30, l. 13 - 22.) He also researched the statutes and the FEC website looking for a definition of the “express advocacy” and found none. (T2, l. 2 -12.) Yeago’s lawyer testified that he “can’t quote” any definition of express advocacy and would have to “research it.” (T2, 98, l. 14- 17.) The point of this is that Barnas made a determined effort to find a legal definition of the term to support his inference of “express advocacy” and found nothing to help him. This undermines any finding that Barnas’s inference that CC was advocating defeat of the charter amendment was

unreasonable. Indeed, Barnas respectfully submits that many reasonable persons would construe the language in paragraph 5 as “express advocacy” to defeat the charter amendment.

23. Barnas takes exceptions as follow:

- a. First sentence: Barnas agrees with the finding of fact that “Mr. Barnas read item 5 above and deemed it to be express advocacy opposing the pending referendum on the proposal to amend the City of High Springs charter.”
- b. Second sentence: Barnas takes exception to the statement, “Mr. Barnas’ complaint affirmatively accuses Ms. Yeago, on behalf of the Concerned Citizens group, with expressly advocating the defeat of the charter amendment.” This statement is not supported by Barnas’s complaint or by anything else in the record. Barnas named Yeago as the person complained against because she identified herself as CC’s spokesperson (T1, 178, l. 12 to 19), but all his statements pertaining to activities the complaint refers to the “organization” or the “group” or “they.”
- c. Third sentence: Barnas takes exception to the conclusion that CC’s many publications “did not expressly advocate” passage or defeat of

the charter amendment. See previous statements.

24. No exceptions to the wording of the statement but Barnas does take exception to the failure of the Recommended Order to account for its importance in Barnas's decision to file a complaint. Barnas believed CC dubbed itself to be a grassroots organization to avoid filing as a political committee. (App., p. A4.) He testified that he thought CC operated on the "fringe" of the law and used the disclaimer quoted in paragraph 24 for that purpose. (T1, 102, l. 5 to 19.) Yeago's testimony is even more telling. When asked, "Wouldn't you agree, Ms. Yeago, that by putting that on there that you might cause people who wonder why haven't they filed? Why haven't you become a political committee?" Yeago responded, "that's a very good question" by which she meant "yes." (T1, 220, l. 15 to 17.) She qualified her affirmative answer with the statement, "I would hope that they would ask it to us directly instead of going to the Florida Elections Commission." (T1, 220, l. 19-20.) Needless to say, Yeago's hope that a citizen would not seek relief from FEC from conduct that a reasonable person could construe to be a violation of the law is no better founded in law than a hope CC' proclamation that "we are not a political committee" would be conclusive on the point.

25. No exceptions.
26. Barnas takes exceptions as follow:
- a. First sentence: Barnas takes no exceptions to the finding that Yeago drafted CC's public statements.
  - b. Second sentence: Barnas takes no exception to the actual words in the second sentence, but does take exception to any implied conclusion that CC may unilaterally exclude itself from the requirements of §106.011 Fla. Stat. by merely adding a statement to its publications that it is not governed by section 106.011. The thrust of Barnas's complaint was that only FEC has the authority and duty to make that determination. (App., 1-6.)
  - c. Barnas takes exception to the third sentence to the extent it concludes that no reasonable person would conclude that paragraph 5 in its entirety including the disclaimer constitutes express advocacy to defeat the charter amendment. See number 24.
27. Barnas takes exceptions as follows:
- a. First sentence: Barnas takes exception to the statement that Barnas's complaint accused Yeago or CC of an intention to "thwart the law." What Barnas's complaint actually states is: "Again it is my contention



this organization fits Florida Statute 106 as a PC. They never registered properly or filed reports of financial disclosure. They ignored the law.” Later the complaint states:

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

- b. Second sentence: Barnas takes exception to the statement beginning, “He also believed Concerned Citizens tried to hide its “advocacy.” This statement and idea are not to be found in Barnas’s complaint. Barnas testified that he believed that CC should have registered as a political committee. (T1, 244, l. 3-9.)
- c. Third sentence: no exceptions.
- d. Fourth sentence: Barnas takes exceptions to the statement, “Barnas did not inquire or make any investigation regarding these documents but assumed bad intent on the part of Concerned Citizens and, more specifically, Ms. Yeago” as not supported by the record. Barnas

found CC's public statements on CC's Facebook page and saw CC's leaflets being distributed at public functions including a candidate's forum. This refutes a conclusion that he did not "inquire" or "make investigations." As to "bad intent," Barnas's complaint made no allegations about CC's possible "intent" beyond his belief that it had "ignored" the law and that he believed FEC should investigate to see if this inference was correct. He made no specific statement or inference about Yeago's intent. In addition, Barnas did extensive research in the legal sources including FEC's website, statutes, and previous opinions to help him prepare his complaint appropriately. (T101, l. 16 to 105, l. 7.)'

- e. Fifth sentence: Barnas takes exceptions to the conclusion, "Such a failure to investigate these statements and documents constitutes reckless disregard of the truth of the allegations made by Mr. Barnas in his FEC Complaint." This conclusion fails to identify the statements in Barnas's complaint that it impugns. What Barnas's complaint actually says about CC's statement and documents is this:

"During early September 2012 an organization called CCFBHS and their Facebook page surfaced. A PC was born. It says on the Facebook page that it was founded September 28, 2012. I

have attached (Exhibit 3) a copy of the Facebook founded page. On October 1 and 8, newspaper stories came out that reported the organization, steering committee people and more. Sharon Yeago again is quoted (Exhibit 4). "They have a Facebook page "Concerned Citizens for a better High Springs" that has an 'About' page with a Mission Statement. The mission statement is a statement of political views and opinions that address issues facing High Springs. This site was established September 17, 2012, founded September 28, 2012 and ran almost weekly political statements right up till, the election on November 7, 2012.

[Two paragraphs omitted.]

"At the Candidate Forum at the High Springs Women's Club they distributed more flyers (Exhibit5) that **set in stone their political stance on the debt issue on the ballot.** They supported DEFEATING the charter amendment issue. I have also attached a copy from the Facebook site where Gene Levine (one of the members) makes a post in support of Byran Williams and refers to "we" (the group) and the Facebook allows it to go out to all friends and the public for the record."

(Bold in original.) Barnas's complaint makes no false statement about what CC physically did. Barnas's conclusion that "They supported DEFEATING the charter amendment issue" may possibly have been incorrect (which he still denies) but the recommended order did not and could not find that it was not his true opinion drawn from the content and context of CC's activities and publications. Barnas also proved that some of CC's publicly identified members public advocated defeat of the charter amendment and

advocated election of a candidate who opposed it. (App., p. 25.) These included statements made by Yeago's lawyer who was an outspoken CC member. (T1, 226, l. 2 to 229, l. 10; Barnas Exh. 4.) Barnas testified that he believed his opinion to be true when he filed the complaint and still believes it to be true. (T2, 22, l. 11 - 22.) Perhaps Barnas could have prefaced his statement with the words, "It is my opinion that they supported....," but the fact that these statements are preceded on the same page by Barnas's plea that FEC make its own investigation of the allegations made those words unnecessary and superfluous. (App., p. A5.) At the very least they defeat any basis for finding that Barnas had acted in reckless disregard of the truth regarding his opinion.

28. No exceptions.

29. Barnas takes exceptions as follows:

a. First sentence: Barnas takes exception to these statements: "However, the evidence demonstrated that the Hewlett signs were the only large 'Vote No' signs at the precinct. Moreover, the signs, contrary to Mr. Barnas' claim at hearing, bore no marking or legend that linked it to Concerned Citizens and his testimony to the contrary on this point was not credible." In fact, Hewlett testified that she had one sign at

one precinct and her husband took a second one to a different precinct. (T2, 110, l. 2-23.) The sign Hewlett identified had no markings and holes, but Barnas's complaint did not say that Hewlett's sign had markings and holes. His complaint says posters (with CCFBHS disclaimers) were hung on a fence "at one of the two polling places." (App., p. A6.) In sum, the evidence does not create an actual conflict between Barnas's testimony and Hewlett's. Both could be correct. The fact that Hewlett testified that one of her posters was at one precinct and one at another precinct weakens the usefulness of the evidence to refute Barnas's description of what he saw. The facts that one of her posters had been destroyed and that she did not identify at which precinct the poster submitted into evidence had been placed further weakens it. Her evidence certainly does not establish that Barnas might not have seen entirely different posters. In any event, this point is not material to the ultimate issue in this proceeding

30. Barnas takes exceptions as follows:

- a. First sentence. Barnas takes exception to this sentence as unsupported by the record. What Barnas's complaint actually alleged

is:

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

b. Second sentence: no exceptions.

31. Barnas takes exceptions as follows:

- a. First sentence: Barnas takes exception to the "without evidence" conclusion. Barnas's complaint described CC's activities and publications in detail and attached copies of several of CC's publications. This is evidence. Possibly he drew incorrect inferences from what he saw, but the statement that his inferences were "without evidence" is refuted by the record.
- b. Second sentence: Barnas takes exception to this sentence because it does not make sense.
- c. Third sentence: No exceptions.
- d. Fourth sentence: Barnas takes exception to the "without evidence" conclusion on the same grounds stated in a. He also takes exception

to the statement that he made “false allegations in his complaint against Ms. Yeago.” Apart from the possibility that Barnas was mistaken about whether a sign he saw had a disclaimer, the recommended order does not identify any incorrect allegation of fact in his complaint. In the hearing, Barnas reviewed each allegation in his complaint, paragraph by paragraph, and testified that he believed each factual statement to be true when he filed the complaint and now believes each factual statement to be true, with single exception that the complaint stated CC published a newspaper advertisement on October 31, 2012 when the correct date was November 1, 2012. (T2, 22, l. 22 to 23, l. 17.) Apart from the matter of the sign referred to in paragraphs 30 and 31, no evidence in the record contradicts any allegation of actual fact in Barnas’s complaint. His inferences attributing the public express advocacy activities of CC’s members to CC may or may not have been wrong, but no evidence contradicts his testimony that he believed them to be true.

- e. Fifth sentence: Barnas takes no exceptions to the Recommended Order to the extent it concludes he inferred that CC was a political committee governed by Chapter 106 Florida Statutes from what he

observed as stated in the complaint. Barnas testified that he believed CC was a political committee and ought to register with FEC. (T1, 244, l. 3-9.) He does take exception to any conclusion that the complaint makes any false allegation of fact and to the conclusion that he acted with “reckless disregard of the truth” as not supported in the record. Although §106.37 Fla. Stat. once provided a definition of “reckless disregard,” that provision was repealed as of January 1, 2008 by Fla. Laws 2007-30, § 51. Thereafter, FEC adopted Rule 2B-1.002, F.A.C., prescribing a definition of “reckless disregard,” but the legislature nullified it when it amended §106.25(3) Fla. Stat. as of May 29, 2011 to add this sentence: “The commission may not by rule determine what constitutes willfulness or further define the term “willful” for purposes of this chapter or chapter 104.” § 70, Chapter 2011-40, Laws of Florida. Under these circumstances the FEC may employ case law definition of “reckless disregard” as developed in case law. *Fugate v. Florida Elections Commission*, 924 So.2d 74, 75 (Fla. 1<sup>st</sup> DCA 2006).

Yeago’s claim under §106.265(5) Fla. Stat. is in the nature of a remedy for defamation. Such a claim would be defeated by absolute



privilege affording filings in legal proceedings but for §106.265 Fla. Stat. Nevertheless, no statute can nullify First Amendment protections. Yeago (and CC) voluntarily injected herself into public controversy about governance in High Springs and the proposed charter amendment and thus became a public figure in regard to the controversy. (App., p. A16-A20, A22-A23, A26, A28, A31-A32.) Consequently, Barnas is entitled to First Amendment protections, first, in petitioning FEC for redress of grievances and in speaking out on political issues and, second, in defending himself in Yeago's defamation-like claim against him.. The standard adopted by *Cape Publications, Inc v. Teri's Health Studio, Inc* , 385 So. 2d 188 (Fla. 5<sup>th</sup> DCA 1980) is appropriate in this proceeding:

To hold the appellants liable, it must have been proved the false statement was printed with knowledge the statement was false or in reckless disregard of whether it was false or not. *New York Times Co. v. Sullivan*, 376 U.S. 254, 280, 84 S.Ct. 710, 726, 11 L.Ed 2d 686 (1964). In *St. Amant v Thompson*, 390 U.S. 727, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968), the Supreme Court said:

These cases are clear that reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing. There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication. Publishing with such doubts shows reckless disregard for truth or

falsity and demonstrates actual malice.

*Id.*, at 189.

Barnas is well acquainted with the reasoning and holding in *Brown v. Commission on Ethics*, 969 So.2d 553 (Fla. 1<sup>st</sup> DCA 2007) and makes these distinctions. This is an elections commission case in which Yeago voluntarily inserted herself into the vortex of ongoing political controversy. *Brown* was not. In *Brown* the Florida Commission of Ethics was defending its *interpretation of the wording of a statute*, §120.68(7)(d), Fla. Stat. Here, the essence of Yeago's §106.265(5) Fla. Stat. fee claim against Barnas is defamation and Barnas invokes the First Amendment itself in defense. No evidence supports the proposition that Barnas ever entertained any doubt much less *serious doubts* as to the truth of any statement in his claim. To the contrary, Barnas testified that he knew the law prohibited him from making false statements (T1, 252, l. 18) and testified that he did not "entertain any belief at all that" he was filing false allegations. (T1, 252, l. 19-21.) No testimony refutes this. This alone would defeat Yeago's claim if she had otherwise proved it, which she has not.

Even if FEC should reject Barnas's invocation of the First Amendment, it still must endorse some standard of "reckless disregard" to

avoid denying Barnas and all others equal protection of the laws. Short of the *serious doubts* standard, the standard for punitive damages approved by the Florida Supreme would be most appropriate for "reckless disregard:"

In *Carraway* this Court made it clear that the character of negligence necessary to sustain an award of punitive damages is the same as that required to sustain a conviction for manslaughter. 116 So.2d at 20. A showing of even gross negligence, the degree of negligence that lies between ordinary negligence and willful and wanton conduct, is not enough. *Id.*; *Como Oil Co.*, 466 So.2d at 1062; *White Construction Co.*, 455 So.2d at 1028; *U.S. Concrete Pipe Co. v. Bould*, 437 So.2d 1061 (Fla.1983). *Carraway* stated:

The character of negligence necessary to sustain an award of punitive damages must be of "a gross and flagrant character, evincing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or there is that entire want of care which would raise the presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or that reckless indifference to the rights of others which is equivalent to an intentional violation of them."

116 So.2d at 20, n. 12. Recently, we reaffirmed this language in *White Construction Co.*, 455 So.2d at 1029.

*Chrysler Corp. v. Wolmer*, 499 So. 2d 823, 824-25 (Fla. 1986). The evidence does not support a finding that Barnas acted with disregard under that standard, much less by clear and convincing evidence.

32. Barnas takes exceptions as follows:

a. First sentence: No exceptions. Barnas agrees with the finding that he

determined to file against CC because he believed it should comply with chapter 106 in the future elections.

- b. Second sentence: Barnas takes exception to the conclusion that what “unfairness” he saw is “unclear.” Barnas testified, “when things get violated like that elections laws, it skews, in a small town like ours it skews the results, and if we all play fair, did our reports on time, submitted them on time, do what it said, put a disclaimer on a sign, do what you’re supposed to do, the playing field would be what we should do all the time.” (T1, 244, l. 10-21.) Barnas’s complaint clearly urged FEC to investigate and impose sanctions if it found violations and expressed his view that, “To not do so would open the door for all other organizations to avoid Florida State requirements across Florida, whether big or small.” (App., p. A5.)
- c. Third sentence: Barnas agrees with the finding that “His intent was to file against Concerned Citizens as a group.” He takes exception to the statement that his intent was to “silence its activities.” This statement is unsupported by any evidence in the record and is in fact refuted by the record. Barnas did not file his complaint until April 2013 succeeding the November 2012 election, making it impossible

for his filing to influence the outcome of the election. (T2, 34, l. 5-33.) Moreover, the vote on the charter amendment that Barnas sponsored and supported was strongly positive. (T2, 34, l. 14-16.) Barnas telephoned FEC in late November to find out about how to file a complaint against CC so that FEC would investigate whether it was a political committee. (T1, 242, l. 13 to 243, l. 19.) When he contacted FEC, Barnas wanted to file against CC and did not have any particular person in mind to file a complaint against. (T1, 243, l. 20-24.) He was not thinking at all about Yeago. (T1, 243, l. 25 to 244, l. 1.) Barnas's complaint plainly stated that he wanted FEC to investigate and decide whether CC was a political committee required to comply with the registration and reporting provisions of Chapter 106. (*Id.*) He wanted a "fair playing field." (T1, 244, l. 12-20.) Nothing supports a conclusion that he wished to silence anyone.

33. Barnas takes exceptions as follows:
- a. First sentence. No exceptions.
  - b. Second sentence. No exceptions except to the statement "as her co-conspirator." Nowhere in Barnas's complaint or in his testimony did Barnas refer to Yeago and Jones as "conspirators" or "co-

conspirators.” Barnas testified that he believed he needed to name two people in the complaint and selected Yeago only because she identified herself to him as CC’s spokesperson. (T1, 178, l. 12 to 19.) Similarly, he selected Jones only because she identified herself as speaking as a member of CC’s steering committee when she addressed the High Springs City Commission in March 2013. (T1, 164, l. 12-13.) Barnas was a sitting member of the City Commission. The unsupported conclusion that Barnas referred to Yeago and Jones as “co-conspirators” is unfounded in the record and damaging to him. He referred to no person as a conspirator or co-conspirator.

34. No exceptions.

35. Barnas takes exception as follows:

- a. First sentence. No exceptions to the finding as to what Barnas claims. He does take exception to the extent the wording implies his claim is untrue because such an implication is not supported by the record.
- b. Second sentence: No exceptions to the statement itself. In his complaint Barnas explained why he choose Yeago and Jones; “While there are more than 100 members, it would be difficult to single out individual officers. But there are two people who have made written

statement (sic) (see Sharon Yeago attached email Exhibit 2, and Exhibit 2 a Facebook statement of Linda Jones) where they admit to being either spokesperson and hubs for information in and out of the organization.” (App., p. A4, 5.) Yeago testified that she was spokesperson of CC and primary draftsman of its public statements. (T1, 201, l. 15 to 20; T1, 204, l. 5 - 12.)

- c. Barnas takes exception to the statement that “the evidence showed the likely motive for filing the underlying FEC complaint was that Mr. Barnas was called a “fool” by someone he thought was a member of Concerned Citizens and thereby decided to file an FEC complaint against the offending group, selecting April Fool’s Day as the date to mail his complaint to FEC.” The portion of the statement “the evidence showed the likely motive ....” is not supported by the record and is in fact refuted by the record. Barnas testified that he first began to consider filing a complaint against CC on (about) October 3, 2012 (T1, 50, l. 5-22) and conferred with FEC officials in November 2012 about filing a complaint against CC. (T1, 51, l. 10-13.) Barnas testified that he had been working on his complaint for months and posted his intention to file a complaint against CC on a website as

early as Valentine's day, which is February 14. (T1, 163, l. 24 to 164, l. 3.) Barnas also testified that he thought he needed two names and that Linda Jones identified herself as a second person on March 25<sup>th</sup> or 28<sup>th</sup>. (T1 164, l. 12-13.) The record refutes none of this which undermines the Recommended Order's supposition about Barnas's "likely motive."

36. Barnas takes exceptions as follows:

- a. First sentence. Barnas agrees with the finding that "Ms. Yeago was simply a means to an end, enabling Mr. Barnas to file an FEC complaint against an organization." This finding refutes any implication that Barnas filed his complaint to injure Yeago's reputation. Further discussion amplifies this point. Nevertheless, Barnas takes exception to the clause - "who he felt opposed something he favored" - to the extent it implies he filed the complaint because CC opposed his views. The complaint and testimony plainly states that he filed because he believed CC was a political committee required to comply with Chapter 106 and had not done so. (T1, 244, l. 3-9.) Nothing supports an inference that he would made a complaint against CC because it opposed his views if CC had complied with



Chapter 106 .

- b. Second sentence. Barnas takes exception to the statement that Yeago was “compelled” to hire anyone. FEC dismissed Barnas’s complaint on its face. Barnas agrees that Yeago chose to hire a lawyer.

Yeago’s lawyer testified that “one of the primary purposes of the response” was to lay the ground work for attorney’s fees against Mr. Barnas.” (T2, 92, l. 12-16.)

- c. Third sentence. No exceptions as to the statement of itself. Barnas amplifies the statement by observing that on June 10, 2013 FEC issued a notice that the complaint was legally insufficient and Barnas filed nothing more. Hence, Yeago had no need for further defense.

See paragraph 39 of the Recommended Order.

37. No exceptions.

38. Barnas takes exceptions as follows:

- a. First sentence. No exceptions.

- b. Second sentence. Barnas agrees that he “did not know that Ms. Yeago had filed a response to his complaint until October 28, 2013,” but takes exception to the statement, “For reasons that are not clear in the record” as being refuted in the record. The record establishes that

Yeago's lawyer testified that he did not serve Barnas with Yeago's response because FEC's staff had provided him written directions that he was not required to do so. (T2, 94, l. 3 to 97, l. 7.) Yeago's lawyer did not produced a FEC writing for the record.

39. No exceptions, but Barnas observes that FEC's finding that the complaint was facially insufficient is important in this fee proceeding because it shows Yeago had no need for protracted defense.
40. No exceptions.
41. Barnas takes the following exceptions:
  - a. First sentence: No exceptions.
  - b. Second sentence. Barnas agrees that he did not know that Yeago filed a petition for fees on July 10, 2013 until October 28, 2013, but takes exception to the statement, "Again, for reasons that are not clear in the record." As stated above, the record plainly establishes that Yeago did not serve him with a copy of her fee petition and FEC did not send him one until October 28, 2013.
42. No exceptions.
43. No exceptions.
44. Without deviating from his submission that Yeago has failed to prove

entitlement to an award of fees and costs by clear and convincing evidence under the exacting requirements imposed by §106.265(6) Fla. Stat., Barnas respectfully submits the record does not support the number of hours awarded. Barnas takes exception to any award of fees and costs and takes specific exception to an award of 105.9 hours. FEC dismissed Barnas's complaint as legally insufficient on its face. Yeago filed a response to the complaint but did not serve it on Barnas as required by Rule 28-106.104(4), F.A.C. (T2, 95, l. 9-16.) The record does not disclose whether FEC referred to Yeago's response in deciding that the complaint was legally insufficient, but very little of Yeago's response addresses legal insufficiency. Yeago's direct testimony as to her version of CC's formation and mission and her role in its activities occupied slightly more than two pages of transcript. (T1, 193, l. 13 to p. 195, l. 20.) It subsumes the substantive content of her FEC response. Instead, much of Yeago's response and her fee petition have nothing to do with Barnas's FEC complaint but mount an attack on Barnas's character based upon matters that are extraneous to the FEC complaint. The ALJ excluded most of these exhibits and testimony about them from this proceeding. (T1, 34-35.) Yeago's lawyer testified that a "primary purpose" of Yeago's response was "absolutely" to lay the "ground work for attorney's

fees against Mr. Barnas.” (T2, l. 12 -16.) In addition, the content of Yeago’s fee petition essentially duplicates her response to Barnas’ complaint and both strayed far beyond the requirement of responding succinctly and directly to the clear allegations in Barnas’ complaint into a wide reaching personal attack upon him, including delving into irrelevant unrelated matters. Barnas should not be required to pay for such a misguided and bloated personal attack upon himself in the guise of a fee award.

Yeago herself testified that a primary purpose of the fee petition was in effect to teach Barnas a lesson. (T1, p. 221, l. 15 to 24.) She also testified that she had no economic stake in the outcome. (T1, p. 221, l. 3 to 14.) Her lawyer testified that he undertook the representation *pro bono* without fee and intended from the beginning to make a claim for fees against Barnas. In short, Yeago will gain nothing from a fee award and Barnas should not be saddled with paying an inflated fee to satisfy spite.

#### CONCLUSIONS OF LAW

45. No exceptions.
46. No exceptions.
47. No exceptions.

48. No exceptions.
49. Barnas takes exceptions as follows:
- a. First sentence. Barnas agrees the *Brown v. Fla. Commission on Ethics*, 969 So.2d 553 (Fla. 1<sup>st</sup> DCA 2007) held that §112.317 Fla. Stat. did not incorporate the *New York Times v. Sullivan* standard of “actual malice” as an element of proof for a fee award under that statute. Barnas submits that *Brown* did not consider whether the First Amendment requires a person who is a limited public figure by virtue of voluntarily inserting herself into the vortex of a public political dispute, as Yeago has done, and who seeks a defamation based fee remedy must meet the *New York Times* test in addition to and independently of the statutory tests. Barnas respectfully submits that the First Amendment applies and that it requires Yeago to prove constitutional actual malice in addition to the statutory standards. In addition, as shown below, Yeago has not established an entitlement to fees and costs under either the constitutional or statutory criteria
  - b. Second sentence. No exception, except Barnas notes that *Brown* did not consider direct invocation of the First Amendment as a defense.
  - c. Third sentence. No exception, except Barnas notes that *Brown* did

not consider direct invocation of the First Amendment as a defense and Barnas does invoke it.

- d. Fourth sentence. No exception.
- e. Fifth sentence. Barnas takes exception to the sentence, "However, that bar is met where, as here, the person filing the complaint acts with conscious indifference to the truth of the complaint. Id." To the extent that sentence purports to quote or paraphrase *Brown* Barnas does not take exception, but he does take exception to the extent the statement purports to be a finding that he acted with "conscious indifference to the truth" of any factual statement in the complaint. The Recommended Order identifies no factual statement that it impugns and certainly cannot be said to be based upon clear and convincing evidence.

50. No exceptions.

51. Barnas takes exceptions as follows:

- a. First sentence. The statement, "However, in this case, the evidence demonstrated that Mr. Barnas maliciously filed the complaint in order to silence those whom perceived as opposing him and the issue that were important to him." As stated in paragraph 30, the conclusion

that Barnas acted “maliciously” is unsupported by evidence in the record much less by the standard of “clear and convincing evidence.” Moreover, the record is entirely devoid of evidence to support a conclusion that Barnas had an intent to “silence” anyone. He stated his reasons in his complaint (to avoid having the election laws ignored everywhere; see paragraph 27 a.) and testified that CC was still in existence, and that he wished to have a “Fair playing field” in the future. ( T1, p. 244, l. 10-21.) He wanted CC to register as a political committee and file the reports required by law. (T1, 244, l. 3- 9.) The record is devoid of evidence that Barnas intended to “silence” anyone.

- b. Second sentence. Barnas takes exceptions as follows: The conclusion that Barnas “maintained a conscious indifference to the truth of his allegations” when he “failed to reasonably inquire about” the relationship between CC and Ms. Yeago is unsupported by and positively refuted by the record. That conclusion of “conscious indifference” fails to identify any “untrue” allegations. Among other things, the evidence shows that at 3:46pm on December 5, 2012 Barnas emailed the City of High Springs lawyer (Scott Walker,

foldsandwalker.com) concerning the fact that CC seemed to be a grass roots group with no physical address and no “single spokesperson.” (App., p. A11.) On the same day at 8:02pm, Yeago herself responded to this email (to Barnas, Walker and a third person) stating in part: “I am the official spokesperson for the Concerned Citizens group. I have handled all publicity and development of public policy statements.” (App., p. A9-A10.) Yeago further said: “Please direct any questions, concerns or issues to me should they arise. I will be most happy to respond as quickly and completely as possible so that there are no further issues with miscommunication or distribution of incorrect information.” (App., p. A10.) Barnas responded to Yeago by email on December 6 and asked, “how does someone like me” become a member and noted that he “understood” other High Springs city commissioners were members. (App., p. A9.) On December 7, 2012 Yeago responded by email and informed Barnas that he could join if he were “interested in publicly supporting our values” but cautioned him that it would be problematic for him to attend meetings because “we already have three members [i.e., High Springs city commissioners] who support our values.” (*Id.*) This



disproves that Barnas was indifferent to the relationship between CC and Yeago.

- c. Third sentence: Barnas takes exception to the statement: "More importantly, such indifference was demonstrated when he cut and pasted portions of a Facebook page/blog from a person advocating for a candidate while leaving out Concerned Citizens' response to the post which clearly demonstrated the groups' intention not to be a political committee." No evidence disproves that the CC Facebook page posting Barnas included in his complaint was a true copy and no evidence disproves that the CC Facebook page posting expressly advocated election of a named candidate. The fact that Barnas did not file other CC's Facebook page postings does not turn the accurate posting he provided into a falsehood. Barnas explained that CC had the power to remove the postings from its Facebook page and had not done so, neither at the time he filed his complaint in April following the date of the election nor at the time he testified. He testified, "It could also have told them they left it up there and didn't take it down." (T1, 172, l. 12 - 19.) He also testified that the posting was still on CC's Facebook page on February 25, 2014, the date he

testified. (T1, 166, l. 18 to 167, l. 2.) Yeago herself testified that nothing had been taken down from CC's Facebook link. (T1, 206, l. 8-9.) In short, the Recommended Order does not identify any untruthful statement and does not establish that Barnas filed one with "conscious indifference" to the truth, much less by "clear and convincing evidence." Indeed, no finding could be made that the truthful CC Facebook posting that Barnas's filed with FEC became false simply because he did not file other postings from CC's Facebook page when CC itself did not exercise its right to take it down.

- d. Fourth sentence. Barnas takes exception to the conclusion that Yeago is entitled to an award of attorney's fees and costs. Barnas provides legal argument below but at this stage observes proof of "conscious indifference to the truth" is not a basis for a fee award under §106.235(f) Fla. Stat. Apart from that, Florida law seems to supply no specific definition of "conscious indifference." In the absence of a statutory standard, the punitive damages standard that requires an act that is essentially intended to cause harm seems most appropriate. *Southeast Title & Ins. Co. v. Caldwell*, 326 So. 2d 12, 14 (Fla. 1975),

explained: "Moreover, punitive damages need not flow from an intentional course of conduct or intent to inflict damages, but may also be allowed in such cases where there is the entire want or care which would raise the presumption of a conscious indifference to the consequences of one's actions or inaction." The evidence in the record falls far short of proving that "the entire want of care" that damages are to be inflicted, much less with clear and convincing evidence.

52. Barnas takes exceptions to any award of fees and costs and takes specific exception to an award of 105.9 hours. He adopts the exceptions stated in paragraph 44.

#### ARGUMENT

The statutory standard for obtaining an attorney's fee and cost award is prescribed by §106.265(6) Fla. Stat., which provides:

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

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

(Italics and bold added.) Rule 2B-1.0045, F.A.C., imposes the same standard.

The statute provides two sets of criteria one of which must be proved to establish entitlement to a fee and cost award:

- A. The complaint was filed with a malicious intent to *injure the reputation* of the person complained against AND the complaint was filed [with knowledge] that it contains one or more false allegations, OR
- B. The complaint was filed with a malicious intent to *injure the reputation* of the person complained against AND the complaint was filed with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104.

(Italics added.)

*A sine quo non* under either limb of these tests is that the complaint was filed “with a malicious intent to injure the reputation of the person complained against.” The legislature could have enacted the test “malicious intent to silence”

the person complained about, or it could have imposed fees for merely filing untrue statements, but it enacted neither of those tests in the law. Instead, it enacted the requirement that the fee petitioner prove that the complainant filed the complaint with “malicious intent to injure the reputation of the person complained against.” With rare exceptions not present here, Florida law is well settled that attorneys fees are awardable only if and as authorized by statute or by contract. *Codomo v. Emanuel*, 91 So. 2d 653, 655 (Fla. 1956)(“This court is committed to the doctrine that attorneys' fees cannot be taxed as costs in any cause unless authorized by contract or legislative authority. *Shavers v. Duval County, Fla.*, 73 So.2d 684, and cases cited therein.”) Florida law is also settled that “An agency cannot ignore the legislative requirements set forth in a statute.” *Avalon's Assisted Living, LLC v. Agency for Health Care Admin*, 80 So. 3d 347, 351 (Fla. 1<sup>st</sup> DCA 2011) citing *Abramson v. Fla. Psychological Ass'n*, 634 So.2d 610, 611–12 (Fla 1994). Equally well settled is the rule that “Florida courts interpret statutes according to their plain meaning.” *Brown v. Florida Ethics Commission*, 969 So.2d 553, 559 (Fla 1<sup>st</sup> DCA 2007).

The Recommended Order makes no finding that Barnas filed the complaint with intent to injure Yeago's reputation or the reputation of anyone at all. Accordingly, the Recommended Order must be rejected on that basis alone, but

that is not the end of it. The record is not only devoid of any evidence to support a finding that Barnas intended to injure Yeago's reputation but is also replete with evidence that positively refutes any such a finding. Indeed, the Recommended Order's finding (paragraph 36) that "Ms. Yeago was simply a means to an end, enabling Mr. Barnas to file an FEC complaint against an organization who he felt opposed something he favored" of itself defeats the proposed award of attorney's fees and costs.

Barnas testified to his reasons for naming Yeago in his complain:

1. He wanted to name CC but believed from information that he obtained in his contacts with FEC that he must name two people. (T1, 242, l. 13 to 243, l. 12.)
2. When Barnas telephoned FEC in late November to find out about how to file a complaint against, he wanted to file against CC as an organization, had no particular person in mind to file a complaint against, and was not thinking at all about Yeago. (T1, 242, l. 25 to 244, l. 24.)
3. From his contact with FEC he believed he must name two people in his complaint. (T1, 242, l. 13 to 243, l. 12.)
4. He chose Yeago as a person to name only after she sent him an email in which she identified herself as CC's spokesperson and told him to direct his

- questions about CC to her. (T1, 244, l. 24 to 245, l.; App., p. A10.)
5. If some other person had been identified to him as CC's spokesperson, he would have named that person as the person complained against. (T1, 245, l. 20 to 246, l. 1.)
  6. There was nothing personal about the person (Yeago) Barnas named. (T1, 246, l. 2-5.)
  7. He did not accuse Yeago of knowingly and willingly violating the law and did not make a complaint to the State Attorney or intend for FEC to do so. (T1, 251, l. 19 to 252, l. 1.)
  8. He had absolutely no intent to damage Yeago's reputation or the reputation of any other person in filing the complaint. (T1, 246, l. 6 -11.)
  9. He does not now and never has had any intent or desire to harm Yeago's reputation. (T1, 224, l. 9 - 13.)
  10. He did not post on his website or his Facebook page that he had named Yeago in his complaint and did not send emails to anyone saying he named Yeago in his complaint. (T1, 246, l. 19 to 247, l. 2.)
  11. Except for election officials he disclosed to no person that he named Yeago in the complaint. (T1, 246, l. 6 -11.)
  12. He has known Yeago since the mid-to-late 2000s but does not consider her

to be a personal friend. (T1, 223, l. 4-9.)

13. He does not and has never harbored personal animosity against Yeago. (T1, 223, l. 13-17.)
14. He and Yeago have never exchanged harsh words and never had an angry argument. (T1, 223, l. 18-22.)
15. He has never had a exchange with Yeago that was not cordial and respectful. (T1, 224, l. 6 -8.)
16. He never opposed any effort of Yeago to obtain public office or to get a contract with the city or to obtain some position or recognition. (T1, 224, l. 14-20.)
17. He never took any action or made any statement to injure Yeago in her job or business, or family matters, or in any other matters. (T1, 224, l. 24 to 225, l. 5.)
18. He did not intend to injure Yeago's reputation by filing the complaint. (T1, 225, l. 6 -8.)

None of this is refuted by testimony or other evidence. In fact, Yeago's testimony is supportive of a conclusion that Barnas had no intent to injure her reputation. She testified.

1. She had been acquainted with Barnas for at least five or six years but they



were not personal friends. (T1, 198, l. 5- 14.)

2. She and Barnas have never exchanged harsh words or had an angry argument. (T1, 198, l. 15- 20.)
3. Since Barnas filed his complaint the two have spoken briefly and the contact was cordial. (T1, 198, l. 21 to 200, l. 9.)
4. Apart from the FEC complaint itself, Yeago has no evidence that Barnas had any desire to injure her reputation. (T1, 200, l. 16 - 21.)
5. Barnas never hindered Yeago's efforts to get a contract with anybody, or with her performance of her job or business, or in family matters, or in any other way. (T1, 200, l. 22 to 201, l. 8.) (Yeago actually stated her denials in the form, "He's never had an opportunity to.")
6. Barnas did not say anything on his website about filing an FEC complaint against her. (T1, 215, l. 1- 10.)

Both Barnas's testimony and Yeago's deny any inference that Barnas filed the complaint with an intent to injure her reputation. In addition, the record is devoid of any evidence to establish that Yeago suffered any actual injury to her reputation or in any other manner. In fact, she is at no risk of paying attorney's fees and costs because her lawyer is representing her without requiring her to pay either. Yeago's Exhibit 9, p 1. Yeago herself testified that she had no economic

interests at stake in this proceeding and filed the petition to, in effect, teach Barnas a lesson. (T1, 221, l. 6 to 222, l. 8.)

The facts in this case are demonstrably different from cases in which fees have been awarded. In *Brown, supra.*, Mr. Brown was elected as property appraiser to succeed Burgess, who had retired. In a subsequent bid for reelection Brown was opposed by Cooper. Cooper's supporters, complainants Burgess and Hilton Kelly, filed complaints against Brown in the Commission on Ethics intending to impugn his service in office as a ploy to defeat his election. Burgess alleged that Brown had unlawfully reinstated a church's tax exemption and Kelly (apparently acting on his real-estate agent sister's behalf) alleged that Brown had undervalued a taxpayer's property in exchange for a campaign contribution. Both allegations were demonstrably untrue. The truth was that Brown had reinstated the tax exemption because the exemption had been improperly revoked without notice by Burgess himself, and that Brown had reduced the valuation on the property in question because the structure formerly on it had been destroyed by fire. Burgess had not examined the public records to establish why the tax exemption had been reinstated and did not provide a factual predicate for his complaint. Similarly, Kelly had "made no independent effort to verify any of the facts" in his complaint. *Brown*, 969 So.2d at 556. The purpose was to defeat

Brown's reelection. The ALJ found that both complaints were "motivated by a desire to impugn Brown's character" and "injure his reputation." On those specific findings fees were awarded.

In contrast, Barnas' complaint was not intended to impugn Yeago's reputation or to damage her in any manner whatsoever. His complaint accused her Yeago of no wrongful acts such as those in *Brown* and was not intended to influence the outcome of 2012 election which concluded long before Barnas filed his complaint. In fact, the charter measure obtained strong voter approval. (T2, p. 34, l. 5 to 16.) Instead, his goal was to have CC register as a political committee and file the reports required by law to assure a fair playing field in future elections. (T1, p. 244, l. 3-21.) In short, Barnas' action evidenced none of the indicia of ill will readily apparent in *Brown*.

In *Osborne v. Commission on Ethics*, 951 So. 25 (Fla. 2007), rev. dismissed, 962 So.2d 337 (Fla. 2007), Milanick, a land owner, wished to have a parcel of land annexed to the Town of Beverly Beach. Osborne, mayor of the town, opposed the annexation. Milanick filed a complaint with the Commission on Ethics charging that Osborne opposed the annexation because the commercial nature of the annexed property would "jeopardize [Osborne's] personal investment in the Town." (Square brackets added.) Milanick falsely alleged that Osborne's home

was adjacent to the property Milanick wished annexed. Milanick also charged Osborne with putting his “personal concerns” ahead of his “duties as a mayor” and his fiduciary duties to the “citizens of Beverly Beach.” All of Milanick’s factual allegations were false and readily verifiable as false. They were intended to damage Osborne’s fitness for office and advance Milanick’s personal interests. Under these circumstances, the district court in *Osborne*<sup>2</sup> held that the Ethics Commission should have awarded Mayor Osborne fees and costs in defending the ethics complaint against him.

Barnas’ case is entirely different. Unlike Milanick he had no specific personal interest at stake - only his public interest that electioneering be conducted fairly in accordance with law - and he did not charge Yeago with advancing some interest personal to herself in derogation of a duty she owed to the public. Moreover, Barnas made no false personal allegations of factual wrongdoing about Yeago. (App., A1-A32.) His concern was about CC, the organization of which Yeago had identified herself as spokesperson.

In *In Re: Diane V. Bendekovic*, 2011 WL 4937293 (Fla. Div. Admin. Hrgs.), Bendekovic was a candidate for mayor and respondent Medoff an announced

---

<sup>2</sup>*Osborne* also held that the Ethics Commission erred in refusing to attribute Milanick’s lawyer’s statements to the commission to Milanick himself. This point is not relevant in Barnas’ case.

opponent. Prior to the election Medoff sent Bendekovic (then a council-woman) emails accusing her of being an “embarrassment” to the city and a victim of “battered wife syndrome,” childhood incest, deviant sex behavior, and megalomania. He also accused her of nepotism, solicitation of bribes and consorting with criminals. Medoff published similar allegations on publicly accessible blogs. On September 23, 2010 Bendekovic filed her notice of candidacy for mayor. On September 26, 2010, Medoff filed an ethics complaint against Bendekovic charging her as a public official of soliciting campaign support from city employees while they were at work in city jobs. Medoff made his allegations entirely on rumor without any independent inquiry. On October 1, 2010 Medoff publicly declared his intention to oppose Bendekovic in the mayoral election.

Medoff’s allegations of official wrongdoing and factual allegations were demonstrably false. An ALJ found that Medoff made the false statements with intent to injure Bendekovic’s reputation. In sum, Medoff was beset with personal animosity toward Bendekovic and a desire to damage her reputation in order to advance his own political ambitions. In contrast, Barnas had no personal animosity against Yeago or intent to injure her reputation and made no allegations as to her personal conduct or character. He also had no personal interest to

advance by injuring Yeago's reputation.

In sum, all of these cases that awarded fees included some or all of these factors: demonstrably false physical facts damaging to the person complained about, ill will, desire for personal advantage, and desire to impugn the candidacy or status in office of the person complained about. The record in this case is devoid of evidence to establish any one of these factors.

### CONCLUSION

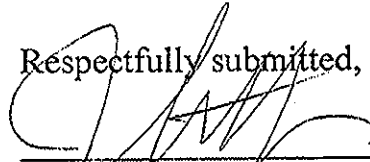
Barnas respectfully submits that the Recommended Order must be rejected because it does not make the statutorily required finding that Barnas filed his FEC complaint with malicious intent to injure Yeago's reputation. He further respectfully submits that FEC should dismiss Yeago's fee petition because the record is devoid of evidence to prove to any standard that Barnas had a malicious intent to injure Yeago's reputation, much less to the standard of clear and convincing evidence. Finally, Barnas submits that the petition must be dismissed because Yeago is a public figure in this context and did not prove that Barnas made any false defamatory statement about her with serious doubts as to its truthfulness.

### CERTIFICATE OF SERVICE

I certify that on September 8, 2014, I served this document by email on Paul R.

Regensdorf, attorney for Yeago at [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com) and on the Florida Elections Commission at [fec@myflorida.com](mailto:fec@myflorida.com).

Respectfully submitted,



---

Joseph W. Little  
Florida Bar No. 196749  
3731 NW 13<sup>th</sup> Place  
Gainesville, Fl. 32605  
352-372-5955  
Littlegnv@gmail.com

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**ROBERT J. BARNAS,**  
Petitioner,

vs.

**SHARON L. YEAGO,**  
Respondent.

Case No: FEC No. 13-125

---

**APPENDIX**

**TO**

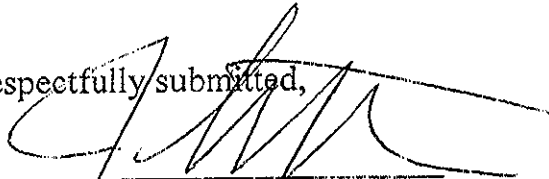
**BARNAS'S EXCEPTIONS TO PROPOSED FINAL ORDER**

[This Appendix Contains Barnas's FEC Complaint. It was introduced as Yeago's Exhibit 1.]

**CERTIFICATE OF SERVICE**

I certify that on September 8, 2014, I served this document by email on Paul R. Regensdorf, attorney for Yeago at [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com) and on the Florida Elections Commission at [fec@myflorida.com](mailto:fec@myflorida.com).

Respectfully submitted,



---

Joseph W. Little  
Florida Bar No. 196749  
3731 NW 13<sup>th</sup> Place  
Gainesville, Fl. 32605  
352-372-5955  
[Littlegnv@gmail.com](mailto:Littlegnv@gmail.com)



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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

RECEIVED

CONFIDENTIAL COMPLAINT FORM

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

2013 APR -3 A 10:54  
ELECTIONS SECTION

1. PERSON BRINGING COMPLAINT:

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

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

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

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

Name of committee or organization: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

3. ALLEGED VIOLATION(S):

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

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

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

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

Details of the complaint and Florida Statutes is attached.

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

Additional materials attached (check one)?  Yes  No

4. OATH

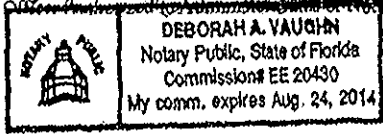
STATE OF FLORIDA  
COUNTY OF Alachua

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

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 2013

[Signature]  
Signature of \_\_\_\_\_



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

Personally known  Or Produced Identification

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

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

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

April 1, 2013

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

Dear FEC,

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

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

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

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

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

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

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

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

000000

5

A 3



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

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

Here is a timeline and evidence I have gathered.

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

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

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

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

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

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

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

4. 90000.5  
3

A 5

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

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

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

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

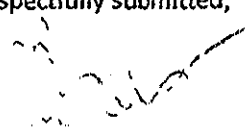
This organization certainly has spent well over \$500, with my estimate being more like \$1000-2000.

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

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

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

Respectfully submitted,

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

000.00  
4

6 A 6

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

**Tangible Personal Property Tax Exemption**

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

(2) Authorize a county or municipality for the purpose of its respective law, and as provided by general law, to provide tangible personal property tax exemptions by ordinance.

This is in addition to other statewide tangible personal property tax exemptions provided by the Constitution and this amendment.

YES

NO

**NO. 11  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6**

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

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

YES

NO

**NO. 12  
CONSTITUTIONAL AMENDMENT  
ARTICLE IX, SECTION 7**

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

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

YES

NO

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

**ARCHER CITY COMMISSION  
SEAT 1  
(Vote for One)**

Laurie Costello

Doug Jones

**ARCHER CITY COMMISSION  
SEAT 2  
(Vote for One)**

James Mayberry

Marjorie Zander

000007

**ALACHUA COUNTY QUESTION 1  
FIX OUR ROADS ALACHUA COUNTY:  
FUNDING ROAD IMPROVEMENTS BY LEVYING A .7% SALES SURTAX**

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

FOR the three-quarters percent (3/4%) transportation sales surtax.

AGAINST the three-quarters percent (3/4%) transportation sales surtax.

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

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

YES

NO

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

**HIGH SPRINGS CITY COMMISSION  
SEAT 4  
(Vote for One)**

Pat Rush

Bryan Williams

**HIGH SPRINGS CITY COMMISSION  
SEAT 5  
(Vote for One)**

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

Scott Jamison

Edward "Ed" Riess

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

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

YES

NO

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

**ANNEXATION  
(Vote for One)**

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

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

**OFFICIAL RESULTS  
GENERAL ELECTION, ALACHUA COUNTY  
NOVEMBER 6, 2012**

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

**\*\*INCLUDES ALL LEGALLY CAST BALLOTS\*\***

Registered Voters 164970 - Cards Cast 242059 146.73%

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

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

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

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

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





Bob Barnas <bbarnas@highsprings.us>

**Re: Concerned Citizens for a Better High Springs**

1 message

Sharon Yeago <sharon@yeago.net>

Fri, Dec 7, 2012 at 12:25 PM

To: Bob Barnas <bbarnas@highsprings.us>

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

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

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

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

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

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

Take care. Sharon

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

> Sharon,

>

> So how does someone, say someone like me become a member? Is there an application?

>

> Can I get a list of current members after I become a member?

>

> I understand other commissioners are members and for the good of the community we should have unity.

>

> Bob Barnas

> High Springs City Commissioner

>

>

>

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

>>

>> Dear Bob, Lee and Scott,

>>

>> I am the official spokesperson for the Concerned Citizens group. I

\* 000 \*

A 9

>> have handled all publicity and development of public policy  
>> statements.  
>>  
>> As you may also know, we are a group of concerned citizens. We are  
>> not incorporated, have no fictitious name registration and therefore  
>> do not have a bank account. We do have a Steering Committee (copied  
>> here.) A list of our public supporters is attached for your record  
>> and to clarify 'who are these people?' This was published in Alachua  
>> Today. Please feel free to distribute to anyone requiring clarity.  
>> While there are many names of prominent citizens, most of those listed  
>> are regular folks who just live and/or work in High Springs.  
>>  
>> For clarification, we have absolutely no affiliation with any other  
>> organization, including the HS CDC and I would appreciate it if you  
>> would keep that in mind during future public statements about our  
>> group. Most of the supporters of CCFBHS are actively engaged in their  
>> community, whether at church, their childrens' school, the community  
>> theater, or other groups and so it would stand to reason that they  
>> would be affiliated with one organization or another. We include  
>> Republicans, Democrats, liberals, moderates and one supporter who  
>> describes herself as 'right of the Tea Party.' Our supporters  
>> comprise all aspects of community life in High Springs.  
>>  
>> If you require a mailing address, please feel free to use either my  
>> personal residence at 21120 NW 132 Lane, High Springs, FL 32643, or PO  
>> Box 2114, High Springs, FL 32655-2114, which I have maintained for  
>> more than a dozen years.  
>>  
>> Regarding donations, we are accepting gifts and gift certificates as  
>> well as food and volunteer time for the Holiday Gathering event which  
>> is a dinner for City employees and their families. In addition to  
>> food, gifts will be distributed. Many citizens are coming forward to  
>> help with this dinner.  
>>  
>> As a point of reference since we don't each other very well, I served  
>> the City of High Springs for 8 years as an independent contractor that  
>> developed and managed the High Springs Farmers Market from 2000 to  
>> 2008.  
>>  
>> I was also a consultant to the City many years ago when the City tried  
>> to save the Youth Center which was previously located in the Old  
>> School. In both cases, I was specifically requested to serve by the  
>> City Commission (we were under a mayor form of government back then.)  
>> I have worked very closely with city staff for a long time and have a  
>> fondness and respect for our government and the people who work for  
>> us, the taxpayers.  
>>  
>> Please direct any questions, concerns or issues to me should they  
>> arise. I will be most happy to respond as quickly and completely as  
>> possible so that there are no further issues with miscommunication or  
>> distribution of incorrect information  
>>  
>> Thank you for your service to our City  
>>  
>> Take care, Sharon  
>>  
>>  
>>  
>> Begin forwarded message:

. 000010

A 10

>>  
 >> From: Bob Barnas <bbarnas@cityofhighsprings.com>  
 >> Subject: Concerned Citizens for a Better High Springs  
 >> Date: December 5, 2012 3:46:53 PM EST  
 >> To: Lee Vincent <lvincen@cityofhighsprings.com>, Scott Walker  
 >> <scott.walker@cityofhighsprings.com>

>> Lee and Scott,  
 >>

>> I asked Jenny today for an address for the group. She has no physical  
 >> address linked to this group. I would like to know iff this is OK? Is  
 >> it OK to give the use of the "Old School" to a group that has no  
 >> single spokesperson as their head and no address to correspond with  
 >> should there ever be an issue going down the road? They are asking the  
 >> community on Facebook for donations. It does not say to the city, or  
 >> to them

>> The only thing Jenny has is that the email from them that they use was  
 >> linked to a request from Ross Amborse. So if he is their spokesperson  
 >> or person that organized the group fine, just let us know so we can  
 >> send a thank you card or documents we may have to deal with Ed  
 >> McKinnon, Sharron Yeago, Linda Jones.....who is actually trhe  
 >> responsible person for the grassroots group? Are they at the address of  
 >> CDC? I think we need to know.

>> While there are many prominent names in the group, I have been asked  
 >> who are these people?

>> cc: hscorize@cityofhighsprings.com  
 >> Bob Barnas  
 >> High Springs City Commissioner  
 >> 352-508-7025

>> \*Please note:\*

>> Florida has a very broad public records law. Most written communication,  
 >> including e-mail addresses, to or from the City regarding City business  
 >> are  
 >> public records available to the public and Media upon request. Your e-mail  
 >> communication may be subject to public disclosure.

>> Sharon L. Yeago  
 >> 352-415-6117 phone  
 >> 352-256-0115 cell

>> -----  
 >> "The first wealth is health."

>> - Ralph Waldo Emerson

>> "Let thy food be thy medicine and thy medicine be thy food "

>> - Hippocrates

>  
 >  
 >

11-17  
2

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

--  
Sharon L. Yeago  
352-410-8017 phone  
352-256-8116 cell

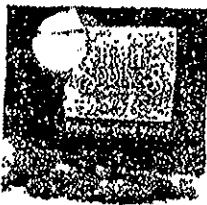
-----  
'The first wealth is health.'  
- Ralph Waldo Emerson

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

Saturday, 10:00 AM, 6:00 PM and 8:00 PM

Page 1 of 3

Concerned Citizens For A Better High Springs



### Concerned Citizens For A Better High Springs

Liked

126 likes · 2 talking about this

Community

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

126

About · Suggest an Edit

Photos

Likes

Highlights



Concerned Citizens For A Better High Springs  
3 hours ago

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

Good evening Mayor & Commissioners,

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

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

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

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

Thank you \*



Concerned Citizens For A Better High Springs  
March 15

Everyone Wants To Make A Difference

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

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

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

Share

Dana Potter, James Cataldo Barnea, Jim Dodson and 5 others like this



Miley Moad Hinson Where is this being held? Would have been good to know about this a little sooner?  
March 15 at 6:41am via mobile



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



Concerned Citizens For A Better High Springs  
February 6

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

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

Share

6 1 3



Concerned Citizens For A Better High Springs  
December 14, 2012

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

000000

A13

**About**

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

**Description**

"Good Policy equals good government"

**GUIDING PRINCIPLES**

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

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

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

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

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

**Basic Info**

**Founded:** September 28, 2012

**History by Year**

**2012** Founded on September 28, 2012

A14

### Founded on September 28, 2012

In High Springs, Florida

4 people like this.



Sharon Kantor How do we go about making High Springs better?? I am willing to work at it!  
September 17, 2012 at 7:48pm 1



Concerned Citizens For A Better High Springs Keep up to date with this page. Opportunities to meet, discuss and create | to review and implement will be forthcoming.  
September 17, 2012 at 8:39pm 1



Robert McClellan Whatever happened to the vision of a vibrant little Main street town, with cafes and upscale shops? Instead ministries, empty storefronts and second-hand junk shops. And I thought the city was going to turn Poe Springs into the eco-t... I am very disappointed.  
September 21, 2012 at 9:49am



Sharon Yeago watch this sapce for more information!  
September 28, 2012 at 10:18am



Genie O'Brien @ Robert, I heard on NPR WUFT radio the other day that Poe Springs Park has been turned back over to the C... Springs, and the ongoing problems rebuilding the concrete steps was mentioned. At the end of the segment they said "mayb...  
September 28, 2012 at 2:24pm 1



Genie O'Brien Thank you for the invitation to like this page and get involved. Technically I live in an unincorporated area bet... High Springs but if my input and or participation in helping to restore civility and sanity in the City of High Springs is welcome, assist however I can.  
September 28, 2012 at 2:26pm



Sharon Yeago we'll add your name to our effort, thanks Genie!  
September 28, 2012 at 2:34am 1



Susan Jefferbaum Sad.. Tell your friends about this effort. It is important that word gets out. If we all work together we can  
September 28, 2012 at 2:46pm



Concerned Citizens For A Better High Springs Sharon Kantor, Robert McClellan, please let us know if we can add your na... supporters. See more information above that has been added. We can email you our founding Mission Statement and Principle  
September 28, 2012 at 2:47pm 1



Skarron Britton Please add me to your list. I am thankful to have a successful business in High Springs, but more civility and... would definitely encourage me to keep it here. Let me know what I can do.  
September 28, 2012 at 3:47pm 4



Back In Balance Natural Health Care I am so happy to see I am not the only one concerned about the way things are hap... this time. I often feel like "Alice in Wonderland" that has dropped down the rabbit hole and things just keep getting curiouser a... see the charm and character of our town restored.  
September 30, 2012 at 5:45pm 2



Jayne Orr Sign me up. I have watched as many others have, our community fall apart. A few years ago we helped shape the... seems like now we are just watching people in power fight with no sense of how they are affecting the lives of so many. An op... beginning. Thanks.  
October 1 2012 at 7:53am 1

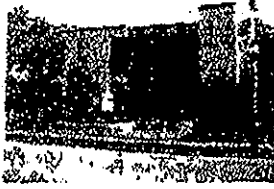
63523

A15

**Citizen Group Forms In High Springs**

**Staff Reporter**

**• Mon, Oct 01, 2012**



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

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

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

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

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

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

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

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

Concerned Citizens for a Better High Springs is looking for local residents, business owners and others invested in and supportive of its goals. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or visit them on Facebook at [www.dnyuri.com/bosjqm3](http://www.dnyuri.com/bosjqm3).

A-115



## Local

# High Springs residents rally to form grassroots group

Details Published on: Monday 08 October 2012 15:32 Written by: C. M. WALKER File 915



Comments



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

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

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

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

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

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

6

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

633 27

A 17

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

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

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

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

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

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

# # #

email [Qwalker@alachuatoday.com](mailto:Qwalker@alachuatoday.com)

. 030.18

A 18

# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## MISSION STATEMENT

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

## **FIVE KEY AREAS OF PRINCIPAL CONCERN:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A 20

**CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS**

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

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

**VOTE BOTH SIDES OF BALLOT**

Page 4 of 4

*Go ALL the Way!*

**HIGH SPRINGS CITY COMMISSION**

**SEAT 4**

(Vote for One)

Pat Rush

Byran Williams

**HIGH SPRINGS CITY COMMISSION**

**SEAT 5**

(Vote for One)

Scott Jamison

Edward "Ed" Riess

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

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

Shall the above Charter amendment be adopted?

YES

NO

035722

A 21

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

FIVE KEY AREAS OF PRINCIPAL CONCERN

1. The Dispatch Project is a major financial drain whose re-installation was premature at best and ill-advised at worst.
  - a. Recently, the City Manager's Office projected the cost to acquire and maintain the system internally at approximately \$325,000,
  - b. The County provided identical dispatch services to the City, with superior modern equipment, at an original budget amount of \$105,000 but always projected at less than the City's cost;
  - c. Ad valorem tax revenue continues to drop in excess of 2% for the past two years, and an expected further drop of at least 9%, making the local dispatch center's increased cost inappropriate at this time.THEREFORE, WE BELIEVE Shifting the emergency dispatch from the County to the City is an ill-timed expense that the City is unable to afford
2. The morale of the City's employees has been badly eroded by the City's Commission leadership and attitudes. The non-union employees have had to bear a disproportionate share in reductions to their compensation and benefits, all in an increasingly hostile atmosphere.
  - a. The reduction in benefits and elimination of overtime has ranged from a 15% reduction in income and benefits for some employees, to as much as a 30% reduction for others. A fire fighter in High Springs now earns less than \$11 per hour;
  - b. The generally hostile stance of the Commission has resulted in charges of violations of accepted labor law and good management practices, and has thus exposed the City to litigation in the form of state and federal labor law violations, "Whistle Blower" claims, and charges of discriminatory practices;
  - c. There is now a strong likelihood the employees will unionize in order to assure a reasonable work environment. If unionization occurs, it is a direct result of a hostile work environment and poor management. Labor costs for the City may well rise dramaticallyTHEREFORE, WE BELIEVE. The morale of the City's valued employees is frightening low. The turnover rate is unacceptable. The attitude of certain Commissioners towards the City's staff must return to one based on trust and appreciation. This unhealthy situation has to be corrected immediately.
3. The prolonged absence of professional management is destroying the City's credibility and greatly reducing its performance.
  - a. The unprecedented number of Commission meetings is unheard of and demonstrates the City's inability to handle its business using accepted governmental management practices,
  - b. The City has been operating without an experienced City Manager, City Attorney, City Planner, City Engineer, Public Works Director, full time Codes Enforcement Officer, full time Utilities Operator, and full time Parks and Recreation staff leaving the City with a significant loss of institutional knowledge making it very vulnerable in all phases of operation and management oversight,
  - d. The City's insurance underwriter for liability coverage for the Commission, has increased the annual insurance liability costs from, \$13,754 in 2011, to \$121,000 in 2012, with a projected premium of \$237,949 in 2013THEREFORE, WE BELIEVE: The City must immediately commit to properly funding and openly selecting a professional City Manager committed to returning High Springs to good government
4. Critical infrastructure items are not being properly monitored and the lack of necessary maintenance, or funding reserves, exposes the City to an unreasonable risk of system collapse
  - a) Water & Sewer- Experts have warned the City that it is close to losing its ability to provide drinking water due to the ancient delivery system which is bordering on collapse. If water wells fail, the City does not have any system flexibility, nor has it retained sufficient reserve funds to deal with such a catastrophic event

A-22

Without available sewers and a functioning water system, each with proper capacity, new businesses will not, and many residents cannot, locate to High Springs. Further, the City is contractually committed to expansion as part of its land use program from the past. Insufficient capacity will cost many jobs that are needed to allow High Springs to thrive once again;

b) Brick & Mortar - City owned facilities go empty or cannot be adequately maintained at the current budget levels. The economy has created a 15% vacancy factor equaling about 350 homes among single family residents; and there is a glut of vacant commercial buildings. Vacant buildings and homes create blight, invite crime, cause falling real estate values; and result in a continuing drop in revenue.

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

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

a. The Amendment would prohibit the City Commission from incurring any debt beyond one million dollars unless first approved by a 2/3 vote (4 out of 5) of the Commission PLUS passage of a referendum by the voters approving the debt, before the loan could be made, ensuring that an immediate response to a major crisis is virtually impossible from a financial perspective;

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

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

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

Contact Center - 10/1/2019 10:23:52 AM

Follow this link will provide you with your very own copy of our Five Key Areas of Concern:  
<https://drive.google.com/open?id=0B8weOL1P-ez6tL15W1L1Gh2et0>

Please share!

5 Points pdf - Google Drive

<https://drive.google.com>

5





As of Friday night 9/28/2002, if the information is correct, it appears that Edward Riess has thrown in the towel leaving Scott Jamison to retain Seat 5 unopposed. That leaves Patrick Rush to run against Byran Williams for Seat 4 the seat now held by Dean Davis who is all too friendly with Rush.

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

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

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

1. Concerned Citizens For A Better High Springs

11/12/11

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



Top of Form

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

Bottom of Form

000026

A26

1. Concerned Citizens For A Better High Springs ... link

September 30, 2012

Please join our group to help change this!



Political turmoil continues to bubble in High Springs

[www.gainesville.com](http://www.gainesville.com)

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

### Top of Form

- 22Share
- 2 people like this
- View all 2 comments

### Bottom of Form

- 1 Concerned Citizens For A Better High Springs c... link

October 23, 2012

October 23, 2012

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

Concerned Citizens for a Better High Springs enco... See More

Alachua County SOE Mobile Web Site

elections.alachua.fl.us

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

Concerned Citizens For A Better High Springs  
October 31 2012

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

1 Concerned Citizens for Better High Springs

April 2014

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

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

# CONCERNED CITIZENS FOR BETTER HIGH SPRINGS

JOIN US!





VOTE ON NOVEMBER 6TH  
GO ALL THE WAY  
TO THE END OF THE BALLOT  
*To ensure your voice is heard!*

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

CONCERNED CITIZENS FOR A  
BETTER HIGH SPRINGS

MISSION STATEMENT

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

GUIDING PRINCIPLES

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

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

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

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

# We, the people...

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

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

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

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

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

PLEASE JOIN US by emailing us  
 at [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or "Like"  
 us on Facebook.

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



**STATE OF FLORIDA**

**FLORIDA ELECTIONS COMMISSION**

ROBERT J. BARNAS,  
Petitioner,

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

vs.

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

vs.

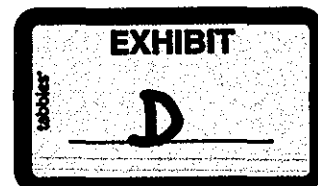
ROBERT J. BARNAS,  
Respondent as to Attorneys' Fees and Costs.

---

**SHARON L. YEAGO'S EXCEPTIONS TO PROPOSED FINAL ORDER**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

/s/ Paul R. Regensdorf

Paul R. Regensdorf, Esq.

Florida Bar No: 0152395

**HOLLAND & KNIGHT LLP**

50 N. Laura St., Ste 3900

Jacksonville, FL 32202

Phone: 904-353-2000

Fax: 904-358-1872

E-Mail: [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com)



CERTIFICATE OF SERVICE

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

Respectfully submitted,

/s/ Paul R. Regensdorf

Paul R. Regensdorf, Esq.

Florida Bar No: 0152395

**HOLLAND & KNIGHT LLP**

50 N. Laura St., Ste 3900

Jacksonville, FL 32202

Phone: 904-353-2000

Fax: 904-358-1872

E-Mail: [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com)

#32679211\_v1

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

CASE NO : FEC 13-125

In Re: SHARON L YEAGO  
Respondent

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

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

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

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

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

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

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

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

5. This Commission in the fulfillment of its obligations under the Florida Statute §106 265 and Rule 2B-1.0045 should determine that this petition contains sufficient facts and grounds to support a claim for costs and attorney's fees and should schedule the requisite hearing to consider and then impose attorneys' fees and costs against Mr Barnas in this matter.

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

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

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

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

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

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

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

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

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

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

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

Mr. Barnas' Complaint at R-000003.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. First of all, reference to Mr. Barnas' complaint form and his 4-page narrative letter attached thereto demonstrates that Mr. Barnas, although not a lawyer, demonstrates great facility with finding law, regulations and procedures which, he frequently thinks, justify him in filing complaints against various individuals. In this case, he not only correctly identified many of the statutes that are highly relevant to this Commission's determination that his Complaint was legally insufficient, but he also was sufficiently adept at utilizing this Commission's website to identify previous decisions where, unlike in the case here, a group actually did expressly advocate for a candidate or an issue in an election, but did so without properly complying with Florida Statute §106 03 and the sections related thereto. He's no uneducated farm-boy.

---

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



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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

(6) In any case in which the Commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with a reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or Chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees

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

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

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

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

13. This Commission has duly taken the provisions of Florida Statute §106 265(6) and provided in Rule 2(B)-1 0045(1) as follows:

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

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

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

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

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

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

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

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

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

Respectfully submitted,

---

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

**CERTIFICATE OF SERVICE**

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

Donna Ann Malphurs  
Agency Clerk  
Florida Elections Commission



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

/s/ Paul R. Regensdorf

#24114488\_v1

# **EXHIBIT "A"**



**FLORIDA ELECTIONS COMMISSION**

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

April 3, 2013

**CERTIFIED MAIL 70042510000147395596**

Sharon L. Yeago  
21120 NW 132<sup>nd</sup> Lane  
High Springs, FL 32643

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

Dear Ms Yeago:

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Ann Malphurs". The signature is written in a cursive style with a large initial 'D'.

Donna Ann Malphurs  
Agency Clerk

Enclosure: Complaint w/attachments

DAM/ip

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

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

Telephone Number (850) 922-4539

www.fec.state.fl.us

RECEIVED

CONFIDENTIAL COMPLAINT FORM

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

2013 APR - 3 A 10:51

1. PERSON BRINGING COMPLAINT:

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

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

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

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

Name of committee or organization:

Address: Phone: ( )

City: County: State: Zip Code:

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

3. ALLEGED VIOLATION(S):

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

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

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

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

Details of the complaint and Florida Statutes is attached.

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

Additional materials attached (check one)?  Yes  No

4. OATH

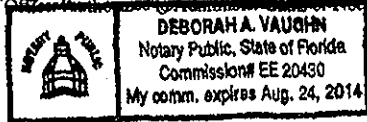
STATE OF FLORIDA  
COUNTY OF Alachua

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

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 2013

Signature of \_\_\_\_\_ 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.

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

April 1, 2013

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

Dear FEC,

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

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

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

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

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

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

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

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

000000

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

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

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

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

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

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

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

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

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

"Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.07 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee"

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

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

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



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

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

Here is a timeline and evidence I have gathered

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

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

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

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

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

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

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

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

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

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

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

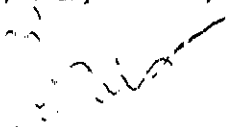
This organization certainly has spent well over \$500, with my estimate being more like \$1000-2000.

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

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

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

Respectfully submitted,

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

00000  
4

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

**Tangible Personal Property Tax Exemption**

Proposing an amendment to the State Constitution to:

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

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

- YES  
 NO

NO. 11  
**CONSTITUTIONAL AMENDMENT**  
**ARTICLE VI, SECTION 6**

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

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

- YES  
 NO

NO. 12  
**CONSTITUTIONAL AMENDMENT**  
**ARTICLE IX, SECTION 7**

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

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

- YES  
 NO

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

**ARCHER CITY COMMISSION**  
**SEAT 1**  
 (Vote for One)

- Laurie Costello  
 Doug Jones

**ARCHER CITY COMMISSION**  
**SEAT 2**  
 (Vote for One)

- James Mayberry  
 Marjorie Zander

**ALACHUA COUNTY QUESTION 1**  
**FIX OUR ROADS ALACHUA COUNTY:**  
**FUNDING ROAD IMPROVEMENTS BY LEVYING A .2% SALES SURTAX**

Shall Alachua County implement a Road Improvement Plan to extend the life and improve the safety of county Roads by maintaining, paving and reconstructing Roads; and in the Cities of Gainesville, Alachua, Hamberry, High Springs, Hawthorne, Waldo and Archer, and the Towns of Micanopy and LaCrosse, funding municipal Road maintenance, construction, reconstruction and paving projects; by levying a .2% sales surtax for 15 years subject to independent audit and citizen review.

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

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

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

- YES  
 NO

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

**HIGH SPRINGS CITY COMMISSION**  
**SEAT 4**  
 (Vote for One)

- Pat Rush  
 Bryan Williams

**HIGH SPRINGS CITY COMMISSION**  
**SEAT 5**  
 (Vote for One)

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

- Scott Jamison  
 Edward "Ed" Fless

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

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

- YES  
 NO

If you live in the part of Precinct 4D that is not within  
 ↓ the City of Gainesville, this race will appear on your ballot. ↓

**ANNEXATION**  
 (Vote for One)

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

**OFFICIAL RESULTS  
GENERAL ELECTION, ALACHUA COUNTY  
NOVEMBER 6, 2012**

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

**\*\*INCLUDES ALL LEGALLY CAST BALLOTS\*\***

Registered Voters 164970 - Cards Cast 242059 146.73%

Num. Report Precinct 63 - Num Reporting 63 100.00%

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

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

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

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



Bob Barnas <bbarnas@highsprings.us>

**Re: Concerned Citizens for a Better High Springs**

1 message

Sharon Yeago <sharon@yeago.net>

Fri, Dec 7, 2012 at 12:25 PM

To: Bob Barnas <bbarnas@highsprings.us>

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

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

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

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

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

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

Take care. Sharon

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

> Sharon,

>

> So how does someone, say someone like me become a member? Is there an application?

>

> Can I get a list of current members after I become a member?

>

> I understand other commissioners are members and for the good of the community we should have unity

>

> Bob Barnas  
> High Springs City Commissioner

>

>

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

>>

>> Dear Bob, Lee and Scott,

>>

>> I am the official spokesperson for the Concerned Citizens group. I

>> have handled all publicity and development of public policy  
>> statements.  
>>  
>> As you may also know, we are a group of concerned citizens. We are  
>> not incorporated, have no fictitious name registration and therefore  
>> do not have a bank account. We do have a Steering Committee (copied  
>> here.) A list of our public supporters is attached for your record  
>> and to clarify 'who are these people?' This was published in Alachua  
>> Today. Please feel free to distribute to anyone requiring clarity.  
>> While there are many names of prominent citizens, most of those listed  
>> are regular folks who just live and/or work in High Springs.  
>>  
>> For clarification, we have absolutely no affiliation with any other  
>> organization, including the HS CDC and I would appreciate it if you  
>> would keep that in mind during future public statements about our  
>> group. Most of the supporters of CCFBHS are actively engaged in their  
>> community, whether at church, their childrens' school, the community  
>> theater, or other groups and so it would stand to reason that they  
>> would be affiliated with one organization or another. We include  
>> Republicans, Democrats, liberals, moderates and one supporter who  
>> describes herself as 'right of the Tea Party.' Our supporters  
>> comprise all aspects of community life in High Springs.  
>>  
>> If you require a mailing address, please feel free to use either my  
>> personal residence at 21120 NW 132 Lane, High Springs, FL 32643, or PO  
>> Box 2114, High Springs, FL 32655-2114, which I have maintained for  
>> more than a dozen years  
>>  
>> Regarding donations, we are accepting gifts and gift certificates as  
>> well as food and volunteer time for the Holiday Gathering event which  
>> is a dinner for City employees and their families. In addition to  
>> food, gifts will be distributed. Many citizens are coming forward to  
>> help with this dinner.  
>>  
>> As a point of reference since we don't each other very well, I served  
>> the City of High Springs for 8 years as an independent contractor that  
>> developed and managed the High Springs Farmers Market from 2000 to  
>> 2008.  
>>  
>> I was also a consultant to the City many years ago when the City tried  
>> to save the Youth Center which was previously located in the Old  
>> School. In both cases, I was specifically requested to serve by the  
>> City Commission (we were under a mayor form of government back then.)  
>> I have worked very closely with city staff for a long time and have a  
>> fondness and respect for our government and the people who work for  
>> us, the taxpayers  
>>  
>> Please direct any questions, concerns or issues to me should they  
>> arise. I will be most happy to respond as quickly and completely as  
>> possible so that there are no further issues with miscommunication or  
>> distribution of incorrect information  
>>  
>> Thank you for your service to our City  
>>  
>> Take care. Sharon  
>>  
>>  
>>  
>> Begin forwarded message:

. 000110

>>  
>> From: Bob Bamas <bbamas@highsprings.com>  
>> Subject: Concerned Citizens for a Better High Springs  
>> Date: December 5, 2012 3:46:53 PM EST  
>> To: Lee Vincent <lv@highsprings.com>, Scott Walker  
>> <scott@highsprings.com>, Susan C. ...  
>>  
>> Lee and Scott,  
>>  
>> I asked Jenny today for an address for the group. She has no physical  
>> address linked to this group. I would like to know iff this is OK? Is  
>> it OK to give the use of the "Old School" to a group that has no  
>> single spokesperson as their head and no address to correspond with  
>> should there ever be an issue going down the road? They are asking the  
>> community on Facebook for donations. It does not say to the city, or  
>> to them.  
>>  
>> The only thing Jenny has is that the email from them that they use was  
>> linked to a request from Ross Amborse. So if he is their spokesperson  
>> or person that organized the group fine, just let us know so we can  
>> send a thank you card or documents we may have to deal with Ed  
>> McKinnon, Sharon Yeago, Linda Jones....who is actually the  
>> responsible person for the grassroots group? Are they at the address of  
>> CDC? I think we need to know.  
>>  
>> While there are many prominent names in the group, I have been asked  
>> who are these people?  
>>  
>> cc: hscorize.us@highsprings.com  
>> Bob Bamas  
>> High Springs City Commissioner  
>> 352-608-7055  
>>  
>> \*Please note:\*  
>>  
>> Florida has a very broad public records law. Most written communication,  
>> including e-mail addresses, to or from the City regarding City business  
>> are  
>> public records available to the public and Media upon request. Your e-mail  
>> communication may be subject to public disclosure.  
>>  
>>  
>>  
>>  
>>  
>> --  
>> Sharon L. Yeago  
>> 888-415-6117 phone  
>> 352-256-0116 cell  
>>  
>> -----  
>> "The first wealth is health."  
>> - Ralph Waldo Emerson  
>>  
>> "Let thy food be thy medicine and thy medicine be thy food"  
>> - Hippocrates  
>  
>  
>

- 11-17  
/
- >
  - > -
  - > Bob Barnas
  - > High Springs City Commissioner
  - > 352-538-7355
  - >
  - > \*Please note:\*
  - >
  - > Florida has a very broad public records law. Most written communication,
  - > including e-mail addresses, to or from the City regarding City business are
  - > public records available to the public and Media upon request. Your e-mail
  - > communication may be subject to public disclosure.
  - >
  - >

-  
Sharon L. Yeago  
352-418-8017 phone  
352-256-8115 cell

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

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



Search for people, pages and things

Job Search Home

Circle Page 1 of 1



### Concerned Citizens For A Better High Springs

Liked

126 likes 2 talking about this

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

126

About · Suggest an Edit

Photos

Pages

12 posts

Concerned Citizens For A Better High Springs  
3 hours ago

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

"Good evening Mayor & Commissioners,

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

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

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

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

Thank you

Concerned Citizens For A Better High Springs  
March 15

Everyone Wants To Make A Difference.

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

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

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

Share

Dana Potter, Janis Cataldo Barnea, Jim Dodson and 5 others like this.

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

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

Concerned Citizens For A Better High Springs  
February 6

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

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

Share

6 1 3

Concerned Citizens For A Better High Springs  
December 14, 2012

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

000040

**About**

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

**Description**

"Good Policy equals good government"

**GUIDING PRINCIPLES**

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

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

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

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

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

**Basic Info**

Founded: September 28, 2012

**History by Year**

2012: Founded on September 28, 2012

### Founded on September 28, 2012

In High Springs, Florida.

4 people like this.



Sharon Kantor: How do we go about making High Springs better?? I am willing to work at it!  
September 17, 2012 at 7:48pm 1



Concerned Citizens For A Better High Springs: Keep up to date with this page. Opportunities to meet, discuss and create | to review and implement will be forthcoming  
September 17, 2012 at 8:39pm 1



Robert McClellan: Whatever happened to the vision of a vibrant little Main street town, with cafes and upscale shops? Instead ministries, empty storefronts and second-hand junk shops. And I thought the city was going to turn Poe Springs into the eco-tr I am very disappointed.  
September 21, 2012 at 9:49am



Sharon Yeago: watch this sapce for more information!  
September 28, 2012 at 10:18am



Genie O'Brien @ Robert: I heard on NPR WUFT radio the other day that Poe Springs Park has been turned back over to the C Springs, and the ongoing problems rebuilding the concrete steps was mentioned. At the end of the segment they said "mayb...  
September 28, 2012 at 2:24pm 1



Genie O'Brien: Thank you for the invitation to like this page and get involved. Technically I live in an unincorporated area betw High Springs but if my input and or participation in helping to restore civility and sanity in the City of High Springs is welcome, assist however I can.  
September 28, 2012 at 2:26pm



Sharon Yeago: we'll add your name to our effort, thanks Genie!  
September 28, 2012 at 2:34pm 1



Susan Jefferson: Sacd. Tell your friends about this effort. It is important that word gets out. If we all work together we can  
September 28, 2012 at 2:46pm



Concerned Citizens For A Better High Springs: Sharon Kantor, Robert McClellan, please let us know if we can add your na supporters. See more information above that has been added. We can email you our founding Mission Statement and Principle  
September 28, 2012 at 2:47pm 1



Sharon Brkton: Please add me to your list. I am thankful to have a successful business in High Springs, but more civility and would definitely encourage me to keep it here. Let me know what I can do.  
September 28, 2012 at 3:47pm 4



Back In Balance Natural Health Care: I am so happy to see I am not the only one concerned about the way things are hap this time. I often feel like "Alice in Wonderland" that has dropped down the rabbit hole and things just keep getting curiouser & see the charm and character of our town restored  
September 30, 2012 at 5:45pm 2

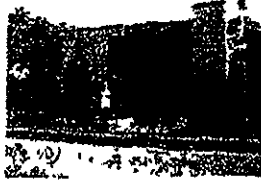


Jayne Or: Sign me up. I have watched as many others have, our community fall apart. A few years ago we helped shape the t seems like now we are just watching people in power fight with no sense of how they are affecting the lives of so many. An op beginning. Thanks  
October 1 2012 at 7:53am 1

**Citizen Group Forms In High Springs**

**Staff Reporter**

**• Mon, Oct 01, 2012**



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

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

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

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

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

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

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

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

Concerned Citizens for a Better High Springs is looking for local residents, business owners and others invested in and supportive of its goals. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or visit them on Facebook at [www.facebook.com/bosiam3](http://www.facebook.com/bosiam3).

## Local

# High Springs residents rally to form grassroots group

Detail's Published on Monday 19 October 2012 16:32 Written by C. J. WALKER File Size 3.5



[Comments](#)



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

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

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

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

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

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

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

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

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

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

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

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

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

# # #

email [Cwaker@alachuatoday.com](mailto:Cwaker@alachuatoday.com)

# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## MISSION STATEMENT

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

## **FIVE KEY AREAS OF PRINCIPAL CONCERN:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS**

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

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

**VOTE BOTH SIDES OF BALLOT**

**Page 4 of 4**

**Go ALL the Way!**

**HIGH SPRINGS CITY COMMISSION**

**SEAT 4**

(Vote for One)

Pat Rush

Byran Williams

**HIGH SPRINGS CITY COMMISSION**

**SEAT 5**

(Vote for One)

Scott Jamison

Edward "Ed" Riess

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

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

Shall the above Charter amendment be adopted?

YES

NO

CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

FIVE KEY AREAS OF PRINCIPAL CONCERN

1. The Dispatch Project is a major financial drain whose re-installation was premature at best and ill-advised at worst.

a. Recently, the City Manager's Office projected the cost to acquire and maintain the system internally at approximately \$325,000,

b. The County provided identical dispatch services to the City, with superior modern equipment, at an original budget amount of \$105,000 but always projected at less than the City's cost;

c. Ad valorem tax revenue continues to drop in excess of 8.2% for the past two years, and an expected further drop of at least 9%, making the local dispatch center's increased cost inappropriate at this time.

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

2. The morale of the City's employees has been badly eroded by the City's Commission leadership and attitudes. The non-union employees have had to bear a disproportionate share in reductions to their compensation and benefits, all in an increasingly hostile atmosphere.

a. The reduction in benefits and elimination of overtime has ranged from a 15% reduction in income and benefits for some employees, to as much as a 30% reduction for others. A fire fighter in High Springs now earns less than \$11 per hour;

b. The generally hostile stance of the Commission has resulted in charges of violations of accepted labor law and good management practices, and has thus exposed the City to litigation in the form of state and federal labor law violations, "Whistle Blower" claims, and charges of discriminatory practices;

c. There is now a strong likelihood the employees will unionize in order to assure a reasonable work environment. If unionization occurs, it is a direct result of a hostile work environment and poor management. Labor costs for the City may well rise dramatically.

THEREFORE, WE BELIEVE: The morale of the City's valued employees is frighteningly low. The turnover rate is unacceptable. The attitude of certain Commissioners towards the City's staff must return to one based on trust and appreciation. This unhealthy situation has to be corrected immediately.

3. The prolonged absence of professional management is destroying the City's credibility and greatly reducing its performance.

a. The unprecedented number of Commission meetings is unheard of and demonstrates the City's inability to handle its business using accepted governmental management practices;

b. The City has been operating without an experienced City Manager, City Attorney, City Planner, City Engineer, Public Works Director, full time Codes Enforcement Officer, full time Utilities Operator, and full time Parks and Recreation staff leaving the City with a significant loss of institutional knowledge making it very vulnerable in all phases of operation and management oversight;

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

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

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

a) Water & Sewer- Experts have warned the City that it is close to losing its ability to provide drinking water due to the ancient delivery system which is bordering on collapse. If water wells fail, the City does not have any system flexibility, nor has it retained sufficient reserve funds to deal with such a catastrophic event.

Without available sewers and a functioning water system, each with proper capacity, new businesses will not, and many residents cannot, locate to High Springs. Further, the City is contractually committed to expansion as part of its land use program from the past. Insufficient capacity will cost many jobs that are needed to allow High Springs to thrive once again;

b) Brick & Mortar - City owned facilities go empty or cannot be adequately maintained at the current budget levels. The economy has created a 15% vacancy factor equating about 350 homes among single family residents; and there is a glut of vacant commercial buildings. Vacant buildings and homes create blight, invite crime, cause falling real estate values; and result in a continuing drop in revenue.

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

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

a. The Amendment would prohibit the City Commission from incurring any debt beyond one million dollars unless first approved by a 2/3 vote (4 out of 5) of the Commission PLUS passage of a referendum by the voters approving the debt, before the loan could be made, ensuring that an immediate response to a major crisis is virtually impossible from a financial perspective;

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

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

Concerned Citizens for a Better High Springs is a nonpartisan, nonpolitical grassroots citizens' group and, pursuant to Fla. Stat. Section 105.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort by email at [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or "Liking" the group on Facebook at <http://tinyurl.com/bosjqm3>

1. "Reserve Club" for a 100% Profit

FCAs this link will provide you with your very own copy of our Five Key Areas of Concern:  
<https://docs.google.com/open?id=0B5wC0L1P-er6BL5W1hL1Gh2eL0>

Please share!

5 Points.pdf - Google Drive

[www.google.com](https://www.google.com)



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

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

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

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

1. Concerned Citizens For A Better High Springs

01/11/2011

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



Top of Form

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

Bottom of Form

030026

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

September 30, 2012

**Please join our group to help change this!**



Political turmoil continues to bubble in High Springs

[www.gainesville.com](http://www.gainesville.com)

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

### Top of Form

- 22Share
- 2 people like this
- View all 2 comments

### Bottom of Form

1 Concerned Citizens For A Better High Springs c... link

October 23, 2012

October 23, 2012

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

Concerned Citizens for a Better High Springs enco... See More

Alachua County SOE Mobile Web Site

elections.alachua.fl.us

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



Concerned Citizens For A Better High Springs  
October 31, 2012

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

1 Concerned Citizens for Better High Springs

1984, 2017

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

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

# CONCERNED CITIZENS FOR BETTER HIGH SPRINGS





**VOTE ON NOVEMBER 6TH**  
***GO ALL THE WAY***  
**TO THE END OF THE BALLOT**  
*To ensure your voice is heard!*

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

**CONCERNED CITIZENS FOR A  
BETTER HIGH SPRINGS**

**MISSION STATEMENT**

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

**GUIDING PRINCIPLES**

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

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

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

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

# We, the people...

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

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

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

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

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

PLEASE JOIN US by emailing us  
 at [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or "Like"  
 us on Facebook.

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

# **EXHIBIT "B"**

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

CASE NO.: 13-125

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

f. The absence of any specific [or even general] statement being cited by the Complainant in his abortive effort to claim that the Concerned Citizens group was advocating any position in the election speaks volumes. The Complainant's charges are made up and imaginary. They have no basis in fact whatsoever, and the very materials he asks this Commission to look at prove conclusively that this group, pushing for a return to good government, refused to get into the gutter of local politics in High Springs as politics existed in the Fall of 2012, and avoided every single one of the negative and provably false charges that the Complainant asserts. The fact that the Complainant has the temerity to make these patently false allegations in the face of clear materials to the contrary -- that he attaches to his Complain -- proves the ill-motive and actionable intent of Mr. Barnas, under Rules 2B-1 002 and 2B-1 0045, and Florida Statute §106.265. This critical component of this Commission's responsibilities will be expanded on in the final portion of this Response and in the above described Petition that will be filed within 30 days following the dismissal of this Complaint.

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

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

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

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

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

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

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

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

3. The Concerned Citizens For a Better High Springs is not and never was a Political Committee.

a. As set forth in extensive detail above, the Complaint and the documents attached thereto conclusively establish that the representations made under oath by the Complainant that the Concerned Citizens group had taken a position on the ballot charter amendment issue are patently false and were known by the Complainant to be false when they were filed. The materials on their face demonstrate that the Concerned Citizens group clearly published their list of principles and mission statement and none of them addressed, directly or indirectly, either the issue of the charter amendment nor the or defeat of that matter, nor the election of any individual.

b. To supplement the materials submitted by the Complainant in this cause, affidavits have been submitted to this Commission of the Respondent, Sharon Yeago, and of three citizens of the City of High Springs, Thomas Hewlett, Ross Ambrose, and Ed MacKinnon.

c. Ms. Yeago's affidavit, as the Respondent before this Commission, reiterates in detail that which is clear from the attachments to the Complaint: the Concerned Citizens group had a highly defined and complex set of goals for the City, and none of them expressly advocated for or against an issue on the ballot.

Although the Complainant has attached many of the publications of the Concerned Citizens group (all of which are completely consistent), the very first publication which demonstrates in detail exactly why the group was formed has not been attached and that is now before this Commission in the record, attached to Ms. Yeago's affidavit as Exhibit A to that affidavit. The group was not formed to oppose a charter amendment provision, nor to advocate for or against any candidate. Those matters are simply not addressed whatsoever in the formative documents of this organization. All of these documents were publically circulated in the City of High Springs and the Complainant, Mr. Barnas had full and complete access to all of them and was fully familiar with them prior to the filing of this Complaint [which took place months after the election]. He willfully failed to take note of that which he knew and has misrepresented these critical facts to this Commission.

d. The issue of the two signs that were visible at the election polling places in the City of High Springs are a second and further example of the duplicity of the Complainant in this cause. There is a suggestion that the "vote no" sign at the polls had some sort of a "disclaimer" with respect to the Concerned Citizens group. Nothing could be further from the truth. The affidavit of Mr. Hewlett [Exhibit 2 to this Response] and the photographs attached thereto as Exhibits A and B] conclusively demonstrate that the sign urging voters to vote



against the charter amendment was that of Mr. Hewlett and his wife alone, without the consultation with, support from, or payment by the Concerned Citizens group. The sign (a photograph of the front and back of which are attached as Exhibits A and B to Mr. Hewlett's affidavit) contained absolutely no reference whatsoever to the Concerned Citizens group, which was fully and completely consistent with the fact that the sign was Mr. and Mrs. Hewlett's personal statement. Mr. Barnas' sworn statement to this Commission under oath, that this was in some way related to and contained a reference to the Concerned Citizens group is totally and completely false, and provably so.

e. Mr. Barnas' sworn misrepresentations to this Commission of the sign that the Hewletts prepared is made worse by the fact that on election day, Mr. Barnas himself prepared signs urging the voters in the City of High Springs to vote yes. Of course, Mr. Barnas had every right to do that and if he did it by himself, or did it with someone else and spent less than \$500 he would have been able to do so without running afoul of Chapter 106.

f. What in fact Mr. Barnas did, however, as reflected by the affidavit of Mr. Ed MacKinnon [Exhibit 3 to this Response], another citizen of High Springs, was to attempt to hijack the good name and good will of the Concerned Citizens group which had been established in High Springs prior to the election. Mr.

Barnas on his sign, claimed at the bottom (as shown by the blow-up attached to Mr. MacKinnon's affidavit as Exhibits A and B to his affidavit) that the sign was prepared by a "concerned citizen for a better High Springs". Clearly, Mr. Barnas was the only individual attempting to wrongly utilize the name of the Concerned Citizens group when he personally urged a vote for the charter amendment.

g To come before this Commission in a sworn document subject to the pain of perjury and statutory penalties and contend that it was the Concerned Citizens group that put its name on some sign is outrageous, provably false, and should not be condoned by this Commission.

h The final affidavit [Exhibit 4] attached to this Response is by Ross Ambrose, another citizen of High Springs. His affidavit recounts the City Commission's complete failure to fulfill its statutory duties to inform the electorate of the meaning and purpose of the Charter Amendment. The public was completely uninformed by the City about what the majority of its Commissioners wanted to do to the Commission in the future. The citizens deserved to know what they were voting on.

**4. The actions of the Complainant, Robert Barnas, were deliberate, malicious, without basis in law or fact, and contrary to this Commission's Rules and to the Florida Statute Chapter 106.**

a. The motivation of the Complainant is legally irrelevant to the determination by this Commission that the Complaint he has filed in this cause is legally insufficient. As set forth in painstaking detail above and irrespective of the additional materials furnished by the Respondent in this cause, the Complaint and the record before this Commission on its face, conclusively demonstrates that the Concerned Citizens For a Better High Springs never, at anytime, in any way, through any medium, ever expressly advocated for or against any candidate or for or against any ballot issue. The materials attached conclusively establish that the Concerned Citizens group was scrupulous and law-abiding in its concern for good government. The group focused its attention on a number of good government issues other than those few that were actually on the ballot in November of 2012. The Complainant, for reasons that will become painfully clear to this Commission and its staff, chose to willfully ignore the very materials that he submitted to this Commission. Had he bothered to do look at them even cursorily, any person of average intelligence would clearly have seen that the Concerned Citizens group never expressly advocated anything regarding the November 2012 election.

b. Mr. Barnas cannot ultimately claim that he simply didn't "know" the law, and mistakenly made these false charges. In the very first paragraph of his complaint he urges this Commission and its staff to review one of its own cases, which he had researched "carefully" -- FEC Case No. 06-129, and suggested

[apparently] the similarity of that case to this one. That Consent Order, however, proves the willfulness of his actions here, because the group in that matter had published an advertisement that had expressly stated "Vote for Amendment Five" (a ballot issue on the statewide ballot at that time). If Mr. Barnas had bothered to read that decision closely and compare it to each and every piece of written material published by the Concerned Citizens For a Better High Springs, he should have recognized that the High Springs group was totally and completely within the law. Notwithstanding this fact, the Complainant publicly broadcast his plans for weeks to file this complaint against Ms. Yeago [a woman who works in the public sector and whose livelihood is built on her character and credibility], and announced to all when he finally did so. His actions are malevolent and willful and knowing and without any basis in the law. They cannot be condoned.

b. The additional points that the Complainant, Mr. Barnas, has attempted to use (the signs, etc.) to try and "demonstrate" that the Concerned Citizens group was somehow involved, have also boomeranged. A visual review of the signs shows that the only person in the City of High Springs who attempted to flaunt the law with respect to a political committee was Mr. Barnas himself, who deceptively masqueraded as this nonpartisan political group with his own sign, expressly advocating that the charter amendment be passed. See Exhibits 2 and 3.

b. As noted in the opening portions of this Response, and as will be more extensively described in the Petition that will be promptly filed within thirty (30) days of the dismissal of this Complaint, Mr. Barnas' actions were, candidly, those of a bully. He has acted before this Commission in direct violation of this Commission's rules and of Florida Statute 106.265. He has filed a Complaint which is, on its face, false, vindictive, malicious and actionable under Florida law. He knows the group has done nothing wrong, but his pattern, before this Commission and before several other commissions and associations in the state of Florida, is to shotgun complaints to as many organizations as possible in hopes that he will quell citizen resistance to his inappropriate tactics. It is precisely this form of incivility in small town government that stimulated the creation of the group that Mr. Barnas now attacks. The group's formation had nothing to do with candidates or election issues. It had everything to do with good government.

c. As noted above, Mr. Barnas does not always act quietly and in the shadows. Rather, he loves to publish selected materials and attacks on his website including the details concerning the many complaints (often confidential) that he files before the Florida Ethics Commission, this Commission, the Florida Bar Association, and anyone else who will accept complaints from an individual such as him.

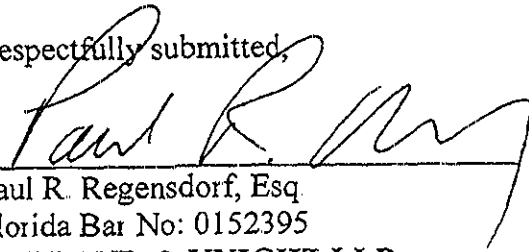
d. In the case of the Concerned Citizens For a Better High Springs, Mr. Barnas through his website long trumpeted the fact that he intended to file this spurious complaint against the group. (See attached composite Exhibit 5 ). In doing so, it can be seen that Mr. Barnas had ample time to study the statutes, to review the materials, and to educate himself concerning the falsity of the information and charges that he has now put forth to this organization. He chose not to do so. Rather, as reflected by Exhibit 5, Mr. Barnas actually went out and sought advice as to how to file the Complaint and, although wisely no attorney chose to represent him in this matter, Mr. Barnas' published actions demonstrate that he decide to make these false charges knowingly, willfully, maliciously, and in a very public manner, long prior to the actual filing of the Complaint in question.

e. When the Concerned Citizens group, through a different spokesman, made a public statement at a recent City Commission meeting in the City of High Springs on the issue of a need for civility in our City government (one of the group's founding goals) and the passage of a civility code (as is common in many cities throughout the State of Florida), Mr. Barnas in his view of the world gleefully published that he had now identified someone else who was brave enough to stand up and be a spokesperson for this group. Although not named as a respondent in his Complaint, he claimed that this proud public statement as basis for his now filing the Complaint in question. Despite the widely published steering

committee and the names of hundreds who supported the Mission of the group, Mr. Barnas went after the spokespeople.

f It is respectfully suggested to this Commission and its staff that the conduct of the Complainant before this Commission (let alone the conduct of this same individual before numerous other organizations and bodies in the State of Florida) is in violation of Florida law and subject to the sanction of this body by way of penalty, attorneys' fees and such other relief as this body deems appropriate. Upon the dismissal of the charges before this Commission against Ms Yeago, a subsequent Petition pursuant to Rule 1B-1.0045 and Florida Statute §106.265 will be made, formally requesting these payments and sanctions from and against Mr. Barnas.

Respectfully submitted,



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

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION  
Case No. FEC 13-125

AFFIDAVIT OF RESPONDENT SHARON YEAGO

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Sharon Yeago who, after being duly sworn on oath stated as follows:

1. My name is Sharon Yeago and I have lived in the High Springs, Florida area for the last 14 years. My current residence address is 21120 NW 132 Lane, High Springs, Florida 32643.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct

3. In the fall of 2012, a group of citizens in the High Springs area got together informally because they were very concerned about the unprofessional and partisan behavior of City elected officials and the detrimental effect it was having on City operations and staff morale. This informal group, which was a gathering of local residents, business owners and other concerned individuals, took on the name of Concerned Citizens for a Better High Springs. There was no formal organization of the group other than a steering committee that arose from the need to organize meetings, activities and record our concerns, mission and principles in writing. I functioned from time to time as a spokesperson for the group, and assisted in preparation of certain materials and in creating certain press releases concerning the mission and principles of this group.

4. The Concerned Citizens for a Better High Springs carefully crafted and documented its concerns as well as its mission and principles that it wished to work toward. The group at no time issued any statement nor made any other comment expressly advocating the election or defeat of any candidate to the City Commission, nor did it expressly advocate for the





approval of, nor against the passage of, the charter amendment that was on the ballot in November 2012.

5. The Complainant, Bob Barnas, is and was a High Springs City Commissioner at the time of our group's coming together in the Fall of 2012 and held the position of Vice Mayor. Mr. Barnas was not running for election in November 2012 and, despite his primary role in the creation of a hostile atmosphere created by unprofessional and partisan behavior by members of the City Commission, neither his name nor any specific or general reference to him is found in any of the materials issued by The Concerned Citizens for a Better High Springs group.

6. A careful review of all of the materials prepared by Concerned Citizens for a Better High Springs, including each and every document attached to Mr. Barnas' complaint in this case, conclusively establishes, without any question of fact whatsoever, that Concerned Citizens for a Better High Springs group did not expressly advocate for or against any candidate, nor for or against any specific issue on the November 2012 ballot, nor was it formed to do either. The group was extremely careful to stay out of the immediate politics of the November 2012 election and so stated in all of its materials

7. As established in the public records and a separate lawsuit brought by a resident of the City of High Springs concerning the ballot initiative, Mr. Barnas personally invested a great deal of personal and political energy to force the issue of a spending limitations onto the ballot despite the advice of the then-current City Attorney, the former City Attorney, and ultimately the current City Attorney of the City of High Springs. His precipitous actions were contrary to Florida law, had not been properly noticed, and were therefore void. The Complainant did not heed that advice from those individuals.

8. Once that ballot initiative for the charter amendment was passed by the Commission (in contravention of the City Attorney's advice), the City was under a statutory obligation to present information to the electorate concerning the proposed amendment and what the amendment was supposed to do. Ballot summaries were to be placed at the polling stations and not one of these activities was performed by the complainant, then Vice Mayor, or by the City Commission.

9. The Complainant-sponsored charter amendment actually passed on the vote [in the absence of the statutorily-required explanation of its terms], but was preliminarily enjoined by the Circuit Court in the Eighth Circuit, Judge Griffis, and later struck as void ab initio when the new City Attorney ultimately acknowledged the fatal defects and confessed error concerning the actions of the then City Commission majority, including Vice Mayor Bob Barnas, the Complainant.

10. To partially fill this vacuum of public information regarding the issue, Concerned Citizens for a Better High Springs included some information in one release that was a factually accurate statement concerning what the ordinance did and how it was supposed to work. The proposed amendment, which was designed to provide a strict limitation on the power of city government to borrow money and conduct its business, was factually identified as such by Concerned Citizens for a Better High Springs. Such concerns never lead the group to expressly advocate either the passage or defeat of the ordinance. Quite to the contrary, material published by this group expressly told the citizens that the considerations of the effects on future government "should be carefully explored by the citizens before election day when considering this amendment." The voters were to decide what type of government they wanted.

11. A statement I made in an early press release concerning this group accurately sets forth what this group stood for.

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

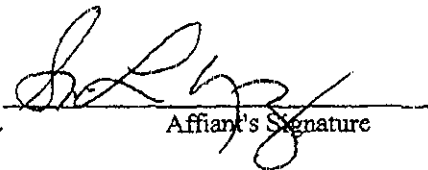
A copy of the group's original policy statement concerning the desire for good government is attached as exhibit A to this affidavit. As with each and every other statement from this group, it did not expressly advocate any candidate or election issue and the unsupported statements of the Complainant, contradicted by his own attached materials, do not change that reality.

12. The Concerned Citizens group at no time held any fundraising events. During one of our first meetings, we passed the hat to cover any potential costs of printing our information or a group banner for any public events we were able to attend [well under \$500.]. No bank account was established. At no time did we assist in the preparation of, or purchase, or commission or approve any documents, signs, or banners favoring or not favoring any candidate or the passage of the charter amendment in question. Because the November 2012 ballot was quite long --approximately four (4) pages for High Spring's voting districts -- and because the City of High Springs' election matters were on the very last page of this long ballot, at the end, the group purchased a full-page ad in the Alachua Today newspaper on the Thursday before the election to encourage voters to "Go All The Way" to the end of the ballot to vote on the High Springs candidates and charter amendment issue. This ad [included in the Record at R-000031-32] also set out our guiding principles, but does not in any manner whatsoever, speak for or

against any issue or individual on the ballot in November 2012. In addition to the full page ad, we issued a press release and handed out flyers at community events also encouraging voters to "Go All The Way" to the end of the long ballot. None of these materials, as reflected in this Commission's Record, expressly advocated any issue or candidate on the ballot. To suggest that they do, in the face of the materials themselves, is a deliberate attempt to mislead this Commission.

13. Mr. Barnas publishes a blog or website page frequently in which he "comments" on activities in the High Springs area. For weeks before he filed this complaint against me he announced publically his intention to file an Elections Commission complaint and proudly discussed the "advice" that he had obtained in the preparation of the very complaint that he filed before this Commission. He also bragged about filing the complaint after he filed it. [See attached exhibits]. Any individual who read the materials that he attached to this Complaint would see that there is not a single statement for or against any individual or any issue contained in any of the Concerned Citizens' materials and Mr. Barnas' complaint to this Commission can only be seen as an attack against me personally, unrelated to any imagined violation of Florida Statutes.

FURTHER AFFIANT SAYETH NOT.

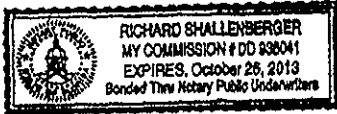
  
Affiant's Signature

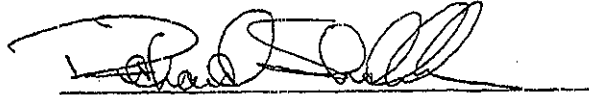
STATE OF FLORIDA

COUNTY OF ALACHUA :

The foregoing instrument was acknowledged this 7<sup>TH</sup> day of MAY, 2013, by SHARON YEAGO, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Witness my hand and official seal, this 27<sup>th</sup> <sup>MAY</sup> day of April, 2013.





Notary Public

Printed Name

of Notary RICHARD Shallenberger

Commission Expires: 10/26/13

Commission Number: DD 9364041

# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## MISSION STATEMENT

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

## GUIDING PRINCIPLES

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

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

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

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

***We the People...*** Concerned Citizens for a Better High Springs are looking for local residents, business owners and others invested in and supportive of these Principles to join this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or visit them on Facebook at <http://tinyurl.com/bosjqm3>



# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## POLICY RECOMMENDATIONS:

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

- commitment to the city manager form of government;
- commitment to retain a professional, experienced and accountable city manager, to compensate; her/him commensurate with ability and experience, and to protect him/her from improper pressures from elected officials;
- commitment to retain a competent professional city attorney and to compensate him/her commensurate with ability and experience;
- commitment to retain the current Finance Director of the City, the City Clerk, and other valued employees, and to compensate them commensurate with their ability and experience;
- maintain a continued commitment to providing the necessary infrastructure to attract and retain businesses and employers to the City of High Springs;
- foster a working relationship with ALL business owners, small and large (especially those that have large investments in our community), that have potential to grow and expand employment opportunities;
- restore the essential function of a City staff as supporters of the Commission's work and actions;
- allowing issues to be developed and presented in a business-like manner at meetings, with reasonable notice to the public and to other Commissioners;
- dedication to the concept that a professionally managed City can normally accomplish its business during the regularly scheduled, twice monthly meetings of the Commission, historically scheduled at 6:30p.m, when most citizens and Commissioners who are employed can reasonably attend and participate;
- appoint a charter review commission with directions to perform a full review of the Charter;
- evaluate the nature and make-up of all City boards/commissions/committees and make any necessary changes to re-invigorate and fulfill the City's mission.

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

- re-evaluation of the local dispatch center, and a redirection of those designated funds into vitally needed city functions;
- evaluation of the sewer system to ensure productivity, effectiveness and affordability now and in the future, always in light of our commitment to the economic development and the environment. This includes establishing an immediate priority to add planned users to the sewer system to help maintain reasonable and fair sewer rates;
- evaluation of the City's water system to provide needed repairs and to insure that it fairly and efficiently delivers quality water to the citizens of High Springs in a reliable manner, generating reasonable revenues from users;
- promote and utilize current tax abatement programs to attract new business and employers to High Springs;
- prohibit any consideration of any new programs outside of the City without a clear statement of municipal purpose and professional analysis of the financial feasibility of any such project.

# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## POLICY RECOMMENDATIONS CONTINUED...

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

- a broad commitment to restoring the quality of life, benefits and morale of the City's dedicated and invaluable employees;
- Commissioners must learn the proper way to interact with City employees in a city manager form of government;
- abusive conduct by any City official or employee toward City staff or citizens will no longer be tolerated;
- educate Commissioners, the City staff, and Plan Board members on their appropriate roles in evaluating proposals for new businesses or development to assure that High Springs can properly interact with people interested in developing a business relationship with our City.

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

- promote programs that encourage the public to come to High Springs to enjoy our Good Nature, and ensure that while here they experience our good nature;
- create a program where a designated City Commissioner is assigned the responsibility of repairing relationships with necessary governmental entities, such as the USDA and Alachua County government;
- re-educate Commissioners on their limitations in contacting other governmental entities on behalf of the City without authority from the Commission to do so;
- proactively announce to local, state and national governments that there is or will shortly be a decidedly new and rational approach to government in High Springs;
- encourage growth and diversity, maintain green space and conservation of sensitive areas, and promote the re-use and re-development of existing vacant and under-developed areas, all with an awareness of the local environment and a concern for the future of High Springs.

*Concerned Citizens for a Better High Springs is a nonpartisan, nonpolitical grassroots citizens' group and pursuant to Fla Stat Section 106.011, does not qualify as either a political committee or an electioneering communications organization. We encourage local residents, business owners and others invested in and supportive of our goals to sign on to show public support for this effort by email at [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or 'Liking' the group on Facebook at <http://tinyurl.com/bosiqm3>*



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

AFFIDAVIT OF THOMAS HEWLETT

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Thomas Hewlett who, after being duly sworn on oath stated as follows:

1. My name is Thomas Hewlett and my residence is 315 SE 6<sup>th</sup> Lane, in the City of High Springs, Florida.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct

3. I was aware of the formation of a concerned citizens group in the City of High Springs in the Fall of 2012 because the tenor of City government in High Springs, led largely by the three person majority including the Vice Mayor, Robert Barnas, had become uncivil, unnecessarily contentious, and unacceptable. As a result of these realities in our City, a group of citizens formed an informal organization called the Concerned Citizens For a Better High Springs. I was not on the steering committee of that organization, but I attended several meetings and I am aware of the work that they did and the goals that they set.

4. The Concerned Citizens group developed a number of goals and policies that it wished to advocate, none of which was directly related to supporting the candidacy of any individual, the opposition to any candidate, nor the passage or opposition of any ballot issue on the November 2012 election. In fact, the Concerned Citizens group consciously avoided any such endorsement for or against any individual or any issue so that it could stay above the fray. The issues that the public statements and the newspaper advertisement by this group clearly



raised reflect that commitment to good government, but avoid any endorsement of or expressly advocating for or against any candidate or for or against any issue on the November 2012 ballot.

5. On the November 2012 ballot in the City of High Springs was a charter amendment pushed significantly by the Vice Mayor, Robert Barnas, which was designed to severely limit the power of future city commissions to govern

6. Since the Concerned Citizens group took no public position whatsoever with respect to that charter amendment, and since the City Commission majority [including Vice-Mayor Barnas] distributed no information of any sort that explained the proposed amendment, my wife Linda and I decided as individual citizens that we would put up signage against the passage of that ordinance. Without any consultation with the Concerned Citizens group, and neither seeking nor obtaining the endorsement or help of any group in the City of High Springs, my wife and I paid a total of \$98.58 to obtain two commercially printed signs that urged the citizens of High Springs to vote "No" on the proposed charter amendment. The signs made no reference to the Concerned Citizens group whatsoever.

7. Photographs of the fronts and backs of these signs are attached hereto as Exhibits.

8. The Concerned Citizens group was not aware of the preparation of these signs, they did not endorse the preparation of these signs, they did not contribute to the funding for these signs, and did not in any way suggest any design or format for these signs. My wife and I took this on ourselves as individual citizens in the City of High Springs. A copy of the payment that we made from our personal checking account is attached hereto as an Exhibit as well.

9. As the election approached, another individual citizen in the City of High Springs brought a personal lawsuit against the City, challenging the method by which this charter amendment had been rammed through the City Commission, largely by Vice-Mayor Barnas.

Ultimately, the circuit court in Gainesville agreed with this citizen's personal challenge and found the ordinance to have been improperly enacted and void from the start. The court's preliminary injunction and final order are attached to this affidavit as additional exhibits. The final decision from the Court did not come until the City conceded defeat, after the election.

10 On election day, my husband and I, with a friend, brought the signs that we had purchased to the two City polling places and put them up.

11 I still have one of the signs in question. These were our idea and we paid for them. My wife and I will further explain these circumstances to any governmental body in the State of Florida if it is necessary.

FURTHER AFFIANT SAYETH IN OATH

*Thomas E. Hewlett*  
Affiant's Signature

STATE OF FLORIDA  
COUNTY OF Alachua :

The foregoing instrument was acknowledged this 22 day of April, 2013, by Thomas E. Hewlett, who is personally known to me or who has produced as identification

Witness my hand and official seal, this 22 day of April, 2013.



SHANNON HESTER  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE063824  
Expires 2/7/2015

*Shannon Hester*  
Notary Public

Printed Name of Notary Shannon Hester

Commission Expires: 2/7/2015

Commission Number EE053824

9601 01

EXHIBIT  
A

Ex B

EXHIBIT  
B

AFFIDAVIT

In Re: Ross Ambrose v. City of High Springs  
01-2012-CA-3385

STATE OF FLORIDA

COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, this date personally appeared Ed MacKinnon, who being first duly sworn under oath, deposes and states:

When I went to the polls on November 6, 2012 I saw Vice Mayor Bob Barnas place a large yellow sign stating "High Springs Debt Cap. Vote Yes, You control debt, Number 1 Last page of Ballot" outside the polls at Precinct 60, with a disclaimer at the bottom stating the poster was paid for by "Citizen Concerned for a Better High Springs."

I am a member of "Concerned Citizens for a Better High Springs"; Vice Mayor Barnas is not. Concerned Citizens for a Better High Springs is a non-political grassroots organization that formed to further the goals of professional, experienced and accountable management of the City, fiscal responsibility, civility and fairness and a commitment to restore the reputation of City government and its relationship to citizens and the community. Within a few days of forming, this group had more than 200 members. We recently put a full page ad in the local



Affidavit of Ed MacKinnon  
Ambrose v City of High Springs  
02-2012-CA-3385

paper urging citizens to vote, but taking no position on any issues. I believe the wording on the notice posted by Barnas was an attempt to confuse the voters into believing this well respected group of citizens supported this measure.

FURTHER AFFIANT SAYETH NAUGHT

J. G. or \_\_\_\_\_  
Ed MacKinnon

STATE OF FLORIDA COUNTY OF ALACHUA

Sworn to or affirmed and signed before me on  
November 9, 2012 by  
WILSON A. STEEN NOTARY  
PUBLIC or DEPUTY CLERK [Print, type, or  
stamp commissioned name of notary or deputy  
clerk.]  Personally known  Produced  
identification. Type of identification produced  
FLORIDA DRIVERS LICENSE

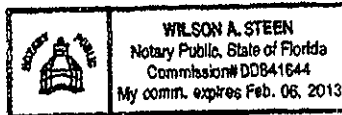
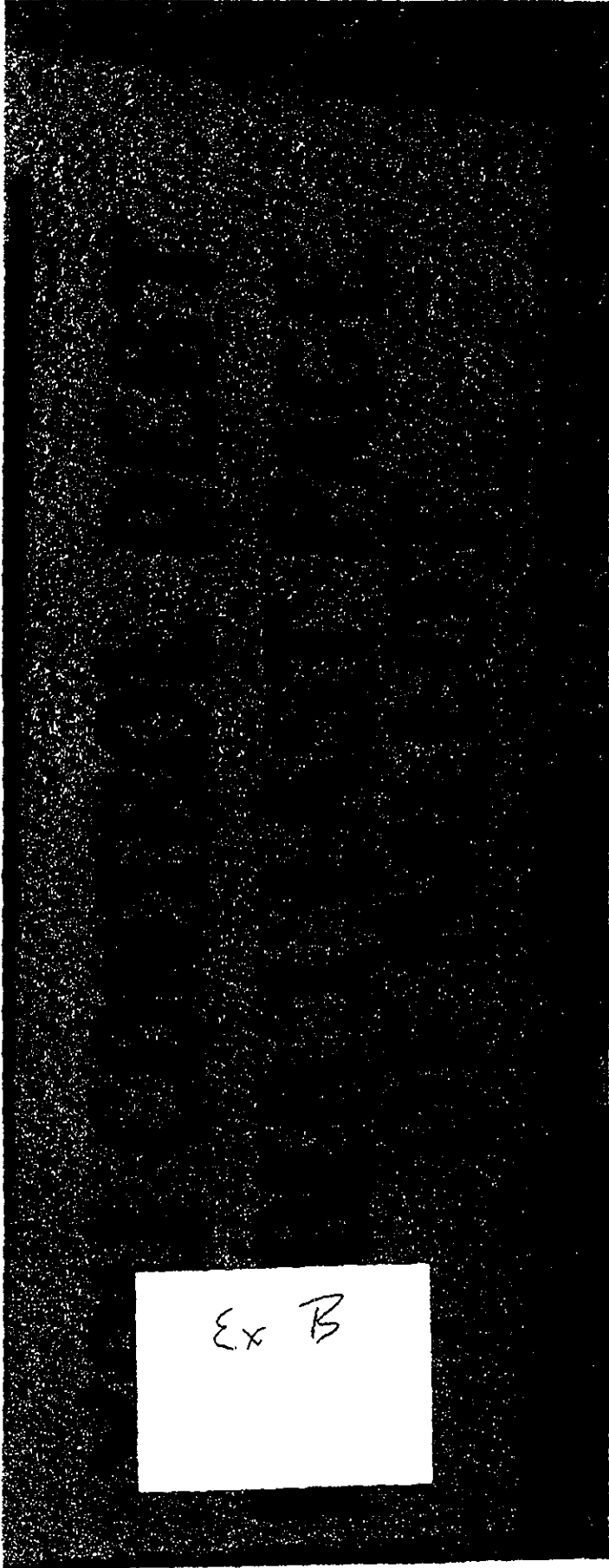




EXHIBIT  
A



Ex B

EXHIBIT  
B

AFFIDAVIT

In Re: Ross Ambrose v. City of High Springs  
01-2012-CA-3385

STATE OF FLORIDA

COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, this date personally appeared Ross Ambrose, who being first duly sworn under oath, deposes and states:

Ordinance 2012 -13 was not available to the public for review at the second reading (public hearing) on July 31, 2012 I was unable to obtain a copy of Ordinance 2012-13 when I filed my Complaint in August 2012. I directed my Counsel to obtain a copy of Ordinance 2012-13 to file with the Court. Despite repeated requests, my counsel was unable to obtain same. Her last attempt was on October 22, 2012.

I went to City Hall on October 23, 2012 and obtained an unsigned copy of Ordinance 2012-13. It was not until at least October 24, 2012 that the Ordinance was signed by the Mayor.

When I went to the polls on November 6, 2012 (Precinct 60, High Springs) I requested to review a copy of the proposed Charter Amendment (Ordinance 2012-



13) that was on the ballot. It was not available for me or any other citizens to review in its entirety. However, all of the State amendments were posted and available, as required by Florida statutes.

From the time the proposed Charter amendment was purportedly passed on July 31, 2012 through election day there was no education on the proposed Charter Amendment provided to citizens by the City. There were no town hall meetings; there were no mail-outs or pamphlets published that would educate the citizens as to how the proposed debt cap could or would affect them.

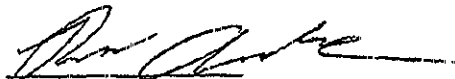
On election day, I saw a large yellow sign stating "High Springs Debt Cap. Vote Yes, You control debt, Number 1 Last page of Ballot" outside the polls at Precinct 60, with a disclaimer at the bottom stating the poster was paid for by "Citizen Concerned for a Better High Springs."

I am a member of "Concerned Citizens for a Better High Springs"; Vice Mayor Barnas is not. Concerned Citizens for a Better High Springs is a non-political grassroots organization that formed to further the goals of professional, experienced and accountable management of the City, fiscal responsibility, civility and fairness and a commitment to restore the reputation of City government and its relationship to citizens and the community. Within a few days of forming, this group had more than 200 members. The group recently placed a full page ad in the

Affidavit of Ross Ambrose  
Ambrose v. City of high Springs  
01-2012-CA-3385

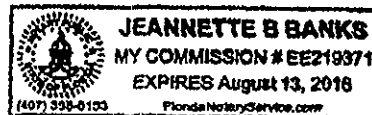
local paper urging citizens to vote, but taking no position on any issues. I believe the wording on the notice posted by Barnas was an attempt to confuse the voters into believing this well respected group of citizens supported this measure.

FURTHER AFFIANT SAYETH NAUGHT.

  
Ross Ambrose

STATE OF FLORIDA COUNTY OF Alachua

Sworn to or affirmed and signed before me on  
11-9-12 by Jeanette B Banks NOTARY  
PUBLIC or DEPUTY CLERK [Print, type, or  
stamp commissioned name of notary or deputy  
clerk.]  Personally known \_\_\_ Produced  
identification. Type of identification produced  
\_\_\_\_\_



Front Page Faith The Truth about Byrd

TRUTH JUSTICE AMERICAN WAY



BELOW IS THE LINK TO THE KESSLER AUDIT OF THE HIGH SPRINGS CRA  
BEWARE THAT IT IS A LARGE FILE TO DOWNLOAD, HAVE SPACE ON YOUR SYSTEM.

COMMENT

Is a group of people who are Concerned Citizens for a Better High Springs a Political Committee?  
The definition is not that they support a candidate but even if it is a issue.  
And its a member of that group was an attorney, and should know the law is that a problem?

My records request to City of Alachua was not replied to. Imagine that. So based on something I read  
by a certain attorney, I did my searching of the Alachua Commission meetings on line. Good news  
they really have a good on line records service for the public, bad news is they really have a good on  
line records service for the public.

Thanks Ms. Chapman for pointing my in the direction I never thought of looking at.

So, I made a phone call today to a State Agency. What they said was, "thats not good".  
"Please give us a day to research this."

A clue to my question would be in the on line email I sent to the Alachua city manager. If you have  
access to it, then you may know where this is going.



Front Page Faith The Truth about Byran  
TRUTH - JUSTICE - AMERICAN WAY



I reviewed the Kessler Audit. The amount of funds used for non CRA projects is now public record. Unlike the records of the Community Development Corporation or CDC of High Springs.

A public records request to them received a letter from Dot Harvey telling the CRA she does not recognize me as Director or Chairman to ask for records. She said we needed a vote by the full CRA and then a request from the city manager. We did that tonight. Now the test is to see if Dot Harvey is truthful to her word or a liar.

BELOW IS THE LINK TO THE KESSLER AUDIT OF THE HIGH SPRINGS CRA. BEWARE THAT IT IS A LARGE FILE TO DOWNLOAD. HAVE SPACE ON YOUR SYSTEM.

COMMENT

Is a group of people who are Concerned Citizens for a Better High Springs a Political Committee?

The definition is not that they support a candidate but even if it is a issue.

And if a member of that group was an attorney, and should know the law is that a problem?

Just food for thought.

UPDATES  
AMBROSE CASE THAT DOES NOT WANT A BEST LIMIT GOES TO HEARING IN FRONT OF JUDGE OCT 22TH  
AND COMPLAINTS IN WORKS TO GO TO THE FLORIDA BAR  
NEW QUIZ: HOW MANY BOUKARTS WORKING WITH ALACHUA AND THEIR CRA?  
BID FOR FIRE STATION APPROVED. CONSTRUCTION SHOULD BREAK GROUND NOW  
RECORDS REQUEST WENT TO CITY OF ALACHUA ABOUT THEIR CRA APPOINTMENTS AND SPENDING WILL BE NEXT

Update



**NEXT MEETING IS VALENTINES DAY EVENING..**

Letter to Florida Bar went in the mail. 4-8.1(b)

Records request for 1999 arrest will be in my hands this week. Hope there's a mug shot.

Tomorrow. another lie.

Since Ed MacKinnon has been telling his story to many, I found another person who heard what he said. He seems to have found me guilty of something and is telling many. My attorney has asked for full information. We meet Wednesday.

Of course there are degrees of doing something people accuse you of. Just more lies. And Mr. MacKinnon is certainly accusing based on hearsay...more lies.

So has Ed forgotten? I certainly would not be a liar if I said Martha Hines in 1999 while an officer with the High Springs PD had Mr. George Edgar MacKinnon arrested for "distributing material harmful to minors". Had to post a \$500.00 bond. Ed MacKinnon distributing harmful material to MINORS thru his video store? True?

So did he really distribute material harmful to minors? Maybe he should tell everyone.

PAC complaint paperwork going in the mail tomorrow. Naming two local players. Remember a PAC is two or more spending more than \$500 on political issues.

And Friday I should have the "Easy Math" commissioner document in the mail to Election Commission.



(1) bobbarinas.com



**NEXT MEETING IS VALENTINES DAY EVENING..**

And friends post says it best:

I first put this website out to deal with liars and bad information. I then strayed. I tried to use it to focus on positive issues. And let the liars be. I stopped filing ethic and election commission complaints and did not file the additional pages to a Florida Bar investigation.

Something happened today to get me back on track. The liars have returned and said something completely untrue, to the wrong person. You see if the witch was to tell a lie to a bad attorney, then it doesn't go outside the circle. It stays within the cult. The inner circle of CC.

But tonight an ORC slipped up. He said something to an outsider that got back to me. That outsider told me, I told my attorney and my attorney got the names. That person will tell the truth about what was said to my attorney.. And the person that made the statement's has now back peddled. But if he says that to the outsider, then doesn't that confirm the liar is even a bigger liar.

So for the next several days this website will not have anymore posts. I am working on my paperwork about a PAC to the Florida Election Commission. And I am working on my paperwork about "the easy math candidate" and his flyer without a disclaimer. And I will have another letter going to the Florida Bar tomorrow. Ask Larry how that \$400.00 fine worked for him.

And finally, I will meet with my attorney on Friday. Not because I want to, but because the "no balls liar", told me this...

"Bring it on" ...

So if this "bring it on" individual wants the truth, Friday is 3 days away. Bring me the proof and ask me to my face. Man or worm?

Oh, and if you want to join me cleaning Main Street sidewalks and gutters, I will be out there cleaning at around 6AM Wednesday.

Front Page Faith The Truth about Byran Documents Guest Comment

TRUTH - JUSTICE - AMERICAN WAY



YOUR SEWER RATE "\$69.45" - "IT'S EASY MATH"  
THIS IS JUST ONE OF THE PROMISES MADE BY  
BYRAN WILLIAMS AS I READ IT IN THE PAPER.  
SEEMS BYRAN WILLIAMS IS MAKING PROMISES TO MANY. PROMISES TO SOME  
WHO ARE GETTING WORD TO ME ON WHAT HE IS PROMISING.  
DOES THE CRONYISM WORD GET BROUGHT BACK AGAIN?

UPDATES

POE SPRINGS HAS INTERESTING  
SUPPORTER, WILL POST SOON.

LIST OF DONATION TO BYRAN IS  
IMPRESSIVE.

DEFINE NEPOTISM?  
RECEIVED CERTIFIED LETTER  
THAT STATE AGENCY IS  
LOOKING AT A COMPLAINT.

LARRY TRAVIS ELECTION  
COMMISSION HEARING FOR  
VIOLATION IS NOV. 15TH 9AM.

HAVE A TRIP TO TALLAHASSEE  
COMING UP, MEETING WITH TOP  
OFFICIAL TO TALK ABOUT.....

NEW PAGE  
ADDED.  
GUEST COMMENT

For a little milder side  
of goings on in High  
Springs try reading  
"friends post"  
[\(click here\)](#)

HIGH SPRINGS DEBT LIMIT  
**VOTE YES**  
YOU CONTROL DEBT  
AMENDMENT 1 on LAST PAGE

Advertisement paid for by Citizen Concerned for a Better High Springs

SWEARING IN OF NEW  
FLORIDA ATTORNEYS.  
THEIR OATH AND  
FLORIDA BAR ETHICS  
AS IT MAY RELATE TO  
A LOCAL TOPIC  
[\(click here\)](#)  
LAWYERS OATH

Judge Griffie ruled on the lawsuit brought by High Springs resident Ross Ambrose and his Alachua attorney Linda Chapman  
As I see it there are 3 winners in this Vexatious litigation.

1. The city was found to have made emergency meeting and notices properly.
2. There is a question as to the change from \$1,000,000 to \$2,000,000 as made in the lawsuit is in question.
3. But the most important winner is the voter. The Amendment will still be on the ballot. The voter will have a chance to make a difference in the final decision with their vote.

Your vote of YES will be considered when this continues after the election.

In this Ambrose case the Judge said "the claims for relief on Section 286.011 are dismissed with prejudice"  
So in a court case that is dismissed "with prejudice" it means that it is dismissed permanently. No redo on this part.  
Meaning that the cockamamie limitation is still on the ballot, and money Ambrose was looking to pocket is off the table.

[Front Page](#) [Faith](#) [The Truth about Byran](#) [Documents](#) [Guest Comment](#)

### THE VOTE ON TUESDAY PROBLEM

All reports from the 3 candidates have a problem

This is the documents page And the documents submitted printed and displayed by all candidates have problems

Click on the links below to see the problems As of today I hear all have been corrected  
Well not all yet

As a side note, I received my Notice of Hearing in front of the Florida Election Commission concerning a hearing for the election code violation of taking \$200 cash donation by Larry "potty mouth" Travis. Will he be found in violation or will he be released from a violation or will he accept a negotiated agreement? November 15, 2012 9AM  
I will post the notice for all to read. Maybe he can take a fan bus of supporters there?

Got another certified letter in the mail today as well PERSONAL AND CONFIDENTIAL from the Florida Ethics Commission confirming they received some documents

I also received a document that shows the motion for the PIGG house was made by Byran Williams and Depeter made the statement he did not see any financial downside

Seems Ms Martha doesn't know the truth Oh, got some interesting Ms Martha stuff thrown my way as well To disclose this might be over the top Really is not good Really

Florida Statute 106.07(2)(a)2(b)1 Any report that is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

[Jamison September Campaign Report](#)

[Williams September Campaign Report 1](#)

[Williams September Campaign Report 2](#)

[Williams October Campaign Report](#)

Front Page Faith The Truth about Byron  
TRUTH - JUSTICE - AMERICAN WAY



I reviewed the Kessler Audit. The amount of funds used for non CRA projects is now public record. Unlike the records of the Community Development Corporation or CDC of High Springs.

A public records request to them received a letter from Dot Harvey telling the CRA she does not recognize me as Director or Chairman to ask for records. She said we needed a vote by the full CRA and then a request from the city manager. We did that tonight. Now the test is to see if Dot Harvey is truthful to her word or a liar.

BELOW IS THE LINK TO THE KESSLER AUDIT OF THE HIGH SPRINGS CRA.  
BEWARE THAT IT IS A LARGE FILE TO DOWNLOAD. HAVE SPACE ON YOUR SYSTEM.

UPDATES

ANDROSE CASE THAT DOES NOT WANT A DEBT LIMIT GOES TO HEARING IN FRONT OF JUDGE OCT 23TH

BRD COMPLAINTS IN WORKS TO GO TO THE FLORIDA BAR

HOW MANY BODHARI'S WORKING WITH ALACHUA AND THEIR CRA?

BID FOR FIRE STATION APPROVED. CONSTRUCTION SHOULD BREAK GROUND NOW

RECORDS REQUEST WENT TO CITY OF ALACHUA ABOUT THEIR CRA APPOINTMENTS AND SPENDING WILL BE NEXT

More Commission news is we reopened the road behind city hall. Well not all of us. Jamison wants a fence. No, really he said that. I guess he's never been to the park and seen that there was never a fence there. I have a new name for him, ANTI MAN. So here is how you deal with that. When you want something, you vote the opposite and he will then vote against me. I think we need to require an IQ test for all commissioners. I have been listening to audio of meetings and the level of misunderstanding of the sewer bond, funding, rates and debt is unbelievable. You can't make this stuff up.

Front Page Faith The Truth about Bryan  
TRUTH - JUSTICE - AMERICAN WAY



clip from Eric Mays blog remember when he wrote this and more about  
Byran Williams and more:

Campaign Finance Reports | High Springs Blog [highspringsblog.com/2010/10/03/campaign-o](http://highspringsblog.com/2010/10/03/campaign-o)  
Oct 3, 2010 - It should be noted that based on his own campaign reports, Byran has illegally accepted  
three cash donations in excess of the legal limit.

And on 3/17/2011 Eric May called out Waller and Williams for their lack of understand of media.  
Called the story "The Nanny City".

And remember when this happened and he massaged the budget. His blog said this:

After hours of discussion surrounding employee insurance rates and health plans, the commission  
went back on a decision to restore two public works positions in favor of eliminating a police  
position. Commissioner John Hill, who said he had a change of heart, even went on to say "It was with  
a "bleeding heart" that he had to make this decision.

He joined myself and Commissioner Travis in voting to eliminate the public works Facilities  
Maintenance Worker (Janitorial Position) and Service Worker I (streets) and putting in its place the  
Janitorial contract Service and a seasonal Service Worker.

Remember when Commission May referred to the church people in attendance. He made some  
reference to reacting to a MOB RULE if he listened to them.

The other stand of Eric May at the Womens Forum when he ran was his stance on how bad the Pigg  
House purchase was: Is he now saying it wasn't a mistake. Flip flop again?

How soon we forget what we said in public, and must eat your own words.

A reviewed the Kessler Audit. The amount of funds used for non CRA projects is now public record.  
Unlike the records of the Community Development Corporation or CDC of High Springs.

A public records request to them received a letter from Dot Harvey telling the CRA she does not  
recognize me as Director or Chairman to ask for records. She said we needed a vote by the full CRA  
and then a request from the city manager. We did that tonight. Now the test is to see if Dot Harvey is  
truthful to her word or a liar.

More Commission news is we reopened the road behind city hall. Well not all of us, Jamison wants a  
fence. No, really he said that. I guess he's never been to the park and seen that there was never a  
fence there. I have a new name for him: ANTIMAN. So here is how you deal with that. When you want  
something, you vote the opposite and he will then vote against me.

I think we need to require an IQ test for all commissioners. I have been listening to audio of meetings  
and the level of misunderstanding of the sewer bond, funding, rates and debt is unbelievable.  
You can't make this stuff up.

Front Page Faith The Truth about Byran Photos

TRUTH - JUSTICE - AMERICAN WAY



UPDATES

WAITING FOR THE RULING ON  
AMBROSE CASE TO STOP DEBT  
REFERENDUM

OLIVE BRANCH IDEA NOT  
WORKING OR LET SEE WHERE  
THIS GOES

ZUMBA NEEDS A HOMEYO  
ZUMBA I HEARD BO MCKINNON  
HAS OFFERED HIS VACANT  
MEETING ROOM (the old video  
room) SUPER NICE OF HIM TO  
DO SO

Quotes of the day from Larry Travis to Bob Barnas at the Ground Breaking for the Fire Station.  
 "Your an Asshole" and "at least I have friends". Really Larry, how many did you have last election? 269, I had 471.

Witnessed by many to smiles from the Concerned Citizens for a Better High Springs. This is what comes out of his mouth.  
 The Coach: Never had any class, never will. Join us at his hearing in front of the Election Commission in November.

Two Haunted Houses going on in town, One on 411 at Tattoo Shop and one at the Lions Club.  
 Admission for both locations.

Next Week  
 Meeting on Wednesday to talk about water and sewer rates...

WOMANS CLUB FORUM FULL LENGTH SHOW. SEE THE REAL BYRAN WILLIAMS.  
 And check to ooops out on the Byran Williams flyer that is on the photo page. Complaint worthy?

Paperwork went in the mail to a State Agency today.  
 I am researching statute to see if I can legally disclose what it was.

Campaign donation issue came up on Eric May blog. Apparently he took his story on the violation by  
 Byran Williams two years ago (September 2010) and Larry Travis out of his achieves. But I have the  
 paperwork. And Larry Travis hearing in front of Election Board is in November. Go coach.

Had a conversation with Eric May today. Had his guru tape recorder going.  
 Ho kept going at the word cronyism. Now lets see if he can research nepotism?  
 How many brothers does it take to run a city? And collegial body.

Front Page Faith Cell Towers

Meeting update and more



It is Easter. Resurrection of Jesus Christ. And much can be learned about this if you only took the time to understand and believe.  
*It is time for a resurrection of High Springs.*

The liars have not learned, the traitors will continue to betray, the wicked will continue to cast their spells and the unbelievers will never learn.

I feel a turning of the tide. The newspapers need to rethink what they write. Truths must be told do the right thing, and they just might survive. If not, I feel there will be a understanding that much that has been written was false and misleading. Many are turning away from the press and I believe one will die and not be resurrected.

I sense a shift in the force. Some Commissioners may now be understanding the lack of professionalism in the city was not just that of the city manager fiasco that I was part of, it goes back farther and still infects us. Communication and records issues continue.

With lawsuits and revealing records, much more is now coming to light.  
The truth is coming out...

So to the spell casters, the mouth that said, "screw the constitution", the non believers, the legal vultures and most of all the liars.....I am not going away. To the drafters of agendas, place all the stupid code and contributor rewarding issues you want on the agenda.

Keep the park road closed, continue to ignore the truth about the dispatch, keep your head in the sand and let the missed budget issues keep going on. Ignore and reward the noise makers and most of all just keep treating your job as a High Springs Commission as part time. Don't go to the classes and don't be a good example, keep ignoring you homework and what is happening right in front of your nose. I am just sitting back, watching the new majority show. The real work is falling behind and will soon bit you in the ass..

I am not going away. My paperwork dated April 1st, (for a reason) will go in the mail.



all pages updated  
4/2/2013 8AM  
Freind Post posts a  
letter. A step in  
setting the record  
straight.

READ THE TRUTH

More truth about  
the fine Larry  
Travis received.  
Want to read it.

Front Page Faith The Truth about Bryan Documents

TRUTH - JUSTICE - AMERICAN WAY



I was looking at the High Springs Blog, the Ocean site and Alachuaopolix and the similarities are interesting Spoke to LW tonight, and had interesting exchange.

Who drive the smurf blue vehicle and throws the bird or middle digit finger when you drive by?  
Here's a clue...DP. Got the license number so I need to confirm some information.  
Will get back on this one...could be good.

TONIGHTS MEETING HAD AN INTERESTING COMMENT FROM DEPETER. HE WAS WONDERING WHERE THE \$60 FIGURE ON SEWER CAME FROM, WHICH MADE ME WONDER WHERE BRYAN WILLIAMS GOT HIS NUMBERS FROM TO BLURT OUT THE \$60.45 AT THE WOMANS CLUB FORUM, SINCE HE DIDN'T MAKE IT TO TONIGHTS MEETING, MAYBE HE CAN TELL US AT THE NOVEMBER 8TH MEETING. EXPLAIN THE  
"\$69.45" - "IT'S EASY MATH"

**HIGH SPRINGS DEBT LIMIT  
VOTE YES  
YOU CONTROL DEBT  
AMENDMENT 1 on LAST PAGE  
THIS WOULD PUT FUTURE DEBT CONTROL WITH VOTERS**

- UPDATES**
- POE SPRING HAS INTERESTING SUPPORTER. WILL POST SOON.
  - LIST OF DONATION TO BYRAN IS IMPRESSIVE
  - DEFINE NEPOTISM?
  - HAVE A TRIP TO TALLAHASSEE COMING UP. MEETING WITH TOP OFFICIAL TO TALK ABOUT...
  - GOTTA MAKE A MOTION TO RENAME JAMES PAUL PARK. CALL IT VOLUNTEER PARK NOW



# **EXHIBIT "C"**



**FLORIDA ELECTIONS COMMISSION**

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

June 10, 2013

The Honorable Robert J Barnas  
20147 NW 257<sup>th</sup> Terrace  
High Springs, Florida 32643

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

Dear Mr. Barnas:

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

In your complaint, you essentially allege that Respondent's organization, Concerned Citizens for a Better High Springs, is a political committee, and that Respondent should have registered it, appointed a treasurer and a registered agent, and filed reports disclosing the group's expenditures. I find this complaint to be legally insufficient because you did not provide sufficient evidence that Concerned Citizens for a Better High Springs is a "political committee" as the term is defined by Section 106.011(1)(a), Florida Statutes

In order to meet the definition of a "political committee," a group must make expenditures in excess of \$500 "that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue." There is no cost to create a Facebook page or to post information to a Facebook page, so the Facebook postings referenced in the complaint do not represent expenditures. In addition, the flier and the newspaper advertisement included with the complaint do not use words of express advocacy such "vote for..." "vote against..." or "elect," with respect to a particular candidate or issue and, as such, they are not "political advertisements" or expenditures that otherwise render the group a political committee

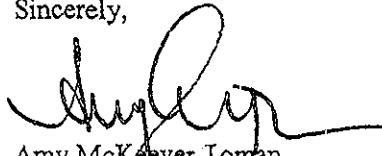
Because Concerned Citizens for a Better High Springs is not a "political committee" as that term is defined in Ch 106, Florida Statutes, it was not required to register, appoint a treasurer or registered agent, or file disclosure reports. The group also does not meet the definition of an "electioneering communications organization" because the exhibits provided with the complaint are not "electioneering communications." (See Sections 106.011(18) and (19), Florida Statutes) As such, this complaint is legally insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If the additional information corrects the stated ground(s) of insufficiency, I will notify both you and the Respondent. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106 25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

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

Sincerely,



Amy McKeever Tomlan  
Executive Director

AMT/dam

cc: Paul R. Regensdorf, Attorney for Respondent, w/out complaint

# **EXHIBIT "D"**



**FLORIDA ELECTIONS COMMISSION**

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

June 28, 2013

Paul Regensdorf, Esquire  
Holland & Knight  
50 North Laura Street  
Jacksonville, FL 32202

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

Dear Mr. Regensdorf:

On June 10, 2013, the Florida Elections Commission notified Robert J. Barnas that the complaint he filed on April 3, 2013 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, the case has been closed.

Please let me know if you have any questions.

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/dam

cc: Robert J Barnas, Complainant

RECEIVED JUL 02 2013

# **EXHIBIT "E"**

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

AFFIDAVIT OF RESPONDENT SHARON YEAGO

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Sharon L. Yeago who, after being duly sworn on oath stated as follows:

1. My name is Sharon Yeago and I have lived in the High Springs, Florida area for the last fourteen years. My current residence address is 21120 Northwest 132 Lane, High Springs, Florida 32643.

2. I have personal knowledge of each and every fact set forth in the following affidavit and each statement contained herein is true and correct.

3. I am the Respondent in case number 13-125 before the Florida Elections Commission, in which the complainant, Robert Barnas, alleged that I, and the group that I and hundreds of citizens are a part of - Concerned Citizens for a Better High Springs - in some way violated the Florida Election Code by expressly advocating either for or against an issue, or for or against a candidate on the November 2012 ballot in the City of High Springs.

4. For the last thirteen years, my principal occupation has been that of a consultant, grant writer, program manager and educator in supporting Florida farmers and farmers markets and in providing healthier more local food products to low income Florida residents.

5. As such, my work brings me in contact with government and quasi-government agencies from the federal level to the county and municipal level. I have worked, on a nonpartisan basis, with and for such organizations as national nonprofits and federal agencies, regional health planning councils, county departments of health, municipalities, community redevelopment agencies, the University of Florida, Institute of Food and Agricultural Sciences,

as well as the City of High Springs. In 2000, the then-elected High Springs City Commission asked me to develop and manage a community farmers market which opened in March 2001 and which I successfully managed for the City of High Springs until 2008. Further, in 2006 I wrote a grant, on behalf of the City, which was funded to create the High Springs Food Security Project which provided access to healthy locally grown food to those low income citizens on SNAP (Supplemental Nutrition Assistance Program), formerly known as Food Stamps. This was the first program of its kind in Florida. My work with the City of High Springs brought positive publicity and visitors to the City on a regular basis and I enjoyed a positive working relationship with city staff and commissioners.

6. In those various capacities, my reputation and carefully developed relationships with the many public, private and governmental organizations with whom I work is critical to my career and such an investigation on allegations as described by Mr. Barnas, even though false, had the potential, even slightly, to damage my professional reputation.

7. I have known Mr. Barnas for a number of years, and he both knows me personally, and is well-acquainted with my business and profession as above-described, including my work with the High Springs Farmers Market.

8. When I first received notice that I had been singled out by Mr. Barnas as the target of his Florida Elections Commission Complaint, I was stunned as well as concerned as to what such a complaint with a State Elections Commission might do to my professional reputation.

9. When I carefully reviewed Mr. Barnas' Complaint and the many attachments which purported to support his allegations, I became personally confident that any fair review of his Complaint would come to the immediate conclusion that there was absolutely no factual or



legal basis for his charges as I had taken absolutely no position, let alone "express advocacy" with respect to any issue on the November 2012 ballot, or with respect to the election of any position on the November 2012 ballot. I, and other members of the Concerned Citizens for a Better High Springs, had been exceedingly careful not to do so. The legitimate concerns that the Concerned Citizens group and hundreds of residents in High Springs had expressed in the thoughtful guiding principles and Mission Statement delineated in my Response to Mr. Barnas' complaint conclusively establish that Mr. Barnas' unsupported -- and unsupportable -- charges on violations of the Election Code were false and were easily known by him to have been categorically false. I believe that his motive was malicious, vindictive, reckless and actionable under the Election Code, Florida Statute §106.265(6) and this Commission's Rules.

10. Nevertheless, as a layperson in these matters and to ensure that my professional reputation would be protected at the highest level, I retained the highly-reputable law firm of Holland & Knight, through its Partner, Paul Regensdorf, Esquire, for the purpose of ensuring that this frivolous Complaint was handled in the most efficient and effective manner by filing a detailed Response to the Complaint to ensure my professional credibility was not impaired.

11. I was informed before filing my Response to the Complaint that there is a provision in Florida law which allows an individual in a position such as myself to seek attorneys' fees back against a complainant if the complaint is without merit, false, malicious, and clearly and convincingly without any justiciable issue of law or fact, which I believe clearly describes this current action.

12. Mr. Barnas' Complaint, along with its many attachments, has now been properly found by the Commission to be just that -- legally insufficient. I have directed my counsel to prepare, pursuant to Rule 2B-1.0045 of this Commission's rules, a Petition for Attorneys' Fees to

be submitted in accordance with Rule 2B-1.0045 and Florida Statute §106.265(6) to recover such reasonable attorneys' fees and costs as this Commission and/or the Division of Administrative Hearings shall assess as a reasonable amount for fees and costs.

13. Prior to authorizing and directing the filing of this Petition, I discussed with members of the Steering Committee of the Concerned Citizens for a Better High Springs specifically two of the four Guiding Principles which in fact motivated the formation of this Concerned Citizens group. Those principles are:

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

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

14. I do not believe that this Petition gives even the slightest hint or suggestion that the filing of this Petition is in any way akin to the frivolous and legally insufficient Complaint filed by Mr. Barnas in this matter. Upon deep reflection, however, it was recognized that Mr. Barnas, who proudly proclaims that he is currently (and was at relevant times hereto the Vice Mayor) an elected City Commissioner of the City of High Springs, has chosen to file a number of complaints against citizens and public officials in the High Springs area, usually without any basis whatsoever and usually dismissed as being legally insufficient. I have not gone out of my way to file any sort of offensive complaint against Mr. Barnas for the improprieties of his reflected in his Complaint before this Commission nor initiated in any way any investigation into the legality of his conduct by virtue of the fact that he filed a Sworn Complaint, under penalty of perjury, that was knowingly false and known by him to be false. Indeed, the very complaint

form submitted by Mr. Barnas, sworn and notarized, contains the black-box legend just below the notarial, "Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.-82 and 775.083, Florida Statutes."

15. However, this Commission by its own rules and the Florida Legislature by its statutes have specifically directed that when a false and reckless complaint is filed and is found to be wholly wanting, legally insufficient, and without basis in the law or fact, such as Mr. Barnas', it is for this Commission and under certain circumstances, the Division of Administrative Hearings, to determine whether fees and costs should be assessed against the Complainant.

THEREFORE, I respectfully request that this Commission consider the Petition to which this Affidavit is attached, perform the legal obligations imposed upon this Commission by the Legislature of the State of Florida, and take such action with respect to the Petition for Attorneys' Fees as the Commission feels is just and appropriate in accordance with the laws of the State of Florida and the Rules of this Commission.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Affiant's Signature

STATE OF FLORIDA  
COUNTY OF ALACHUA :

The foregoing instrument was acknowledged this 9th day of July, 2013, by Sharon Yeago, who is personally known to me or who has produced FLORIDA D.L. as identification.

Witness my hand and official seal, this 9 day of July, 2013.



Marilyn Vanover  
Notary Public  
Printed Name  
of Notary MARILYN VANOVER

Commission Expires: 4-29-14

Commission Number: DD 967079

# **EXHIBIT "F"**

## CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

September 30, 2012

### MEDIA CONTACT:

Sharon Yeago  
386-418-8017 phone  
352-256-8115 cell  
[Sharon@yeago.net](mailto:Sharon@yeago.net)

### CITIZEN GROUP GAINS MOMENTUM IN SUPPORT OF GOOD POLICY FOR HIGH SPRINGS

HIGH SPRINGS, FL – A High Springs citizen group is gaining momentum in its effort to effect good policy decisions by local government. **Concerned Citizens for a Better High Springs**, a newly formed nonpartisan, nonpolitical group hopes to effect positive change through education and advocacy for better policy decisions by elected officials

In the first 48 hours since announcing its Mission and Guiding Principles through email and Facebook, more than 50 local residents, businesses and others invested in the City of High Springs have signed on to support the group's mission and key principles that provide for professional, experienced management of the City of High Springs and restoration of long-held standards of governing that include a comprehensive budget process and restoring High Springs' reputation as a fair and open government that is inclusive, open and fair.

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

High Springs resident **John P. Manley, III** states as the reason for the group's formation, "This group of citizens came together out of a deep concern for the City of High Springs. The City is at a crossroads. The constant infighting and bickering and dissention between factions, representing divergent views of the role and vision for the City, is destroying any forward progress for the City; and, conversely, is actually pushing the City backwards to the point that the City will no longer be a viable, functioning seat of government. We feel it is important to put any history aside, and build a broader, more encompassing plan for the future of High Springs that the majority of the Citizens can get behind and work to make happen."

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

The group developed four **Guiding Principles** that it is using to educate the community:

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

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

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

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

Concerned Citizens for a Better High Springs continues to seek local residents, business owners and others invested in and supportive of its goals to sign on to show public support for this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or visit them on Facebook at <http://tinyurl.com/bosiqm3>

##

# CONCERNED CITIZENS FOR A BETTER HIGH SPRINGS

## MISSION STATEMENT

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

## GUIDING PRINCIPLES

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

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

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

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

***We the People...*** Concerned Citizens for a Better High Springs are looking for local residents, business owners and others invested in and supportive of these Principles to join this effort. For more information, or to sign on as a supporter of Concerned Citizens for a Better High Springs, email [hscitizens@gmail.com](mailto:hscitizens@gmail.com) or visit them on Facebook at <http://tinyurl.com/bojqm3>

Stefi Hulin Affron  
Ross Ambrose  
Shari Asbury  
Jeannette Banks  
Penny Banks  
Roger G. Beck, DPM  
Susan J. Beck  
Marilyn Bennett  
Karen Bentz  
Stacey Breheny  
Sharon Britton  
Jay Bromenschenkel  
John Caldwell  
Thomas G. Clarich  
Dawn Lange Drumm  
Ronald DuPont, Jr  
Enchanted Memories  
Flying Fish  
Grady House Bed & Breakfast  
Laura Graetz  
Randy Graetz

Patricia Grunder  
Linda Hewlett  
Tom Hewlett  
Linda Jones  
Sharon Kantor  
Barbara Kowats  
Arlene Dorin Levine  
Gene Levine  
Nancy Linkous  
Tim Linkous  
John P. Manley III  
Cindy MacKinnon  
Ed MacKinnon  
Karen Clarich Matheny  
Sanford Matheny  
Dr. Tony Matheny  
Robert McClellan  
Thomas McDonald  
Barbara Martin  
Herb Matilsky  
Barbara G. Miller

Donna Mogler  
Henry Mogler  
Genie O'Brien  
Pampered Pets  
Andy Phillips  
Christian Popoli  
Lucie Regensdorf  
Paul Regensdorf  
Maggie Riggall  
Sanna Saare  
Dorsey Travis  
Larry Travis  
Damon Watson, Pro Realty of  
Gainesville, Inc  
Mike Williamson  
Charlene Wilson  
Sonja Moore Wilson  
Jim Wood  
Sally Wood  
Sharon Yeago



# **EXHIBIT "G"**

Front Page Faith Funny Facts

POSTING THE TRUTH ONCE AGAIN AND MORE

updated 6/8/2013 7:00PM



## THE NEWS IN PRINT IN HIGH SPRINGS

For sometime I have been critical of the local monthly or weekly Tabloids and Talk radio. The false information printed and the hypocritical OK if we do it, but not OK if you do it radio.

The last few editions of the Observer had Eric May report as a guest. It seems he is missing in this issue. Maybe he is busy working over at Ozean in Alachua getting the Talk of the Town radio station up and running with an on line version, after it was booted of the air at 99.5.

Seems Ward Scott didn't like the change that was coming and once again let his mouth fire first before his brain.

I have pictures of piles of Observers and the Alachua Todays just sitting all over town.. No one reading or buying them. Wonder why? Has the public finally discovered that most that has been written in the past on politics was junk, biased and generally poor reporting, and hurtful to High Springs? So why read it, or advertise in it?

When Dean Davis was accused, both Tabloids had no problem printing hundreds of words how Dean was accused falsely of things. They both used his name repeatedly along with mine and Linda Gestrin.

Well this June edition of the Observer on page 5 had a tiny paragraph that stated Dean Davis has been cleared now and in the past of any wrong doing. Stuck inside not on the cover. And of course no name of who filed it. I understand the Observer owner "worked" for Ron Langman (husband of the terminated city manager Jeri Langman) at one point. His name was plainly not mentioned as THE person who had Alachua attorney Linda Rice Chapman file the Florida Ethics complaint for him. Why not?  
Or at least that is what was said to have happened.....

The question is did the Observer owner OMIT facts cause someone told her to? Was she a puppet? Or was it just cause she had full control and power of what to print and who to rip or not rip?

**The Alachua Today reported nothing on Dean Davis being cleared.**

**The Alachua Today has less good news and since politics is quiet, no one reading that thing either. Only thing keeping that rag alive is ads from the City of Alachua and the national chain and local grocery insert. Its on line edition is a mess. And virtually dead.**

**The people who use to read the Observer, the Alachua Today and listened to Talk radio, are now seeing the truth that the paper's ONLY mission was to disgrace and embarrass SELECT commissioners.  
As was the mission of that Talk radio show.**

**If all remains the same, we will never see the truth printed in these tabloid.  
And the online version of Talk will continue its hypocrisy...**

**Now for one more paper.**

**The Gainesville Sun is now CHARGING to read its on line edition. Wonder if anyone is paying up?**

**As new social media is being born daily, the old radio and news print is dying. And new technology must be done right not half ass.**

**Adapt or die...**

**But to adapt would take smarts and/or talent...**

**So what is left?**

This website will be posting stories, pictures, videos and comments to local newspapers that have blogs and websites. I will also be commenting after city commission meetings/workshops or CRA meetings keeping the public informed of the events and happenings at your city hall, public record of city business and more. And I admit I am the typo King. .  
This website is copyright protected. Copyright © bobbarnas.com 2012-2013 All Rights Reserved. No part of this website may be reproduced without express consent of Bob Barnas

# **EXHIBIT "H"**

Front Page Faith Funny Facts

POSTING THE TRUTH ONCE AGAIN AND MORE

updated 6/12/2013 7:00PM



## A comment on Florida Statute

When an attorney and a Plaintiff are offered a pile of money to end a lawsuit and they just file more complaints, is there ever an end in sight?

Well there is a Florida Statute 112.3187 (9)d. that says:

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

So what happens if a judge or jury rules a lawsuit is frivolous?

I think this has happened in the past in a civil case I read.

An attorney in 2002 was ordered to pay \$11,030.36 to a Defendant.

This website will be posting stories, pictures, videos and comments to local newspapers that have blogs and websites. I will also be commenting after city commission meetings/workshops or CRA meetings keeping the public informed of the events and happenings at your city hall, public record of city business and more. And I admit I am the typo King.  
This website is copyright protected. Copyright © bobbarnas.com 2012-2013 All Rights Reserved. No part of this website may be reproduced without express consent of Bob Barnas.

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,  
Petitioner,

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

vs.

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

vs.

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

---

**ADDITIONAL ATTORNEYS' FEE AWARD AFFIDAVIT OF PAUL R. REGENSDORF**

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY, the within named Paul R. Regensdorf who, after being duly sworn hereby swears and affirms, based upon his personal knowledge and awareness to the following:

1. I am the attorney who has represented Sharon Yeago throughout these proceedings.
2. In the Recommended Order of the Administrative Law Judge in the above described matter, the Administrative Law Judge determined that my reasonable hourly rate for all hours expended on behalf of Ms. Yeago in this matter is \$400 per hour.
3. Since the testimony as to attorneys' fees at the initial hearing below, through and until the conclusion of that hearing, I expended an additional 32.0 hours of time in the review of the initial transcript, preparation for the second hearing, interviewing witnesses, reviewing evidence, and attending the second day of hearing in this matter before the Administrative Law Judge.

4. Thereafter, from the date of the second hearing (April 24, 2014) until the date of this affidavit, in the preparation of a written final argument as well as a proposed order, a review of opposing counsel's similar documents, receipt and review of the Administrative Law Judge's Recommended Order, review of the exceptions thereto and various motions filed with respect thereto, and the preparation of the filings contemporaneously file herewith, the undersigned counsel has incurred an additional 40.4 hours.

5. Moreover, it is anticipated the undersigned counsel will incur at least an approximately 20.0 hours in the preparation of the response to the exceptions of Mr. Barnas to the Recommended Order and a response to the motion to dismiss, as well as an additional 16.0 hours in preparing for and attending any ultimate hearing held before the Florida Elections Commission prior to the issuance of its final order awarding attorneys' fees and costs.

ACCORDINGLY, when the final order issues from this Commission awarding Ms. Yeago attorneys' fees and costs, it is respectfully submitted that the additional fees in the amount of \$39,360.00 be added; 98.4 hours at \$400 per hour.

  
\_\_\_\_\_  
Affiant's Signature

STATE OF FLORIDA  
COUNTY OF DUVAL :

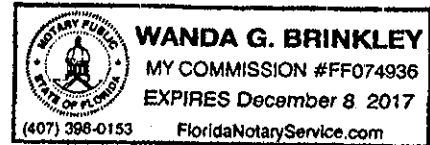
The foregoing instrument was acknowledged this 12TH day of SEPTEMBER, 2014, by Paul R. Regensdorf, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Witness my hand and official seal, this 12th day of SEPTEMBER, 2014.

Wanda G. Brinkley  
Notary Public  
Printed Name  
of Notary WANDA G BRINKLEY

Commission Expires: 12-8-2017

Commission Number: FF074936



#32682293\_v1



**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

ROBERT J. BARNAS,

Petitioner,

FEC No. 13-125

vs.

DOAH No. 13-4759

SHARON L. YEAGO,

Respondent.

---

**BARNAS RESPONSE TO YEAGO'S EXCEPTIONS TO PROPOSED  
FINAL ORDER**

**I. Part I, Yeago's Response Is Not Within The Commission's Jurisdiction to Review and Should Be Stricken or Wholly Ignored.**

Part I of Yeago's response purports to request this Commission to overturn an evidentiary ruling of the ALJ and admit evidence that the ALJ determined to be irrelevant in this proceeding. This Commission knows, of course, that this request must be denied because the jurisdiction of the Commission does not extend to correcting ordinary evidentiary decisions made by ALJs. The legal basis is reviewed below.

Preliminarily, however, the members of the Commission may note that submissions made on behalf of the fee petitioner have once again sought to



denigrate Barnas by referring to him in scandalous terms and proffering irrelevant, unsubstantiated, un rebutted and uncross-examined documents in an effort to give them credibility. This denigration started in Yeago's response to Barnas's FEC complaint, continued in the fee petition submitted on her behalf and in her counsel's argument in the ALJ hearing, and now continues in her exceptions to the Recommended Order. In contrast, a review of the record by members of the Commission or the FEC staff will corroborate that Barnas made no scandalous or personal remarks Yeago in his complaint, none in his hearing testimony, and none in his arguments. Such a review will also show that the substance of Barnas's complaint was that the organization of which Yeago had identified herself as spokesperson had failed to comply with the registering and reporting requirements imposed by law. As demonstrated in Barnas's Exceptions to the Recommended Order, nothing in the record establishes that he made any scurrilous, scandalous or denigrating remarks about Yeago personally, such as he has been repeatedly subjected to in these proceedings. Moreover, the irrelevant and scandalous argument submitted on Yeago's behalf does not address the central issue in this proceeding, which is: *Did Barnas submit his FEC complaint* "with a malicious intent to injure the reputation of [Yeago] by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard

for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104.” §106.265(6) Fla. Stat.

In the DOAH hearing Yeago’s counsel proffered evidence of closed independent legal and administrative proceedings that had nothing to do with issues in Barnas’s FEC complaint or Yeago’s subsequent fee petition. The ALJ excluded that evidence as irrelevant to any issue in this proceeding. Yeago now seeks to have this Commission review that evidentiary ruling in connection with its consideration of the Recommended Order. The Commission must deny this request because, pursuant to §120.57(1)(l) Fla. Stat.,<sup>1</sup> administrative agencies are

---

<sup>1</sup>§120.57 Fla. Stat. (l) The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

provided no general jurisdiction to review an ALJ's evidentiary rulings. As this Commission knows, §120.57(1)(l) Fla. Stat. authorizes agencies to modify only those "conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction."

*Id.* The history of this statutory prescription of agency review of ALJ recommended orders is fully examined in *Barfield v. Dep't of Health*, 805 So. 2d 1008 (Fla. 1<sup>st</sup> DCA 2001). Applying §120.57(1)(l) Fla. Stat., *Barfield* held that an administrative agency has no jurisdiction to modify an ALJ's evidentiary exclusion of proffered evidence as inadmissible hearsay and also held that such a ruling must be reviewed by a district court, if at all. *Id.*, 805 So. 2d at 1011.

*G.E.L. Corp. v. Dep't of Env'tl Prot.*, 875 So. 2d 1257, 1265 (Fla. 5<sup>th</sup> DCA 2004) concurred with *Barfield's* reasoning and extended it to hold that an ALJ's interpretation of the attorney's fee statute in §120.595(1) Fla. Stat. was not within the substantive jurisdiction of an administrative agency. *Barfield* controls this proceeding and requires the Commission to strike or ignore Part I of Yeago's exceptions.

*G.E.L. Corp. v. Dep't of Env'tl Prot.* also addressed the question of whether the court agreed with the legislature's decision to amend §127.57(1) Fla. Stat. to limit the review jurisdiction of administrative agencies and concluded:

We acknowledge, as did the court in *Barfield*, that uncertainty exists regarding the avenues of review available to parties and agencies aggrieved by an ALJ's erroneous legal ruling that is not within the agency's substantive jurisdiction to correct. However, it is not for us to say whether we agree with the wisdom of the limited scope of review prescribed by section 120.57(1)(l) or whether we wish that it were more expansive. "[I]t is not the prerogative of this court to melt this statute and recast it in a mold of our choosing. The general principle which we must adhere to, simply put, requires this court to interpret legislation, not rewrite it." *Jordan v. State*, 801 So.2d 1032, 1034 (Fla. 5th DCA 2001) (citation omitted)

*Id.*, 875 So. 2d at 1264. Yeago's approach in this case raises exactly the same issue in regard to the application of the §106.265(6) Fla. Stat. The operative provisions of that statute state:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious *intent to injure the reputation of the person complained against* by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees .....

§106.265(6) Fla Stat. (underlining supplied.) Yeago's submissions have consistently argued that Barnas acted maliciously, as do her exceptions to the Recommended Order, and have also consistently ignored the central requirement that she prove that Barnas intended to "*injure her reputation.*" (In his exceptions to the Recommended Order Barnas denies that the record establishes that he had any malice whatsoever and he adheres to that herein.) The Recommended Order also ignored the central requirement that Yeago prove that Barnas had *intent to*

*injure her reputation.*

Just as the district court in *G.E.L.* could not modify §120.57(1) Fla. Stat. even if it wanted to neither can this Commission, a district court, nor even the Supreme Court modify §106.265(6) Fla. Stat. to eliminate the requirement that Yeago prove that Barnas intended to *injure her reputation* by filing a false FEC complaint. The Supreme Court addressed this very issue in *Florida Dep't of Revenue v. Florida Mun Power Agency*, 789 So. 2d 320, 324 (Fla. 2001), a case involving whether a statute permitted a particular tax exemption. There, the Department of Revenue had declined to apply the “plain meaning” of the taxing statute on the grounds that it reached an unreasonable result. The district court quashed that ruling and on further appeal the Supreme Court affirmed, stating:

The Department is in essence requesting this Court to strike the clause “for transmission and distribution expansion,” despite the fact that the Legislature has had the opportunity to correct the alleged “clear error” for the past four years and has not done so. The Department does not point to any ambiguity in the language used in the statute itself that would make it subject to two reasonable interpretations, but relies primarily upon legislative history. Legislative history cannot be used to change the plain and clear language of a statute. Moreover, as applied to this case, the drafting error alleged is not merely a clerical and inconsequential error—it changes the entire meaning of the statute. This Court does not have the authority to strike a modifying clause where such a revision would substantively change the entire meaning of the statute in a manner contrary to its plain meaning. Under fundamental principles of separation of powers, courts cannot judicially alter the wording of statutes where the Legislature clearly has not done so. *A court's function is to interpret statutes as they*

*are written and give effect to each word in the statute.*

*Id.*, 798 So.2d at 324. (Italics added.) Likewise, this Commission and any reviewing court must “give effect” to the statutory requirement that Yeago prove that Barnas had malicious intent to *injure her reputation*. The record establishes that Yeago did not prove what the statute requires her to prove to entitle her to a fee award.

**II. Part II, Yeago’s Response Is Not Within The Commission’s Jurisdiction to Review and Should Be Stricken or Wholly Ignored.**

Part II of Yeago’s exceptions suffers the same defect as does Part I. Yeago complains that the ALJ erred to deny fees for hours that were not proved in evidence. This too is an evidentiary ruling and may not be reviewed by the FEC for reasons stated above.

**CONCLUSION**

For reasons stated above, Barnas respectfully submits that FEC should strike or give no weight to Yeago’s exceptions to the ALJ’s Recommended Order.

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was emailed to Paul R. Regensdorf, lawyer for Sharon Yeago, at paul.regensdorf@hkclaw.com on this 22<sup>nd</sup> day of September 2014.

  
\_\_\_\_\_  
Joseph W. Little

Lawyer for Barnas  
Florida Bar No. 196749  
83731 NW 13<sup>th</sup> Place  
Gainesville, Florida 32605  
littlegnv@gmail.com



STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

ROBERT J. BARNAS,  
Petitioner,

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

vs.

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

vs.

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

---

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

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

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

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

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



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

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

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

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

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

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

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

That standard requires that if

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

E. Procedural history.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

G. References in this Response.

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

II. Specific responses to specific exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### **III. Conclusion of law and argument.**

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

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

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

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

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

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

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

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

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

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

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

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

969 So. 2d at 557.

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

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

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

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

Rather, the statute clearly states, and the First District in Brown recognized, the clarity of the statutory statement that the malicious intent to injure the reputation of the person complained against may be proven and is established by the very terms of the following language in the statute: "by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation." Fla. Stat. §106.265(6).

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

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

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

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

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



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

Id. at 560. Emphasis added.

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

/s/ Paul R. Regensdorf

Paul R. Regensdorf, Esq.

Florida Bar No: 0152395

**HOLLAND & KNIGHT LLP**

50 N. Laura St., Ste 3900

Jacksonville, FL 32202

Phone: 904-353-2000

Fax: 904-358-1872

E-Mail: [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com)

CERTIFICATE OF SERVICE

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

Respectfully submitted,

/s/ Paul R. Regensdorf

Paul R. Regensdorf, Esq.

Florida Bar No: 0152395

**HOLLAND & KNIGHT LLP**

50 N. Laura St., Ste 3900

Jacksonville, FL 32202

Phone: 904-353-2000

Fax: 904-358-1872

E-Mail: [paul.regensdorf@hklaw.com](mailto:paul.regensdorf@hklaw.com)

#32741556\_v1

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Sharon L. Yeago**

---

**Case No.: FEC 13-125**

**TO:** Paul Regensdorf, Esquire  
Holland & Knight  
50 North Laura Street, Suite 3900  
Jacksonville, FL 32202

Joseph Little, Esquire  
3731 NW 13<sup>th</sup> Place  
Gainesville, FL 32605

**NOTICE OF HEARING (REVIEW RECOMMENDED ORDER)**

A hearing will be held in this case before the Florida Elections Commission on **February 24, 2015, at 11:00 a.m., and if necessary, February 25, 2015, at 8:30 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 Review of a Recommended Order will be conducted pursuant to Section 106.265(6), Florida Statutes, and Chapter 28 and Commission 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 an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting, and a court reporter will also be provided.

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 9, 2015

FILED

14 NOV 21 PM 1:25

STATE OF FLORIDA  
ELECTIONS COMMISSION

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Sharon L. Yeago

Case No.: FEC 13-125

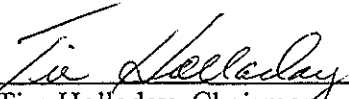
ORDER CONTINUING CASE

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on October 28, 2014, in Tallahassee, Florida.

The Commission was unable to complete its review of the Recommended Order in this matter during the allotted time and, therefore, on its own motion, requested that the hearing be continued

**THIS MATTER** is continued until the next available meeting of the Florida Elections Commission.

**DONE AND ORDERED** by the Florida Elections Commission on October 28, 2014.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
Amy M. Toman, Executive Director  
Paul R. Regensdorf, Attorney for Sharon L. Yeago  
Joseph W. Little, Attorney for Robert J. Barnas