

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Sharon L. Yeago

Case No. 13-125

NOTICE OF NON APPEARANCE

Notice is given that Robert J. Barnas will not appear in person or by counsel at the hearing set on August 16, 2016.

CERTIFICATE OF SERVICE

I certify that on August 4, 2016, I served this document by email on Paul R. Regensdorf, attorney for Yeago at paul.regensdorf@pr-law.com, on the Florida Elections Commission at fec@myflorida.com, and on Robert J. Barnas.



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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Sharon L. Yeago

Case No.: FEC 13-125

**TO: Paul Regensdorf, Esquire
Post Office Box 205
High Springs, FL 32655**

**Joseph Little, Esquire
3731 NW 13th Place
Gainesville, FL 32605**

**NOTICE OF HEARING (MOTION/PETITION FOR ATTORNEYS FEES ON REMAND FROM THE
FIRST DISTRICT COURT OF APPEAL AND FOR SUCH FEES INCURRED BETWEEN
APRIL 24, 2014 AND MARCH 24, 2015 & DECLARATION OF PAUL R. REGENSDORF)**

A hearing will be held in this case before the Florida Elections Commission on **August 16, 2016 at 9:00 a.m. or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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

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

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

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

Amy McKeever Toman
Executive Director
Florida Elections Commission
August 1, 2016

Time on File 2015T0100A

Barnas v. Yeago v. Barnas – Post ALJ Hearing-Pre-Appeal Fees

<u>Date</u>	<u>Hours</u>	<u>Description</u>
5-28-2014	.3	Review and file joint motion for service date
5-30-2014	.2	Receipt and review of Order setting service date
6-2-2014	.6	Receipt and initial review of transcript from 4-24-2014
6-23-2014	3.6	Draft initial version of Memo of Law, and begin proposed findings
6-25-2014	2.1	Complete initial draft of findings and revise; draft motion to tax costs
6-27-2014	.8	Receipt and initial review of Barnas final argument
6-27-2014	1.4	Finalize and file Ms. Yeago's Memo of Law and Final Argument
6-27-2014	.4	Finalize and file Ms. Yeago's Motion to Tax Costs
6-27-2014	.4	Finalize and file Ms. Yeago's proposed Recommended Order
8-28-2014	1.2	Receipt and initial review of ALJ's Recommended Order (RO)
8-28-2014	.4	Telephone conference with Ms. Yeago re: RO
9-8-2014	1.5	Receipt and initial review of Barnas' Exceptions to Recommended Order
9-12-2014	.8	Finalize and file Ms. Yeago's Exceptions to RO
9-16-2014	3.7	Revise Response to Barnas Exceptions
9-18-2014	4.2	Finalize and file Ms. Yeago's Response to Barnas' Exceptions to RO
9-22-2014	.9	Receipt and initial review of Barnas' Response to Ms. Yeago's exceptions, and Motion to Dismiss

10-13-2014	.3	Receipt and review of Notice of Hearing on RO before FEC
10-15-2014	1.9	Finalize, Research and file Ms. Yeago's Response to Motion to Dismiss, and Response to Exceptions to RO
10-27-2014	3.0	File review and prepare for FEC meeting
10-28-2014	8.9	Prepare for, travel to, attend FEC Hearing, and return
11-13-2014	.4	Receipt and initial review of transcript from 10-28-2014 hearing
11-21-2014	.3	Receipt and review of NOH for continuation of FEC Review hearing
2-20-2015	1.2	Review transcript of October hearing for second day of hearings
2-21-2015	3.5	Review all post-RO exceptions and documents, check previous transcripts for motion to dismiss, responses and rulings
2-23-2015	4.7	Final review of transcript of October hearing and file review for final FEC hearing
2-24-2015	10.6	Prepare for, travel to, attend FEC hearing and return
3-24-2015	.4	Receipt and initial review of final order of the FEC

Time on File 2015A0100

Barnas v. Yeago v. Barnas – Appellate Fees

<u>Date</u>	<u>Hours</u>	<u>Description</u>
4-20-2015	.7	Receipt and initial review of Notice of Appeal; research timeliness question re: date of orders; and Email with Joseph Little [JL]
4-29-2015	.6	Email with JL re: additional documents for record and review of them
5-11-2015	.3	Receipt and review of supplementary notice of inclusion in the record, October 2014 hearing
6-5-2015	.3	Emails with FEC re: record on appeal
6-8-2015	1.1	Receipt and initial review of FEC's Record on Appeal, and analysis to determine obvious omissions and consider remedies
6-22-2015	1.2	Receipt and initial review of Barnas' initial brief, request for OA, and appendix
6-24-2015	.5	Receipt and initial review of four additional emails in the record on appeal; evaluate significance
7-2-2015	1.3	Detailed review of initial brief for schedule of answer brief
7-17-2015	.3	Emails with Joseph Little re: extension of time
7-17-2015	.4	Draft and revise and file motion for extension of time
8-17-2105	.3	Emails with Joseph Little re: brief scheduling
8-28-2015	.4	Emails with Joseph Little re: extraordinary request for extension due to family emergency

9-9-2015	.2	Receipt and review of order to show cause on brief filing
9-13-2015	1.4	Draft and revise motion/response to order to show cause
9-19-2015	3.2	Review and begin research on case law cited in initial brief
9-20-2015	2.4	Begin draft of statements of case and facts
9-26-2015	5.6	Initial outline of answer brief and identification of needed research and analysis
9-27-2015	4.3	Begin drafting final answer brief; further research and analysis of Barnas' arguments
9-28-2015	.3	Email with Larry Sellers re: administrative cases
9-28-2015	.3	Telephone conference with H&K re: tech support
9-28-2015	6.8	Further research and drafting for final answer brief
9-29-2015	8.7	Complete draft of facts and case, continue drafting argument sections, research <u>Brown</u> variants
9-30-2015	13.4	Complete rough draft of complete brief, Multiple emails with H&K
9-30-2015	.5	Confirm research and draft motion for atty's fees
10-1-2015	7.4	Final preparation of and file Appellee's Answer Brief, Multiple emails with and Telephone conferences with H&K re: formatting
10-1-2015	.4	Finalize and file Request/Motion for Oral Argument
10-1-2015	.3	Finalize and file motion for atty's fees

10-1-2015	.1	Email with JL re: filing appellate documents
10-5-2015	.3	Email with client re: status of appeal
10-15-2015	1.3	Receipt and initial review of Appellant's Reply Brief
11-20-2015	.2	Receipt and review of Court Order directing submission of supplemental transcript
11-25-2015	.3	Receipt and review of Notice of Oral Argument
11-25-2015	.4	Multiple emails with Joe Little re: continuance of oral Argument
11-30-2015	.1	Receipt and review of motion for continuance of oral argument
11-30-2015	.5	Receipt and initial review of supplemental transcript from FEC
12-07-2015	.2	Receipt and review of court order continuing oral argument
1-24-2016	4.3	Complete file review for preparation of OA strategy and approach
1-25-2016	3.2	Review all legal research to evaluate <u>Brown</u> 's weight and significance in planning argument
1-26-2016	10.4	preparation for oral argument, final file review and extraction of materials, and travel to Tallahassee
1-27-2016	8.3	Final preparation for, attend oral argument, conference with client and return to High Springs

2-2-2016	.4	Receipt and review of Notice of Supplemental Authority
2-2-2016	1.3	Research, draft, revise and file Motion to Strike
2-4-2016	.3	Receipt and review of notice of withdrawal of Notice of Supplemental Authority and Email with JL
2-5-2016	.4	Receipt and initial review of PCA and Order on fees
2-5-2016	.5	Telephone conference and Email with Ms. Yeago re: 1 st DCA decision
2-5-2016	.4	Draft, revise and send Email with JL re: final Judgment in Circuit Court and fees on Remand
2-7-2016	1.2	Review status of fees for appellate remand, comparing 1 st DCA as well as FEC and DOAH; Email with JL re: Barnas exposure
2-11-2016	.8	Receipt and initial review of three motions [for written opinion, for rehearing, for rehearing en banc], and Email with JL re: judgment
2-11-2016	.5	Begin research and review of cited authority for rehearings and written opinions
2-12-2016	.3	Email with JL and response re: possible consequences of motions and attempt to avoid further litigation
2-15-2016	2.4	Research into available motions that can be filed to a PCA, and available sanctions in Florida cases
2-16-2016	.6	Detailed email with JL re: inappropriate motions and risks to JL under 9.410 and 57.105, with deadline

2-21-2016	1.9	Begin in-depth research on rehearing and available arguments based on limitations of briefed issues
2-22-2016	3.5	Continue research filed documents and case law and secondary research on written opinions and en banc motions, begin drafts
2-25-2016	1.3	Revise initial draft of motion for rehearing
2-26-2016	6.4	Finish first rehearing draft; draft, revise, and adapt motion responses for second and third motions, proof and finalize with research check, update cases; file responses and Email with JL
3-2-2016	1.9	Receipt and initial review of Motion to Strike, read again, ID controlling rules and 1 st DCA decision on calculation of time, draft and revise response to motion and file; Email with JL
3-9-2016	.2	Receipt and review of court order denying 9.330 and 9.331 motions
3-28-2016	.1	Receipt and review of Mandate



For Filing in Case 13-125

Paul Regensdorf

to:

Donna Ann Malphurs

04/08/2016 03:28 PM

Cc:

"Joseph Little"

Hide Details

From: "Paul Regensdorf" <paul.regensdorf@pr-r-law.com>

To: "Donna Ann Malphurs" <fec@myfloridalegal.com>

Cc: "Joseph Little" <littlegnv@gmail.com>

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

History: This message has been replied to and forwarded.

6 Attachments



Motion-Petition for atty's fees on appeal and since April 24, 2014.pdf



Time on File 2015T0100A Post ALJ Hearing-Pre-Appeal Fees.pdf



Time on File 2015A0100 Barnas Appellate Fees.pdf



PCA 1st DCA, Barnas v. Yeago.pdf



1st DCA Order Granting Fees.pdf



order denying post decision motions 151778_56A_03082016_043008_i.pdf

Ms. Malphurs,

Enclosed for filing in Case No. 13-125, (Barnas v. Yeago v. Barnas) is a motion/petition for fees and two schedules of my time, one leading up to the Commission's Final Order and one at the First DCA on appeal.

While you should have received them, I have also enclosed a copy of the decision of the 1st DCA affirming the Commission, a copy of order granting Ms. Yeago her fees, and a copy of the order denying all post-decision motions.

If you have any questions about these, please give me a call.

Please note that I will be out of the country from April 8 until May 9, 2016. I may be able to receive emails, but that is not 100% certain, and phone service is expected to be extremely spotty.

Thank you.

Paul

Paul R. Regensdorf

Attorney

P.O. Box 205

High Springs, FL 32655

Cell: 954-562-9598

Email: paul.regensdorf@pr-r-law.com

Email: paul.regensdorf@gmail.com

Street Address: 420 NW 1st Ave.

High Springs FL 32643



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ROBERT J. BARNAS,
Petitioner/Respondent on Fees

State of Florida
Florida Elections Commission
Case No. 13-125
DOAH Case No. 13-4759F

vs.

Amended Caption
SHARON L. YEAGO
Respondent/Petitioner on Fees
_____ /

**MOTION/PETITION FOR ATTORNEY’S FEES ON REMAND FROM
THE FIRST DISTRICT COURT OF APPEAL, AND FOR SUCH FEES
INCURRED BETWEEN APRIL 24, 2014 AND MARCH 24, 2015, AND
DECLARATION OF PAUL R. REGENSDORF**

The Respondent/Petitioner (on fees), Sharon L. Yeago, files this her motion/petition for attorney’s fees incurred (1) after the final DOAH evidentiary hearing addressed to the issue of attorney’s fees in the above matter and before Mr. Barnas filed his notice of appeal of this Commission’s Final Order, and (2) in the successful defense of the appeal of that Final Order, and would show this Commission as follows:

1. This proceeding all stems from a complaint filed with this Commission by

Mr. Barnas and against Ms. Yeago. That matter is the FEC Case No. 13-125.

2. Following a determination that this complaint was legally insufficient, Ms. Yeago sought to recover her incurred attorney's fees. After an initial review by the full Commission, this petition for fees was referred to DOAH where a trial was held and evidence taken on February 25 and April 24, 2014, on the amount of fees incurred and other issues.

3. After April 24, 2014, additional fees were incurred by Ms. Yeago's counsel in the DOAH proceeding, addressed to final written argument and the preparation of a proposed recommended order.

4. On August 28, 2014, the DOAH ALJ filed her Recommended Order [RO], with an award of \$42,360.00 in attorney's fees, based on the evidence taken at the evidentiary hearing.

5. Thereafter, the undersigned as Ms. Yeago's counsel continued to incur attorney's fees before this Commission, on the issues of exceptions to the RO and in two full three-hour hearings on those exceptions before this Commission, in

October 2014 and February 2015.

6. On March 24, 2015, the FEC issued and filed its Final Order in this cause, essentially approving the RO and accepting the ALJ's recommendation of \$42,360.00 in attorney's fees up until the end of the evidentiary hearings.

7. Mr. Barnas appealed to the First District Court of Appeal, where Ms. Yeago's counsel was forced to expend further time defending this Commission's Final Order. A motion for appellate fees was filed in that court.

8. On February 5, 2016, the 1st DCA affirmed this Commission's Final Order in all respects, in a one-word order: "Affirmed".

9. On February 5, 2016, the 1st DCA also entered an order granting Ms. Yeago's motion for attorney's fees on appeal under Rule 9.400 and Fla. Stat. §106.625 and remanding the cause to this Commission to assess and award the amount of fees.

10. Both of these orders became final on March 9, 2016, when all post-decision motions were denied. A motion for fees in the lower tribunal [the FEC], has to be

filed within 45 days of rendition of that decision. This motion is timely.

11. Under Fla. Stat. §106.265 and this Commission's then-applicable Rule 2B-1.0045, Ms. Yeago is entitled to her fees through not only the entitlement phase, but also through all phases where the amount of fees is set or challenged.

12. Despite repeated Commission and Court rulings, Mr. Barnas has never acceded to nor accepted Ms. Yeago's entitlement to fees nor the amount thereof. As such, his exposure to and obligation for fees continues back into this Commission's domain, including time in the past and to be incurred tomorrow.

13. Mr. Barnas has never paid a single dollar in fees and his non-payment of the fees imposed under Fla. Stat. §106.625 in this Commission's Final Order of March 24, 2016, has resulted in the Department of Legal Affairs commencing a separate action against Mr. Barnas for these fees on Ms. Yeago's behalf. No fees for Ms. Yeago from that proceeding are included in this request.

14. Served contemporaneously with this motion are two time sheets, one from the period from April 24, 2014 until March 24, 2015, and one for the duration of the appeal. The times reflected therein were reasonably and necessarily expended

on Ms. Yeago's behalf in the DOAH proceeding, back before this Commission in late 2014 and early 2015, and in the First DCA. This Commission has previously found that \$400 per hour is a reasonable rate for the undersigned's professional work on this matter.

15. For the foregoing reasons, it is respectfully urged that this Commission conduct such proceedings as may be necessary and then determine the appropriate amount of fees to be awarded, or refer this matter back to DOAH as the Commission sees fit.

Respectfully submitted,

/s/ Paul R. Regensdorf
Paul R. Regensdorf
Florida Bar Number 152395
Attorney for Ms. Yeago
P. O. Box 205
High Springs, FL 32655
954-562-9598
paul.regensdorf@pr-law.com
paul.regensdorf@gmail.com

Declaration

Under penalties of *perjury*, I declare that I have read the foregoing document and that the facts stated in it are true.

/s/ Paul Regensdorf

Dated: April 8, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been served, by email, this 8th day of April, 2016, on Joseph W. Little at Littlegnv@gmail.com .

/s/ Paul R. Regensdorf

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

March 09, 2016

CASE NO.: 1D15-1778
L.T. No.: FEC 13-125

Robert J. Barnas

v.

Sharon L. Yeago

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion filed February 11, 2016, for rehearing is denied.

Appellant's motion filed February 11, 2016, for rehearing en banc is denied.

Appellant's motion filed February 11, 2016, for written opinion is denied.

Appellant's motion filed March 2, 2016, to strike appellee's responses is denied.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Joseph W. Little

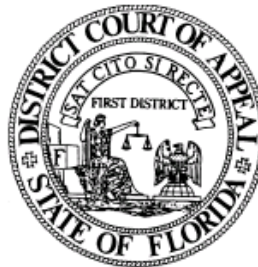
Paul R. Regensdorf

Eric Lipman, G. C.

jm



JON S. WHEELER, CLERK



DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

February 05, 2016

CASE NO.: 1D15-1778

L.T. No.: FEC 13-125

Robert J. Barnas

v.

Sharon L. Yeago

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellee's motion for attorney's fees is GRANTED. The cause is remanded to the Florida Elections Commission for further proceedings to determine the amount.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Joseph W. Little
Donna Ann Malphurs, Clerk

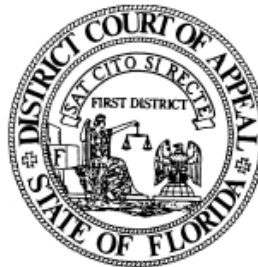
Paul R. Regensdorf

Eric Lipman, G. C.

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JON S. WHEELER, CLERK



IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ROBERT J. BARNAS,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D15-1778

SHARON L. YEAGO,

Appellee.

Opinion filed February 5, 2016.

An appeal from the Florida Elections Commission.
Tim Holladay, Chairman.

Joseph W. Little, Gainesville, for Appellant.

Paul R. Regensdorf, High Springs, for Appellee.

PER CURIAM.

AFFIRMED. See Brown v. State, Comm'n on Ethics, 969 So. 2d 553 (Fla.
1st DCA 2007).

ROWE, RAY, and SWANSON, JJ., CONCUR.