

LFB

Case

num per

17-1593F

Vatso V

Schure

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,
Petitioner,

Vs.

Case No. 17-1593F

KATHY SCHURE,
Respondent.

RESPONDENTS NOTICE OF FILING OF EXHIBITS

A. flyer

B. e-mail

C. e-mail

D. e-mail

E. e-mail

F. Dec 1, 2016 State of Florida Elections Commission CONSENT FINAL ORDER, case # FEC 16-236.

G. e-mail

H. e-mail

I. e-mail

J. Deutsche Bank National Trust company, Plaintiff vs. Linda Yates and Mark Yates, Defendants, Notice of Lis Pendens. Twelfth Circuit Court Florida, Case No. 20110CA011258NC

K. National City Real Estate Services, LLC, Plaintiff vs. Linda Yates and Mark Yates, Defendants. Judgment Entry in Foreclosure Action. Court of Common Pleas Summit County, Ohio Case No. 2008 11 7993

L. Suntrust Bank, Plaintiff vs. Linda Yates and Mark Yates, Defendants. Amended Final Judgment of Foreclosure in the amount of \$233,374.46. Twentieth Judicial Circuit, Florida, Case No. 11-2008-CA-008788

M. Calendar.

June 3, 2017



Kathy Schure
Pro Se
3720 W. Price Blvd.
North Port Florida 34286
(941) 426-2643
retired_in_fla@yahoo.com

Sent electronically through the eALJ system with attachments.

COPIES FURNISHED:

Linda Yates
6475 Munsing Avenue
North Port, Florida 34286
Sent certified mail

exhibit A



Linda Yates Campaign
North Port City Commissioner Seat #5

The Primary Election is Here!

Dear fellow citizens,

I look forward to continuing to serve you and need your Vote on August 26 to be re-elected as your City Commissioner.

Remember, after the polls close on Tuesday August 26 we will be getting together to watch the results. Please join us for the Yates Campaign party:
Time: 7:30 p.m. - 10:30 p.m.
Location: Amvets Post 312
7050 Chancellor Blvd, North Port
There will be food & soft beverages.

Let's win it on August 26!

Sincerely,

Linda Yates

1181 S. Sumter Blvd #275

North Port, FL 34287

941-423-5332

yourvoice@lindayates.com

www.LindaYates.com

Political advertisement paid for and approved by Linda Yates for North Port City Commissioner Seat #5.

Website www.lindayates.com

Linda Yates Campaign, 1181 S. Sumter Blvd #275, North Port, Florida 34287

[Unsubscribe](#) | [Privacy policy](#)

Attachments

- 1.txt (1.65KB)

<https://mg.mail.yahoo.com/neo/launch?.rand=d2jim514909lk>

6/5/2017

1 exhibit B

Linda Yates Campaign
North Port City Commissioner Seat #5

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7050 Chancellor Blvd, North Port
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Sincerely,
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www.LindaYates.com

<https://mg.mail.yahoo.com/neo/launch?.rand=d2jim514909lk>

6/5/2017

exhibit C

Patsy Adkins

From: yates@lindayates.com
Sent: Tuesday, August 21, 2012 7:44 AM
To: tttbay@aol.com
Cc: Linda Yates
Subject: RE: K.Y.I.

Follow Up Flag: Follow up
Flag Status: Flagged

Will do.

Yes I realize fire dept. has cut and trimmed in past but in this budget for example, travel/train/ed shows a \$35,000 increase over FY11, a moderate increase may be appropriate but not what is being proposed. There are other things that stand out in factors used to come up with amount of assessment for FY13 one is the 3% increase in wages which our fire staff will not be getting, as they agreed to a 15 mth freeze - if it is included why are they not getting it and if they are not getting it why is it included; also built in is funds to put aside for future purchases and building up reserve above % established. I believe adjustments are needed but not to what is being proposed. Certainly increases need to be made in the funds most critical to core services (F/R & R/D), the GF is where the trimming needs to be done and to ease the financial impact on the community, rather than raise mil for General Fund this FY appropriate increases need to be made in District assessments. I'll give you a call later.

Regards,
Linda

----- Original Message -----

Subject: Re: K.Y.I.
From: tttbay@aol.com
Date: Mon, August 20, 2012 9:31 pm
To: yates@lindayates.com

Hi Linda. Tom Truesdale here.

I can say that the fire department has done a heck of a lot more with less over many past years. There is no more fat to cut or trim. Training, classes, education, seminars, equipment, nice-to-haves, wish-we-hads, are all pretty much gone. Administration is looking at everything, all the time. Heck, I needed a new office chair and received a hand me down chair. Thats where we are at right now.

Call me to further discuss when you get a chance.

Respectfully,
Tom Truesdale

-----Original Message-----

From: yates <yates@lindayates.com>
To: lyates <lyates@cityofnorthport.com>
Sent: Mon, Aug 20, 2012 1:32 am
Subject: K.Y.I.

Hello everyone,

For the past several months I have been explaining why I would not support certain expenditures and items presented at Commission meetings forewarning of increases on the horizon.

By now you may have all received the Fire Rescue District Assessment notice in the mail. I have been getting lots of calls and emails. Please know if anyone needs to contact me right away

regarding city affairs, the best and quickest way is to call me on my city phone at 286-0249 or email me at lyates@cityofnorthport.com (messages regarding the city are public record). To address questions people have asked the following may be helpful.

Please know that the Commission has not yet approved the rate adjustments that appear in the letter you received. The information provided reflects the results of the consultant's Methodology Study and proposed rates. The Commission will be discussing the study results at the public hearing on September 6th and everyone has the opportunity to attend and speak on the subject. At that time each Commissioner will have the opportunity to make suggestions on adjustments to the proposed rates, which I do intend to present significant changes.

Unlike ad valorem taxes that go into the city's General Fund account and can be used for any city expenditure at the direction of Commission, the non ad-valorem assessments for the Districts (Fire & Rescue; Road & Drainage; Solid Waste) that are included with the property tax bill, can only be collected and used for those specific District purposes assessed.

The Fire Rescue District assessments can only be used for services that provide benefit specifically to "property" not to persons. Therefore our Fire department services are funded through two different sources of revenue:

- 1) Fire Rescue District assessments (est. expenditures of 7.7 million for FY 2013) and
- 2) General fund revenues for EMS (Emergency Medical Services) (est. expenditures of 4.1 million for FY 2013).

Not all costs for EMS and Fire Rescue District budgets are factored into payment through property taxes and assessments but rather are paid for directly by users of certain services, such as ambulance. The methodology used in the assessment for Fire Rescue District is based on community-wide "availability of services" regardless of whether or not individually a property owner utilizes the service.

Part of the reason some residential property owners are seeing significant increase in the Fire assessment is because of the change the consultant made in the method the total budget for the Fire Rescue District is apportioned to properties. The previous method was based in part on percentage of calls to different types of properties. The new method is based on community-wide "availability of services". That resulted in a shift of the budget allocation from certain categories of property to others with residential being most affected.

While an increase in the Fire Rescue District assessment may be necessary in order to provide the current level of Fire service, I do not agree with the amount of increase proposed for this year nor the ability of the city to increase the assessment up to 10% each year. At the September Public Hearing you will hear me present argument to the issues I have, on behalf of our taxpayers, with regard to what is being proposed.

During the consultant's presentation in July, one of several questions I asked was why they did not use .25 acres as the minimum assessment rate since that is the closest increment to most residential lots. Basically they decided not to change the current increment rate structure being used of the .50 acres as the minimum fee. I don't agree with that.

Another question I asked why a budget of 8.2 million for FY 2013 was used instead of the actual 7.7 million district budget recently proposed at the budget workshops. The answer was, at the time the methodology study was done the budget proposal had not been completed so they used an assumption of 8.2 million as provided by city staff. I will present my position at the hearing that the rates be adjusted based on the District's actual proposed budget of approximately 7.7 million for FY 2013.

I am not of the opinion that the choice is either raise taxes and fees or cut services. That would be an easy approach but our community deserves a more diligent and comprehensive approach.

To me that means reprioritizing, cutting back on extras, minimizing aesthetics and reallocation of other revenue sources to ensure our community continues to receive the same level of core services. There are ways to minimize any increase and I will present those suggestions with hope they will be supported by Commission.

It is concerning to me that taxpayers may be faced with numerous increases, several that we have no control over such as School, Mosquito control, etc. So anywhere we can at the local level minimize increases in taxes and fees or hold steady, is what we need to do in the best interest of our community. For that reason I will continue to advocate NO increase in the ad valorem property tax millage rate (which is also being proposed) and again I will offer cuts in General Fund expenditures that are reasonable and in my opinion non-essential such as travel, advertising and new programs. My proposed cuts have been rejected by other Commissioners at the previously held budget workshops, however I will stand on my position all the way through to the final approval of the budget in mid-September.

Please don't hesitate to call me at 941-286-0249 if you would like to discuss the issues.

Sincerely

Linda Yates

North Port City Commissioner

Email: lyates@cityofnorthport.com

City Office # 941-429-7072

City Cell #: 941-286-0249

"The bridge to tomorrow is strengthened through the prosperity of our citizens today. Together, we the people can make a difference.", Linda M. Yates

Please note: If you would like to be removed from this communications list please email me at yates@lindayates.com and your email address will be removed promptly. E-mail messages sent or received by City of North Port Officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.

exhibit D

Patsy Adkins

From: Port City Pawn <portcitypawn@comcast.net>
Sent: Wednesday, February 23, 2011 5:16 PM
To: yates@lindayates.com
Subject: RE: Updates

Hello Com. Yates,

I just wanted to let you know that after reading this, I applied for the P&Z Board Membership. I spoke with both Helen and Susan and found out the position was filled at you Feb. 14th meeting. Susan and I spoke and it looks like I am going to become a member of the Tamiami Trail Board. Like I always said, I would like to be involved.

Have you been able to get any headway on my situation? I still feel the Special Exception is the way to go for both The City and I, as it would allow me to operate legally and The City to keep the number of Pawn Shops at one, all of which is per ULDCode.

As always, thank you for your help and take care.

Kind regards, Joe

Joseph Mangione
941-350-5118

-----Original Message-----

From: yates@lindayates.com [mailto:yates@lindayates.com]
Sent: Wednesday, February 16, 2011 11:10 AM
To: linda@ufpinc.net
Cc: hrambeau@cityofnorthport.com
Subject: Updates

K.Y.I

It was great to see numerous citizens speak out on various topics at the Commission meeting Monday. Many people, most whom I do not know personally, shared their support and confidence in my representation of the people's interests and I am truly grateful and sincerely appreciative for those comments expressed publicly.

Here's a summary of items discussed at Monday's Commission meeting:

- The city accepted an agreement with Experience Works for participating in the **SCSEP - Senior Community Service Employment Program**. The SCSEP enhances employment opportunities for unemployed older Americans. **Here is a link to find out more about the program** www.doleta.gov/seniors/
-
- The **Tree Canopy Ordinance** was postponed to a later date to be considered with along with other changes related to the code.
-
- The changes to the **Business Economic Development Advisory Board** ordinance passed **as presented by the advisory board**. My requested **changes were rejected** including to have 8 out of the 27 members be citizens (non-business) and removal of city commissioners as members of that advisory board.
-
- The Commission (by 3-2 vote) approved **waiver of up to \$1,000 for costs** incurred by the city for the Chamber to hold their Grovin on the Green event in March.
-

Linda Yates

North Port City Commissioner

Email: lyates@cityofnorthport.com

City Office # 941-429-7072

City Cell #: 941-286-0249

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Wk

exhibit E

Patsy Adkins

From: Elliott Corn <corned1@yahoo.com>
Sent: Sunday, July 15, 2012 7:57 AM
To: yates@lindayates.com
Subject: Re: K.Y.I.

Linda,

I cannot attend tomorrow's bond reading. But I hope two questions would be asked.

1 What is the anticipated rate RANGE we would expect to pay on the bond based on history and today's rates? From those rates, estimate the range of payments we'd expect to pay.

2 How do those payments fit with our CURRENT budget?

It would seem to me this discussion should take place AFTER budget discussions, so we have a basis to see if we can afford to fund this work- even though I agree it is needed and is one of the primary functions of government to provide and maintain infrastructure.

Elliott Corn

From: yates@lindayates.com <yates@lindayates.com>;
To:
Subject: K.Y.I.
Sent: Sun, Jul 15, 2012 3:01:57 AM

Thanks to all who were able to participate in the **Telephone Town Hall** meeting held Thursday evening. 1,062 callers listened in during the conversation. I really enjoyed answering questions on a variety of topics including our roads, expanding water service, new pool and economic development.

Over the past couple of weeks I have been hearing from residents regarding the **FPL Smart Meters** being installed on homes. Due to the public concerns including a variety of reasons, I have made a request to place an item on the July 23 regular commission meeting to discuss adopting a Resolution in support of encouraging FPL to allow residents to "Opt-Out" of changing to the Smart Meter or possibly having an "Opt-In" program.

After learning about the default on the first and only loan issued by the City through its **Revolving Loan Guarantee** Program, several residents have been emailing all the Commissioners requesting that the City end its loan program. We are also receiving a high volume of messages from the business community advocating for the upcoming budget considerations that the city continue all of its current economic development programs. There are **several very important Commission Meetings** taking place over the next two weeks. I have listed them below so you are aware of the dates and times.

July 16
8:00 a.m.
Commission Special Meeting. Location: City Chambers Agenda
PUBLIC HEARING on Ordinance No. 2012-15, first reading, calling for a **Bond Referendum** Election to be held on November 6, 2012, seeking approval for issuance of a bond to fund the rehabilitation of various City- wide local roads, in an aggregate amount not exceeding \$46,000,000 (B. Adumuah) Staff Summary Sheet Ordinance No. 2012-15

July 16

9:00 a.m. North Port City Commission **Joint Meeting with Sarasota County** Board of County Commissioners

Location: North Port City Commission Chambers. (anticipated to end 5 p.m.). There are a lot of items on this agenda. [Click here for Agenda & Backup Materials.](#) Topics to be discussed include: Warm Mineral Springs; trail connections; City-owned Ballfields; Swimming Pool; Park-N-Ride and Express Bus services; Economic Development opportunities; Sports Tourism

July 23

4:00 p.m. North Port **District Meetings** starting Location: City Hall Commission Chambers

6:00 p.m. Commission **Regular Meeting** Location: City Hall Commission Chambers

July 24

9:00 a.m. Commission **Budget Workshop** Location: City Hall Commission Chambers

July 25

9:00 a.m. Commission **Budget Workshop** Location: City Hall Commission Chambers

6:00 p.m. Commission Special Meeting to **Set Maximum Millage Rate.** Location: City Hall Commission Chambers

July 26

6:00 p.m. Commission Special Meeting to evaluate and **rank City Attorney/Firm.** Location: City Chambers

If you have thoughts or ideas you would like to share with your City Commissioners you can submit your comments to all 5 commissioners at commissioners@cityofnorthport.com.

Thank you for your continued input and participation in Community Affairs.

Sincerely,

Linda Yates

North Port City Commissioner

Email: lyates@cityofnorthport.com

City Office # 941-429-7072

City Cell #: 941-286-0249

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exhibit F

17 MAR 17 AM 10:13

ELEC

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jacqueline Moore

Case No.: FEC 16-236

F.O. No.: FOFEC 17-042W

CONSENT FINAL ORDER

Respondent, **Jacqueline Moore**, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On July 26, 2016, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a 2016 candidate for election to the North Port City Commission.
 - b. Respondent signed and provided an Oath of Candidate form which misrepresented that she had already resigned from office.

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

5. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

6. The Commission staff and Respondent stipulate that staff could prove all the facts in paragraph 3 by clear and convincing evidence and to the Commission's ability to impose a civil penalty in the case.

ORDER

7. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. Any factual stipulations made by either party in this matter are only for this case and shall not be considered as admissions against interest for any other purpose, in any other proceeding.

11. The Respondent voluntarily waives confidentiality, the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

12. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

13. If the Commission does not receive the signed Consent Order by December 8, 2016, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of the Consent Order.


PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 104.011(1), Florida Statutes, and Respondent is fined \$250.00.

Therefore it is

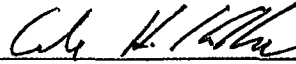
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$250.00, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050. Respondent hereby agrees and consents to the terms of this Order on December 1, 2016.


Jacqueline Moore
1921 Scarlett Ave.
North Port, FL 34289


Ronald G. Meyer, Attorney for Respondent
Meyer, Brooks, Demma and Blohm, P.A.
131 North Gadsden Street
Tallahassee, FL 32301

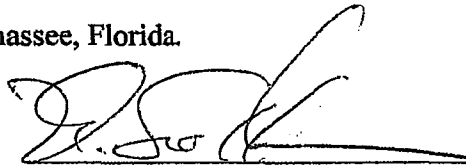
Commission staff hereby agrees and consents to the terms of this Consent Order on

12/8/16, 2016.



Cole H. Kekelis
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on February 28 – March 1, 2017, in Tallahassee, Florida.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Ronald G. Meyer, Esq., Attorney for Respondent
Kathy Schure, Complainant

MEYER, BROOKS, DEMMA AND BLOHM, P.A.
TRUST ACCOUNT
P.O. BOX 1547
TALLAHASSEE, FL 32302
850-879-5212

CAPITAL CITY BANK
TALLAHASSEE, FL 32302

2261

63-68/531

12-8-2014

TO THE
DER OF

Florida Elections Commission

\$ 250.00

Two Hundred Fifty and ^{No} 1/100

DOLLARS

MEMO. Moore, Jacqueline - FEC 16-236



AUTHORIZED SIGNATURE

exhibit I

Patsy Adkins

From: Kathy Lanza <lovestoknit@verizon.net>
Sent: Wednesday, April 20, 2011 8:13 AM
To: yates@lindayates.com
Subject: RE: Special meeting update

Good morning Linda,

I just left you a message on your city cell number. I have been out of touch due to the fact that my mom has been in the ICU at Peace River since the end of March. However, the issue of legal counsel has been very much on my mind. I just took a look at the additional back up material. GOOD JOB!!!!!!!!!!!!!!!!!!!!!! My prayer is that between the additional material you have requested (justifiably so), and David G. requesting an audit, that the matter of the contract renewal can be "held at bay" for a sufficient amount of time to "get all the facts".

While unable to be there tonight, I will be so anxious to hear what happens.

Thank you, as always, for all your efforts,

Kathy Lanza

From: yates@lindayates.com [<mailto:yates@lindayates.com>]
Sent: Tuesday, April 19, 2011 8:10 PM
To: linda@ufpinc.net
Cc: hraimbeau@cityofnorthport.com
Subject: Special meeting update

K.Y.I

Reminder there are two Commission Special Meetings tomorrow **Wednesday April 20**

9 am COMMISSION SPECIAL MEETING (QUARTERLY BUDGET MEETING)

Location: Commission Chambers in City Hall 4970 City Hall Blvd NP
For the full agenda and backup materials which includes a proposed Resolution for Fund Balance Policies as well as staff's overview of budget priorities - [Click Here](#)

6 pm COMMISSION SPECIAL MEETING (City Legal Services)

Location: Commission Chambers in City Hall 4970 City Hall Blvd NP
Notes: **ADDITIONAL BACKUP MATERIALS WERE ADDED TODAY** [click here to view](#) the full agenda
Agenda Item #1 has changed - the subject is now a request for a **NEW contract** with Nelson Hesse LLP with new terms and retainer amount. [Click here to view the proposed new contract](#). The additional backup I have provided, including expenditure totals has been added for both item 1 & 3 [click here to view](#)

If you have thoughts or ideas you would like to share with your City Commissioners you can submit your comments to all 5 commissioners at commissioners@cityofnorthport.com.

Thank you in advance for your continued input and participation in Community affairs.

Sincerely,

Linda Yates

North Port City Commissioner
Email: lyates@cityofnorthport.com
City Office # 941-429-7072

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
2017 JUN -6 AM 11:04
DIVISION OF
ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

PETITIONER'S NOTICE OF FILING OF PROPOSED EXHIBITS

Petitioner, LINDA M YATES, pursuant to the order of Honorable Administrative Law Judge Linzie F. Bogan, respectfully submits notice of filing of the following proposed exhibits:

EXHIBIT #	DESCRIPTION
1	March 13, 2017 Order from Florida Elections Commission
2	February 28, 2017 FEC Hearing - Transcript
3	January 27, 2017 Petition For Costs and Attorney Fees with Exhibits A-I
4	January 27, 2017 Notice of Release of Counsel
5	October 25, 2016 City of North Port Commission Meeting Minutes
6	October 23, 2016 Waiver of Confidentiality by Respondent Linda Yates
7	October 20, 2016 Letter of Legal Insufficiency from FEC
8	August 28, 2016 Response to FEC Complaint from Respondent Linda Yates
9	July 26, 2016 Elections Complaint filed by Kathy Schure against J Moore
10	June 15, 2016 Ethics Complaint filed by Kathy Schure against J Moore
11	June 8, 2016 Resignation Letter of Jacqueline Moore
12	Kathy Schure Voter Registration and Voter history
13	Cheryl Cook 2012 Candidate Petition
14	City of North Port 2016 Primary Election Sample Ballot and Results
15	City of North Port 2016 General Election Sample Ballot and Results
16	Street view photograph of 3720 West Price Blvd North Port Florida
17	Expert Witness Stephen Slep, PA, Resume
18	Affidavit of Douglas A. Daniels, ESQ.
19	Linda Yates Affidavit of Expenses Incurred through June 2, 2017

Respectfully submitted,



Linda M Yates
Petitioner – Pro Se
6475 Munsing Avenue
North Port, Florida 34291
yates@lindayates.com
941-423-0444

CERTIFICATE OF SERVICE

I, LINDA M YATES, HEREBY CERTIFY that a copy of the foregoing Notice of Filing of Proposed Exhibits together with copies of Exhibits 1 - 19 are being furnished this 5th day of June, 2017, to the Honorable Linzie F. Bogan, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 (by U.S. Mail); and to KATHY SCHURE, 3720 West Price Boulevard, North Port Florida 34286 (by U.S. Mail) and to AMY TOMAN, Collins Building Suite 224, 107 West Gaines Street, Tallahassee FL 32399-1050 (by U.S. Mail).



Linda M Yates
Petitioner – Pro Se
6475 Munsing Avenue
North Port, Florida 34291
yates@lindayates.com
941-423-0444

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
IN RE: LINDA YATES, PETITIONER VS.
KATHY SCHURE, RESPONDENT
CASE NO. 17-1593F
PETITIONER'S NOTICE OF FILING OF
PROPOSED EXHIBITS

In The Matter Of:

Kathy Schure v.

Linda Yates

Hearing

February 28, 2017



P: (941) 751-0605 F: (941) 296-7017

Toll-Free: 1 (844) NO-TYPOS

E: admin@imperialcourtreporting.com

W: www.imperialcourtreporting.com

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FLORIDA ELECTIONS COMMISSION
PUBLIC HEARING
RESPONDENT'S PETITION FOR ATTORNEY'S FEES
CASE NO.: FEC 16-362 (ENR/AMT)
Kathy Schure vs. Linda Yates

AUDIO TRANSCRIPTION

DATE: February 28, 2017

LOCATION: Senate Office Building.
404 South Monroe Street
Room 110-S
Tallahassee, Florida 32399

COMMISSIONERS: M. Scott Thomas, Chairman.
Sean S. Hall
Patricia Hollarn
Joni Alexis Poitier
Kymberlee Curry Smith
Ed Tellechea,
Commission Counsel

Proceedings Transcribed By:
Tara Shuck
Registered Professional Reporter

Imperial Court Reporting (941) 751-0605

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. THOMAS: My name is Scott Thomas. I'm
3 Chairman of the Board of the Elections Commission.
4 We have completed this morning the confidential
5 portion of our agenda which was noticed for 8:30,
6 and we welcome everyone back now that we're back in
7 the public session to take up matters that were
8 noticed earlier than 11 a.m.

9 We are going to bounce around in the agenda a
10 little bit because we would like to accommodate both
11 counsel and parties who are here in person as a
12 courtesy. And so the commissioners and I will try
13 to give you little advanced warning on where we're
14 going on the agenda when we get there -- or before
15 we get there.

16 I think what we'll do then is we'll begin with
17 -- we're going to begin with the case which is
18 16-362. It's a hearing notice for a petition for
19 attorney's fees. This will be for a petition filed
20 by Linda Yates.

21 Again, my name is Scott Thomas here for the
22 Elections Commission. This hearing is to review a
23 petition filed by Linda Yates who was named as
24 Respondent in Case Number FEC 16-362, seeking
25 attorney's fees from complainant Kathy Schure. I

1 hope I'm pronouncing that right. S-C-H-U-R-E.

2 The statutory standard for an award of
3 attorney's fees against the complainant is that the
4 complainant filed a complaint with malicious intent
5 to injure the reputation of the respondent knowing
6 that the complaint contains one or more false
7 allegations or with reckless disregard for whether
8 the complaint contains false allegations of fact
9 that are material to the violation of chapter 104 or
10 106. The petition for fees and related documents
11 appear in the commission's agenda.

12 We have an appearance today. Please state your
13 name for the record.

14 MS. YATES: Yes, my name is Linda M. Yates.

15 MR. THOMAS: Oh, so Ms. Yates, you're the
16 petitioner?

17 MS. YATES: Yes.

18 MR. THOMAS: And do we have the complainant
19 present as well? How do we want to do this? Right
20 there. Yes, ma'am.

21 Ms. Yates, we'll hear a presentation from you
22 concerning your petition for attorney's fees.

23 MS. YATES: Okay. Thank you. Good morning and
24 thank you all for your service. I've come before
25 you today in support of my petition for the cost of

1 attorney's fees that were incurred by me pertaining
2 to the complaint filed by Ms. Kathy Schure.

3 Pursuant to Rule 2B-1.0045 of Florida Statute
4 106.265 and Florida Statute 57.105 in 5 and 6 and
5 any other applicable provisions that may apply, I am
6 requesting that the FEC enter an order setting my
7 petition for a hearing for the entry of a
8 recommended order for an award of attorney's fees
9 and costs and what amounts due.

10 I come before you now pro se. I am not an
11 attorney. As a person with limited means, I
12 requested and released my attorney on January 27,
13 2017 and I notified the FEC of that said release.
14 The final bill received for my attorney's fees for
15 services from August 27, 2016 totaled \$4,090.

16 I also have incurred other costs in defending
17 myself against Ms. Schure's willful submission of
18 her sham complaint under oath with blatant
19 intentional disregard for the truth and proper
20 purpose.

21 Ms. Schure's complaint alleges that I was a
22 candidate for city commissioner in 2016, which I was
23 not. This is a material false allegation. Since
24 Ms. Schure's complaint was signed on August 17,
25 2016, she was fully aware that I was not a candidate

1 and my name did not appear on the ballot.

2 The primary election was held August 30, 2016,
3 and sample ballots were mailed out approximately
4 three weeks prior to the election. Ms. Schure's
5 actions demonstrate reckless disregard for the
6 truth.

7 Furthering Ms. Schure's willful deceit of the
8 Florida Elections Commission, Ms. Schure falsely
9 alleged that I, the candidate Yates, had violated
10 chapters 104, 106 and/or 105.071 of the Florida
11 Statutes by referring to "see attached" in the
12 complaint in section number 3. She signed that
13 under oath.

14 Ms. Schure's sworn statement of "see attached"
15 reiterates her false allegation that I violated
16 chapters 104, 106 and section 105.071. And based on
17 her own admission in her narrative that I was "a
18 sitting commissioner," she knew and had knowledge
19 that I was not a candidate and, therefore, could not
20 have violated Florida election laws as she alleged.

21 Her repetition of that assertion which she knew
22 was false does not make it true, and zero evidence
23 was provided and presented to validate Ms. Schure's
24 wild claim that I was a candidate and had violated
25 election laws.

1 After the complaint was dismissed for lack of
2 -- for legal insufficiency, Ms. Schure was notified
3 and was given 14 days to supply evidence. She did
4 not. Nothing was provided of any nature.

5 The evidence shows that Ms. Schure had a
6 long-standing loathing of me and she had a desire to
7 assist Commissioner Cheryl Cook in prevailing in Ms.
8 Cook's election as provided in the affidavit of Mrs.
9 Lanza.

10 When Ms. Schure's complaint was signed on
11 August 17, 2016, she and incumbent Ms. Cheryl Cook
12 had every expectation that Ms. Cook would be facing
13 off against her opponent, Ms. Jacqueline Moore, in
14 the general election of November 8, 2016.

15 There was a complaint filed attached to my
16 complaint for Ms. Moore; however, it was not
17 separated and therefore not recognized as a separate
18 complaint. The timing of the placement of Ms.
19 Schure's FEC complaint on the city commission agenda
20 of the City of North Port served as a political ploy
21 in October to erode voter confidence in the
22 integrity of candidate Jacqueline Moore, Ms. Cook's
23 opponent, and also to disparage me.

24 On September 9, 2016 before the FEC completed
25 its most basic legal sufficiency review, Ms. Moore

1 -- Ms. Schure appeared at the city clerk's office in
2 the City of North Port with a confidential complaint
3 and she instructed the city clerk to distribute the
4 papers to the city commission as a public document.

5 MR. THOMAS: Ms. Yates, I just want to tell you
6 you have about a minute to go, okay?

7 MS. YATES: Okay. After conferring with the
8 FEC and the city attorney, Ms. Schure had called the
9 city clerk to demand that those documents be
10 distributed, and the city clerk did distribute those
11 documents. The -- Ms. Moore ended up losing her
12 election -- that primary election.

13 And Ms. Schure, by her actions in pushing the
14 issue, submitting this complaint, did nothing more
15 than try to publicize misleading information in
16 regards to me having been a candidate and violated
17 any election law.

18 And this process of the FEC is for valid
19 complaints of the public in regards to election laws
20 and not to be abused by individuals for malicious
21 intent and purposes. And I am pleading with you
22 that you would allow for a hearing for the evidence
23 and any information to be heard in this case.

24 MR. THOMAS: Thank you, Ms. Yates. Ms. Schure,
25 do you wish to be heard?

1 MS. SCHURE: Yes.

2 MR. THOMAS: Why don't you take the podium
3 here.

4 MS. YATES: I do have documents to share that I
5 would like to provide to the others for my
6 presentation.

7 MR. THOMAS: We'll address that in a moment,
8 okay?

9 Ms. Schure, please try to confine yourself to
10 the same five minutes, okay?

11 MS. SCHURE: Good morning. My name is Kathy
12 Schure, and I'm a resident of the city of North
13 Port, and I just want to make a few statements
14 regarding the complaint in this case. I traveled 6
15 hours to be here because I do take this very
16 seriously. The complaint actually was on her KYIs.
17 It had nothing to do with the election if you read
18 my complaint. So I just want to make a few
19 statements regarding the complaint.

20 I filed a complaint because I was a concerned
21 citizen by the activities described in the
22 complaint. I did not make any wild unsubstantiated
23 statements. It was never intended to harm Ms. Yates
24 but to stop her behavior. I'm here today because I
25 felt I have the right to bring the state authorities

1 -- bring to the state authorities what I thought was
2 improper.

3 It's not up to me to decide whether it was
4 proper only to report it. You have the authority to
5 decide whether it was proper. That is why I brought
6 it to your attention. There are no lies and no
7 personal attacks in this complaint. My statements
8 were supported by case law. I have the right as a
9 concerned citizen to bring it to the proper
10 authorities.

11 There are probably thousands of these
12 complaints filed every year. I'm pretty sure the
13 Elections Committee has heard this before. I truly
14 believed there was something wrong. I questioned
15 the behavior. I am not qualified to say whether it
16 was right or wrong so I brought it to the next
17 authority, which is you.

18 That is the purpose of your commission -- I
19 wanted a ruling. The ruling said there was nothing
20 wrong. I just did not -- it just did not rise to
21 the level to be legally sufficient. After the
22 commission made their decision, I accepted the
23 decision. Thank you.

24 MR. THOMAS: Ms. Schure, you can take a seat.
25 Before we have discussion, Mr. Yates, you had

1 Some other materials you wanted to proffer to
2 us. Of what nature?

3 MS. YATES: Well, I did receive an updated bill
4 from the city -- from my attorney because at the
5 time I submitted this it was at one point, and the
6 other is a copy of the ballot, which as I said,
7 Ms. Schure had full knowledge I was not a candidate.

8 MR. THOMAS: Okay. Well, unless there's an
9 objection from the commission, we're not going to
10 accept that now. And the reason we're not is we're
11 simply here today to determine whether or not your
12 petition makes a primary fascia showing for an award
13 of fees and costs under the statute.

14 If that the determination is made, it would
15 then go to a hearing officer who would actually make
16 the factual determination as to whether or not the
17 standard for an award of fees has been met and, if
18 so, what the amount of those fees would be.

19 With that, do we have questions or discussion
20 amongst the commission concerning Ms. Yates'
21 petition for attorney's fees, understanding that we
22 are here today simply to determine whether or not
23 the petition states a prima facie case for such an
24 award, not whether or not she is, in fact, entitled
25 to those fees?

1 UNIDENTIFIED SPEAKER: Mr. Chair, in FEC
2 16-362, I move that you find a prima facie showing
3 in the petition to allow her to proceed forward, if
4 that's the proper --

5 MR. THOMAS: I think it is, Commissioner. We
6 have a motion. Was there a second or further
7 discussion?

8 UNIDENTIFIED SPEAKER: I'll second.

9 MR. THOMAS: A motion to second. Any
10 discussion on the motion for before calling the
11 vote?

12 And just so both ladies know, we have the
13 substantial information within our files here. I
14 don't want you to think we're not paying attention.
15 We're all trying to analyze what we have here, okay?

16 We have a motion and a second. All those in
17 favor, please signify by saying aye.

18 THE COMMISSION: Aye.

19 MR. THOMAS: Any opposed?

20 THE COMMISSION: (No response.)

21 MR. THOMAS: The motion carries. We'll issue
22 an order reflecting our ruling today as to the prima
23 facie sufficiency of the petition and provide a copy
24 to all appropriate parties in a reasonable period of
25 time. Thank you for your time.

1 (Break in the audio recording.)

2 MS. SCHURE: May I ask a question, please?

3 MR. THOMAS: Sure.

4 MS. SCHURE: So what does that mean?

5 MR. THOMAS: We're getting there. One second.

6 We -- having made the prima facie -- the decision
7 that there's a prima facie showing, the commission
8 has to order that a hearing involving the disputed
9 issues of fact -- a formal hearing be conducted both
10 as to entitlement of fees and as to the amount of
11 fees.

12 The hearing may be conducted before the
13 commission, commissioner or commissioners designated
14 by the commission, or the Division of Administrative
15 Hearings, and that is at our discretion. And
16 whatever the forum would be, it will be a formal
17 hearing in which evidence will be taken and an
18 impartial fact finder would make decisions for
19 ruling based on entitlement and award.

20 It seems to me that given the factual nature
21 both of the complaint -- whether we have material
22 falsehoods for entitlement, as well as then the
23 reasonableness of the fees, in my view it's the sort
24 of thing that would be best handled by the Division
25 of Administrative Hearings. But I'm happy to hear

1 any other alternative thought or view of that.

2 UNIDENTIFIED SPEAKER: I think I concur.

3 MR. THOMAS: Well, I don't know if we need a
4 formal motion. Do we need a formal motion? I'm
5 going to entertain a motion to refer the matter for
6 formal hearing before the Division of Administrative
7 Hearings.

8 UNIDENTIFIED SPEAKER: So moved.

9 MR. THOMAS: A motion. Is there a second?

10 UNIDENTIFIED SPEAKER: Second.

11 MR. THOMAS: A motion and a second. All those
12 in favor, signify by saying aye.

13 THE COMMISSION: Aye.

14 MR. THOMAS: Any opposed?

15 THE COMMISSION: (No response).

16 MR. THOMAS: Motion carries. So now, let me
17 get this right. We will enter an order reflecting
18 our decision as to the prima facie sufficiency of
19 the petition and directing the matter be referred to
20 DOAH, the Division of Administrative Hearings, for
21 the scheduling of appropriate evidentiary matters to
22 proceed on that petition. Thank you.

23 Ms. Schure, I'm happy to entertain a question
24 if you have a question about the process.

25 MS. SCHURE: I don't understand. I guess I

1 don't understand because what she said was not even
2 in the complaint that I filed. I filed on the
3 Sunshine Law.

4 UNIDENTIFIED SPEAKER: We need her to
5 (inaudible).

6 MS. SCHURE: If you read the complaint, the
7 complaint was --

8 MR. THOMAS: Ms. Schure, let me interrupt you.
9 I'm going to stop you. I'm happy to answer any
10 procedural questions you may have about what's
11 happened and where this case is going, but in terms
12 of the substantive decision as to whether -- how
13 your claim was disposed of, how we disposed of the
14 initial threshold analysis for petition of
15 attorney's fees, we're not going to go back into
16 that. That's been resolved. We've taken a vote.
17 We've entered an order.

18 Procedurally, there will now be a referral to
19 the Division of Administrative Hearings which will
20 be the body to hear disputed issues of fact, things,
21 for example, that you may want to raise right now
22 explaining why, despite the prima facie showing,
23 there should not be an award and things of that
24 nature. Okay?

25 MS. SCHURE: So I'll have to come back again

1 for the hearing?

2 MR. THOMAS: You won't have to come back here.
3 This will go to the Division of Administrative
4 Hearings. It has hearing officers, sort of like
5 judges, and they will schedule and they'll make
6 arrangements for how the hearing is to be conducted,
7 when it's to be conducted, what prehearing
8 requirements there may be and all that sort of
9 thing. Okay?

10 UNIDENTIFIED SPEAKER: Ms. Schure, and Ms.
11 Yates, both, just so you're aware, there's a
12 significant amount of information on the Division of
13 Administrative Hearings' website that will speak to
14 the procedural aspects of a proceeding in front of
15 DOAH.

16 MR. THOMAS: Thank you both for your time
17 today.

18 (End of audio.)

19
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21
22
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25

CERTIFICATE OF TRANSCRIBER

STATE OF FLORIDA

COUNTY OF MANATEE

I, Tara Shuck, RPR, for Imperial Court Reporting, and Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing transcript, pages 1 through 15, inclusive, constitute a true and correct copy of the public hearing held in Case Number FEC 16-362 (ENR-AMT), (electronically recorded and transcribed to the best of my ability) in Manatee County, Florida.

I FURTHER CERTIFY I am neither an attorney or counsel for any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the event of said cause.

DATED this 3rd day of May, 2017.

Tara Shuck

Tara Shuck, RPR
Notary Public, State of Florida
Commission No.: FF130136
Commission Expires: 7/4/2018

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EXHIBIT 3

FEC 16-362 Petition for Costs and Attorney Fees

yates

to:

Florida Commission

01/27/2017 09:36 PM

Hide Details

From: <yates@lindayates.com>

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

1 Attachment



Petition for Attorney Fees and Costs 1-27-17.pdf

Dear Ms. Malphurs,

Attached is a Petition for Costs and Attorney Fees in the matter of FEC 16-362. A copy was also sent via fax. I am representing myself in this matter, as I can no longer afford an attorney. I will send a copy to you by mail as well.

Sincerely,
Linda M. Yates
941-423-0444

State of Florida
Florida Elections Commission

In Re: Linda M. Yates
Respondent

Case NO.: FEC 16-362

Petition For Costs and Attorney's Fees

I Linda M. Yates, Respondent Pro Se, do hereby file this Petition for Attorneys' Fees and Costs pursuant to Florida Statute §106.265, Florida Administrative Code Rule 2B-1.0045 and any other applicable laws, against complainant Kathy Schure and state as basis and grounds therefore the following:

1. Ms. Kathy Schure knowingly and recklessly submitted a sworn Complaint to the Florida Elections Commission to declare that I, a Commissioner duly elected in 2014 and another Commissioner whom was an incumbent candidate in the 2016 election, had violated Election Laws regardless of whether such declaration was false and Ms. Schure did so with malicious intent of using the FEC agency process available to the public at no cost to injure my reputation as well as aid Cheryl Cook an incumbent candidate, whom she supported, in making false statements about Ms. Cook's opponent.
2. I am currently a City Commissioner and will be termed out in 2018. I was initially elected in 2010 and re-elected in 2014 and was not a candidate in the 2016 election. Jacqueline Moore was a Commissioner also elected in 2014 and at the time Ms. Schure filed her complaint Mrs. Moore had resigned from her seat mid-term due to the impact of the implementation of residency District Seats in 2016 and she filed to run for her District seat which was the same District seat Ms Cook, who was running for re-election, also resided in and was a candidate. A City of North Port General Election was to be held on November 8, 2016 with a Primary Election taking place on August 30, 2016.
3. On or about August 22, 2016, Ms. Kathy Schure filed a sworn Florida Elections Commission Complaint against me and attested under oath that the information contained in her Complaint was "true and correct". A copy of the Complaint with her two page narrative is attached hereto as Exhibit A. The North Port City Commissioners at that time were: me (term expiring in 2018), Tom Jones (termed out in November 2016), Jacqueline Moore (a 2016 Candidate and current term expiring in November 2016), Rhonda DiFranco (a 2016 Candidate and current term expiring in November 2016) and Cheryl Cook (a 2016 Candidate and current term expiring in November 2016).
4. As the named Respondent I received the Complaint from FEC by certified mail on August 27, 2016. Due to the nature of the Complaint not only alleging violation of Election Law, but also asserting I was a candidate as well as a Commissioner that allegedly violated other laws, I retained an attorney for handling the matter.
5. Ms. Schure's Complaint against me included one copy of her narrative and an additional FEC Complaint form alleging City Commissioner Jacqueline Moore also violated election laws.

6. Ms. Schure's submission of the sworn FEC Confidential Complaint Form was prima facie allegation of violation of Election Laws by myself and Mrs. Moore.
7. Ms. Schure's swore that the information contained in her Complaint was true and correct however she knowingly asserted false fact stating on page 1 of the official Complaint Form in section 2 affirmation that I was a candidate seeking the office or position of Commissioner when in fact I was not, I have first-hand knowledge and witnesses that she knew my election was in 2014 and did not support my candidacy and by her own admission throughout her Complaint she acknowledged I was not a candidate. Particularly on page 6 of 7 in Exhibit A she states *"The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as required."* Also Ms. Schure file her Complaint with reckless disregard for whether her complaint contained false allegations of fact material to a violation of elections laws as Ms. Schure falsely asserted on page 1 in section 3 of her complaint that the specific provisions of the Florida Election Code violated by me were provided in her attachment but she did not do so. In fact the contents on pages 5 through 7 of her sworn Complaint is without merit and contradictory to the truth and correctness of the contents she attested to on pages 1 and 2.
8. On October 20, 2016 Ms. Schure was notified by letter from the Executive Director of FEC that her Complaint alleging violation of Florida's Election laws was received and upon review was found to be legally insufficient (attached as Exhibit B). In the letter Ms. Schure was also informed that she had submitted a complaint form naming me as Respondent with an attachment of a second complaint form indicating Jacqueline Moore as a Respondent as well as an attached narrative of allegations against me and therefore without any indication she intended to file two complaints the entire document was accepted by FEC as one complaint against me. In addition she was informed that essentially her allegations were pertaining to Florida Statute Chapters 286 and 119 of which were outside the FEC's jurisdiction that is limited to Chapters 104 and 106. Of significant note is that Ms. Schure already had knowledge of the FEC's limited jurisdiction as that was clearly stated in section 3 of the Complaint Form alleging Election law violation that Ms. Schure swore to and submitted. Even if Ms. Schure inadvertently forgot to submit the portion of a narrative pertaining to the sections of the election law she believed was violated she had 14 days to provide that information and if her Complaint submitted under oath were not a sham she would have submitted additional information to correct the stated grounds of insufficiency of her Complaint. However no evidence of any kind was provided with her initial complaint of alleged violation of election law nor did she provide any additional information subsequent to the October 20th letter from FEC nor did she submit any correspondence to FEC that her original documents submitted was intended to be two separate complaints against two separate Respondents.

9. In the City of North Port's Primary Election held on August 30, 2016 Cheryl Cook and Rhonda DiFranco lost their re-election while Cheryl Cook's opponent Jacqueline Moore prevailed and she moved on to the November 8, 2016 General Election.
10. On Friday September 9, 2016 Ms. Schure's FEC Confidential Complaint Form as submitted to FEC was hand delivered to the City of North Port's City Clerk's office with a request to make it a Public Record and make copies of it and distribute it to each of the North Port City Commissioners (attached as Exhibit C).
11. The FEC had not yet completed its review processes of Ms. Schure's Complaint. The City of North Port has no local jurisdiction over elections or ethics violations. Seeing Ms. Schure's document was labeled Florida Elections Commission Confidential Complaint Form, the City Clerk did not immediately distribute the document and instead she sought consult with the City Attorney whom advised her to contact the FEC as to confidentiality and distribution. The week of September 12, 2016 the City Clerk received clarification from FEC that the Confidentiality applied to FEC and unless the document was received directly from FEC the Confidentiality did not pertain to the City Clerk.
12. On or about September 16, 2016 Ms. Schure contacted the City Clerk asking her why her FEC Complaint had not yet been distributed to the Commissioners because Ms. Schure had spoken with a Commissioner who told her she hadn't received it yet.
13. On September 16, 2016 after having consulted with the FEC and North Port City Attorney, the City Clerk made copies of Ms. Schure's FEC Complaint and distributed it to all the City Commissioners.
14. On October 17, 2016, Commissioner Cheryl Cook who had lost her re-election in the August 30, 2016 Primary Election to her opponent Commissioner Jacqueline Moore, sent an email to the City Clerk (attached as Exhibit D) requesting to place on the October 25, 2016 City Commission meeting an agenda item for *"Discussion and Possible action regarding the contents of Complaint filed with the State of Florida, Florida Elections Commission, against Linda M. Yates and Jaquellne Moore copy filed with the Clerk September 09, 2016"*. The requested item was approved by the City Manager and placed on the October 25th meeting agenda. On October 18th the agenda item with a copy of Ms. Schure's Complaint was publicly posted and published (attached as Exhibit E). The October 25th City Commission Meeting was the last City Commission meeting prior to the November 8th Election.
15. On October 20th and October 25th articles were published in newspapers (see Exhibit F) regarding Ms. Schure's Complaint to be discussed by the City Commission. When a reporter tried to reach Ms. Schure for comment, a family member told the reporter she was on vacation and he had no idea when she would return. The City Commission agenda item also generated local news exposure and social media attention to Ms. Schure's Complaint alleging violations of election laws, sunshine laws and public records laws by both myself, a sitting Commissioner in mid-term and Jacqueline Moore a sitting Commissioner and candidate for re-election in the election taking place within 2 weeks.

16. After Ms. Schure accomplished getting a high level and widespread publicity of her FEC Complaint Form prior to the day of the City Commission meeting and prior to the November 8th election, on October 25th at the City Commission meeting Commissioner Cheryl Cook moved to remove the item from the agenda without any explanation or comment. Ultimately the City Commission did vote to remove the item from discussion at the dais however the meeting materials with Ms. Schure's FEC Complaint will remain publically accessible on the internet, on the City's website and through other public record mediums. Of note, 14 days later Commissioner Jacqueline Moore lost her re-election.
17. Ms. Schure's actions of submitting an FEC Complaint which on its face was a false allegation that I had violated election law and by her using the FEC Complaint form with reckless disregard of whether her allegations were false and then shortly after pushing the issue to get a Commissioner to use a City Commission meeting to bring widespread publicity to her Complaint, demonstrates a malicious intent to badger me and injure my reputation and by such action caused me to incur significantly more attorney fees for my defense. In addition Ms. Schure's actions also served to aid in disseminating statements of purported violation of laws by Ms. Cook's opponent Jacqueline Moore.
18. A reasonable person would see that Ms. Schure's strategically orchestrated filing of an FEC Complaint was with the underlining motive to inflict shame on my name and reputation, put in jeopardy my service as a duly elected Commissioner and inflict financial harm and as such I am entitled to her paying my attorney fees and costs. Not only does the content within Ms. Schure's entire 7 page Complaint support that she knew her allegation that I had violated Election Law was false but she knew better than to use the FEC Complaint process to submit allegations of Florida Statutes Chapters 286 Sunshine laws and Chapter 119 Public Records Laws.
19. On December 30, 2016 the FEC sent notice that since they had not received any additional information that corrected the stated grounds of insufficiency the case was closed (see Exhibit G).
20. Since receipt of Ms. Schure's Complaint on August 27, 2016 through January 3, 2017, due to Ms. Schure's filing of a false Complaint with FEC and her subsequent actions, I had incurred attorney fees in the amount of \$2810 (see attached Exhibit H). Additional attorney fees apply through today. Due to my limited financial means, I can no longer afford to be represented by counsel and as of today I had to release my attorney from this case and I am pursuing this Petition pro se.
21. I know that Mrs. Schure has held a longstanding loathing of me. She did not want me to prevail in my previous elections, but I did and by a significant majority. In fact, this is not the first time Ms. Shure has tried to injure my reputation. In the summer 2014, when I was running for re-election, she chased down my volunteers who were in her neighborhood walking door-to-door advocating support of me. Ms. Schure charged at two of my supporters with a handful of papers and expressing to them what a horrible person I was and showed them personal financial documents regarding my home that Schure had gathered. Ms. Schure also explicitly stated the only Commissioner she supports is Ms. Cheryl Cook (see attached affidavit Exhibit I).

22. Any reasonable person can clearly determine Ms. Schure fully knew her allegations in her FEC Complaint that I had violated Election Laws were false and that she didn't care that ultimately her FEC Complaint would be thrown out because while she asserts on page 1 in her Complaint I was a candidate and in section 3 that the alleged violations of Chapters 104, 106 and section 105.071 were attached, she included no supporting documents or information. A person who cites a lengthy litany of "case law" in her narrative on pages 5 through 7 clearly would have known what she was asserting did not pertain to Election laws nor to the agency she used to file a complaint. The Florida Bar Association does not show Ms. Schure among its members, yet she purports to possess considerable understanding of case law and legal proceedings. Furthermore, Schure's narrative demonstrates an intricate knowledge of information technology inner workings. Given these facts, it is inconceivable that she did not understand that Florida Statutes Chapters 286 and 119, the core of her improper allegations, are not within the stated purview of the Florida Elections Commission as the FEC's jurisdiction is plainly identified in her Complaint on page 1 which she read and swore to.
23. Ms. Schure's actions reflect a reckless disregard for whether her complaint contained false allegations of fact material to violations of Chapter 106 or Chapter 104, FS. Her actions were a willful abuse of the FEC's process and taxpayer-funded resources for the malicious purpose to inflict harm to me politically, professionally and financially at no expense to herself. Simply by Ms. Schure's own narrative and citing of cases she knew she would incur fees to file a complaint in the appropriate forum as it pertains to sunshine law and or public records. Instead she wrongfully caused me to incur costs and attorney's fees in defending against malicious specious Complaint and as such her actions entitle me to an award of my attorney fees and costs to date and my pro se costs in pursuing this petition.
24. The Florida Elections Commission is charged with the responsibility of enforcing Florida's Election laws to ensure that those participating in Florida's electoral process comply with Florida law and those who do not are imposed with sanctions to ensure the reliability of the electoral process. Just as important to preserving the integrity of the FEC's processes is the Commission's responsibility to hold accountable persons who file a sham complaint against an individual or public official with malicious intent merely to injure the reputation of the person complained against by filing such complaint with knowledge that it contains false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of elections laws. By submission of a sworn Florida Elections Commission Confidential Complaint Form Ms. Schure alleged prima facie violation of election laws by me with knowledge such allegation was false and with reckless disregard whether such allegation of fact material to a violation of elections laws was false.
25. Now wherefore, I Linda M. Yates request that the Florida Elections Commission order the appropriate proceeding on this petition to award costs and attorney's fees to me from Kathy Schure pursuant to any and all statutes and rules that apply on the basis and grounds stated in this petition.

CASE NO: FCC 16-362

Respectfully submitted on this 27th day of January, 2017.

Linda M Yates

LINDA M. YATES
6475 Munsing Avenue
North Port, FL 34291

Sworn to and subscribed before me this 27th day of January, 2017.

[Signature]

Notary Public



Sandra K. Asbridge

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

Personally known _____ or Produced Identification

My Commission expires: 5/19/2019

Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050

RECEIVED

2017 FEB -6 A 10:47

STATE OF FLORIDA
ELECTIONS COMMISSION

February 1, 2017

Re: Petition For Costs and Attorney's Fees

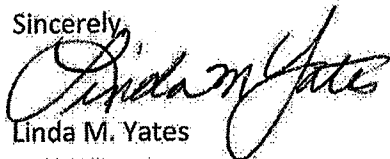
Case No. FEC 16-362; Respondent: Linda Yates

Dear Donna Ann Malphurs,

I, Linda M Yates as Respondent in Case NO. FEC 16-362, submitted my "Petition For Costs and Attorney's Fees" on January 27, 2017. I am submitting for attachment to my Petition the Exhibits referenced in my Petition. Please include with my Petition the Exhibits listed below and enclosed herein.

- EXHIBIT A – FEC 16-362
- EXHIBIT B – FEC 16-362 Oct. 20 Letter
- EXHIBIT C – Copy of Complaint Submitted As A Public Record
- EXHIBIT D – Cheryl Cook Email
- EXHIBIT E – October – 25 -2016 Agenda Item
- EXHIBIT F – Articles
- EXHIBIT G – 12-30-16 FEC Letter Close FEC 16-362
- EXHIBIT H – Attorney Fees
- EXHIBIT I – Katheryn Lanza Affidavit

Sincerely,



Linda M. Yates
6475 Munsing Avenue
North Port, FL 34291
941-423-0444



FLORIDA ELECTIONS COMMISSION

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

August 25, 2016

CERTIFIED MAIL 9214 8969 0099 9790 1609 9376 02

Linda M. Yates
6475 Munsing Ave.
North Port, FL 34286

RE: Case No.: FEC 16-362; Respondent: Linda M. Yates

Dear Ms. Yates:

On August 22, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

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

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at fec@myfloridalegal.com. You will be notified by letter whether the complaint is determined legally sufficient.

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

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

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

Sincerely,

Erin Riley

Deputy Agency Clerk

ip/enr

Enclosure: Complaint w/attachments --

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-7050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

2015 AUG 22 P 1:34

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.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: () N/A
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES
Address: 6475 MUNSING AVE Phone: ()
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

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, and Section 105.071, Florida Statutes. Also, please include:

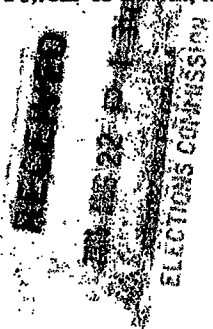
- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your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

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. OATH
STATE OF FLORIDA
COUNTY OF _____

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



Kathy Sakere
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of August, 2016

Joy Lynn Crowley
Signature of Officer Authorized to Administer Oaths or Notary Public



Joy Lynn Crowley
(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.

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

CONFIDENTIAL COMPLAINT FORM

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1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHEURE Work Phone: () N/A
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643
City: NorthPort County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE
Address: 1921 SCARLET AVE Phone: (941) 223-1609
City: NorthPort County: SARASOTA State: FL Zip Code: 34289
If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

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

3. ALLEGED VIOLATION(S):

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

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- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
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- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. OATH

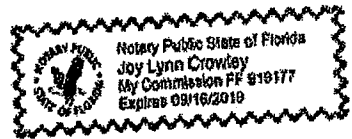
STATE OF FLORIDA
COUNTY OF Sarasota

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17 day of
August, 2016

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary Public



Joy Lynn Crowley
(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.

IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.

Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.

August 1, 2016

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

The complaint also relies on a significant body of Florida case law that has firmly established that “The clear policy the legislature has established for Florida is simple to understand: to have the public's business carried out in public.” City of Fort Myers v News-Press Publishing Co. Inc. 514 So. 2nd 408 (Fla. 2nd DCA 1987). The case law also establishes that “The sunshine law is to be construed liberally in favor of open government to assure openness in and access to government. Krause v. Reno 366 So.2nd 1244, 1250 (Fl 1979) see also Zorcy City of Vero Beach 722 So. 2nd 891 (Fla 4th DCA 1998); and the law is directed to: “frustrate all evasive devices Toen of Palm Beach v. Gradison 296 So. 2nd 473, 477 (Fla. 1974). And in part, “Remedial measures taken after lawsuit seeking declaratory judgment is filed do not moot a claim”. Gangloff v. Taylor 758 So. 2nd 1159 (Fla. 4th DCA 2000)

Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for "legal disputes" (*clientRenewProhibited* <https://icann.org/egg/clientRenewProhibited>) This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided .

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries . A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc "secret meeting" between at least two commissioners and other government officials.

This complaint quotes:

A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2ND 380 (1965)

This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

EXHIBIT B



FLORIDA ELECTIONS COMMISSION

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

October 20, 2016

Kathy Schure
3720 West Price Blvd.
North Port, FL 34286

RE: Case No.: FEC 16-362; Respondent: Linda Yates

Dear Ms. Schure:

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

This complaint was received by the Florida Elections Commission on August 22, 2016. The cover page, which was an FEC complaint form, named Linda Yates as the Respondent. Attached to the complaint form was second complaint form indicating a different Respondent (Jacqueline Moore), as well as a narrative of the allegations against Ms. Yates. You did not indicate anywhere in the documents that you intended to file two complaints, so the Commission accepted the entire document as a complaint against Respondent Linda Yates.

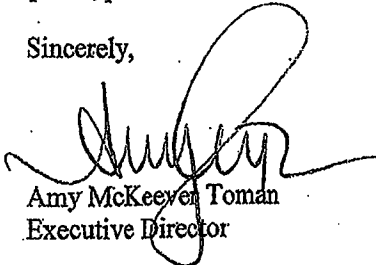
The essential allegations of your complaint are that Respondent violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient.

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

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

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

Enclosure: Additional Information Form

cc: Linda Yates, Respondent w/out Enclosure

Hand Delivered by Citizen
as a public Record



CITY CLERK

SEP 01 2016

CITY OF NORTH PORT

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

CONFIDENTIAL 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.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: () N/A
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES
Address: 6475 MUNSING AVE Phone: ()
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

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, 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.

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. **OATH**
STATE OF FLORIDA
COUNTY OF Sarasota

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of
July, 20 16

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary Public



Joy Lynn Crowley
(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.

CITY CLERK
SEP 4 2016
CITY of NORTH PORT

Hand Delivered by citizen
as a public Record

CITY CLERK

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

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Name of individual or entity: JACQUELINE MOORE
Address: 1921 SCARLETT AVE Phone: (941) 223-1609
City: North Port County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

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

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Additional materials attached (check one)? Yes No

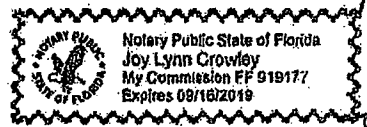
4. **OATH**
STATE OF FLORIDA
COUNTY OF Sarasota

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of
July, 2016

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary Public



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

Personally known Or Produced Identification
Type of Identification Produced _____

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CITY CLERK
SEP 11 2016
CITY OF NORTH PORT

**IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner
Linda M. Yates covering the period June 1, 2012 to July 20, 2016.**

**Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner
Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.**

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

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Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

CITY CLERK

SEP 11 2016

In January of 2016, the ICANN registrar noted that the domain registrar GoDaddy.com had terminated the domain and denied renewal for "legal disputes" (*clientRenewProhibited* <https://icann.org/epp#clientRenewProhibited>). This use of the personal email server both prior to legal counsel and then afterward with a continuing disregard for that advice effectively frustrates any attempt by the general public to see both the content of the emails and the full list of recipients of the emails and to be confident that the full record is being provided.

The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries. A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

At some point, Yates, under duress, provided the City Clerk with archived copies of the emails in PDF format (which prevents viewing the full email header) and a list of recipients. However, a simple survey of the email list and the archived emails shows numerous discrepancies in the number of recipients and the sequence of KYI emails. In other words, the lists and archives provided by Yates are not complete, accurate, or responsive to numerous requests for production.

A further review of the *TraceRoute* data obtained from direct emails shows that the private server through its listserver software receives and sends data in excess of the known number of KYI emails. That excess can either be due to the existence of more KYI emails not archived in control of the City Clerk or evidence of additional communications sent to the listserver software that sends emails to the known and unknown recipient list, or both. A full examination of the server, the software and the contents of the emails will likely require discovery which is not in the scope of this complaint. However, there is enough information at hand to warrant further examination by state law enforcement.

The concerns in this complaint are not trivial or caused by any inadvertent technical error. A sitting commissioner has for an extended period of time produced documents on City business and transmitted the documents to a private list of email recipients, outside of the view of the general public as is required. But more troubling is the clear potential that that information, that contains positions and political strategy germane to the conduct of City of North Port business and has created a regular, ad hoc "secret meeting" between at least two commissioners and other government officials.

This complaint quotes:

A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings, officials mentioned in FL 286.011 F.S.A, transact or agree to transact public business at a future time in a certain manner they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal. City of Miami Beach v. Burns 179 So. 2nd 380 (1965)

This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

CITY CLERK
JUL 1 2008
CITY of NORTH POLE

EXHIBIT D

Linda Yates

From: Cheryl Cook
Sent: Monday, October 17, 2016 3:09 PM
To: Patsy Adkins
Subject: Agenda item

Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 16, 2016.

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, Item 6C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

Clerk Adkins: Please include a copy of the Complaint previously provided to commissioners as backup document.

Best Regards,

Cheryl Cook
North Port City Commissioner

Sent from my iPad

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.



City of North Port

EXHIBIT E

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Legislation Text

File #: 16-0805, Version: 1

TO: Honorable Mayor & Members of the North Port Commission

FROM: Jonathan R. Lewis, ICMA-CM, City Manager

TITLE: Discussion and possible action regarding contents of Complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the clerk September 09, 2016.

Recommended Action

It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Background Information

This is an agenda item seeking to attempt to protect the City of North Port from potential liability as discussed in ethics workshop of December 2, 2014, deriving from commissioners using private email to communicate city related matters and failure to forward the communications to the clerk's office for public records custodial purposes. It is the request herein that a complete and comprehensive list of all email addresses that Linda Yates and Jacqueline Moore have used since in office and a copy of all emails therefrom be submitted to the clerk's office so that the city can determine what is public record.

Precedence for pro-active action regarding potential liability against the city can be found in the November 26, 2012 regular commission meeting discussions, item 8C, wherein the City Attorney was directed by the commission to seek injunctive relief for election advertisement issues, especially in light of public comment.

Strategic Plan

N/A

Financial Impact

N/A

Procurement

N/A

Attachments:

1. Copy of Complaint

Prepared by: Patsy Adkins for Commissioner Cook

Hand Delivered by Citizen
as a public Record

CITY CLERK
SEP 3 2005
CITY OF NORTH PORT

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

CONFIDENTIAL 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.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: () N/A
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LINDA M. YATES
Address: 6475 MUNSING AVE Phone: () _____
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

If individual is a candidate, list the office or position sought: COMMISSIONER (City)

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, 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.

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. OATH

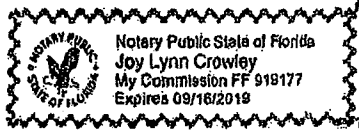
STATE OF FLORIDA
COUNTY OF Sarasota

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of
July, 20 16

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley
(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.

CITY CLERK
SEP 01 2016
CITY OF NORTH PORT

Hand Delivered by citizen
as a public record

CITY CLERK

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

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1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: () N/A
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City: NORTHPORT County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE
Address: 1921 SCARLETT AVE Phone: (941) 223-1609
City: NORTHPORT County: SARASOTA State: FL Zip Code: 34289

If individual is a candidate, list the office or position sought: COMMISSIONER (CITY)

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

3. ALLEGED VIOLATION(S):

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

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Additional materials attached (check one)? Yes No

4. OATH

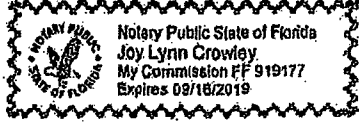
STATE OF FLORIDA
COUNTY OF Sarasota

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of
July, 2016

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary Public



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

Personally known Or Produced Identification
Type of Identification Produced

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CITY CLERK
SEP 11 2016
CITY of NORTH PORT

IN RE: Sunshine Law and Ethics Violations by City of North Port Commissioner Linda M. Yates covering the period June 1, 2012 to July 20, 2016.

Sunshine Sunshine Law and Ethics Violations by City of North Port Commissioner Jacqueline Moore covering the period January 16, 2015 to July 20, 2016.

This writing is to bring a formal complaint and a request for investigation into illegal and unethical activity of Commissioner Linda M. Yates through the use personal email servers, Tor Browsers, relay internet list servers, and intermediaries to knowingly violate FL 286 – Open Meetings Law and FL 119 – Florida Public Records Law. Additionally, Commissioner Jacqueline Moore appears to have participated in “secret meetings and communication” with Commissioner Yates as recipient of emails and texts directly and through intermediaries.

This complaint relies on the AGO statement that “A public record is defined broadly in the statute to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in the connection with the transaction of official business by any agency” This would include mobile text messages, emails, “tweets”, and Face Book postings.

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Sometime in 2012 and possibly before, City of North Port Commissioner Linda M. Yates began an email campaign based on email addresses gathered from her election campaign to distribute from her private email server “mail.lindayates.com” a continuing series of city business discussions under the banner of “K. Y.I. (Keeping You Informed). These email documents were not recorded or archived within the control of the City of North Port or accessible to the general public. However, the documents contained what would be considered upcoming agenda items, Yate's position on those items, and her exhortations to come to the commission meetings and speak based on the talking points.

At some point, the City Clerk began receiving public record requests for the KYI publication and was unable to fulfill those requests since the clerk had no record of them in any format. This process continued unabated through 2015 when the City Attorney advised Commissioner Yates of the problematic emails and their relation to Sunshine Law violations. It appears that Commissioner yates then provided what appears to be a partial list of recipients and a partial archive of the emails. It also appears that Yates then continued to send the publication in what appeared to be through her city email address lyates@cityofnorthport.com However an analysis of the full email headers shows that the emails are being routed through the private server via listserver software through mail.lindayates.com.

CITY CLERK

SEP 11 2018

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The scope of this complaint goes further. Not only had Yates used her personal email server to distribute "talking points" to her campaign list, a search through *TraceRoute* of the full email headers reveals that the emails were also being sent to North Port City Commissioner Jacqueline Moore via a private email address, to her husband, and to several of her personal staff including Cheri Lee who acts as personal liaison for Moore and to Peter Bartolotta a campaign advisor. Direct communication out of the public view and apparently deliberately hidden from public view between sitting commissioners is a clear violation of the law whether sent directly or passed through intermediaries. A review of the partial email list that this complaint has obtained shows additional communication with city board members, members of the North Port Area Chamber of Commerce government relations committee members, and individuals who conduct financial business with the City, all of which are conducted outside of the full public view required by law.

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This complaint further alleges that Commissioner Yates was well aware of the violations, continued to violate the law even after advisement by legal counsel, and continues to hide and obstruct the public's lawful ability to obtain public documents.

Commissioner Moore was also complicit in participating in discussions outside of the public view and in violation of the Sunshine Laws through her receipt of the KYI and other documents from Yates. While this complaint has no means or authority to obtain hidden records from Moore, it is suspected by the evidence at hand that additional communication between Yates and Moore, and her supporters will likely be revealed.

This complaint was researched and produced to stop a continuing violation of Florida law and make hidden records available to the public as is provided by those laws.

CITY CLERK
R. J. SMITH
CITY OF NORTH MIAMI

EXHIBIT F

Thursday Posted at 5:44 PM
Updated at 5:44 PM



Commission to discuss alleged Sunshine Law violation

By Earle Kimmel
Staff Writer

Follow

NORTH PORT — An ethics complaint alleging a possible Sunshine Law violation tied to a commissioner's email blast is scheduled to be discussed by the North Port City Commission Tuesday.

A city spokesman said he is not aware of a similar complaint coming before the commission in recent memory. Meanwhile, a local paralegal well versed in Sunshine Law violations said the complaint is likely not valid.

The complaint stems from an email update City Commissioner Linda Yates used to send out from her personal email — later moved to her city email account — and covers the period of June 1, 2012, to July 20, 2016, the date it was filed with the Florida Elections Commission by North Port resident Kathy Schure.

It also involves North Port Mayor Jacqueline Moore as a potential recipient of the email blast, either on her own, through her husband or members of her staff, for the period of Jan. 16, 2015, to July 20, 2016.

At first, Yates sent the email blast, KYI — or Keeping You Informed — from her private email to addresses gathered through her election campaign. In 2015, she started sending out the blast from her city email, following advice from the city attorney.

North Port is the only government in Sarasota County that does not provide either online access or email mirroring to the emails of elected officials. The city clerk must search email and print out items and charge a fee to any party seeking to monitor them.

Updated at 5:44 PM

Because Yates frequently indicated her position on issues that would come before the City Commission, Schure alleges violations of both public records and open meetings laws.

Schure was not available to elaborate on her allegations. A man who answered a phone listed for her on the complaint said she was on a trip and he did not know when she would return.

The complaint cites case law ranging from 1965 to 2000.

Though dated July 22, it was ultimately filed with the North Port City clerk in September and placed on Tuesday's commission agenda for discussion and possible action by outgoing City Commissioner Cheryl Cook, who lost the Aug. 30 District 2 primary race, finishing fourth, behind Moore, Chris Hanks and Samuel Cohen.

Cook did not respond to three messages left on her city cell phone.

Michael Barfield, a paralegal who works on Sunshine Law cases with Sarasota-based attorney Andrea Mogensen, said the email, even if Moore read it, likely does not constitute a Sunshine Law violation.

He cited a September 2011 decision by the Fourth District Court of Appeal in *Butler vs. City of Hallendale Beach* that upheld a lower court ruling that an email sent by the mayor of Hallendale Beach that contained three articles she wrote as a contributor to a local newspaper was not a public record.

"The issue there was whether it was a public record that was required to be made available, retained and archived," Barfield said.

"While I disagree with that case," he later added, "that is the closest on point at least in some contextual analysis."

Further, Moore's mere receipt of Yates' email would not constitute a violation, Barfield said. For a violation to occur, Moore would have had to respond.

"It sounds like she was communicating with her constituents," Barfield said of Yates' email.

"But facts matter. If it's just a one-way communication, that does not violate the Sunshine

Thursday Posted at 5:44 PM

Updated at 5:44 PM

Commission to discuss thrown-out elections complaint

By LAURIN COFFEY
Staff Writer

NORTH PORT — Two commissioners will find themselves defending email actions at the City Commission meeting. The meeting, set for 10 a.m. today at City Hall, will cover a slew of topics including a complaint from a resident against Commissioner Linda Yates and Mayor Jacqueline Moore.

The complaint, filed by North Port resident Kathy Schure, was made on Sept. 16 to the State of Florida Florida Elections Commission. It is an elections complaint and alleges a violation of the Sunshine Law was made. In the complaint,

Schure alleged Yates had a private email server from June 2012 to July 2016 where she sent several emails to members of the community under the banner "Keeping You Informed (KYI)." The

complaint said the emails contained potential agenda items, Yates' positions on those items and also alleged Yates urged email recipients to speak on the topics at commission meetings.

The complaint further alleges Moore was a recipient of the emails, which is a violation of the Sunshine Law by directly communicating on city business behind closed doors.

The Florida Elections Commission reviewed the complaint and found it to be legally insufficient.

"It's a personal matter, it has nothing to do with the city," Yates said. "It's nothing more than Commissioner Cook having a personal vendetta against me. All my emails are with the City Clerk, she has them all."

Moore stated the complaint was confidential so she had no comment.

Commissioners will

also give further direction to the City Manager Jonathan Lewis about allowing election signs on public property.

At the last meeting, commissioners advised Lewis and City Attorney Mark Moriarty to suspend the Unified Land Development Code for Election Day to allow election signs at polling places that are also government buildings. The guideline was originally put in place in 2014 after commissioners thought there were too many signs placed outside the buildings.

New topics will be proposed at the commission meeting as well, including graffiti-proofing the Myakka hatchee Creek Environmental Park Connector Bridge, expanding parking at the North Port Public Library and procuring 25 new vehicles for the North Port Police Department.

Email: lcoffey@sun-herald.com



EXHIBIT G

FLORIDA ELECTIONS COMMISSION

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

December 30, 2016

Linda Yates
6475 Munsing Ave
North Port, FL 34286

RE: Case No.: FEC 16-362; Respondent: Linda Yates

Dear Ms. Yates:

On October 20, 2016, the Florida Elections Commission notified Kathy Schure that the complaint she filed on August 22, 2016 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,
Amy McKeever Toman
Executive Director
Florida Elections Commission

AMT/enr

Douglas Daniels, P.A.
444 Seabreeze Blvd., Ste. 645
Daytona Beach, FL 32118

EXHIBIT H

Linda Yates
6475 Munsing Avenue
North Port, FL 34286

December 01, 2016

Invoice #10153

Professional Services

	<u>Amount</u>
11/11/2016 Review of file and client's email; respond to same.	90.00
For professional services rendered	<u>\$90.00</u>
For professional services rendered	<u>\$90.00</u>
Previous balance	<u>\$2,720.00</u>
Balance due	<u>\$2,810.00</u>

Douglas Daniels, P.A.
444 Seabreeze Blvd., Ste. 645
Daytona Beach, FL 32118

Linda Yates
6475 Munsing Avenue
North Port, FL 34288

November 01, 2016

Invoice #10128

Professional Services	<u>Amount</u>
8/28/2016 Review of complaint and related documents; conference with client re same; review of statutes and case law re election violation; email to client re opinions of complaint; drafting response to the Elections Commission.	1,200.00
10/21/2016 Conference with client re disclosure of complaint and how to handle upcoming city commission meeting.	400.00
10/22/2016 Research various issues regarding records and ethics questions.	240.00
10/24/2016 Review of file; conference with client re strategy for Tuesday nights hearing.	400.00
10/25/2016 Review of insurance policy; drafting email re same.	300.00
10/28/2016 Conference with client re results of meeting.	180.00
For professional services rendered	<u>\$2,720.00</u>
For professional services rendered	<u>\$2,720.00</u>
 Balance due	 <u>\$2,720.00</u>

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF SARASOTA

The undersigned, Kathryn L. Lanza, being duly sworn, deposes and says:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. In 2014 Commissioner Linda Yates was running for reelection to the North Port City Commission.
4. During the period between September and November 2014, prior to the election, I made visits to homes in various North Port neighborhoods in support of Commissioner Yates.
5. On one of those days, during said period of time, I and another of Commissioner Yates' supporters, traveling together in one vehicle, had occasion to visit homes on a section of West Price Boulevard, North Port, Florida.
6. While going door to door we would park our car and walk to several homes and then return to our vehicle and drive on to our next section.
7. Upon arriving at the address of 3720 West Price Boulevard, I was greeted by a female, who I have come to recognize as Kathy Schure, who indicated she was not interested in supporting Commissioner Yates, and so I moved on to other homes in that area.
8. A short time later, we returned to our vehicle, and as we were about to pass the home at 3720 West Price Boulevard, Kathy Schure came out, carrying papers in her hand, flagging us down.
9. We stopped, at which time, she showed us financial papers of a personal nature of Commissioner Linda Yates, and stated that she, Kathy Schure, was only supporting Commissioner Cheryl Cook.
10. Commissioner Cheryl Cook was not up for reelection until 2016.

11. Commissioner Linda Yates was successful in her reelection in 2014.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.

Executed this 16th day of January, 2017.

Kathryn L. Lanza
Kathryn L. Lanza

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA, COUNTY OF SARASOTA. ss:

Sandra K. Asbridge
Notary Public



EXHIBIT 4

ER

Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050

RECEIVED

JAN 30 10:58

STATE OF FLORIDA
ELECTIONS COMMISSION

January 27, 2017

Re: Case No. FEC 16-362; Respondent: Linda Yates

NOTICE OF RELEASE OF LEGAL COUNSEL

Dear Donna Ann Malphurs,

I Linda M. Yates do hereby give notice that as of today, January 27, 2017 Mr. Douglas A. Daniels is no longer representing me in Case No. FEC 16-362.

Please send any correspondence pertaining to FEC 16-362 to me at my current address of 6475 Munsing Ave. North Port, FL 34291 or when applicable you may also send to my email address on file.

Sincerely,


Linda M. Yates

- EXHIBIT 6

Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050


October 23, 2016

Re: Case No. FEC 16-362; Respondent: Linda Yates

Dear Donna Ann Malphurs,

I Linda M. Yates do hereby waive confidentiality in Case No. FEC 16-362.

Sincerely,



Linda M. Yates



EXHIBIT 7

FLORIDA ELECTIONS COMMISSION

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

October 20, 2016

Kathy Schure
3720 West Price Blvd.
North Port, FL 34286

RE: Case No.: FEC 16-362; Respondent: Linda Yates

Dear Ms. Schure:

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

This complaint was received by the Florida Elections Commission on August 22, 2016. The cover page, which was an FEC complaint form, named Linda Yates as the Respondent. Attached to the complaint form was second complaint form indicating a different Respondent (Jacqueline Moore), as well as a narrative of the allegations against Ms. Yates. You did not indicate anywhere in the documents that you intended to file two complaints, so the Commission accepted the entire document as a complaint against Respondent Linda Yates.

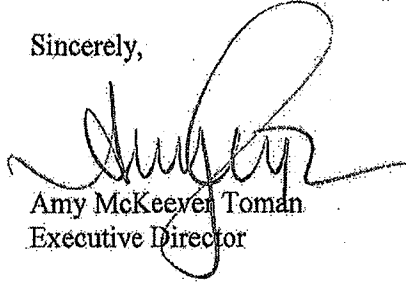
The essential allegations of your complaint are that Respondent violated Florida's open meetings and public records laws, Chapter 286 and 119, Florida Statutes, respectively. The jurisdiction of the Florida Elections Commission is limited to alleged violations of Chapter 104 and 106, Florida Statutes. As such, I find your complaint to be legally insufficient.

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

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

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

Enclosure: Additional Information Form

cc: Linda Yates, Respondent w/out Enclosure

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

CONFIDENTIAL ADDITIONAL INFORMATION FORM

Case Number: FEC <case #>

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

OATH
STATE OF FLORIDA
COUNTY OF _____

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

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____ day of

_____, 20 _____

Signature of Officer Authorized to Administer Oaths or Notary public.

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

Personally known _____ Or Produced Identification _____

Type of Identification Produced _____

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

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

2016 JUL 26 P 2:46

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 filed.

1. PERSON BRINGING COMPLAINT:

Name: KATHY SCHURE Work Phone: () N/A
Address: 3720 W. PRICE BLVD Home Phone: (941) 426-2643
City: NORTH PORT County: SARASOTA State: FL Zip Code: 34286

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 you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: JACQUELINE MOORE
Address: 1921 SCARLETT AVE Phone: (941) 223-1609
City: NORTA PORT County: SARASOTA State: FL Zip Code: 34289

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

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, 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.

See Attached

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA
COUNTY OF Sarasota

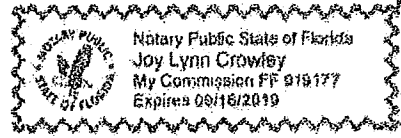
I swear or affirm, that the above information is true and correct to the best of my knowledge.

RECEIVED
2016 JUL 26 P 2:46
STATE OF FLORIDA
NOTARY PUBLIC COMMISSION

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 22 day of
July, 2016

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public.



Joy Lynn Crowley
(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.

Complaint : North Port City Commissioner Jacqueline Moore

This writing pertains to the "legal sufficiency" requirement of a complaint presented to this Commission.

Count I. False Swearing of Oath and Affirmation on Qualification Documents

Count II. Failure to Resign from Public Office Ten days Prior to New Qualification

Commissioner Moore filed as a candidate for a second district seat on the North Port City Commission while still holding her current district seat. Florida Statute 99.012 governs the restriction and this complaint refers specifically to (2)(c) "The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek."

This complaint alleges that Moore failed to resign and did sign an oath in her qualifying documents that she had resigned. The date of the oath and the lack of any documentation that the required formal resignation was not submitted ten days prior to the filing is certain evidence that a violation has occurred. There would be both a violation of the Election Commission's rules and a violation as a false swearing under the Commission on Ethics. Moore has attempted to bypass her responsibility by tendering a resignation a significant time after the ten day requirement that states her resignation is not effective until November 8, 2016.

This action and omission by Moore also relates to Section 3.05 of the City of North Port Charter states:

(c) Members of the City Commission shall discharge the duties of each respective office and shall hold no other government office or be employed by the City of North Port during their respective terms of office.

(d) Public officials and employees of the City of North Port shall be governed by the Code of Ethics for Public Officers and Employees (112.311 and 112.313 et seq., Florida Statutes, as the same may from time to time be amended) and by those additional standards of conduct that may be or are adopted by ordinance. Violations of any provisions of such Code of Ethics or standards of conduct in addition to any criminal penalty involved shall, pursuant to the constitutional and statutory procedures, constitute grounds for removal and punishment as provided by general law.

This complaint provides as reference the following:

FL 104.011 False swearing; submission of false voter registration information.—

(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

FL 92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) If authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths;

(b) Under oath or affirmation taken or administered by an officer authorized under s. 117.10 to administer oaths; or

(c) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by

law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

City of North Port Charter, Section 3.02 Election and Term of Office – Candidates may seek election to only one District Commission Seat at a time. Prior to obtaining petition forms, candidates for City Commission shall take and subscribe to a written oath or affirmation which shall be furnished by the City Clerk and which shall be substantially in the form provided in F.S. § 99.021(1)(a) (2007), as amended. Prior to obtaining petition forms, each candidate shall also appoint a treasurer and designate a primary depository.

Count III. False Swearing of Oath and Affirmation on Campaign Documents

Count IV. Failure to Open Campaign Depository Account.

The election codes require each candidate to file a monthly finance report and to designate a campaign depository. This complaint alleges that while Moore did designate Sun Trust Bank as depository, no account had been opened at the time of designation. Further, Moore subsequently filed on May 31, 2014 in the "Monthly Report" that there was no activity in the campaign account for the reporting period." This complaint alleges that the depository account did not exist at the time of the filing of the Monthly Report.

Count III. Use of Personal Accounts for Campaign Costs

If the Commission finds that the required depository account was not opened at the required date, then this complaint alleges that Moore has used personal accounts or the accounts of unregistered supporters to pay the cost of the campaign to date.

This complaint then requests that the Commission investigate, verify and take appropriate action for the counts alleged in this document.

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

10 JUN 16 PM 4:59:07

CITY OF NORTH PORT

OFFICE USE ONLY

JACQUELINE MOORE

Name

NORTH PORT CITY COMMISSION DISTRICT SEAT 2

Office Sought

1921 SCARLETT AV

Address

NORTH PORT

City

FL

State

34289

Zip Code



Candidate



Political Committee



Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).



Check here if address has changed since last report.



Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)



MONTHLY REPORT



PRIMARY ELECTION



GENERAL ELECTION



OTHER REPORT TYPE

Indicate report #

M 5

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and # as applicable:



TERMINATION REPORT



SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

MAY 1, 2016

THROUGH

MAY 31, 2016

Jacqueline Moore
Signature

Signature

June 10, 2016
Date

Date

Sharon Moore
Signature

Signature

June 10, 2016
Date

Date

REQUIRED SIGNATURES FOR:

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

27 MAY 15 AM 9:01:00

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

CITY OF NORTH PORT

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

JACQUELINE MOORE

3. Address (include post office box or street, city, state, zip code)

1921 SCARLETT AVENUE NORTH PORT, FL 34289

4. Telephone

(941) 223-1609

5. E-mail address

jacqueline@moorefornorthport.com

6. Office sought (include district, circuit, group number)

NORTH PORT CITY COMMISSION DISTRICT 2

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-in No Party Affiliation Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

HULON S. MOORE

11. Mailing Address

1921 SCARLETT AVENUE NORTH PORT, FL 34289

12. Telephone

(941) 321-6707

13. City

NORTH PORT

14. County

SARASOTA

15. State

FL

16. Zip Code

34289

17. E-mail address

pag127@verizon.net

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

SUNTRUST

20. Address

21. City

NORTH PORT

22. County

SARASOTA

23. State

FLORIDA

24. Zip Code

34289

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

May 27, 2016

26. Signature of Candidate

Jacqueline Moore

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

Hulon S. Moore, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

May 27, 2016 Date

Signature of Campaign Treasurer or Deputy Treasurer

27 MAY 15 AM 9:00:53

CANDIDATE OATH - NONPARTISAN OFFICE

(Not for use by Judicial or
School Board Candidates)

CITY OF NORTH PORT

OFFICE USE ONLY

OATH OF CANDIDATE (Section 99.021, Florida Statutes)

1. JACQUELINE MOORE

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT * - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of NORTH PORT CITY COMMISSION, 2
(office) (district #)

1921 * SCARLETT AVENUE; I am a qualified elector of SARASOTA County, Florida;
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Jacqueline Moore (941) 223-1609 Jacqueline@moorefornorthport.com
Signature of Candidate Telephone Number Email Address

1921 SCARLETT AVENUE NORTH PORT, FL 34289
Address City State ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): 1003041216

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATE OF FLORIDA
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me this 27 day of May, 20 16

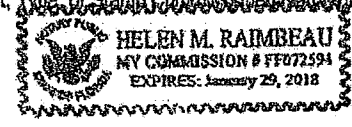
Personally Known: ✓ or

Produced Identification: _____

Type of Identification Produced: _____

Helen M. Raimbeau
Signature of Notary Public

Print, Type, or Stamp Correctly Indexed Name of Notary Public



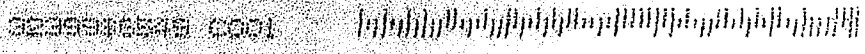
Schure
3720 W. Price Blvd.
North Port, FL
34286

\$0.67⁵
US POSTAGE
FIRST-CLASS

071S00803004
34287
03005466

State of Florida
Florida Elections Commission
107 West Gaines Street
Suite 224
Tallahassee, FL 32399-1050

RECEIVED
MAY 11 26 P 2 46



- EXHIBIT 10 ORIGINAL

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

FLORIDA
COMMISSION ON ETHICS
JUN 15 2016
RECEIVED

COMPLAINT

16-100

1. PERSON BRINGING COMPLAINT:

Name: KATHY J. SCHURE Telephone Number: 941-426-2643

Address: 3720 W. PRICE Blvd

City: NORTH PORT County: SARASOTA Zip Code: 34206

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: JACQUELINE MOORE Telephone Number: 941-223-1609

Address: 1921 SEARLETT AVE

City: NORTH PORT County: SARASOTA Zip Code: 34209

Title of office or position held or sought: CITY COMMISSIONER

3. STATEMENT OF FACTS:

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

STATE OF FLORIDA
COUNTY OF Sarasota

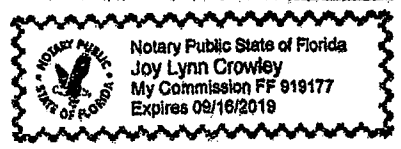
Sworn to (or affirmed) and subscribed before me this 8th day of June 20 16, by Kathy J. Schure

Joy Lynn Crowley
(Signature of Notary Public - State of Florida)

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

Kathy Schure
SIGNATURE OF COMPLAINANT

Personally Known _____ OR Produced Identification
Type of Identification Produced: FL DL



Jurisdiction of the Commission: The Commission on Ethics has the authority to review and investigate complaints concerning possible breaches of the public trust (violations of the State's ethics laws) by public officers, public employees, and similar persons involved with state and local government in Florida, including Executive Branch lobbyists. Complaints about the actions of Judges should be brought to the Judicial Qualifications Commission, and complaints against attorneys in private practice should be made to The Florida Bar.

Procedures followed by the Commission: The Commission follows a three-stage process when it considers complaints.

The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether the complaint indicates a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, the investigative staff of the Commission will begin an investigation. The second stage of the Commission's proceedings involves this investigation of the complaint and a decision by the Commission of whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds that there is no probable cause to believe that there has been a violation of the ethics laws, the complaint will be dismissed and will become public at that time.

If the Commission finds that there is probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and enters the third stage of proceedings. The third stage requires that the Commission decide whether the law actually was violated and, if so, what penalty should be recommended. This stage requires a public hearing (trial) at which evidence would be presented.

Attorney's Fees: If the complaint is dismissed, the person against whom the complaint is filed can file a petition to have the complainant pay his or her attorney's fees, which will be awarded after a hearing if the Commission finds that the complaint was made with a malicious intent to injure the official's reputation, the complainant knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth, and the statements were material.

Confidentiality: The Commission cannot accept anonymous complaints and cannot keep the identity of the complainant or any witness confidential. A complaint, as well as all of the Commission's proceedings and records relating to the complaint, is confidential and exempt from the public records law either until the person against whom the complaint is made waives confidentiality, or until the complaint reaches a stage in the Commission's proceedings where it becomes public. The Commission's procedures on confidentiality do not govern the actions of the complainant or the person against whom the complaint is made.

Legal Counsel: Both the complainant and the person complained against can be represented by legal counsel during the Commission's proceedings.

Other Information: More information about the ethics laws and the Commission's responsibilities is available at the Commission's website, www.ethics.state.fl.us, which contains publications, rules, and other information.

1. Jacqueline Moore took office on November November 17, 2014
2. Jacqueline Moore swore to "uphold the Charter and Ordinances of the City of North Port." She is currently sitting in Seat 4 for four years.
3. Because of districting, decided by Referendum by the majority of voters in North Port in 2012, Jacqueline Moore's seat was not involved in districting until the 2018 election.
4. Jacqueline Moore has served less than half of her four-year term and she has filed to run for the same office she now holds but in a different seat. Her date of filing was May 27, 2016.
5. Jacqueline Moore has now taken an oath of candidacy as follows: "I have resigned from any office from which I am required to resign," pursuant to the Oath of Candidate (copy enclosed.) To date, Jacqueline Moore has not resigned as per her sworn oath on May 27, 2016. However, in her press release dated May 27, 2016, and published in local media, she stated she "will formally resign from her current seat on November 8, 2016." (see copy enclosed of Press Release)

SUMMARY:

I believe this is an ethics violation due to the individual sitting in one seat, taking advantage of incumbency, and running for the same office in another seat against an incumbent.

Jacqueline Moore made a promise to the voters in 2014 to dedicate four years to the seat she was elected to and which she now sits in. Her recent actions disenfranchises the candidates that ran against her in 2014, who committed time, money and resources to win the seat and were willing to dedicate four years to serving the citizens of North Port. The potential for candidates to replace her in her current seat are disenfranchised because of a limited amount of time to file to run for office, run a campaign and qualify for office. Voters, along with the commission is disenfranchised because a decision has to be made about a special election that could cost taxpayers up to \$80,000.

As of today, June 8, 2016, Jacqueline Moore has not handed in her

resignation that should have been handed in, according to the Oath of Candidacy, before she filed to run concurrently in another seat.

27 MAY 15 AM 9:00:53

CANDIDATE OATH -
NONPARTISAN OFFICE

(Not for use by Judicial or
School Board Candidates)

CITY OF NORTH PORT

OFFICE USE ONLY

OATH OF CANDIDATE
(Section 99.021, Florida Statutes)

I, JACQUELINE MOORE

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT * - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of NORTH PORT CITY COMMISSION, 2
(office) (district #)

_____ ; I am a qualified elector of SARASOTA County, Florida;
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Jacqueline Moore
Signature of Candidate

(941) 223-1609
Telephone Number

jacqueline@moorefornorthport.com
Email Address

1921 SCARLETT AVENUE NORTH PORT, FL 34289
Address City State ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): 100304616

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATE OF FLORIDA
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me this 27 day of May, 20 16

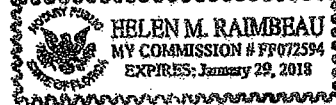
Personally Known: or

Produced Identification: _____

Type of Identification Produced: _____

Helen M. Raimbeau
Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public



FOR IMMEDIATE RELEASE
May 27, 2016

CONTACT: Jacqueline Moore
941.223.1609

MOORE ENTERS RACE FOR NORTH PORT CITY COMMISSION, DISTRICT 2

May 27, 2016 -- North Port, FL -- City of North Port Mayor Jacqueline Moore filed paperwork this morning declaring her candidacy for North Port City Commission, District 2. Moore was elected to the District 4 City Commission seat in 2014, however, new district lines drawn in December of 2015 by the sitting Commission place Moore outside of her elected district. She will formally resign from her current seat on November 8, 2016.

"I am eager to continue to serve our great Community over the next 4 years," said Moore. "I have a lot of unfinished projects and hope to continue to focus on bringing high-paying jobs to North Port along with access to quality healthcare and services to alleviate hunger in our ever-growing City."

City of North Port voters passed a Charter Amendment in 2012 requiring that the City be divided into five geographic districts, with one Commissioner elected from each. Voters reaffirmed their decision in 2014 by overwhelmingly denying an amendment to remove district residency requirements. Geographic district boundaries were required to be prepared and approved by the North Port City Commission by December 31, 2015.

"I did the right thing during the districting process, despite the detrimental implications on my future as a City Commissioner," said Moore. "The voters spoke and I, along with the rest of the City Commission, were able to draw and support geographically fair districts as set forth by our City Charter. This was not an easy feat as evidenced by the recent redistricting struggles of the Florida Legislature."

The non partisan election will be held on Tuesday, August 30, 2016. If no candidate receives over 50% of the vote, a run-off election will be held on Tuesday, November 8, 2016.

6



City of North Port
OATH OF OFFICE

CITY OF NORTH PORT COMMISSIONER
SEAT NO. FOUR

I, Jacqueline Moore, do solemnly swear or affirm that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I will uphold the Charter and Ordinances of the City of North Port; that I am duly qualified to hold office to which I have been elected under the constitution and laws of this State and Charter and Ordinances of the City of North Port; and that I will well and faithfully perform the duties of Commissioner of the City of North Port, Florida, on which I am about to enter, so help me God.

11-17-14
DATE

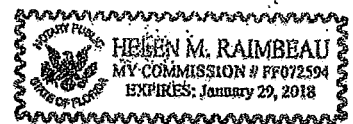
Jacqueline Moore
Commissioner Jacqueline Moore

Helen M. Raimbeau
Helen M. Raimbeau, MMC
City Clerk

Sworn to and subscribed before
me this 17th day of November, 2014

Helen M. Raimbeau

(Seal)



Personally know [] or I.D. produced

7

JUN 27 2016

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

CONFIDENTIAL

In re JACQUELINE MOORE,
Respondent.

Complaint No. 16-100

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, July 29, 2016, the Commission on Ethics met in its executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Kathy J. Schure, of North Port, Florida.
2. The Respondent, Jacqueline Moore, allegedly serves as a City Commissioner for the City of North Port.
3. The complaint alleges that in December 2015—approximately one year into the Respondent's four-year term on the City Commission—the City Commission redrew the district lines, placing the Respondent outside of her elected district. The complaint further alleges that although the Respondent is still serving in her elected position, she has declared her candidacy for a City Commission seat in another district, apparently planning to resign from her current seat on

November 8, 2016. The complaint alleges the Respondent is "taking advantage of [her] incumbency" by serving in one City Commission seat while simultaneously running for another seat.

4. The only provision in the Code of Ethics arguably implicated by the contents of this complaint is Section 112.313(6), Florida Statutes, which provides:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

... done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

5. The assertions referenced in paragraph 3, above, fail to indicate a possible violation of Section 112.313(6), Florida Statutes, by the Respondent. In order to indicate a possible violation, a complaint must allege, in a specific, factual, nonconclusory manner, that a respondent "corruptly" sought to use her public position to benefit herself or another. Here, the allegation that the Respondent decided to run for the second City Commission seat cannot be considered a use of her public position as she could have become a candidate for the position regardless of whether she was holding public office. Moreover, the general claim that the Respondent was attempting to take "advantage of [her] incumbency," without additional factual allegations concerning a specific action taken or function performed in her pre-existing public capacity to enhance her private candidacy, does not provide a substantive factual basis for investigation under Section 112.313(6), although it may raise issues which can be addressed by the courts or by State and/or local election authorities.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, July 29, 2016.

Date Rendered

XXX
Chair, Florida Commission on Ethics

XXX/gps

cc: Ms. Jacqueline Moore, Respondent
Ms. Kathy J. Schure, Complainant

DATE FILED

AUG 03 2016

COMMISSION ON ETHICS

**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

In re JACQUELINE MOORE,)

Respondent.)
_____)

Complaint No. 16-100

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Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, July 29, 2016.

August 3, 2016
Date Rendered


MATTHEW F. CARLUCCI
Chair, Florida Commission on Ethics

MFC/gps

cc: Ms. Jacqueline Moore, Respondent
Ms. Kathy J. Schure, Complainant

Certification of Registration

I, RON TURNER, Supervisor of Elections for Sarasota County, Florida, do hereby certify that the following information is a true and correct copy of the voter registration record on file in this office for:

SCHURE, KATHY JEAN

Date of Registration: 02-28-2000

FVRSIDNumber: 100220074

Certification Number: 20003981

Status: ACTIVE

Address: 3720 W PRICE BLVD, NORTH PORT FL
34286

Precinct Number: 311 Sex: F Race: W

Date of Birth: 03-09-1960

Witness my hand and official seal at Sarasota County,
Florida on April 19, 2017.

Ron Turner
Supervisor of Elections
Sarasota County, Florida

By: _____

Kathy Jean Schure

04-19-2017
11:52:57

SARASOTA COUNTY Supervisor of Elections
VOTING HISTORY REPORT

PAGE 1

KATHY JEAN SCHURE

Registered Address : 3720 W PRICE BLVD
NORTH PORT FL 34286

FVRS Voter-ID: 100220074

Registered: 02-28-2000 Status: Active Total Items: 11

0816	EARLY	11/08/2016	GENERAL
3016	EARLY	08/30/2016	PRIMARY
1516	POLL	03/15/2016	PPP
0414	POLL	11/04/2014	GENERAL
2614	POLL	08/26/2014	PRIMARY
0612	AB	11/06/2012	GENERAL
1412	EARLYDEM	08/14/2012	PRIMARY
0408	POLL	11/04/2008	GENERAL
0204	POLL	11/02/2004	GENERAL
0502	POLL	11/05/2002	GENERAL
0700	POLL	11/07/2000	GENERAL

State of FLORIDA
County of SARASOTA

I, RON TURNER, Supervisor of Elections, hereby certify
the foregoing to be a true and correct copy of the voting record
of KATHY JEAN SCHURE as it appears on record in my office.

Witness my hand and seal on April 19, 2017.

RON TURNER
Supervisor of Elections

By: 

Deputy

Kathy Dent
Supervisor of Elections
Sarasota County Florida

CITY CLERK

MAY 25 2012

CITY of NORTH PORT

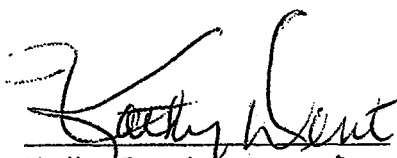
EXHIBIT 13

OFFICIAL CANDIDATE PETITION CERTIFICATION

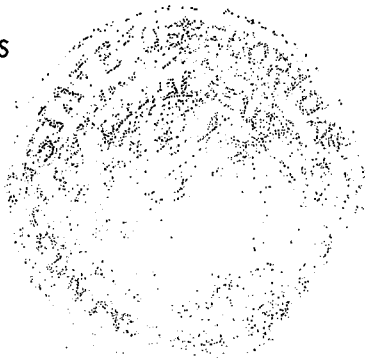
May 23, 2012

To: Helen Raimbeau, City Clerk

I do hereby certify that the designated signatures on the petition submitted on behalf of Cheryl Cook, candidate for the office of City of North Port Commissioner, Seat 1, have been checked and verified by my office. The said petition contains the signatures of twenty-five (25) electors residing in the City of North Port.


Kathy Dent
Supervisor of Elections

enclosure



Contact : CHERYL COOK-NP COMM ST 1
Address : 1712 LAFLEUR ST
:
NORTH PORT FL
Phone :

Party :
Needed # : 25

Total Processed	26	100.00%
Total Valid	25	96.15%
Total Invalid	1	3.85%
Revoked	0	0.00%
Not Registered	0	0.00%
Illegible	0	0.00%
Invalid District	1	3.85%
Purged	0	0.00%
Unidentified	0	0.00%
Signature Differs	0	0.00%
Not Signed	0	0.00%
Deceased	0	0.00%
Previously Signed	0	0.00%
Not In County	0	0.00%
No Sig On File	0	0.00%
Wrong Party	0	0.00%
Invalid Address	0	0.00%07
Deleted	0	0.00%
Invalid Date	0	0.00%
Notary Problem	0	0.00%
No Date	0	0.00%
No Addr or Precinct	0	0.00%
No DOB or VoterID#	0	0.00%
Improperly Submitted	0	0.00%

CODE	OFFICE	SIGNED	REVOKED	NET
CYNP	NORTH PORT CITY	25		25

SUPERVISOR OF ELECTIONS
SARASOTA COUNTY FLORIDA

2012 MAY 21 AM 11:23

FILED FOR RECORD
KATHY DENT



PETITION NO. 3

City of North Port

TO: HELEN M. RAIMBEAU, CITY CLERK PETITION

We, the undersigned qualified electors of the City of North Port, Florida, hereby nominate Cheryl Cook, a qualified elector, residing at 1712 LaFleur St, North Port, Florida, for the office of City Commissioner of the City of North Port, Seat No. One (1), such candidacy to be voted upon at the next Primary Municipal Election to be held on August 14, 2012, and we further petition that the above named nominee be placed upon the ballot to be used in said election.

(To be signed in pen)

Precinct No.	Signature of Elector	Resident Address	Date Signed
02220074 1.	<u>Kathy Schewe</u>	<u>3720 W. Price Blvd.</u>	<u>5-15-12</u> ^{STB} 5/22/12
03094134 2.	<u>[Signature]</u>	<u>1796 Scarlett Ave</u>	<u>5/16/12</u> ^{STB} 5/22/12
10282701 3.	<u>Vicki Godwin</u>	<u>1512 Mageeish Ln</u>	<u>5/17/12</u> ^{STB} 5/22/12
0193112 4.	<u>Delores Braccia</u>	<u>3803 Blue Heron Circle</u>	<u>5/17/2012</u> ^{STB} 5/22/12
10324947 5.	<u>John Wagner</u>	<u>3553 Hazelwood</u>	<u>5-18-12</u> ^{STB} 5/22/12
7027398 6.	<u>[Signature]</u>	<u>3742 Fresno Rd.</u>	<u>5/18/12</u> ^{STB} 5/22/12
0321293 7.	<u>Monica Zander</u>	<u>2475 Wilburn Ter</u>	<u>5/18/12</u> ^{STB} 5/22/12
10321295 8.	<u>[Signature]</u>	<u>2475 WILBURN TER</u>	<u>5-18-2012</u> ^{STB} 5/22/12
10362721 9.	<u>Cecilia Eggleton</u>	<u>2847 Industry Ave</u>	<u>5-18-12</u> ^{STB} 5/22/12
10323292 10.	<u>William Humble</u>	<u>5769 E. PRICE BLVD.</u>	<u>5-19-12</u> ^{STB} 5/22/12
10312953 11.	<u>[Signature]</u>	<u>5769 East Price Blvd</u>	<u>5.19.12</u> ^{STB} 5/22/12
4147858 12.	<u>Ense Taylor</u>	<u>1892 LaFleur St.</u>	<u>5/19/12</u> ^{STB} 5/22/12
0250757 13.	<u>Kim Powell</u>	<u>1795 Bottlebrush Rd.</u>	<u>5/19/12</u> ^{STB} 5/22/12

2012 MAY 21 AM 11:23

Petition of Cheryl COOK for City Commissioner

KATHY DENT

of the City of North Port, Seat No. One (1).

(To be signed in pen)

Precinct No.	Signature of Elector	Resident Address	Date Signed
0321475 14.	Tracy Wron	2230 Johannestberg	5-18-12
25911630 15.	Donna Don	3134 S. Haberland Blvd	5/19/12
0325150 16.	David Donaldson	3134 So. Haberland Blvd	5/19/12
0974499 17.	Donna Don	2982 CYRUS AVE	5/19/12
1619733 18.	Donna Don	3929 Derek St.	5/19/12
41663866 19.	Diane Houston	3938 Derrick St	5/19/12
1404137 20.	James L. Hersh	3704 Dominic St.	5/19/12
1404100 21.	Mark Hersh	3704 Dominic St.	5-19-12
22.	Russell Wills	3752 Dominic St	5-19-12
23.	Scott Hutcheon	2859 Sears Ave	5-19-12
0676038 24.	David Hersh	3520 BUNNBERG RD	5-19-12
2636809 25.	Blaine Kelly	3184 Ulmer Ave	5-20-12
20460542 26.	A. J. Ashlin	2843 Ridley Lane	5-20-12
024921627 27.	Robert P. Ashlin	2843 Ridley Lane	5-20-12
1321309 28.	Wine Peterson	3198 N Biscayne Dr	5-20-12
29.	Ruth D. Peterson	3198 N Biscayne	5-20-12
30.	James Steiner	5141 Keesie Ave	5-20-12

EXHIBIT 14



6851 TPC DRIVE
ORLANDO, FL 32822
Tel. 407-351-0232
Fax. 407-363-4586

SUPERVISOR OF ELECTIONS
SARASOTA COUNTY FLORIDA

2016 AUG 24 PM 5: 21

FILED FOR RECORD
SARASOTA COUNTY

Invoice

DATE	INVOICE #
8/18/2016	10661

BILL TO

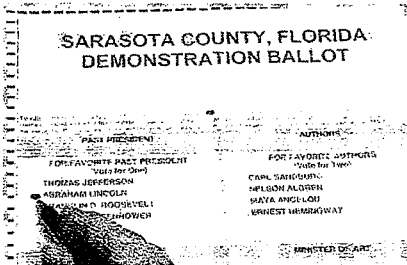
SARASOTA COUNTY SUPERVISOR OF
ELECTIONS
CATHY FOWLER
101 S. WASHINGTON BLVD
SARASOTA, FL 34230-4194

CUSTOMER NUMBER	TERMS	DUE DATE	P.O. NO.	REP
750196	Net 30	9/17/2016	P0163511	LF

QUANTITY IN TH...	DESCRIPTION	RATE	AMOUNT
238.567	PRIMARY SAMPLE BALLOTS MAIL DATE: 8/10/16 DATA PROCESS, NCOA MOVE 18, DUPLEX PRINT, FOLD, INSERT INTO #10 ENVELOPE, SEAL, METER, SORT AND MAIL (238,567 ACCOUNTS MAILED) <i>AUG 30, 2016</i> <i>PRIMARY ELECTION</i> <i>FINAL INVOICE</i>	237.10	56,564.24
Thank you for doing business with AXIS Data Solutions.		Total	\$56,564.24

OPTICAL SCAN VOTING

Please follow these simple instructions to cast your ballot.



To mark your ballot, completely fill in the oval adjacent to each desired candidate or choice with the marking device provided at the polling place.

No marks should be applied anywhere else on the ballot. Be sure to check both sides of the ballot for contests.



At the polls, if you make a mistake on your ballot or change your mind, ask a poll worker for a replacement ballot. When you have finished marking your ballot, take it to the precinct tabulator and feed it into the optical scan reader. (Note: you may mark your choices on this sample ballot and take it with you to the polls to use as a reference.)

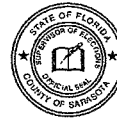
FLORIDA IS A CLOSED PRIMARY STATE

This means a person can only vote in a partisan primary election for the candidates of the party in which the person is registered. However, if all candidates for an office have the same party affiliation and the winner will have no opposition in the General Election, all qualified electors, regardless of party affiliation, may vote in the primary for that office. This is called a Universal Primary Contest. Also, all registered voters, regardless of party affiliation can vote on issues and in non-partisan races.

VOTER ID REQUIRED AT THE POLLS

Voters must present a valid form of photo and signature identification to vote at the polls on election day and at early voting sites or will be required to vote a provisional ballot. Valid forms of ID include:

- Florida Driver License
- Florida ID Card
- U.S. Passport
- Florida Concealed Weapon or Firearm License
- Debit or Credit Card
- Military ID
- Student ID
- VA Veteran Health ID Card
- Retirement Center ID
- Neighborhood Association ID
- Public Assistance ID
- Federal, State, County or Municipal Employee ID



KATHY DENT
SUPERVISOR OF ELECTIONS
P.O. Box 4194
SARASOTA, FL 34230-4194

OFFICIAL SAMPLE BALLOT
PRIMARY ELECTION
SARASOTA COUNTY, FLORIDA
AUGUST 30, 2016

NORTH PORT FL 34286-6079

YOUR ADDRESS OF RECORD

Listed below is the residence street address used to determine your polling location and ballot:

NORTH PORT FL 34286

If you have moved from this address, please call (941) 861-8619

YOUR ELECTION DAY POLLING LOCATION

Precinct # **311**

Polling Location:

MORGAN FAMILY COMM CENTER
6207 W PRICE BLVD
NORTH PORT FL 34291

THREE WAYS TO VOTE

ELECTION DAY – Tuesday, August 30, 2016

You must vote in the precinct where you live on election day. • The location of your polling place can be found on your voter information card and at the top of this sample ballot. • **Polls are open from 7 a.m. to 7 p.m. on election day.** • Please be sure to take your photo and signature ID when you go to vote. • If you do not appear at the polls with current and valid ID, you will be allowed to vote a provisional ballot.

VOTE BY MAIL – (ABSENTEE)

Under Florida law, any registered voter may request a vote-by-mail (absentee) ballot. • Visit our website at SarasotaVotes.com to fill out an online request or call (941) 861-8618. • You must request a ballot to be mailed to you by the Wednesday before the election. • **Marked ballots must be received by the supervisor of elections office no later than 7 p.m. election night to be counted.**

VOTE EARLY – Saturday, August 20 – Saturday, August 27, 2016

Any eligible elector may vote early at any one of the four early voting sites listed below. Early voting sites will be open from **8:30 a.m. to 4:30 p.m. daily**, from **August 20 through August 27**. Remember to take photo and signature ID when you go to vote. If you do not, you will be allowed to vote a provisional ballot.

Sarasota County Early Voting Sites for Primary Election

Elections Office 13640 Tamiami Trail North Port, FL 34287	Elections Office 2001 Adams Lane Sarasota, FL 34237	Elections Office 4000 Tamiami Trail S. Venice, FL 34293	Westfield Sarasota Square Mall 8201 S Tamiami Trail Sarasota, FL 34238
--	--	--	---

This sample ballot is for information only — NOT FOR VOTING.

OFFICIAL SAMPLE BALLOT

This sample ballot was prepared in accordance with F.S. 101.20 by the office of Kathy Dent, Sarasota County Supervisor of Elections

Based on voter registration information, your ballot will contain the following:

OFFICIAL PRIMARY BALLOT REPUBLICAN PARTY SARASOTA COUNTY, FLORIDA AUGUST 30, 2016		Precinct 311 - 0
<ul style="list-style-type: none"> • TO VOTE, COMPLETELY FILL IN THE OVAL (●) NEXT TO YOUR CHOICE. • Use only a blue or black pen. • If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count. 		
UNITED STATES SENATOR (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Carlos Beruff <input type="radio"/> Ernie Rivera <input type="radio"/> Marco Rubio <input type="radio"/> Dwight Mark Anthony Young 	CHARTER REVIEW BOARD DISTRICT 5 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Walt Augustynowicz <input type="radio"/> David Samuel 	
STATE SENATOR DISTRICT 23 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Doug Holder <input type="radio"/> Rick Levine <input type="radio"/> Nora Patterson <input type="radio"/> Ray Pilon <input type="radio"/> Greg Stetbe 	HOSPITAL BOARD AT LARGE SEAT 1 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> John H. DeJongh <input type="radio"/> Sharon Weizler DePeters <input type="radio"/> Michael A. Sulphin 	
BOARD OF COUNTY COMMISSIONERS DISTRICT 1 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Frank DiCicco <input type="radio"/> Mike Moran 	HOSPITAL BOARD AT LARGE SEAT 3 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Marguerite Malone <input type="radio"/> Susan Tucker 	
CHARTER REVIEW BOARD DISTRICT 2 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Donna Barcomb <input type="radio"/> Vic Rohe 	SCHOOL BOARD MEMBER DISTRICT 2 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Teresa Mast <input type="radio"/> Caroline G. Zucker 	
VOTE BOTH SIDES OF BALLOT		

This sample ballot is for information purposes only. IT IS NOT FOR VOTING.
 For more information, call (941) 861-8600 or visit
www.SarasotaVotes.com

OFFICIAL SAMPLE BALLOT

This sample ballot was prepared in accordance with F.S. 101.20 by the office of Kathy Dent, Sarasota County Supervisor of Elections

Based on voter registration information, your ballot will contain the following:

CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 1 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Vanessa Carusone <input type="radio"/> Rhonda Y. DiFranco <input type="radio"/> Cory Hutchinson <input type="radio"/> Nicholas L. Trolli Sr. 	
CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 2 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Samuel P. Cohen <input type="radio"/> Cheryl Lynn Cook <input type="radio"/> Christopher B. Hanks <input type="radio"/> Jacqueline Moore 	
CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 3 (Vote for One) <ul style="list-style-type: none"> <input type="radio"/> Debbie McDowell <input type="radio"/> Andrew F. Sias <input type="radio"/> Michael R. Treubert 	
NO. 1 CONSTITUTIONAL AMENDMENT ARTICLE VII SECTIONS 3 AND 4 ARTICLE XII SECTION 34 SOLAR DEVICES OR RENEWABLE ENERGY SOURCE DEVICES EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT.	
Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to exempt from ad valorem taxation the assessed value of solar or renewable energy source devices subject to tangible personal property tax, and to authorize the Legislature, by general law, to prohibit consideration of such devices in assessing the value of real property for ad valorem taxation purposes. This amendment takes effect January 1, 2018, and expires on December 31, 2037.	
<ul style="list-style-type: none"> <input type="radio"/> YES <input type="radio"/> NO 	
END OF BALLOT	
VOTE BOTH SIDES OF BALLOT	

This sample ballot is for information purposes only. IT IS NOT FOR VOTING.
 For more information, call (941) 861-8600 or visit
www.SarasotaVotes.com

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY**

We, the undersigned, ERIKA QUARTERMAINE, County Judge, KATHY DENT, Supervisor of Elections, CAROLYN MASON, County Commissioner, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Sixth day of September, 2016 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan Election** held on the Thirtieth day of August, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For School Board, District 2, the whole number of votes cast was 68,700 of which

Teresa Mast	received	32,678 votes
Caroline G. Zucker	received	36,022 votes

For NORTH PORT COMMISSIONER SEAT 1 NORTH PORT COMMISSIONER, the whole number of votes cast was 8,506 of which

Vanessa Carusone	received	3,363 votes
Rhonda Y. DiFranco	received	1,491 votes
Cory Hutchinson	received	2,214 votes
Nicholas L. Trolli Sr.	received	1,438 votes

For NORTH PORT COMMISSIONER SEAT 2 NORTH PORT COMMISSIONER, the whole number of votes cast was 8,446 of which

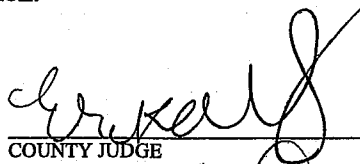
Samuel P. Cohen	received	1,626 votes
Cheryl Lynn Cook	received	1,372 votes
Christopher B. Hanks	received	2,476 votes
Jacqueline Moore	received	2,972 votes

For NORTH PORT COMMISSIONER SEAT 3 NORTH PORT COMMISSIONER, the whole number of votes cast was 8,280 of which

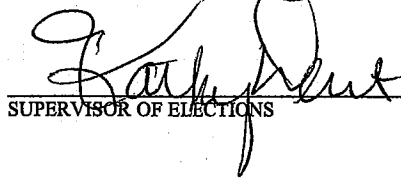
Debbie McDowell	received	3,714 votes
Andrew F. Sias	received	2,392 votes
Michael R. Treubert	received	2,174 votes

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY**

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE



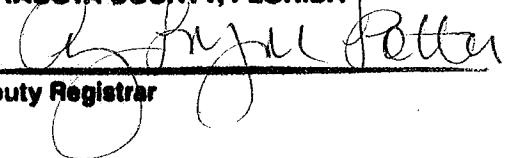
SUPERVISOR OF ELECTIONS

COUNTY COMMISSIONER

**STATE OF FLORIDA
COUNTY OF SARASOTA**

I hereby certify that the foregoing is a true and correct copy of the original files in this office witness my hand and official

Seal this date 4.19.17
**RON TURNER, SUPERVISOR OF ELECTIONS
SARASOTA COUNTY, FLORIDA**



Deputy Registrar



6851 TPC DRIVE
 ORLANDO, FL 32822
 Tel. 407-351-0232
 Fax. 407-363-4586

*RECEIVED
 BY JOE 10-17-16*

Invoice

DATE	INVOICE #
10/17/2016	11407

BILL TO

SARASOTA COUNTY SUPERVISOR OF
 ELECTIONS
 CATHY FOWLER
 101 S. WASHINGTON BLVD
 SARASOTA, FL 34230-4194

- EXHIBIT 15

CUSTOMER NUMBER	TERMS	DUE DATE	P.O. NO.	REP
750196	Net 30	11/16/2016	170392	LF

QUANTITY IN TH...	DESCRIPTION	RATE	AMOUNT
216.311	GENERAL SAMPLE BALLOTS - 14 X 17 MAIL DATE: 10/12/16 DATA PROCESS, NCOA 18, DUPLEX PRINT, FOLD, INSERT, SEAL, METER, SORT AND MAIL (216.306 ACCOUNTS MAILED, 5 PULLED)	237.10	51,287.34
<i>FINAL INVOICE</i>			
<i>OK! CF 10-21-16</i>			
<i>65100121.500340 - \$47,256.²⁰</i>			
<i>65200019.500340 - \$4,031.¹⁴</i>			
<i>FED GRANT FUNDS</i>			

Please make checks payable to Cathedral Corporation & remit to the above address.	Total	\$51,287.34
---	--------------	--------------------

IMPORTANT INFORMATION

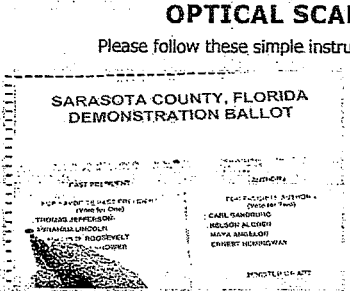
- This is a sample ballot only. IT IS NOT FOR VOTING.
- You may mark your choices on this sample ballot and take it with you to the polls to use as a reference.
- Make sure you vote each side of the ballot.
- Please review all contests carefully before placing your ballot in the tabulator or vote-by-mail (absentee) envelope.
- If you make a mistake, do not hesitate to ask for a replacement ballot.



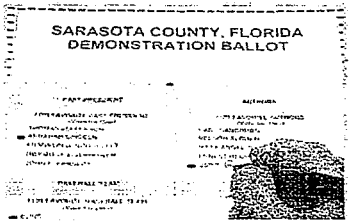
KATHY DENT
SUPERVISOR OF ELECTIONS
P.O. Box 4194
SARASOTA, FL 34230-4194

OFFICIAL SAMPLE BALLOT
GENERAL ELECTION
SARASOTA COUNTY, FLORIDA
NOVEMBER 8, 2016

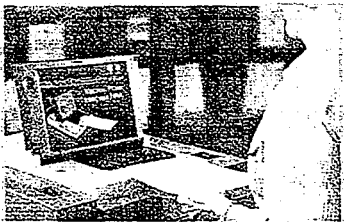
NORTH PORT FL 34286-4909
[Barcode]



To mark your ballot, completely fill in the oval adjacent to each desired candidate or choice with the marking device provided at the polling place or early voting site. No marks should be applied anywhere else on the ballot. Be sure to check both sides of the ballot for contests.



To vote for a write-in candidate, completely fill in the oval adjacent to the write-in space and clearly write the candidate's name on the write-in line.



At the polls, if you make a mistake on your ballot or change your mind, ask a poll worker for a replacement ballot. When you have finished marking your ballot, take it to the tabulator and feed it into the optical scan reader. (Note: you may mark your choices on this sample ballot and take it with you to the polls to use as a reference.)

For more information:
www.SarasotaVotes.com
(941) 861-8619

YOUR ADDRESS OF RECORD

Listed below is the residence street address used to determine your polling location and ballot:

NORTH PORT FL 34286

If you have moved from this address, please call (941) 861-8619

YOUR ELECTION DAY POLLING LOCATION

Precinct # **311**

Polling Location:
MORGAN FAMILY COMM CENTER
6207 W PRICE BLVD
NORTH PORT FL 34291

THREE WAYS TO VOTE

ELECTION DAY - Tuesday, November 8, 2016

You must vote in the precinct where you live on election day. • The location of your polling place can be found on your voter information card and at the top of this sample ballot. • Polls are open from 7 a.m. to 7 p.m. on election day. • Please be sure to take your photo and signature ID when you go to vote. • If you do not appear at the polls with current and valid ID, you will be allowed to vote a provisional ballot.

VOTE BY MAIL - (ABSENTEE)

Under Florida law, any registered voter may request a vote-by-mail (absentee) ballot. • Visit our website at SarasotaVotes.com to fill out an online request or call (941) 861-8618. • You must request a ballot to be mailed to you by the Wednesday before the election. • **Marked ballots must be received by the supervisor of elections office no later than 7 p.m. election night to be counted.**

VOTE EARLY - Monday, October 24 - Saturday, November 5, 2016

Any eligible elector may vote early at any one of the seven early voting sites listed below. Early voting sites will be open from 8:30 a.m. to 6:30 p.m. daily, from October 24 through November 5. Remember to take photo and signature ID when you go to vote. If you do not, you will be allowed to vote a provisional ballot.

Sarasota County Early Voting Sites for Primary Election

Elections Office 13640 Tamiami Trail North Port, 34287	Elections Office 2001 Adams Lane Sarasota, 34237	Elections Office 4000 Tamiami Trail Venice, 34293
Fruitville Library 100 Coburn Road Sarasota, 34240	Nokomis Park Community Center 234 Nippino Trail E. Nokomis, 34275	North Sarasota Library 2801 Newtown Blvd Sarasota, 34234
		Westfield Sarasota Square Mall 8201 S Tamiami Trail Sarasota, 34238

VOTER ID REQUIRED AT THE POLLS

Voters must present a valid form of photo and signature identification to vote at the polls on election day and at early voting sites or will be required to vote a provisional ballot. Valid forms of ID include:

- Florida Driver License
- Florida ID Card
- U.S. Passport
- Florida Concealed Weapon or Firearm License
- Debit or Credit Card
- Military ID
- Student ID
- VA Veteran Health ID Card
- Retirement Center ID
- Neighborhood Association ID
- Public Assistance ID
- Federal, State, County or Municipal Employee ID

This sample ballot is for information only — NOT FOR VOTING.

OFFICIAL SAMPLE BALLOT

This sample ballot was prepared in accordance with F.S. 101.20 by the office of Kathy Dent, Sarasota County Supervisor of Elections

Based on voter registration information, your ballot will contain the following:

OFFICIAL GENERAL ELECTION BALLOT SARASOTA COUNTY, FLORIDA NOVEMBER 8, 2016			Precinct: 311 - 0
<p>TO VOTE, COMPLETELY FILL IN THE OVAL (●) NEXT TO YOUR CHOICE.</p> <ul style="list-style-type: none"> Use only a blue or black pen. If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count. To vote for a candidate whose name is not printed on the ballot, fill in the oval (●) and write in the candidate's name on the blank line provided for a write-in candidate. 			
PRESIDENT AND VICE PRESIDENT (Vote for One)	TAX COLLECTOR (Vote for One)	HOSPITAL BOARD CENTRAL DISTRICT SEAT 1 (Vote for One)	
<input type="radio"/> Donald J. Trump Michael R. Pence REP	<input type="radio"/> Jim Bender REP	<input type="radio"/> Wilbur P. Abnerian REP	
<input type="radio"/> Hillary Rodham Clinton Timothy Michael Kaine DEM	<input type="radio"/> Barbara Ford-Cuevas DEM	<input type="radio"/> Jody Devoport DEM	
<input type="radio"/> Gary Johnson Bill Weld LFP	<input type="radio"/> Mike Moran REP	<input type="radio"/> John Mueller REP	
<input type="radio"/> Darrell L. Casio Scott N. Groutley CPF	<input type="radio"/> Fred "Gossie" Atkins DEM	<input type="radio"/> Deborah "Dee" McFarland DEM	
<input type="radio"/> Jill Stein Ajamu Baraka GRE	BOARD OF COUNTY COMMISSIONERS DISTRICT 1 (Vote for One)	HOSPITAL BOARD NORTHERN DISTRICT SEAT 1 (Vote for One)	
<input type="radio"/> Roque (Rocky) De La Fuente Michael Sternberg REF	<input type="radio"/> Joseph Anthony (Tony) S. Jager REP	<input type="radio"/> John Mueller REP	
<input type="radio"/> Write in	<input type="radio"/> Aileen Senealing DEM	<input type="radio"/> Deborah "Dee" McFarland DEM	
UNITED STATES SENATOR (Vote for One)	CHARTER REVIEW BOARD DISTRICT 2 (Vote for One)	JUSTICE OF THE SUPREME COURT	
<input type="radio"/> Marco Rubio REP	<input type="radio"/> Diana Barcone REP	Shall Justice Charles T. Leavy of the Supreme Court be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Patrick Murphy DEM	<input type="radio"/> Karen Collins-Fleming DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Paul Stanton LFP	<input type="radio"/> Robert Nof GRE	Shall Justice Jorge Labarga of the Supreme Court be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Tony Danza NPA	CHARTER REVIEW BOARD DISTRICT 3 (Vote for One)	JUSTICE OF THE SUPREME COURT	
<input type="radio"/> Bruce Hudson NPA	<input type="radio"/> Paul Weisman REP	Shall Justice Ricky L. Polston of the Supreme Court be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Steven Machat NPA	<input type="radio"/> Tom Palumbo DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Basil E. Datsak NPA	CHARTER REVIEW BOARD DISTRICT 4 (Vote for One)	DISTRICT COURT OF APPEAL	
<input type="radio"/> Write in	<input type="radio"/> Jody Hodgers REP	Shall Judge John Bondanant of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Ray Pinter DEM	CHARTER REVIEW BOARD DISTRICT 5 (Vote for One)	DISTRICT COURT OF APPEAL	
REPRESENTATIVE IN CONGRESS DISTRICT 17 (Vote for One)	<input type="radio"/> David Samuels REP	Shall Judge Maria L. Chenshaw of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Tom Rooney REP	<input type="radio"/> Mike Shasko DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Art Freeman DEM	HOSPITAL BOARD AT LARGE SEAT 1 (Vote for One)	DISTRICT COURT OF APPEAL	
<input type="radio"/> John W. Sargent III NPA	<input type="radio"/> Sharon Weitzer DePeters REP	Shall Judge Maria L. Chenshaw of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
STATE SENATOR DISTRICT 23 (Vote for One)	<input type="radio"/> Kevin T. Connelly DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Greg Stube DEM	HOSPITAL BOARD AT LARGE SEAT 2 (Vote for One)	DISTRICT COURT OF APPEAL	
<input type="radio"/> Frank R. Albok III DEM	<input type="radio"/> Tamara Hudson REP	Shall Judge Patricia J. Kelly of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
STATE REPRESENTATIVE DISTRICT 74 (Vote for One)	<input type="radio"/> Mitiglena Enichova DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Julio Gonzalez REP	<input type="radio"/> Reid Schaubach NPA	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Marjory Lopez DEM	HOSPITAL BOARD AT LARGE SEAT 3 (Vote for One)	DISTRICT COURT OF APPEAL	
CLERK OF THE CIRCUIT COURT AND COMPTROLLER (Vote for One)	<input type="radio"/> Susan Tucker REP	Shall Judge Patricia J. Kelly of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Karen Ruschling REP	<input type="radio"/> Cheryl Brandt DEM	<input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Todd Burton DEM			
VOTE BOTH SIDES OF BALLOT			

This sample ballot is for information purposes only. IT IS NOT FOR VOTING.
For more information, call (941) 861-8600 or visit www.SarasotaVotes.com

OFFICIAL SAMPLE BALLOT

This sample ballot was prepared in accordance with F.S. 101.20 by the office of Kathy Dent, Sarasota County Supervisor of Elections

Based on voter registration information, your ballot will contain the following:

DISTRICT COURT OF APPEAL Shall Judge Nedy N. Khoom of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 1 CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 28 Rights of Electricity Consumers Regarding Solar Energy Choice This amendment establishes a right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use. State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of solar power and electric grid access to those who do. The amendment is not expected to result in an increase or decrease in any revenues or costs to state and local government.	NO. 2 CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 6 Homebased Tax Exemption for Certain Senior, Low-Income, Long-Term Residents; Determination of Just Value Proposing an amendment to the State Constitution to revise the homebased tax exemption that may be granted by counties or municipalities for property with just value less than \$250,000 owned by certain senior, low-income, long-term residents to specify that just value is determined in the first tax year the owner applies and is eligible for the exemption. The amendment takes effect January 1, 2017, and applies retroactively to exemptions granted before January 1, 2017.
DISTRICT COURT OF APPEAL Shall Judge Mark Lucas of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 2 CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 28 Use of Marijuana for Debilitating Medical Conditions Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a Florida-licensed physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall regulate and enforce laws that procure and distribute medical marijuana to patients and shall issue dispensation cards to patients and caregivers, subject only to Florida law. Does not prohibit possession of federal law or any other law. Does not prohibit possession or production of marijuana. Increased costs from law amendments to state and local governments cannot be determined. There will be additional regulatory costs and enforcement costs associated with the production, sale, use and possession of medical marijuana. If any fees related to some of the regulatory costs, such as will likely apply to most patients, resulting in a substantial increase in state and local government revenues that cannot be determined.	CITY OF NORTH PORT, FLORIDA NOVEMBER 8, 2016 AMENDMENT OF NORTH PORT CHARTER TERM LIMITS: Presently the City Charter provides a commissioner may serve for no longer than two consecutive full terms. Are you in favor of allowing the candidates and members no person to be elected to the office of a city commissioner more than twice? <input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Robert Morris of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 2 CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 28 Use of Marijuana for Debilitating Medical Conditions Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a Florida-licensed physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall regulate and enforce laws that procure and distribute medical marijuana to patients and shall issue dispensation cards to patients and caregivers, subject only to Florida law. Does not prohibit possession of federal law or any other law. Does not prohibit possession or production of marijuana. Increased costs from law amendments to state and local governments cannot be determined. There will be additional regulatory costs and enforcement costs associated with the production, sale, use and possession of medical marijuana. If any fees related to some of the regulatory costs, such as will likely apply to most patients, resulting in a substantial increase in state and local government revenues that cannot be determined.	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Susan Trevisi Hannon of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 2 CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 28 Use of Marijuana for Debilitating Medical Conditions Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a Florida-licensed physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall regulate and enforce laws that procure and distribute medical marijuana to patients and shall issue dispensation cards to patients and caregivers, subject only to Florida law. Does not prohibit possession of federal law or any other law. Does not prohibit possession or production of marijuana. Increased costs from law amendments to state and local governments cannot be determined. There will be additional regulatory costs and enforcement costs associated with the production, sale, use and possession of medical marijuana. If any fees related to some of the regulatory costs, such as will likely apply to most patients, resulting in a substantial increase in state and local government revenues that cannot be determined.	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Samuel Salas Jr. of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 3 CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 6 Tax Exemption for Totally and Permanently Disabled First Responders Proposing an amendment to the State Constitution to authorize a first responder, who is totally and permanently disabled as a result of injuries sustained in the line of duty, to receive a total abatement of ad valorem taxes assessed on homesteaded property if authorized by general law. If approved by voters, the amendment takes effect January 1, 2017.	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Craig C. Vittori of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	NO. 3 CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 6 Tax Exemption for Totally and Permanently Disabled First Responders Proposing an amendment to the State Constitution to authorize a first responder, who is totally and permanently disabled as a result of injuries sustained in the line of duty, to receive a total abatement of ad valorem taxes assessed on homesteaded property if authorized by general law. If approved by voters, the amendment takes effect January 1, 2017.	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Douglas Ann Westcott of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 1 (Vote for One) <input type="radio"/> Vanessa Cancione <input type="radio"/> Cary Hutchinson	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Patricia J. Kelly of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 2 (Vote for One) <input type="radio"/> Christopher B. Harris <input type="radio"/> Jacqueline Moore	<input type="radio"/> YES <input type="radio"/> NO
DISTRICT COURT OF APPEAL Shall Judge Patricia J. Kelly of the Second District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	CITY OF NORTH PORT COMMISSIONER DISTRICT SEAT 3 (Vote for One) <input type="radio"/> Debra McDowell <input type="radio"/> Andrew F. Sias	<input type="radio"/> YES <input type="radio"/> NO
VOTE BOTH SIDES OF BALLOT		
END OF BALLOT		

This sample ballot is for information purposes only. IT IS NOT FOR VOTING.
For more information, call (941) 861-8600 or visit www.SarasotaVotes.com

**CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY**

We, the undersigned, ERIKA QUARTERMAINE, County Judge, KATHY DENT, Supervisor of Elections, CAROLYN J. MASON, County Commissioner, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan** held on the Eighth day of November, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Retention of Justice Charles T. Canady of the Supreme Court

Yes 135,467 votes
No 54,142 votes

Retention of Justice Jorge Labarga of the Supreme Court

Yes 123,556 votes
No 64,936 votes

Retention of Justice Ricky L. Polston of the Supreme Court

Yes 133,218 votes
No 54,496 votes

Retention of Judge John Badalamenti of the Second District Court of Appeal

Yes 134,019 votes
No 51,055 votes

Retention of Judge Marva L. Crenshaw of the Second District Court of Appeal

Yes 134,628 votes
No 50,369 votes

Retention of Judge Patricia J Kelly of the Second District Court of Appeal

Yes 139,767 votes
No 46,143 votes

Retention of Judge Nelly N. Khouzam of the Second District Court of Appeal

Yes 122,286 votes
No 60,185 votes

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY**

Retention of Judge Matt Lucas of the Second District Court of Appeal

Yes 132,822 votes
No 48,484 votes

Retention of Judge Robert Morris of the Second District Court of Appeal

Yes 131,901 votes
No 48,902 votes

Retention of Judge Stevan Travis Northcutt of the Second District Court of Appeal

Yes 120,864 votes
No 59,605 votes

Retention of Judge Samuel Salario, Jr. of the Second District Court of Appeal

Yes 131,422 votes
No 49,159 votes

Retention of Judge Craig C. Villanti of the Second District Court of Appeal

Yes 131,851 votes
No 48,457 votes

Retention of Judge Douglas Alan Wallace of the Second District Court of Appeal

Yes 131,623 votes
No 48,292 votes

For NORTH PORT COMM SEAT 1 NORTH PORT COMMISSIONER,
the whole number of votes cast was 26,928 of which

Vanessa Carusone	received	16,016 votes
Cory Hutchinson	received	10,912 votes

For NORTH PORT COMM SEAT 2 NORTH PORT COMMISSIONER,
the whole number of votes cast was 26,612 of which

Christopher B. Hanks	received	13,722 votes
Jacqueline Moore	received	12,890 votes

**CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY**

For NORTH PORT COMM SEAT 3 NORTH PORT COMMISSIONER,
the whole number of votes cast was 26,256 of which

Debbie McDowell	received	15,829 votes
Andrew F. Sias	received	10,427 votes

For CITY OF VENICE MAYOR SEAT 7 VENICE, the whole number
of votes cast was 12,943 of which

Frankie S. Abbruzzino	received	4,509 votes
John W. Holic	received	8,434 votes

For Bobcat Trail Community Development District, Seat 3, the whole
number of votes cast was 601 of which

Anne Beane	received	344 votes
Lynn Nohl	received	257 votes

For Bobcat Trail Community Development District, Seat 5, the whole
number of votes cast was 603 of which

Doug McNamee	received	378 votes
Enrico Pucci	received	225 votes

For The Woodlands Community Development District, Seat 5, the whole
number of votes cast was 539 of which

Carl Impastato	received	298 votes
Robert Ripatrzone	received	241 votes

For Venetian Community Development District, Seat 1, the whole
number of votes cast was 1,280 of which

David Lusty	received	761 votes
Herman W. Moore	received	519 votes

For Venetian Community Development District, Seat 3, the whole
number of votes cast was 1,271 of which

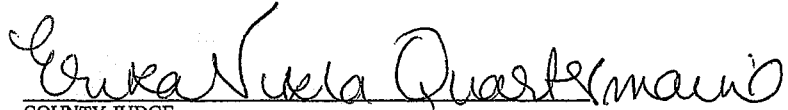
Susie Lentile	received	661 votes
James T. Shea	received	610 votes

For Venetian Community Development District, Seat 5, the whole
number of votes cast was 1,264 of which


Richard Bracco	received	676 votes
Gabe Levinson	received	588 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
SARASOTA COUNTY

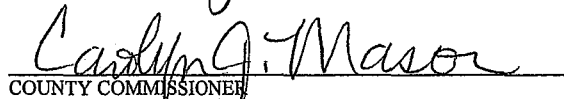
We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE



SUPERVISOR OF ELECTIONS

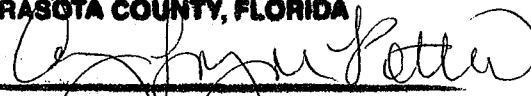


COUNTY COMMISSIONER

STATE OF FLORIDA
COUNTY OF SARASOTA

I hereby certify that the foregoing is a true and correct copy of the original files in this office witness my hand and official

Seal this date 4-19-17
RON TURNER, SUPERVISOR OF ELECTIONS
SARASOTA COUNTY, FLORIDA

By 

Deputy Registrar

*Stephen Marc Slepín, P.A.
Of Counsel
Maddox Horne Law Firm
502 North Adams Street
Tallahassee, Florida 32301
Telephone: (850) 222-6020
Facsimile: (850) 222-1249
Email: slepin@maddoxhorne.com*

University of Miami faculty (1959-1961; 1963-1964) – Philosophy, Logic, Director
Intercollegiate Debate
Public Affairs Broadcasting (1956-1967): Nation's First Open-Phone Public Affairs Broadcast.
Assistant Mayor of City of West Miami (1959-1961): Administration

TALLAHASSEE:

Office of the Attorney General (1967-1969)
(Assistant Attorney General)
Trial Counsel
General Counsel, Trustees Internal Improvement Trust Fund
(Governor & Cabinet); Chief of Division of Lands
Counsel to Office of the Governor
Chief, Antitrust Division
Workmen's Compensation Defense
Counsel, Department of Insurance

Admitted to all Florida U.S. District Courts and U.S. 5th Circuit Court of Appeals
(now 11th Circuit)

Admitted to Bar of U.S. Supreme Court (1970)

Executive Assistant & Counsel to President,
The Florida State University (1969-1970)

Special Assistant Attorney General for U.S. Supreme Court Appeals (1969-1970)

Chief Trial Counsel, State Board of Education
(Governor & Cabinet) (1970-1971)

¹Chairman, Florida Industrial Relations Commission (1971-1974)

¹ Chief Judge, and drafted the first WC Rules of Procedure approved by the Supreme Court of Florida, 285 So.2d 601(Fla. 1973).

Head of Labor & Employment Security Agency (1971-1972)

Twice Chairman, Workmen's Compensation Committee, The Florida Bar

Founder & Twice Chairman, Workmen's Compensation Section, The Florida Bar

Chairman, Supreme Court's WC Rules Committee

Chairman, The Florida Bar WC Rules Committee

Adjunct Professor of Law, The Florida State School of Law

Member, Executive Committee of The Florida Bar's WC Section

Member, Executive Committee of the Florida Bar's Administrative Law Section

Co-Author of WC works: Florida Workers' Compensation Manual 1979
(D&S Publishers): Co-author and Editor
Florida Workmen's Compensation Practice 1975
(Florida Bar): Co-author and Editor
Florida Workmen's Compensation Practice 1978
(Florida Bar): Co-author and Editor

Editor and Author: WC column, The Florida Bar Journal 1975-1982

1995, "Samuel Halpert Award," Friends of 440

Author: "Constitutional Rights & Non-Renewal of Faculty Contracts,"
Higher Education (1972)

General Counsel, State Division of Elections and Florida Elections Commission
1974 - 1979 (private practice)

Special Counsel to Governor Graham
1979 - 1980 (private practice)

Public Radio commentator: Public Affairs

Panelist, THE WALKER ROUNDUP (TV): Public Affairs

Martindale-Hubbell "av" rating

Resume
Stephen Marc Slep
Page 2 of 3

ORGANIZATIONS:

Masonic Order

Scottish Rite/Masonic Order

DeMolay Advisor & Chapter Dad

Florida Philosophical Association

American Association of University Professors

Healthy Start (Capital Area), Board Member

PRACTICE: Administrative Law, Appellate Practice, Constitutional Law, Corporate Law,
Employment Law, Elections Law, General Civil, and Probate.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Re: Linda M. Yates

FEC 16-362

Respondent

AFFIDAVIT OF ATTORNEY'S TIME AND FEES

STATE OF FLORIDA :
 : SS
COUNTY OF VOLUSIA:

BEFORE ME, the undersigned authority, this day personally appeared DOUGLAS A. DANIELS, who being first duly sworn on oath, deposes and says to the best of his knowledge and belief:

1. I was the attorney for Respondent in this election case from August 28, 2016 thru January 27, 2017, and I have been practicing law in Florida since 1982.
2. I spent 8.8 hours on this case which I billed Ms. Yates at the rate of \$400.00 per hour for a total of \$3,520.00 and 1.9 hours at the rate of \$300.00, for a total of \$570.00, a grand total of \$4,090.00. Copy of statement attached.
3. My hourly rate is reasonable for a election case and is similar to that charged by others.
4. The time spent on this case is reasonable, given the damage done to Ms. Yates' reputation, and the effort others made to use the complaint for that purpose.

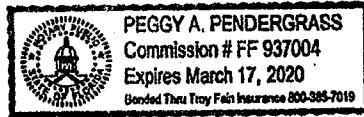


DOUGLAS A. DANIELS, ESQ.
Florida Bar No. 337031
444 Seabreeze Blvd., Ste. 645
Daytona Beach, FL 32118
(386) 255-8118
Doug@danielslegal.com
Attorney for Respondent

Sworn to and subscribed before me
this 5th day of June, 2017,
by Douglas A. Daniels.



Notary Public, State of Florida
My Commission expires:



P Personally know to me, or
Produced identification: _____

_____ Type of identification

Selection Criteria

Clie.Selection Include: Yates, Linda
Slip.Classification Open

Rate Info - Identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
784	10/24/2016	Billed	TIME G:10128 Review of file; conference with client re strategy for Tuesday nights hearing.	Doug Review Yates, Linda Election Commission	1.00 0.00 0.00 0.00	400.00 T	400.00
785	8/28/2016	Billed	TIME G:10128 Review of complaint and related documents; conference with client re same; review of statutes and case law re election violation; email to client re opinions of complaint; drafting response to the Elections Commission.	Doug Review Yates, Linda Election Commission	3.00 0.00 0.00 0.00	400.00 T	1200.00
786	10/21/2016	Billed	TIME G:10128 Conference with client re disclosure of complaint and how to handle upcoming city commission meeting.	Doug Conference Yates, Linda Election Commission	1.00 0.00 0.00 0.00	400.00 T	400.00
787	10/22/2016	Billed	TIME G:10128 Research various issues regarding records and ethics questions.	Doug Research Yates, Linda Election Commission	0.60 0.00 0.00 0.00	400.00 T	240.00
801	10/25/2016	Billed	TIME G:10128 Review of insurance policy; drafting email re same.	Doug Review Yates, Linda Election Commission	1.00 0.00 0.00 0.00	300.00 T@1	300.00
804	10/28/2016	Billed	TIME G:10128 Conference with client re results of meeting.	Doug Conference Yates, Linda Election Commission	0.60 0.00 0.00 0.00	300.00 T@1	180.00
829	11/11/2016	Billed	TIME G:10153 Review of file and client's email; respond to same.	Doug Review Yates, Linda Election Commission	0.30 0.00 0.00 0.00	300.00 T@1	90.00

2/27/2017
8:58 AM

Douglas Daniels, P.A.
Slip Listing

Page 2

Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
951	1/4/2017	TIME	Review of determination letter fro Election Commission.	Doug Review Yates, Linda Election Commission	0.30 0.00 0.00 0.00	400.00 T	120.00
	Billed	G:10174		2/1/2017			
967	1/18/2017	TIME	Review of file; call to client re motion.	Doug Review Yates, Linda Election Commission	0.30 0.00 0.00 0.00	400.00 T	120.00
	Billed	G:10174		2/1/2017			
969	1/19/2017	TIME	Review of FEC statutes and rules on attorney's fees; research re case law.	Doug Review Yates, Linda Election Commission	2.30 0.00 0.00 0.00	400.00 T	920.00
	Billed	G:10174		2/1/2017			
970	1/23/2017	TIME	E-Mail to client re money from city.	Doug email Yates, Linda Election Commission	0.30 0.00 0.00 0.00	400.00 T	120.00
	Billed	G:10174		2/1/2017			
Grand Total							
				Billable	10.70		4090.00
				Unbillable	0.00		0.00
				Total	10.70		4090.00

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LINDA YATES,

Petitioner,

vs.

CASE NO. 17-1593F

KATHY SCHURE,

Respondent.

**AFFIDAVIT OF LINDA M. YATES AS TO EXPENSES INCURRED
THUS FAR FROM AUGUST 27, 2016 THROUGH JUNE 2, 2017**

Personally appeared before me, the undersigned authority, the within named Linda M. Yates who, after being first duly sworn deposes and states as follows:

1. My name is Linda M. Yates and I am currently a North Port City Commissioner.
2. The term of a North Port City Commissioner as per the City's Charter, is four years.
3. I was initially elected on November 2, 2010 and re-elected on November 4, 2014.
4. Since my election in 2010 my reputation has been well established and widely known as being one held in high regard from constituents and colleagues, as demonstrated by my re-election in 2014, as well as by way of my appointment to serve as a representative, either in the past or present, on various governmental and association committees including: Policy Committee of the Charlotte Harbor National Estuary; Florida League of Cities (FLC) Urban Administration Committee; FLC Energy and Environmental Committee; FLC Transportation and Intergovernmental Relations Committee; National League of Cities (NLC) Transportation and Infrastructure Services Committee; NLC Youth and Family Council; Manasota League of Cities (past President and past Vice-Present); Sarasota/Manatee Metropolitan Planning Organization (MPO); and Vice-Chair of the MPO Public Transportation Taskforce. I have also attained a Bronze Level in the National League of Cities Leadership Training Institute; I was a recipient of the FLC 2015 Home Rule Hero Award; in 2016 appointed to the FLC Board of Directors as the representative for the District 10 of Florida. Additionally I was elected by my fellow Commissioners to serve as City of North Port Mayor from November 2012 - November 2013 and currently serve as Mayor for the period of November 2016 - November 2017.

5. I was not a Commissioner Candidate in the 2016 City of North Port Election.
6. On August 27, 2016 I received by Certified mail from the Florida Elections Commission a copy of an Elections Complaint filed by Kathy Schure alleging I had violated Election Laws.
7. As a layperson and having no prior experience with this kind of matter, I retained the legal services of Mr. Doug Daniels, Esquire, for the purposes of submitting a timely response to the Florida Elections Commission and to ensure that the FEC Complaint was handled in the most appropriate, efficient and effective manner to ensure my credibility and reputation was not impaired.
8. Before the FEC completed its most basic legal sufficiency review, on September 9, 2016 I was notified by the North Port City Clerk that a copy of Ms. Schure's FEC Confidential Complaint Form was hand delivered with a request to make it a Public Record and to make copies of it and distribute a copy to each of the North Port City Commissioners.
9. On September 16, 2016 I was contacted by the City Clerk advising that she had received a call from Ms. Schure demanding that a copy of her FEC Complaint be distributed without delay to all City Commissioners and therefore all Commissioners would be receiving a copy that day.
10. On October 18, 2016 the agenda with backup materials for the City Commission Meeting taking place on October 25, 2016 was publicly distributed and posted on the City's website. At the request of then City Commissioner Cheryl Cook, an item on the agenda was 6G. "Discussion and possible action regarding contents of complaint filed with State of Florida, Florida Elections Commission, against Linda M. Yates and Jacqueline Moore copy filed with the Clerk September 09, 2016." A copy of Ms. Schure's FEC Complaint alleging that I had violated Election Laws was attached to that agenda item.
11. In January 2017, I received a letter from the FEC dated December 30, 2016 stating that since the Elections Commission did not receive any additional information that corrected the stated grounds of insufficiency, the case was closed.
12. In order to protect my professional, political, and personal reputation as an elected official, I was compelled to hire legal counsel to defend myself, and I incurred significantly more legal fees when Ms. Schure pushed for the distribution and publicity of a copy of her FEC Complaint which was placed on the City Commission's agenda before the FEC had even completed a preliminary review of the complaint.
13. In consideration of all the above and due to Ms. Schure's filing of her Complaint with the FEC and her subsequent actions with regard to her FEC Complaint which required ongoing consult, further research of elections law, ethics law and case law, for the period of August 27, 2016 through January 27, 2017 I incurred attorney fees in the total amount of \$4,090 as follows:

8.8 hours at billing rate of \$400 per hour = \$3,520

1.9 hours at billing rate of \$300 per hour = \$570

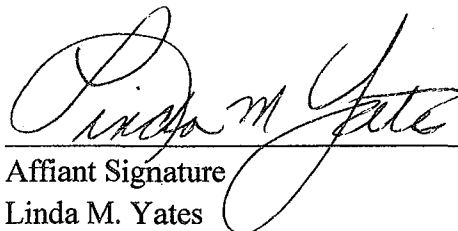
Total Attorney Fees = \$4,090.00

14. Due to my limited financial means, I could no longer afford to be represented by counsel, and as of January 27, 2017 I released my attorney from this case and I am pursuing this Petition for Cost and Attorney Fees pro se.

15. Additional costs I have incurred thus far through June 2, 2017 are as follows:

January 27, 2017 - Notary Fee = \$10.00
January 28, 2017 - USPS Document mailing to FEC = \$6.65
February 27 & 28, 2017 - FEC Hearing in Tallahassee- Travel = \$200.43
(one night hotel stay = \$122.98; Gas = \$74.45; Parking = \$3)
April 13, 2017 Imperial Court Reporting 2-28-17 FEC Hearing = \$112
April 19, 2017 Supervisor of Elections - Copies = \$5.10
May 18, 2017 - U.S. Mail Priority = \$13.30
May 20, 2017 - Expert Witness Fee = \$500.00
May 29 & 31, 2017 - Witness fees/notary fees/copies = \$33.01
Total Costs: \$880.49

16. The expenses, including costs and attorney fees incurred thus far from August 27, 2016 through June 2, 2017 equals \$4,970.49.



Affiant Signature

Linda M. Yates

6475 Munsing Avenue
North Port, FL 34291

Sworn to and subscribed before me this 3rd day of June, 2017.



Notary Public

Jennifer M. DeRoche

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

Personally known _____ or Produced Identification X FLDL

My Commission expires: Oct 4, 2020

