

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Rob Robinson**

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**Case No.: FEC 19-515**

**TO:** Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm & Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF HEARING (OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission on, **December 1, 2020 at 8:30 AM**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

**If you are the Respondent**, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

**If you are an Appellant**, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

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

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

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

**See further instructions on the reverse side.**

***Tim Vaccaro***  
Executive Director  
Florida Elections Commission  
November 9, 2019

Please refer to the information below for further instructions related to your particular hearing:

This **Motion or Petition for Attorney's Fees** will be conducted pursuant to Section 106.265(6), Florida Statutes, and Chapter 28 and Commission Rule 2B-1.0045, Florida Administrative Code. The Commission will determine whether the petition contains sufficient facts to support a claim for costs and attorney's fees and, if so, the Commission will order a hearing involving disputed issues of material fact (formal hearing) before the Commission, a Commissioner or Commissioners designated by the Commission, or the Division of Administrative Hearings.

If the Commission determines that there are not sufficient facts to support a claim, the motion or petition will be denied or dismissed.

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: **Rob Robinson**

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Case No.: **FEC 19-515**

**TO:** Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF CANCELLATION OF HEARING**  
**(OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
March 12, 2020

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

**In Re: Rob Robinson**

**Case No.: FEC 19-515**

**TO:** Fred Reilly, Esquire  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

Jennifer S. Blohm, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street  
Tallahassee, FL 32301

**NOTICE OF HEARING (OTHER MOTIONS: REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission on, **March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

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

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

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

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
March 9, 2019



Responses to Amended Motions for Attorney's Fees Jennifer S. Blohm to:  
 'fec@myfloridalegal.com' 03/09/2020 11:07 AM  
 Cc: "donna.malphurs@myfloridalegal.com", "Timothy.Vaccaro@myfloridalegal.com",  
 "fredreilly@attorney-solicitor.com"  
 From: "Jennifer S. Blohm" <JBlohm@meyerbrookslaw.com>  
 To: "'fec@myfloridalegal.com'" <fec@myfloridalegal.com>  
 Cc: "donna.malphurs@myfloridalegal.com" <donna.malphurs@myfloridalegal.com>,  
 "Timothy.Vaccaro@myfloridalegal.com" <Timothy.Vaccaro@myfloridalegal.com>,  
 "fredreilly@attorney-solicitor.com" <fredreilly@attorney-solicitor.com>

### 3 Attachments



Response to Amended Motion for Attorney's Fees-FEC 19-514.pdf



Response to Amended Motion for Attorney's Fees-FEC 19-515 and 19-518.pdf



Response to Amended Motion for Attorney's Fees- FEC 19-516 and 19-519.pdf

Donna,

I have attached Mr. Lepley's and Ms. Bradley's responses to the amended motions for attorney's fees. Please do not hesitate to contact me if you have any questions.

Sincerely,  
 Jennifer

Jennifer S. Blohm  
 Meyer, Brooks, Blohm and Hearn, P.A.  
 131 North Gadsden Street (32301)  
 Post Office Box 1547 (32302)  
 Tallahassee, Florida  
[www.meyerbrookslaw.com](http://www.meyerbrookslaw.com)  
 (850) 878-5212  
 (850) 656-6750 (Facsimile)

#### Confidential Note:

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## Donna Malphurs

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**From:** Jennifer S. Blohm <JBlohm@meyerbrookslaw.com>  
**Sent:** Monday, March 9, 2020 11:06 AM  
**To:** Florida Elections Commission  
**Cc:** Donna Malphurs; Timothy Vaccaro; fredreilly@attorney-solicitor.com  
**Subject:** Responses to Amended Motions for Attorney's Fees  
**Attachments:** Response to Amended Motion for Attorney's Fees-FEC 19-514.pdf; Response to Amended Motion for Attorney's Fees-FEC 19-515 and 19-518.pdf; Response to Amended Motion for Attorney's Fees- FEC 19-516 and 19-519.pdf

Donna,

I have attached Mr. Lepley's and Ms. Bradley's responses to the amended motions for attorney's fees. Please do not hesitate to contact me if you have any questions.

Sincerely,  
Jennifer

Jennifer S. Blohm  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street (32301)  
Post Office Box 1547 (32302)  
Tallahassee, Florida  
[www.meyerbrookslaw.com](http://www.meyerbrookslaw.com)  
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**MEYER, BROOKS, BLOHM AND HEARN, P.A.**  
ATTORNEYS AT LAW

131 NORTH GADSDEN STREET  
TALLAHASSEE, FLORIDA 32301  
www.meyerbrookslaw.com  
850/878-5212

RONALD G. MEYER  
THOMAS W. BROOKS, RETIRED  
JENNIFER S. BLOHM  
LYNN C. HEARN  
ADAM W. WOOD

---

ALEX VILLALOBOS  
OF COUNSEL

MAILING ADDRESS:  
POST OFFICE BOX 1547  
TALLAHASSEE, FLORIDA 32302

FAX: 850/656-6750  
EMAIL: jblohm@meyerbrookslaw.com

---

LYNN T. THOMAS, FRP  
PARALEGAL

March 9, 2020

**VIA E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

Chair and Members  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Amended Motion for Attorney's Fees –  
FEC 19-515 and FEC 19-518; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, John Lepley, in the above-referenced matter. On September 9, 2019, Mr. Lepley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Mr. Lepley was a candidate for a Davenport commission seat. On October 4, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup> Mr. Lepley filed a response to the motion on February 28, 2020. The Respondent then filed an amended motion for attorney's fees on March 4, 2020.

Mr. Lepley relies on his initial response to the Respondent's motion and files this supplemental response simply to address the Respondent's attempts in the amended motion to fix the insufficiencies in that motion. Respondent's second attempt also fails to state a legally sufficient motion for fees and therefore, should be dismissed pursuant to Rule 2B-1.0045, Florida Administrative Code.

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<sup>1</sup> Mr. Lepley is not sure why there are two FEC case numbers (FEC 19-515 and FEC 19-518) for this complaint. He only filed one complaint against Respondent Robinson. He believes that the FEC decided a statement in the complaint was a request to expedite and that the FEC gave the complaint a new case number when it expedited the complaint. Mr. Lepley was not aware of this until he received an additional dismissal under the new case number on October 29, 2019.

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

The Respondent tries to assign malicious intent by Mr. Lepley because he asked for hefty fines and removal from office if the Respondent violated the Election Code and filed his complaint close to when Respondent was sworn in as President of the Ridge League of Cities. Neither of these allegations rises to the level of particularity needed for a sufficient motion for attorney's fees. Had the Respondent been found to have violated the Election Code, he would have been subject to penalties. Mr. Lepley stating those in his complaint is not malicious intent and to find that it was would subject almost every complainant to an attorney's fees award. Additionally, Mr. Lepley did not publicize his complaint or otherwise interfere in Respondent's assumption to the presidency of the Ridge League of Cities. Respondent has not alleged any particular facts in the original motion or the amended motion that Mr. Lepley attempted to injure his reputation by the filing of the complaint.

Secondly, the Respondent has again failed to show that Mr. Lepley's factual statements that he was not arrested and was not charged with felony misdemeanor of assault and battery were false. Instead, the Respondent alleges that Mr. Lepley was charged with misdemeanor battery. Being charged is different than being arrested and a "felony misdemeanor" assigns a more serious designation to the actual crime which was misdemeanor battery (the original charge was never a felony and was not reduced). Mr. Lepley was not arrested and Respondent has not denied this fact or shown that it was false (he just continues to equate the charge of misdemeanor battery with an arrest and falsely claims the charge was reduced). Therefore, the Respondent's motion is legally insufficient since it fails to allege that Mr. Lepley's factual statements in the complaint were false. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

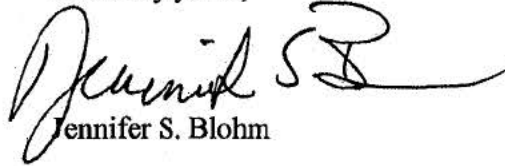
A grant of attorney's fees is reserved for those cases where the complainant provides false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Mr. Lepley respectfully requests that



Florida Elections Commission  
March 9, 2020  
Page Two

the FEC dismiss the motion for attorney's fees filed against him by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (*via email*)  
Ms. Donna Malphurs, Agency Clerk (*via email*)  
Mr. Fred Reilly, Esquire (*via email*)

## **Donna Malphurs**

---

**From:** Fred Reilly <fredreilly@attorney-solicitor.com>  
**Sent:** Wednesday, March 4, 2020 10:51 PM  
**To:** Donna Malphurs; jblohm@meyerbrookslaw.com  
**Subject:** FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519  
**Attachments:** Lynch AmendedMotionLepley03042020.pdf; Robinson AmendedMotionLepley 19 515 03042020.pdf; Robinson AmendedMotionBradley 19 516 03042020.pdf; Robinson AmendedMotionLepley 19 518 03042020.pdf; Robinson AmendedMotionBradley 19 519 03042020.pdf

Re: FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519

Hi Donna,

Attached to this email please find the Amended Motion for Attorney's Fees in relation to FEC Cases 19-514, 19-515, 19-516, 19-518 and 19-519.

I respectfully request that these Amended Motions be included in the Agenda packet for the next Commission meeting.

Please contact me if you have any questions. Thanks.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: fredreilly@attorney-solicitor.com  
Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

**IMPORTANT NOTICE:** This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

**AMENDED MOTION FOR ATTORNEY'S FEES**

**COMES NOW, the Respondent, H. B. "ROB" ROBINSON, by and through his undersigned attorney, files this Amended Motion for Attorney's Fees pursuant to Section 106.265(6), Florida Statutes, against the Complainant, John Lepley, and states as follows:**

**Preliminary Matters**

- A. The Complainant, John Lepley shall be referred to as "Lepley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-515 filed by Lepley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Robinson filed a Response to the Complaint on September 29, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-515 were "Legally Insufficient" and the case has been closed.

**Legal Basis for Amended Motion**

The Respondent, H. B. "Rob" Robinson, respectfully requests a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. Contrary to the assertion made by Complainant's counsel, Section 106.265(6) does not limit claims for attorney's fees and costs to only those cases involving malicious or false statements *by one candidate against an opposing candidate*. Section 106.265(6) expressly authorizes a claim for attorney's fees and costs "*In any case* in which the commission determines that *a person has filed a complaint against another person...*" (Emphasis added).

C. The Respondent's Amended Motion provides a legally sufficient basis under Section 106.265(6), Florida Statutes, and Rule 2B-1.0045, F.A.C. The elements required (by *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007)) to prove an entitlement to attorney's fees are:

- (1) The complaint was made with a malicious intent to injure the official's reputation:
- (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and
- (3) the statements were material.

**Factual Basis for Amended Motion**

**D. Malicious Intent to Injure the Official's Reputation.**

In the Complainant's Response to Respondent's Motion for Attorney's Fees,

Complainant's counsel states:

"...there was no malicious intent on Mr. Lepley's part. Mr. Lepley did not publicize the filing of the complaint, but kept it confidential and did not use it as an advantage in the election. He brought the complaint in good faith based on inaccuracies he felt existed in the Respondent's campaign advertising."

Lepley's Complaint was filed on or about September 9, 2019. The City of Davenport's municipal election was held on April 2, 2019. The Complaint was obviously not used by Lepley for an advantage in the April 2, 2019 municipal election, but the timing of the Complaint is crucial to determining whether there was a malicious intent to injure Robinson's reputation.

In the Complaint, Lepley asserted that Robinson violated provisions of Chapter 104 and 106, Lepley expressly referred to third degree felony penalties that would result in a person being "disqualified to hold office," and Lepley specifically stated: "Florida Statutes penalize these

violations with hefty fines and removal from office.” Coincidentally, Robinson was sworn in as President of the Ridge League of Cities in early September 2019 and Robinson would be obligated to relinquish this position if he was subsequently disqualified to hold office.

Lepley’s stated desire for “hefty fines and removal from office” is clear evidence of Lepley’s malicious intent to injure the reputation of Robinson.

E. Statements were false or made with reckless disregard for the truth.

The Complaint filed by Lepley was clearly intended to injure the reputation of Robinson.

Lepley’s Complaint included the following statements:

- i. Count 1 of the Complaint – Allegation that Rob Robinson posted false and malicious comments about me on his facebook. In the Complaint Lepley stated both (i) “I was arrested for a road rage incident” and “John Lepley, charged with a felony misdemeanor of assault and battery.” Since there is unequivocal evidence that Lepley was in fact charged with misdemeanor battery (even if the charges were subsequently reduced), the allegation by Lepley that Robinson made a false or malicious charge about him as a candidate is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104.
- ii. Robinson made a truthful statement about Lepley. Lepley filed the Complaint based, in part, on the allegation that Robinson’s truthful statement was false or malicious. Since Lepley knew that Robinson’s truthful statement about him was factually accurate, Lepley’s allegation was false or made with reckless disregard for the truth.

F. Statements were material.

Lepley's statements in the Complaint that Robinson's truthful statement was false or made with reckless disregard for the truth is material to the issues raised by the Complaint.

**Conclusion**

Robinson retained legal counsel to defend his sterling reputation in the community against the allegations of Lepley's Complaint. Section 106.265(6) expressly authorizes a claim for attorney's fees and costs *in any case* in which the commission determines that *a person has filed a complaint against another person* with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapter 106 or chapter 104. This Amended Motion presents a prima facie basis for such relief based on Section 106.265(6).

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make a finding against John Lepley pursuant to Section 106.265(6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

Respectfully submitted this 4th day of March, 2020.

***Fred Reilly***

Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. "Rob" Robinson

**CERTIFICATION**

I hereby certify that a true and correct copy of this Amended Motion for Attorney's Fees was sent to the Florida Elections Commission via email (fec@myfloridalegal.com) and Jennifer Blohm, Esquire via email (jblohm@meyerbrooks.com) this 4th day of March, 2019.

*Fred Reilly*

Fred Reilly, Esquire



## Donna Malphurs

---

**From:** Donna Malphurs  
**Sent:** Monday, March 2, 2020 1:11 PM  
**To:** Fred Reilly  
**Subject:** RE: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Please submit your responses no later than Wednesday. Thanks.

Thanks,  
*Donna*

**From:** Fred Reilly <fredreilly@attorney-solicitor.com>  
**Sent:** Sunday, March 1, 2020 4:41 PM  
**To:** Donna Malphurs <Donna.Malphurs@myfloridalegal.com>  
**Cc:** Linda Robinson <myhcwcd@gmail.com>; rconstruction16@aol.com  
**Subject:** Fw: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

RE: FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Hi Donna,

Since these documents were provided to me after 5:00 P.M. on Friday, February 28, 2020, am I able to provide Amended Petitions for Attorney's Fees on Monday, March 2, 2020 which would be included in the Agenda package for the Committee members? Please let me know. Thanks.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: [fredreilly@attorney-solicitor.com](mailto:fredreilly@attorney-solicitor.com)  
Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

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**From:** Donna Malphurs <[Donna.Malphurs@myfloridalegal.com](mailto:Donna.Malphurs@myfloridalegal.com)>

**Sent:** Friday, February 28, 2020 5:46 PM

**To:** Fred Reilly <[fredreilly@attorney-solicitor.com](mailto:fredreilly@attorney-solicitor.com)>

**Subject:** FEC 19-514; 19-515; 19-516; 19-518 and 19-519

Dear Mr. Reilly,

The Florida Elections Commission received responses from attorney Jennifer S. Blohm to your petitions for fees and costs in the above noted cases. Attached is a copy of her responses for your review. A copy was also mailed to you today.

If you have any questions, please let me know.

Sincerely,

*Donna Ann Malphurs*

Agency Clerk/Public Information Officer

Florida Elections Commission

Main line: 850-922-4539

Direct Dial: 850-404-5609



# Florida Elections Commission

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[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



February 28, 2020

Fred Reilly  
Reilly International Law Firm, P.A.  
Post Office Box 2039  
Haines City, FL 33845

**RE: Case No.: FEC 19-515; Respondent: Rob Robinson**

Dear Mr. Reilly:

The Florida Elections Commission received a notice of appearance from Jennifer S. Blohm and her response to your Petition for Attorney's Fees and Costs in this case. A copy of Ms. Blohm's notice and response is enclosed for your review.

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

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Notice of Appearance and Response to Petition for Fees

cc: Jennifer S. Blohm, Attorney for Complainant (w/out encl.)

MEYER, BROOKS, BLOHM AND HEARN, P.A.  
ATTORNEYS AT LAW

131 NORTH GADSDEN STREET  
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ADAM W. WOOD

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LYNN T. THOMAS, FRP  
PARALEGAL

REC'D: FL ELECTIONS COM  
28 FEB '20 PM 3:18

February 28, 2020

**VIA HAND DELIVERY AND E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

Chair and Members  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Motion for Attorney's Fees – FEC 19-515 and FEC 19-518; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, John Lepley, in the above-referenced matter. On September 9, 2019, Mr. Lepley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Mr. Lepley was a candidate for a Davenport commission seat. On October 4, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup>

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a

<sup>1</sup> Mr. Lepley is not sure why there are two FEC case numbers (FEC 19-515 and FEC 19-518) for this complaint. He only filed one complaint against the Respondent Robinson. He believes that the FEC decided a statement in the complaint was a request to expedite and that the FEC gave the complaint a new case number when it expedited the complaint. Mr. Lepley was not aware of this until he received an additional dismissal under the new case number on October 29, 2019.

hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

For the reasons stated below, Mr. Lepley contends that the Respondent's motion fails to meet the requirements of the statute and rule and should be dismissed as insufficient. The majority of the Respondent's motion is a recitation of the terms of the statute. There is only one paragraph that attempts to provide the particularity required by the rule. The Respondent alleges that in Count 1, Mr. Lepley alleged that the Respondent posted on Facebook that Mr. Lepley was arrested for a road rage incident and that the statement by the Respondent was false and a violation of chapter 104. The Respondent contends that this statement was false since there is evidence that Mr. Lepley was charged with misdemeanor battery.

The Respondent's motion does not provide a legally sufficient basis under rule 2B-1.0045 or section 106.265(6). Because the attorney's fee provision under the Code of Ethics is nearly identical to section 106.265(6), cases interpreting the ethics provision are used in interpreting section 106.265(6). See *Yates v. Shure*, FEC 16-362, DOAH 17-1593F, FO 17-358W (FEC Dec. 15, 2017). In *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007), the court set forth the elements required to prove an entitlement to attorney's fees: "(1) the complaint was made with a malicious intent to injure the official's reputation; (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and (3) the statements were material." The Respondent has not met any of these elements. Other than a conclusory statement that Mr. Lepley made the complaint with malicious intent to injure Respondent's reputation, he does not state with particularity the facts and grounds supporting the conclusion. This is because there was no malicious intent on Mr. Lepley's part. Mr. Lepley did not publicize the filing of the complaint, but kept it confidential and did not use it as an advantage in the election. He brought the complaint in good faith based on inaccuracies he felt existed in the Respondent's campaign advertising.

Secondly, the Respondent has failed to allege or show that Mr. Lepley's factual statement that he was not arrested was false. Instead, the Respondent alleges that Mr. Lepley was charged with misdemeanor battery. Being charged is different than being arrested. Mr. Lepley was not arrested and Respondent has not denied this fact or shown that it was false. Therefore, the Respondent's motion is legally insufficient since it fails to allege that Mr. Lepley's factual statement in the complaint was false. See *Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

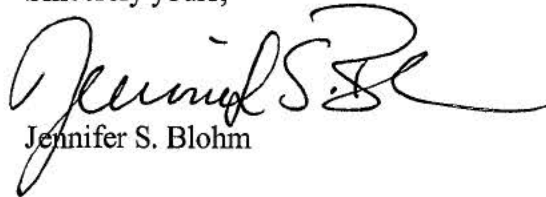
The complaint was dismissed because the Respondent was not Mr. Lepley's opponent and therefore, any malicious or false statement by him would not violate section 104.271, Florida Statutes. This is a legal conclusion. Mr. Lepley is not a lawyer and although he has run for office, he is not an expert in election law. He reviewed the candidate handbook and Florida

Florida Elections Commission  
February 28, 2020  
Page Two

Statutes before filing the complaint and would have spoken to FEC staff if that was possible. He did not file the complaint to obtain an advantage over the Respondent or to publicize the complaint and injure the Respondent's reputation. He filed it because he was concerned about what he saw as false representations in the Respondent's advertising and which he believed were violative of the Election Code. He believed that the complaint process specifically existed for this purpose.

A grant of attorney's fees is reserved for those cases where the complainant provides false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Mr. Lepley respectfully requests that the FEC dismiss the motion for attorney's fees filed against him by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (*via email*)  
Ms. Donna Malphurs, Agency Clerk (*via email*)

## Donna Malphurs

---

**From:** Jennifer S. Blohm <JBlohm@meyerbrookslaw.com>  
**Sent:** Friday, February 28, 2020 3:00 PM  
**To:** Florida Elections Commission  
**Cc:** Timothy Vaccaro; Donna Malphurs  
**Subject:** Responses to Motions for Attorney's Fees Case Numbers - FEC 19-514 and FEC 19-515/FEC 19-518  
**Attachments:** Response to Motion for Attorney's Fees-FEC 19-514.pdf; Response to Motion for Attorney's Fees-FEC 19-515 and 19-518.pdf

Dear Mr. Vaccaro and Ms. Malphurs,

I have attached the complainant's, John Lepley, responses to the Respondent's Motions for Attorney's Fees in the above-referenced cases. The motions are scheduled for the March 24-25 meeting of the Commission. Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,  
Jennifer

Jennifer S. Blohm  
Meyer, Brooks, Blohm and Hearn, P.A.  
131 North Gadsden Street (32301)  
Post Office Box 1547 (32302)  
Tallahassee, Florida  
[www.meyerbrookslaw.com](http://www.meyerbrookslaw.com)  
(850) 878-5212  
(850) 656-6750 (Facsimile)

**Confidential Note:**

The information contained in this transmission is legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by calling us at (888) 848-5212 and then deleting the message. Thank you.

**MEYER, BROOKS, BLOHM AND HEARN, P.A.**  
ATTORNEYS AT LAW

131 NORTH GADSDEN STREET  
TALLAHASSEE, FLORIDA 32301  
www.meyerbrookslaw.com  
850/878-5212

RONALD G. MEYER  
THOMAS W. BROOKS, RETIRED  
JENNIFER S. BLOHM  
LYNN C. HEARN  
ADAM W. WOOD

---

ALEX VILLALOBOS  
OF COUNSEL

MAILING ADDRESS:  
POST OFFICE BOX 1547  
TALLAHASSEE, FLORIDA 32302

FAX: 850/656-6750  
EMAIL: jblohm@meyerbrookslaw.com

---

LYNN T. THOMAS, FRP  
PARALEGAL

February 28, 2020

**VIA HAND DELIVERY AND E-MAIL – [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

Chair and Members  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

Re: Complainant's Response to Respondent's Motion for Attorney's Fees – FEC 19-515 and FEC 19-518; Respondent Rob Robinson

Dear Commissioners:

This firm represents the Complainant, John Lepley, in the above-referenced matter. On September 9, 2019, Mr. Lepley submitted a complaint against the Respondent, Rob Robinson, who was a candidate for Davenport Mayor. Mr. Lepley was a candidate for a Davenport commission seat. On October 4, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019.<sup>1</sup>

The motion for fees was filed pursuant to section 106.265(6), Florida Statutes, which authorizes an award of fees if the respondent can prove that the complaint was filed "with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains **false allegations of fact material** to a violation of this chapter or chapter 104." (emphasis added). Rule 2B-1.0045, Florida Administrative Code, governs the award of attorney's fees. The rule requires the petition for attorney's fees to "state with particularity the facts and grounds that prove entitlement to costs and attorney's fees." At a

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hearing, the Florida Elections Commission shall determine the sufficiency of the petition and if the Commission finds the petition insufficient, it will dismiss the petition.

For the reasons stated below, Mr. Lepley contends that the Respondent's motion fails to meet the requirements of the statute and rule and should be dismissed as insufficient. The majority of the Respondent's motion is a recitation of the terms of the statute. There is only one paragraph that attempts to provide the particularity required by the rule. The Respondent alleges that in Count 1, Mr. Lepley alleged that the Respondent posted on Facebook that Mr. Lepley was arrested for a road rage incident and that the statement by the Respondent was false and a violation of chapter 104. The Respondent contends that this statement was false since there is evidence that Mr. Lepley was charged with misdemeanor battery.

The Respondent's motion does not provide a legally sufficient basis under rule 2B-1.0045 or section 106.265(6). Because the attorney's fee provision under the Code of Ethics is nearly identical to section 106.265(6), cases interpreting the ethics provision are used in interpreting section 106.265(6). See *Yates v. Shure*, FEC 16-362, DOAH 17-1593F, FO 17-358W (FEC Dec. 15, 2017). In *Brown v. State*, 969 So. 2d 553, 560 (Fla. 1<sup>st</sup> DCA 2007), the court set forth the elements required to prove an entitlement to attorney's fees: "(1) the complaint was made with a malicious intent to injure the official's reputation; (2) the person filing the complaint knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth; and (3) the statements were material." The Respondent has not met any of these elements. Other than a conclusory statement that Mr. Lepley made the complaint with malicious intent to injure Respondent's reputation, he does not state with particularity the facts and grounds supporting the conclusion. This is because there was no malicious intent on Mr. Lepley's part. Mr. Lepley did not publicize the filing of the complaint, but kept it confidential and did not use it as an advantage in the election. He brought the complaint in good faith based on inaccuracies he felt existed in the Respondent's campaign advertising.

Secondly, the Respondent has failed to allege or show that Mr. Lepley's factual statement that he was not arrested was false. Instead, the Respondent alleges that Mr. Lepley was charged with misdemeanor battery. Being charged is different than being arrested. Mr. Lepley was not arrested and Respondent has not denied this fact or shown that it was false. Therefore, the Respondent's motion is legally insufficient since it fails to allege that Mr. Lepley's factual statement in the complaint was false. See *Hadeed v. State*, 208 So. 3d 782 (Fla. 1<sup>st</sup> DCA 2016)(affirming the Commission on Ethics' denial of fees because the complaint did not contain false allegations of fact material to a violation of the Code).

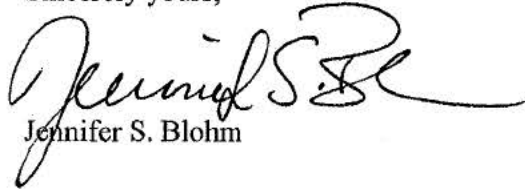
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Florida Elections Commission  
February 28, 2020  
Page Two

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A grant of attorney's fees is reserved for those cases where the complainant provides false factual allegations that are material to a violation of Chapter 104 or Chapter 106. *See Yates; Hadeed*. It is not for cases such as this one where the complainant submits truthful factual allegations, but misinterprets the law. Such a holding would chill speech and preclude lay citizens from utilizing the complaint process. Accordingly, Mr. Lepley respectfully requests that the FEC dismiss the motion for attorney's fees filed against him by the Respondent.

Sincerely yours,



Jennifer S. Blohm

cc: Mr. Tim Vaccaro, Executive Director (*via email*)  
Ms. Donna Malphurs, Agency Clerk (*via email*)



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



December 3, 2019

**CERTIFIED MAIL # 92148969009997901631253565**

John Lepley  
PO Box 2791  
Davenport, FL 33836

**RE: Case No.: FEC 19-515; Respondent: Rob Robinson**

Dear Mr. Lepley:

The Florida Elections Commission received a Petition for Attorney's Fees and Costs in this case. Pursuant to Rule 2B-1.0045, Florida Administrative Code, a copy of the Petition is enclosed for your review.

At its next regularly scheduled meeting, **currently set for March 24-25, 2020, in Tallahassee, Florida**, the Commission will review the Petition and determine whether it states "a prima facie case for costs and attorney's fees." A notice of hearing will be provided at the appropriate time.

If you have any questions concerning the Petition, please contact the Florida Elections Commission at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Petition for Attorney's Fees and Costs

cc: Fred Reilly, Attorney for Respondent



Lepley v. Robinson (FEC No. 19-515) - Motion for Attorney's Fees  
Fred Reilly to: Florida Elections Commission 12/01/2019 09:06 PM  
From: "Fred Reilly" <fredreilly@attorney-solicitor.com>  
To: "Florida Elections Commission" <fec@myfloridalegal.com>  
History: This message has been replied to.

1 Attachment



RobinsonMotionLepley 19 515 12012019.docx

Re: Lepley v. Robinson (FEC No. 19-515) - Motion for Attorney's Fees

ATTN: Donna Malphurs

Hi Donna,

Attached please find the Motion for Attorney's Fees in regards to the above-captioned case.

Please contact me if you have any questions. Thanks.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: fredreilly@attorney-solicitor.com  
Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

IMPORTANT NOTICE: This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

**MOTION FOR ATTORNEY'S FEES**

**COMES NOW, the Respondent, H. B. "ROB" ROBINSON, by and through his undersigned attorney, files this Motion for Attorney's Fees pursuant to Section 106.265(6), Florida Statutes, against the Complainant, John Lepley, and states as follows:**

**Preliminary Matters**

- A. The Complainant, John Lepley shall be referred to as "Lepley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-515 filed by Lepley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Robinson filed a Response to the Complaint on September 29, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-515 were "Legally Insufficient" and the case has been closed.

**Basis for Motion**

The Respondent, H. B. "Rob" Robinson, respectfully requests a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. Robinson respectfully requests that the Commission make a finding that:

i. Lepley filed the Complaint against Robinson with a malicious intent to injure Robinson's reputation by filing the Complaint with knowledge that the Complaint contains one or more false allegations or with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104, and

ii. Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

C. The Complaint filed by Lepley was clearly intended to injure the reputation of Robinson. Lepley's Complaint included the following statements:

i. Count 1 of the Complaint – Allegation that “Rob Robinson posted false and malicious comments about me on his facebook: i.e. ... I was arrested for a road rage incident....” Since there is unequivocal evidence that Lepley was in fact charged with misdemeanor battery, this allegation by Lepley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104.

ii. “Mr. Robinson will run for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election of the commission appointing their own mayor.”

**WHEREFORE**, H.B. “Rob” Robinson respectfully requests that the Commission make a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

Respectfully submitted this 1st day of December, 2019.

*Fred Reilly*

Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. “Rob” Robinson

**CERTIFICATION**

I hereby certify that a true and correct copy of this Motion for Attorney's Fees was sent to the Florida Elections Commission via email (fec@myfloridalegal.com) this 1st day of December, 2019.

*Fred Reilly*  
Fred Reilly, Esquire





# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



November 1, 2019

Fred Reilly  
Reilly International Law Firm P.A.  
PO Box 2039  
Haines City, FL 33845

**RE: Case No.: 19-515; Respondent: Rob Robinson**

Dear Mr. Reilly:

On October 4, 2019, the Florida Elections Commission notified John Lepley that the complaint he filed on September 12, 2019 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of legal insufficiency, this case is now closed.

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

Sincerely,

*Donna Ann Malphurs*

Donna Ann Malphurs

DM/med



Date Produced: 10/14/2019

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1630 2547 61. Our records indicate that this item was delivered on 10/09/2019 at 10:09 a.m. in DAVENPORT, FL 33837. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "J. Lopez", written over a white background.

Address of Recipient :

**PO BOX 2791**  
DAVENPORT, FL 33836-2791

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 19-515 EXP LI to C

*Amended due 10/23*



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



October 4, 2019

**CERTIFIED MAIL 9214 8969 0099 9790 1630 2547 61**

John Lepley  
P.O. Box 2791  
Davenport, FL 33836

**RE: Case No.: FEC 19-515; Respondent: Rob Robinson**

Dear Mr. Lepley:

The Florida Elections Commission has received your complaint alleging violation of Florida's election laws.

Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate, with actual malice, from making or causing to be made any statement about an opposing candidate which is false.

Respondent filed a response to the complaint in which he addressed the factual allegations pertaining to the allegedly false, malicious statements at issue. However, the statute is inapplicable, because Respondent was not an opponent of Complainant in the race for Davenport City Commission, Seat 3. Rather, Respondent was a candidate for Davenport Mayor in the same election.

For these reasons, I find the 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 no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

John Lepley  
October 4, 2019  
Page 2  
FEC 19-515

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

Sincerely,

A handwritten signature in cursive script that reads "Tim Vaccaro". The signature is written in black ink and is positioned above the printed name and title.

Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Complaint Information Form 2  
cc: Fred Reilly, Attorney for Respondent w/out Enclosure

**FLORIDA ELECTIONS COMMISSION**  
**107 West Gaines Street, Suite 224,**  
**Tallahassee, FL 32399-1050**

**ADDITIONAL COMPLAINT INFORMATION**

**Case Number: FEC 19-515**

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

I swear or affirm that the information in the attached statement 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.***



Re: FEC Complaint No. 19-515 (John Lepley, Complainant and H. B. "Rob" Robinson, Respondent)   
Florida Elections Commission to: Fred Reilly  
Sent by: Donna Malphurs

10/01/2019 04:39 PM

Dear Mr. Reilly,

Thank you for notifying us that you represent Mr. Robinson in the matter of FEC 19-515. Future correspondence will be mailed to you.

Sincerely,

Donna Ann Malphurs  
Agency Clerk

"Fred Reilly"

Re: FEC Complaint No. 19-515 (John Lepley, C...

09/30/2019 08:04:17 PM

From: "Fred Reilly" <fredreilly@attorney-solicitor.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Linda Robinson" <lmrobinson1949@gmail.com>  
Date: 09/30/2019 08:04 PM  
Subject: FEC Complaint No. 19-515 (John Lepley, Complainant and H. B. "Rob" Robinson, Respondent)

Re: FEC Complaint No. 19-515 (John Lepley, Complainant and H. B. "Rob" Robinson, Respondent)

ATTN: Molly Donovan, Complaint Coordinator, Florida Elections Commission

Hi Mrs. Donovan,

Please be advised that I represent H. B. "Rob" Robinson in relation to FEC Complaint No. 19-515 filed by John Lepley.

I have attached the following documents in relation to FEC Complaint No. 19-515:

- A. Notice of Appearance.
- B. Response to FEC Complaint Filed By John Lepley.
- C. Exhibits A, B and C to the Response.

I respectfully request that you provide me with an email confirming receipt of this email.

Please let me know if you have any questions. Thanks in advance.

Very truly yours,

Fred Reilly\*  
Reilly International Law Firm, P. A..  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Fax. (863) 439-5077  
Skype: fred.reilly  
Email: fredreilly@attorney-solicitor.com

Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)

\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

**IMPORTANT NOTICE:** This transmission contains legal advice that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, photocopying or distribution of the contents is unauthorized and prohibited. If you have received this in error, please notify the sender immediately and destroy all copies.

[attachment "NoticeOfAppearanceFEC 19 515.pdf" deleted by Donna Malphurs/OAG]

[attachment "RobinsonResponseLepleyComplaint09292019 Signed.pdf" deleted by Donna Malphurs/OAG] [attachment "RobinsonResponseExhibits A B C 09302019.pdf" deleted by Donna Malphurs/OAG]



FEC Complaint No. 19-515 (John Lepley, Complainant and H. B. "Rob" Robinson, Respondent) Fred Reilly to: fec@myfloridalegal.com 09/30/2019 08:04 PM  
 Cc: "Linda Robinson"  
 From: "Fred Reilly" <fredreilly@attorney-solicitor.com>  
 To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
 Cc: "Linda Robinson" <lmrobinson1949@gmail.com>

3 Attachments



NoticeOfAppearanceFEC 19 515.pdf RobinsonResponseLepleyComplaint09292019 Signed.pdf



RobinsonResponseExhibits A B C 09302019.pdf

Re: FEC Complaint No. 19-515 (John Lepley, Complainant and H. B. "Rob" Robinson, Respondent)

ATTN: Molly Donovan, Complaint Coordinator, Florida Elections Commission

Hi Mrs. Donovan,

Please be advised that I represent H. B. "Rob" Robinson in relation to FEC Complaint No. 19-515 filed by John Lepley.

I have attached the following documents in relation to FEC Complaint No. 19-515:

- A. Notice of Appearance.
- B. Response to FEC Complaint Filed By John Lepley.
- C. Exhibits A, B and C to the Response.

I respectfully request that you provide me with an email confirming receipt of this email.

Please let me know if you have any questions. Thanks in advance.

Very truly yours,

Fred Reilly\*  
 Reilly International Law Firm, P. A..  
 P. O. Box 2039  
 Haines City, FL 33845 USA  
 Tel. (310) 927-3954  
 Fax. (863) 439-5077  
 Skype: fred.reilly  
 Email: fredreilly@attorney-solicitor.com  
 Website: [www.attorney-solicitor.com](http://www.attorney-solicitor.com)



\*Licensed to practice in California, Florida and as an English Solicitor. Admitted to practice before the United States Supreme Court and the United States Court of International Trade. Awarded Masters degree (LL.M. in International Business Law) from The London School of Economics and Political Science.

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**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

\_\_\_\_\_/

**NOTICE OF APPEARANCE AND  
DESIGNATION OF EMAIL ADDRESS**

**COMES NOW** the undersigned law firm, Reilly International Law Firm, P.A., and files this Notice of Appearance on behalf of the Respondent, H. B. "ROB" ROBINSON, in the above-styled cause as his attorney of record.

Pursuant to Florida Rule of Judicial Administration 2.516(b)(1), the undersigned law firm hereby designates the following primary email address:

Primary email: fredreilly@attorney-solicitor.com

All papers and pleadings filed in this action should be served on the undersigned at the email address set forth above.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 30<sup>th</sup> day of September, 2019, a true and correct copy of the foregoing was furnished to the Florida Elections Commission (fec@myfloridalegal.com).

REILLY INTERNATIONAL LAW FIRM, P.A.

s/ Fred Reilly

Fred Reilly, Esquire

Florida Bar No. 607800

P. O. Box 2039

Haines City, FL 33845 USA

Tel. (310) 927-3954

Primary email: fredreilly@attorney-solicitor.com

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

**RESPONSE TO FEC COMPLAINT FILED BY JOHN LEPLEY**

COMES NOW, the Respondent, H. B. "Rob" Robinson, by and through his undersigned attorney, files this Response to the Florida Elections Commission Complaint by the Complainant, John Lepley, and states as follows:

**Preliminary Matters**

- A. The Complainant, John Lepley shall be referred to as "Lepley" in this Response.
- B. The Respondent, H. B. "Rob" Robinson shall be referred to as "Robinson" in this Response.
- C. The Florida Elections Commission Complaint No. 19-515 filed by Lepley against Robinson (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. The Complaint was served on Robinson by certified mail received on September 16, 2019.

**Responses to Specific Allegations Set Forth in the Complaint**

**1. ALLEGATION OF VOTER INTIMIDATION/SUPPRESSION VIOLATION.**

**Alleged Violation: Section 104.271, Florida Statutes.**

**Factual Allegation:** “FS 104.271 False or Malicious charges against, or false statements about candidate: On 3/31/2019 Rob Robinson posted false and malicious comments about me on his facebook: i.e. “he said I will lie to get elected, I stole handicapped placards, I was arrested for a road rage incident, I sent viciousness emails about him and personal attacks against him.” These statements are false and malicious lies. Attachment A. Link: (link address).”

**Response:**

A. Robinson’s statement about Lepley being “arrested for a road rage incident” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

B. The Polk Records Online for Case No. 2007MM00121701XXWH (State of Florida v. John George Lepley) and The Ledger article “Official Found Guilty In Road Rage Incident” confirm that Lepley was “arrested for a road rage incident” (See copies of these documents attached hereto as Exhibit A).

C. The Bay News 9 article titled “Former Davenport Mayor’s husband explains why she took plea deal” clearly implicates Lepley in the incident involving handicapped placards. The article is attached hereto as Exhibit B.

D. In one of Robinson’s Facebook messages cited by Lepley, Robinson stated: “While it should not come as a surprise to me, I am astonished and offended at the viciousness of their lies and personal attacks against me, Commissioner Bobby Lynch, and Commissioner Tom Fellows.” In the same Facebook message, Robinson stated: “Florida Statute 104.271 states, “A candidate may not, with actual malice, make any false statement about an opposing candidate.”

**2. ALLEGATION OF FALSE OR MALICIOUS CHARGES AGAINST OPPOSING CANDIDATE VIOLATION.**

**Alleged Violation: Section 104.271, Florida Statutes**

**Factual Allegation:** “FS 104.271 False or Malicious charges against, or false statements about, candidate: Rob Robinson mailed a flyer “Legacy: Something that is a part of you that remains” to everyone in Davenport with the following false and malicious statements Attachment B.”

A. “John Lepley charged with a felony misdemeanor of assault and battery.” (Additional narrative omitted).

B. “John Lepley did not initiate the Fourth of July celebration.” (Additional narrative omitted).

C. “John Lepley never brokered a deal with a primary developer.” (Additional narrative omitted).

D. “5,000 lien on our homes for sewer as the amount was never established.” (Additional narrative omitted).

**Response:**

A. Alleged False or Malicious Charge: “John Lepley charged with a felony misdemeanor of assault and battery.” (Additional narrative omitted).

Response:

i. Robinson’s statement that Lepley had been “charged with a felony misdemeanor of assault and battery” was awkwardly expressed and partially true, and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. Violation of Section 784.011 (Assault) is a second degree misdemeanor.

iii. Violation of Section 784.03 (Battery; Felony Battery) is either a first degree misdemeanor (Battery) or a third degree felony (Felony Battery).

iv. There is no criminal offense under Florida law for “assault and battery.” As noted above, Assault, Battery, and Felony Battery are separate and distinct criminal offenses.

B. “John Lepley did not initiate the Fourth of July celebration.” (Additional narrative omitted).

Response:

i. Robinson’s statement that Lepley “did not initiate the Fourth of July celebration” was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The “question of whether the evidence supports a finding of actual malice is a question of law.” Sharkey v. Florida Elections Commission, 90 So. 3d 937 (Fla. 2<sup>nd</sup> DCA 2012).

iii. Lepley’s allegation does not provide clear and convincing evidence that Robinson’s statement violates the standard stated in Sharkey:

The Supreme Court has explained that “reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing.” St. Amant v. Thompson, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968). Rather, “[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” Id. That said, a defendant would not be able to “automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” Id. at 732. Instead, the finder of fact should resolve the issue of whether the statements were made in good faith by evaluating the source of the allegations and the probability of their correctness. The court explained:

Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the product of his imagination, or is based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

C. "John Lepley never brokered a deal with a primary developer." (Additional narrative omitted).

Response:

i. Robinson's statement that Lepley "never brokered a deal with a primary developer" was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.

ii. The "question of whether the evidence supports a finding of actual malice is a question of law." *Sharkey v. Florida Elections Commission*, 90 So. 3d 937 (Fla. 2nd DCA 2012).

iii. Lepley's allegation does not provide clear and convincing evidence that Robinson's statement violates the standard stated in Sharkey:

The Supreme Court has explained that "reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing." *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968). Rather, "[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication." *Id.* That said, a defendant would not be able to "automatically insure a favorable verdict by testifying that he published with a belief that the statements were true." *Id.* at 732. Instead, the finder of fact should resolve the issue of whether the statements were made in good faith by evaluating the source of the allegations and the probability of their correctness. The court explained:

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to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

D. "5,000 lien on our homes for sewer as the amount was never established." (Additional narrative omitted).

Response:

- i. Robinson's statement that "neither (Bradley or Lepley) stopped a \$5,000 lien on our homes for sewer as the amount was never established" was factually accurate and thus did not constitute false or malicious charges in violation of Section 104.271, Florida Statutes.
- ii. The "question of whether the evidence supports a finding of actual malice is a question of law." *Sharkey v. Florida Elections Commission*, 90 So. 3d 937 (Fla. 2nd DCA 2012).
- iii. Lepley's allegation does not provide clear and convincing evidence that Robinson's statement violates the standard stated in Sharkey:

The Supreme Court has explained that "reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing." *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968). Rather, "[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication." *Id.* That said, a defendant would not be able to "automatically insure a favorable verdict by testifying that he published with a belief that the statements were true." *Id.* at 732. Instead, the finder of fact should resolve the issue of whether the statements were made in good faith by evaluating the source of the allegations and the probability of their correctness. The court explained:

Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the product of his imagination, or is based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher's allegations are so inherently improbable that only



a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

### **3. ALLEGATION OF CAMPAIGN FINANCE REPORTING VIOLATION.**

**Alleged Violation:** Section 106.143, Florida Statutes.

**Factual Allegation:** “Literature does not reference “paid for by” statement nor are these expenses listed in his campaign finance reports. Mr. Robinson failed to report the printing and postage expenses for two large post cards (6” x11”) in his campaign finance reports as an in-kind contribution or as an expense for the following 2 post cards:

- i. “A Message to the Residents of Davenport”                      Attachment R
- ii. The Question is – are you going to be misled again      Attachment S”

#### **Response**

A. Robinson did not violate Section 106.143 and Lepley’s factual allegation does not establish probable cause for such violation.

B. Section 106.143 sets forth standards for political advertisements paid for by a candidate, political advertisements made as in-kind contributions, political advertisements by political parties or organizations, and prohibitions related to political advertisements.

C. The “standard of proof in a case seeking fines under chapter 106 is clear and convincing evidence.” Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

D. "There is no vicarious liability under chapter 106." Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

E. The two items of campaign literature (Attachment R and Attachment S to the Complaint) do not state any name (and specifically do not state that these items were sent by, paid for by, or authorized by Robinson) and therefore were anonymous communications (the "Anonymous Literature").

F. Robinson did not pay for, authorize, approve, or have any connection whatsoever to the Anonymous Literature. The individual(s) who prepared the Anonymous Literature may have violated Section 106.143, but Robinson has no vicarious liability for the actions of such individual(s).

#### **4. ALLEGATION OF CAMPAIGN FINANCE REPORTING VIOLATION.**

**Alleged Violation:** Section 106, Florida Statutes.

**Factual Allegation:** "FS 106 A photo posted on Rob Robinson's face book of Linda Robinson (Treasurer), Bob Lynch (Seat 3 Candidate), Denise Lynch (Treasurer) at Rob Robinson's house preparing a letter "Legacy: Something that is a part of you that remains"; which does state is paid for by both Rob Robinson and Bob Lynch; but is not referenced on his finance report as paying for 50% of these "shared" expenses for printing, envelopes and postage for this document. Photo of both campaigns together preparing "The Legacy" mailings at Robinson's house – Attachment T."

**Response:**

A. Robinson did not violate Chapter 106 and Lepley's factual allegation does not establish probable cause for such violation.

B. The "standard of proof in a case seeking fines under chapter 106 is clear and convincing evidence." Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

C. "There is no vicarious liability under chapter 106." Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3<sup>rd</sup> DCA 2003).

D. Contrary to Lepley's allegation, Robinson did affirmatively disclose his campaign expenditures (including the campaign expenditures to Staples for the Robinson's fifty percent (50%) share of "The Legacy" printing, envelopes and postage expenses) in the duly filed Campaign Report dated March 29, 2019, in compliance with Section 106.07(4), Florida Statutes. The Campaign Report dated March 29, 2019, and the corresponding Staples invoice are attached hereto as Exhibit C.

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make the determination that none of the four (4) counts of the Complaint filed by John Lepley are legally sufficient to establish probable cause and therefore this case should be closed.

**Robinson's Request that the Commission make**  
**A Finding Against Lepley pursuant to**  
**Section 106.265 (6), Florida Statutes**

The Respondent, H. B. "Rob" Robinson, respectfully requests that that the Commission make a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that

John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, and states as follows:

A. Section 106.265 (6), Florida Statutes, states as follows:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

B. Robinson respectfully requests that the Commission make a finding that:

i. Lepley filed the Complaint against Robinson with a malicious intent to injure

Robinson's reputation by filing the Complaint with knowledge that the Complaint contains one or more false allegations or with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104, and

ii. Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

C. The Complaint filed by Lepley was clearly intended to injure the reputation of Robinson. Lepley's Complaint included the following statements:

i. Count 1 of the Complaint – Allegation that “Rob Robinson posted false and malicious comments about me on his facebook: i.e. ... I was arrested for a road rage incident...” Since

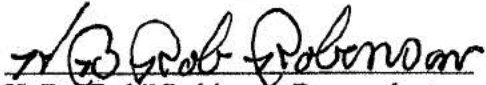
there is unequivocal evidence that Lepley was in fact charged with misdemeanor battery, this allegation by Lepley is false or made with reckless disregard for whether the Complaint contains false allegations of fact material to a violation of this chapter or chapter 104.

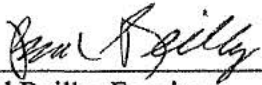
ii. "Mr. Robinson will run for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election of the commission appointing their own mayor."

**WHEREFORE**, H.B. "Rob" Robinson respectfully requests that the Commission make a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of Robinson.

[Remainder of page intentionally blank]

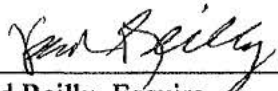
Respectfully submitted this 30<sup>th</sup> day of September, 2019.

  
H. B. "Rob" Robinson, Respondent

  
Fred Reilly, Esquire  
Florida Bar No. 607800  
Reilly International Law Firm, P.A.  
P. O. Box 2039  
Haines City, FL 33845 USA  
Tel. (310) 927-3954  
Email: fredreilly@attorney-solicitor.com  
Attorney for H. B. "Rob" Robinson

**CERTIFICATION**

I hereby certify that a true and correct copy of this Response to FEC Complaint filed by John Lepley was sent to the Florida Elections Commission via email ([fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)) this 30<sup>th</sup> day of September, 2019.

  
Fred Reilly, Esquire

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

**EXHIBIT A**

**POLK RECORDS ONLINE AND THE LEDGER ARTICLE**



Stacy M. Butterfield, CPA  
Clerk of Courts & Comptroller  
Polk County, Florida

# Polk Records Online

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User: PUBLIC - IP (173.171.103.150)

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## Case Detail

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Case : 2007MM00121701XXWH

Section : W3 JOHN E KIRKLAND

Case Style : STATE OF FLORIDA vs. LEPLEY JOHN GEORGE

Disposition : Closed

[Print Case Summary](#)

Dockets	Parties	Hearings	Bonds	Citations	Financial	Disposition		
<b>Count 1</b>								
Phase	Description	Statute	Level	Degree	Status	Plea	Disposition/Action	Disposition/Action Date
Initial Phase	BATTERY	784.03.1A1	M	F	Notice to Appear			
Pros Phase	BATTERY	784.03.1A1	M	F	Same	FILED		05/12/2008
Court Phase	BATTERY	784.03.1A1	M	F	Same		Adjudication Withheld	08/07/2008
							<a href="#">Add'l Charge Data</a>	<a href="#">Sentence</a>
<b>Count 2</b>								
Phase	Description	Statute	Level	Degree	Status	Plea	Disposition/Action	Disposition/Action Date
Initial Phase	ASSAULT	784.011	M	S	Not applicable			
Pros Phase	ASSAULT	784.011	M	S	Initiated by Prosecutor/Direct	FILED		05/12/2008
Court Phase	ASSAULT	784.011	M	S	Same		Adjudication Withheld	08/07/2008
							<a href="#">Add'l Charge Data</a>	<a href="#">Sentence</a>

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 PRO Release Version 1.2.3.2  
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## Official Found Guilty In Road Rage Incident

By JASON GEARY / THE LEDGER

Posted Aug 7, 2008 at 12:01 AM

Updated Aug 8, 2008 at 12:10 AM

BARTOW | A jury found a Davenport city councilman guilty Thursday of reaching into a Jeep and grabbing a 19-year-old man by the throat during a road rage incident last year.

Jurors spent about 40 minutes deliberating before finding John Lepley guilty of battery and assault, both misdemeanors.

Polk County Judge Timothy Coon sentenced Lepley to a year of probation and 100 hours of community service. He must also write a letter of apology to the motorist, Brent Burns, and complete an anger management class.

Coon withheld adjudication, a formal finding of guilt, after considering Lepley's leadership position in the city and his lack of a criminal record.

Burns testified that he was driving home from work Oct. 17, 2007, when a black Crown Victoria sped up behind him.

Because he was going a little over the speed limit, Burns said, he thought it might be a police officer. However, the driver began to drive erratically, tailgating him and trying to get him to pull over.

Burns said he was suspicious that it wasn't a police officer and went to the police station.

After driving into the police station parking lot, Burns said, Lepley came over shouting, "Who do you think you are?" and "Do you know who I am?"

Burns said Lepley grabbed his throat. "He had just got a hold of me when I yelled," Burns said.

A few police officers came over to help break up the encounter. Some testified that Burns appeared scared, while Lepley appeared angry.

Photographs taken of Burns' neck showed some redness.

Lepley's lawyer, John Ligouri, suggested the marks could possibly be sunburn. He said Burns was a friend of a neighbor who has had ongoing disputes with Lepley.

Burns said he called this friend during the chase for advice and drove to the police station for help. He denied knowing that it was Lepley who was following him.

Assistant State Attorney Ricardo Alvarez asked Burns to provide details about how the pursuit, which lasted more than 20 minutes, took place.

"Did you somehow hitch your vehicle to his and just dragged it to the police station?" Alvarez asked.

"No sir," Burns said.

"So nobody forced him to follow you, is that correct?" Alvarez asked.

"That's correct," Burns answered.

Lepley took the witness stand to defend himself. He testified that he and his wife were the victims in the case.

He accused Burns of braking abruptly and driving dangerously. Lepley said when he attempted to pass that Burns sped up and almost forced him into oncoming traffic.

At one point, Lepley said, he turned on his car's hazard lights and put his arm out the window to wave the Jeep to pull over.

"I wanted to know what was going on," he said. "At that point, as far as I was concerned, someone was trying to kill me and my wife."

The Jeep's driver did not comply.

Both Lepley and his wife testified that they weren't able to use a cellular phone to call for help during the pursuit because there wasn't any cellular reception in that area. Instead, they said they followed at a safe distance to not lose sight of the Jeep and were planning to call once reception improved.

Under cross-examination, John Lepley would not agree that he was angry but used words like "cranky" and "a little hot."

He denied trying to choke Burns but insisted that he was trying to grab the wheel because he thought Burns was preparing to drive away.

"I was going to make a citizen's arrest," Lepley said.

He said when he reached for the wheel that Burns attempted to lie down in the seat.

"I guess to get away from me because he probably thought that I was going to do something," Lepley said. "He should have after the stunt he pulled."

[ Jason Geary can be reached at [jason.geary@theledger.com](mailto:jason.geary@theledger.com) or 863-802-7536. ]

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

**CASE NO. FEC 19-515**

**EXHIBIT B**

**BAY NEWS 9 ARTICLE**

## Former Davenport mayor's husband explains why she took plea deal

By Bay News 9 | Polk County

PUBLISHED December 16, 2017 @5:42 PM

### SHARE

The husband of the former Davenport mayor, forced to resign after taking a plea deal, called the entire situation “overblown” and “very political.”

- **RELATED:**

- [Teresa Bradley apology letter](#)
- [Teresa Bradly resignation letter](#)

“If you wanted to get her out of office, it worked,” said John Lepley, Teresa Darlene Bradley’s husband.

He said his wife was not available for an interview.

Bradley was mayor for five years, before she resigned Friday. Her resignation came a little more than a week after she was arrested and accused of using the disabled parking placard of a dead person to park in reserved parking spots in front of City Hall.

Undercover deputies with the Polk County Sheriff’s Office said they caught her on camera, after the department received an anonymous tip.

In her resignation letter, Bradley said it was time to move on.

“The last five years of, just like you, 14 hour days working for a living- then another 3 or 4 hours each day and lots of weekends being the mayor you deserve- takes a huge toll after a while. It’s time for a little quiet time with my family,” she wrote.

Lepley said his wife was heartbroken and it was tough for her to resign.

belittling it, not that she or me are sitting here saying. We shouldn't have done that."

"We're sorry we've embarrassed our city. She's really broken about how she's embarrassed our city," he added.

Lepley admitted it was his idea for his wife to use the disabled parking placards in cases of emergency. He said they obtained them when a mechanic found them in a used car they had bought.

"Was it right? No. It was wrong but in our mind, the sign right there said it's a \$250 fine. I'm willing to pay \$250 to save my wife's life if it's necessary," Lepley said.

When asked if they had realized how serious of a crime it was, Lepley said, "We thought it was a \$250 fine. That's what it says. Did we realize that using somebody's else's was? No."

Lepley said his wife was carjacked, kidnapped and beaten back in 2012, and was afraid of leaving city hall alone to walk to her car at night.

"To her and to me, for us to go up here and create a parking spot because I'm mayor, that would be the epitome of arrogance. All she wanted was someone to walk her to her car," Lepley said.

He claims her police escort wasn't always there.

District Attorney Brian Haas said taking the matter into her own hands and breaking the law wasn't the right idea.

"It certainly wasn't good for her as mayor to do that but to her credit she took responsibility for it. She entered a quick resolution. I think that was the honorable thing to do by resigning," Haas said.

she could endure a trial on this case.

Some residents were sad to see her go.

"She made a mistake. She's done more for this town than anybody ever has," said Joey Park, her neighbor. "We now have stuff for Halloween for the kids, Fourth of July fireworks, she worked on the baseball field."

Others around town said she did the right thing by resigning.

"You need to lead by example when you're a mayor. For you going out doing that, you kind of need to resign," said Brian Park.

According to Haas, Bradley pleaded no contest to unlawful use of a handicap placard. The two felony charges she faced were dismissed. Along with her resignation, she received six months probation and had to pay \$420.50 in court fines.

Davenport commissioners will likely discuss what's next in terms of filling her position during the city's next meeting, which is set for Dec. 18 at 7 p.m.

## YOU MIGHT ALSO LIKE

### **Arrest made in Polk hit-and-run that seriously injured teen runner**

Polk County | 1 year ago

### **Lakeland airport to clear land, prepare for cargo flights**

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### **Garbage truck overturns in collision; one injured**

Polk County | 1 year ago

### **Polk deputies: Man in electric wheelchair scooter killed in crash**

Polk County | 1 year ago

## Latest News

**FLORIDA ELECTIONS COMMISSION**

**COMPLAINANT: JOHN LEPLEY**

**RESPONDENT: H.B. "ROB" ROBINSON**

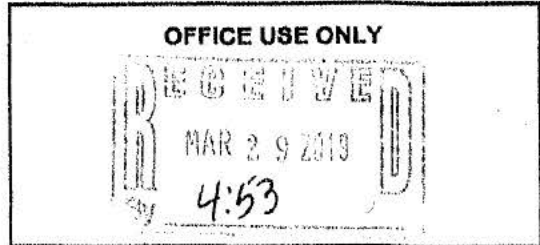
**CASE NO. FEC 19-515**

**EXHIBIT C  
CAMPAIGN REPORT**



## CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
 Name  
 (2) 314 Cypress Street East (PO Box 1257 / zip 33836)  
 Address (number and street)  
Davenport, FL 33837  
 City, State, Zip Code



Check here if address has changed

(3) ID Number: M3

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor, City of Davenport
- Political Committee (PC)
- Electioneering Communications Org. (ECO)  Check here if PC or ECO has disbanded
- Party Executive Committee (PTY)  Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications)  Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 03 / 16 / 2019 To 03 / 28 / 2019 Report Type: \_\_\_\_\_

Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 50 . 00

Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , 50 . 00

In-Kind \$ \_\_\_\_\_ , 1 , 000 . 00

### (7) Expenditures This Report

Monetary Expenditures \$ \_\_\_\_\_ , 1 , 281 . 56

Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , 0 . 00

Total Monetary \$ \_\_\_\_\_ , 1 , 281 . 56

### (8) Other Distributions

\$ \_\_\_\_\_ , \_\_\_\_\_ , 0 . 00

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_ , 8 , 050 . 00

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_ , 5 , 366 . 04

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson  
 Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

(Type name) H. B. "Rob" Robinson  
 Candidate  Chairperson (only for PC and PTY)

**CAMPAIGN TREASURER'S REPORT -- ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON (2) I.D. Number M3

(3) Cover Period 03 / 16 / 2019 through 03 / 28 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		
03 / 16 / 19 1	Ed and Nancy McCue 1301 E. Hillsboro Blvd. Apartment 302 Deerfield Bch, FL 33441	I	Retired Law Enforcement	CHK			\$50.00
03 / 18 / 19 2	John Webb 242 McLean Point Winter Haven, FL 33884	I	Realtor; Commercial Business Owner	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
03 / 18 / 19 3	Kathy Webb 242 McLean Point Winter Haven, FL 33884	I	Business Consultant	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
/ /							
/ /							
/ /							
/ /							

### CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M3

(3) Cover Period 03 / 16 / 2019 through 03 / 28 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
03/16/19 1	Staples 3500 Posner Blvd. Davenport, FL 33837	Purchase Paper	CAN		\$42.78
03/21/19 2	Supervisor of Elections Winter Haven 70 Florida Citrus Blvd. Winter Haven, Florida 33880	Mail Labels Voter List	CAN		\$40.20
03/23/19 3	Staples 3500 Posner Blvd. Davenport, FL 33837	Paper Toner Cartridges Envelopes	CAN		\$359.33
03/26/19 4	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$759.00
03/26/19 5	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$74.25
03/26/19 6	Wells Fargo Bank, N.A. 305 Davenport Boulevard Davenport, FL 33837	Checks	CAN		\$6.00
/ /					
/ /					



Date Produced: 09/23/2019

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1629 8761 65. Our records indicate that this item was delivered on 09/16/2019 at 11:11 a.m. in DAVENPORT, FL 33837. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "H. B. Robinson". The signature is written in a cursive style with a large initial "H".

Address of Recipient :

**PO BOX 1257**

**DAVENPORT, FL 33838-1257**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 19-515 19-516 19-518 19-519 1

# USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

**Tracking Number:** 92148969009997901629876165

Your item was delivered at 11:11 am on September 16, 2019 in DAVENPORT, FL 33837.

 **Delivered**

September 16, 2019 at 11:11 am  
Delivered  
DAVENPORT, FL 33837

Feedback

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---

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---

[Return Receipt Electronic](#) ▼

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[Tracking History](#) ▼

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[Product Information](#) ▼

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Go to our FAQs section to find answers to your tracking questions.

**FAQs**

**Feedback**



# Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



September 13, 2019

**CERTIFIED MAIL 9214 8969 0099 9790 1629 8761 65**

Bob Robinson  
P.O. Box 1257  
Davenport, FL 33836

**RE: Case No.: FEC 19-515; Respondent: Rob Robinson**

Dear Mr. Robinson:

On September 12, 2019, 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.

Should you choose to file a response to the complaint, please send it to my attention at the address listed above. You may also send it to my attention at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined to be 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.**

Pursuant to 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 complainant, 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. Should 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.

For additional information, please refer to the Commission's website [www.fec.state.fl.us](http://www.fec.state.fl.us).

Sincerely,

*Molly Donovan*

Molly Donovan  
Complaint Coordinator

Enclosure: Complaint w/attachments

REC'D: FL ELECTIONS COM  
12 SEP 19 AM 10:49

### COMPLAINT

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 it is brought.

#### 1. PERSON BRINGING COMPLAINT:

Name: John Lepley Work Phone: ( )  
Address: P O Box 2791 Home Phone: (407) 923-7447  
City: Davenport County: Polk State: FL Zip Code: 33836

#### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Rob Robinson  
Address: P. O. Box 1257 Phone: (863) 421-2250  
City: Davenport County: Polk State: FL Zip Code: 33836

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

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No  
Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No  
Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

#### 3. ALLEGED VIOLATION(S):

Please attach a concise narrative statement in which you 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 provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

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.



REC'D: FL ELECTIONS COM  
12 SEP 19 AM 10:48

4. OATH:

STATE OF FLORIDA  
COUNTY OF Polk

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 4th day of  
September, 20 19

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



Brenda LaLama  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG289944  
Expires 5/4/2023

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

Personally Known \_\_\_\_\_ Or Produced Identification

Type of Identification Produced License

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST submit this** completed complaint **form** in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments to **each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

## FEC Complaint Attachments

**Complainant:** John Lepley, Candidate for Seat 3 Commission Davenport  
P. O. Box 2791, Davenport, FL 33836 (407) 923-7447

**Respondent:** Rob Robinson, Candidate for Davenport Mayor  
P. O. Box 1257, Davenport, FL 33836 (863) 421-2250

**City of Davenport Election (3/1 – 4/2/2019)**

The following is a list of Florida Statutes 104 and 106 violations by Rob Robinson, Candidate for Mayor of Davenport:

### FS 104.0615 Voter Intimidation or suppression prohibited

1. **FS 104.271 False or Malicious charges against, or false statements about candidate:** On 3/31/2019 Rob Robinson posted **false and malicious** comments about me on his facebook; i.e. "he said I will lie to get elected, I stole handicap placards, I was arrested for a road rage incident, I sent viciousness emails about him and personal attacks against him." These statements are false and malicious lies. (Attachment A).  
**Link:** [www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-1051414444933457](http://www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-1051414444933457)
  
2. **FS 104.271 False or Malicious charges against, or false statements about, candidate:** Rob Robinson mailed a flyer "**Legacy: Something that is a part of you that remains**" to everyone in Davenport with the following **false and malicious** statements (Attachment B).
  - i. **FS 104.271: John Lepley, charged with a felony misdemeanor of assault and battery**  
In 2008, when I was a Davenport Commissioner, I was ran off the road and I followed the driver to the Davenport Police Department. When I questioned the driver in front of a Davenport Police Officer Sgt. Nancy Lane - as to why he did that, he started to drive away and I put my hand on his steering wheel. Sgt. Nancy Lane **testified** I never touch the driver. The charged was a "misdemeanor", not a felony, with adjudication withheld. **I have never been arrested.** I have no record of conviction. I continued to serve out my term as a commissioner along with Commissioners Robinson and Lynch. One cannot serve as a commissioner if a convicted felon per our Charter. This was a malicious, intentional, false portrayal of me by Mr. Robinson. A copy of the final judgement for the misdemeanor is **Attachment C**.

Mr. Robinson supervised my community service and even attested to my community service in court as going above and beyond by establishing the first ever car show for the City of Davenport, along with the inaugural daylong city WinterFest and Electric Christmas Parade, now in its 10<sup>th</sup> year. He is fully aware that he lied about this incident.

- ii. **FS 104.271 John Lepley did not initiate the Fourth of July celebration.** As a member of the Davenport Concerned Citizens, Darlene Bradley and I assisted Bob Avery, Chairman for DCC to obtain sponsors/speakers/readers to coordinate the first ever Fourth of July celebration in Davenport in 2015 with the reading of the Constitution and Declaration of Independence. This can be verified with Bob Avery, 307 E. Maple Street, Davenport, FL (863) 852-7545.
  - iii. **FS 104.271: "John Lepley never brokered a deal with a primary developer"**  
On 6-3-17, Rennie Heath requested a meeting to apologize for threatening me at a city commission meeting. Kelly Callihan, City Manager, organized the meeting. At this meeting was Rennie Heath (Developer), City Manager, Kelly Callihan, Darlene Bradley, Mayor of Davenport, and former Florida Senator J D Alexander. At this meeting, Mr. Heath offered a commitment to give the City of Davenport a donation of \$1,000 for every house he sells in Davenport for the proposed Community Center. **Attachment D** is the signed commitment from Mr. Heath. City Commission minutes dated 2/5/18 confirms Mr. Heath's announcement to keep his promise to donate \$1,000/home that he sells for our community center (**Attachment E**). Rob Robinson was present at this commission meeting; yet he claims I did not have any involvement in his campaign literature.
  - iv. **FS 104.271: "5,000 lien on our homes for sewer as the amount was never established"**. Commission Meeting Minutes dated 7/30/2012 recorded city attorney Kirk Warren stating a lien would be placed on each home/property for the cost of the sewer. City of Davenport Letter dated 10/29/2007 confirms the amount citizens to pay for sewer hookup will be \$5,000: \$3,500 for impact fees and \$1,500 for assistance for septic tanks. Both statements are on **Attachment F**.
3. **FS 106.143 Literature does not reference "paid for by" statement nor are these expenses listed in his campaign finance reports.** Mr. Robinson failed to report the printing and postage expenses for two large post cards (6" x11") in his campaign finance reports as an in-kind contribution or as an expense for the following 2 post cards mailed to voters:
- i. "A Message to the Residents of Davenport" (**Attachment G**)
  - ii. The Question is – are you going to be misled again? (**Attachment H**)

4. **FS 106** A photo posted on face book of Linda Robinson, Bob Lynch, Denise Lynch at Rob Robinson's house preparing a letter "**Legacy: Something that is a part of you that remains**"; which does state is **paid for by both Rob Robinson and Bob Lynch; but is not referenced** on his finance reports as paying for 50% of these "shared" expenses for printing, envelopes and postage for this document. **Photo of both campaigns preparing mailings at Robinson's house - Attachment I. Attachment J are Mr. Robinson's financial campaign reports.**

Mr. Robinson has over 53 years municipal government experience, a former police chief, an interim city manager, commissioner for many years and serves on the Board for Ridge League of Cities. He is fully aware of the violations he committed willfully, intentionally and with malice. His campaign flyer is **Attachment K.**

I believe his false and vicious statements and personal attacks sent via emails, flyers, post cards, letters, tv interviews, personal visits to citizens, and face book posts altered the outcome of my campaign for Seat 3 as well as tarnished my reputation and defamation of my character. He willfully intentionally violated FS 104 and 106.

- (3) Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, and from and after conviction shall be disqualified to hold office.

Florida Statutes penalize these violations with hefty fines and removal from office. The election rules and penalties were provided to every candidate. Every candidate must acknowledge, sign and return Form DS-DE 84 (05/11) as confirmation he/she read Chapter 106 and return the form to the city clerk.

My campaign flyer is **Attachment L** which outlines the projects I've done for the City of Davenport and to make citizens aware of Amendment 1 on the ballot. I did not advertise false or malicious statements against any candidate. I walked door to door talking to citizens about Amendment 1 on the ballot. The people of Davenport had not even heard about Ordinance 881/Amendment 1. They had no clue this was on the ballot and very upset that the commissioners would even consider taking the right to vote for their mayor away from them.

I did not mail letters, postcards, flyers or post on social media about any candidate. Mr. Robinson claims my facts are lies and half-truths; yet I have verified all my facts with City of Davenport minutes and correspondence as outlined in the attachments.

**Complainant: Lepley      Respondent: Robinson**

Mr. Robinson will run for re-election at the beginning of 2020. The election is held the first Tuesday in April 2020. Resolution of this affidavit of complaint is urgent and crucial so that the citizens are not forced into either a special election or the commission appointing their own mayor.

The Florida Elections Commission was formed to guard against these malicious and willful attacks on candidates, especially those that know better. I ask for your swift action on this complaint.

Thank you.

John Lepley

# **FEC Complaints: FS 104 & 106**

**Submitted 9/10/2019**

**Complainant: John Lepley,  
Candidate for Seat 3 Commission**

**April 2, 2019 \* Davenport Election**

**Respondent: Rob Robinson,  
Candidate for Davenport Mayor**

**A**



**HB Rob Robinson**

March 31

Below is a Re-Post of a Note that I placed on my "Mayor" Facebook page earlier today:

**A LETTER FROM YOUR MAYOR H. B. "ROB" ROBINSON (Please Share)**

Well, Folks, here it is! With 2 days to election day, Bradley-Lepley have now sent, via email, the long awaited "re-cycled" personal attacks and lies that is Bradley-Lepley's trademark of previous campaigns against rival candidates. While it should not come as a surprise to me, I am astonished and offended at the viciousness of their lies and personal attacks against me, Commissioner Bobby Lynch, and Commissioner Tom Fellows.

It should not have caught me off guard, because it was not that long ago that John Lepley warned me that I could not win an election because I would not lie ... that I was above lying. He also told me that he and his wife, Darlene Bradley, would win because they would lie. They have no regard for the law. Florida Statute 104.271 states, "A candidate may not, with actual malice, make any false statement about an opposing candidate."

Please remember the past arrest records of Bradley-Lepley. Ex-mayor Bradley resigned in disgrace. She made Davenport the laughing stock of the Nation, [See: YouTube "Davenport Mayor Donkey of the Day" from New York]. She has no one to blame but herself that she is no longer mayor! Bradley and her husband John Lepley are the ones who committed the criminal acts of stealing, altering a handicapped parking placard, and identity theft of a deceased woman whose husband is a friend and neighbor. While serving as a commissioner, John Lepley was arrested for a road rage incident involving battery on a young man. He pled to a reduced charge and was ordered to community service. I don't see much trust in either of their actions.

I ask you to compare their past history in office with those who they have maligned (Robinson, Lynch and Fellows) in their vicious email; and join me and your fellow citizens in sending Bradley-Lepley back behind their "No Trespass" fence.

Please do not allow any further lies and embarrassment to our City of Davenport. Vote to keep Mayor H. B. "Rob" Robinson and Commissioner Bobby Lynch.

**Rob Robinson**

**Davenport Mayor**



A LETTER FROM YOUR MAYOR  B. "ROB" ROBINSON (Please Share)

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Please do not allow any further lies and embarrassment to our City of Davenport. Vote to keep Mayor H. B. "Rob" Robinson and Commissioner Bobby Lynch.

Rob Robinson  
Davenport Mayor

[https://www.facebook.com/profile.php?id=100011718334226&fref=search&tn=%2Cd%2CP-R&eid=ARBJsJPC8Jn0Ekn9uENUxd6GvWMNV39qLuO06TQgoM1cElrADcgAQjY14ul8aDmV0oExeKvtNb\\_9atQ9](https://www.facebook.com/profile.php?id=100011718334226&fref=search&tn=%2Cd%2CP-R&eid=ARBJsJPC8Jn0Ekn9uENUxd6GvWMNV39qLuO06TQgoM1cElrADcgAQjY14ul8aDmV0oExeKvtNb_9atQ9)

**B**

**LEGACY: Something that is a part of you that remains** (Webster condensed)

You have certainly heard many different stories this election cycle. This election is your opportunity to send a strong message as we re-elect current Mayor Rob Robinson and Commissioner Bobby Lynch. John Lepley and ex-Mayor Teresa Darlene Bradley-Lepley are both members and/or founders of "Davenport Concerned Citizens" the group that lied to you about the sewer system in 2013, both are candidates, both have criminal backgrounds. She was charged with two felonies and a misdemeanor; he with a felony misdemeanor of assault and battery. Two members of the same household on the Commission = opportunity to violate the Sunshine Law (the real definition of INSANITY.) Contrary to their brochures, neither of them initiated the Fourth of July celebration; neither brokered a deal with a primary developer; neither saved the city \$38 million on a new sewer plant; and in 2013 neither stopped a \$5,000 lien on our homes for sewer as the amount was never established.

Mayor Robinson and Commissioner Lynch have never been arrested or charged with a crime. Here are a few of the things they HAVE done.

**Mayor HB "Rob" Robinson**

**Commissioner Bobby Lynch**

Current Vice President Ridge League of Cities

Oversight of second well plant

Championed the new fire station on West Side

Assisted in removal/replacement of city sidewalks

Pursued accreditation of Police Department

Approval of hiring new City Manager

Coordinate Toys for Tots

Approved renovations to City Hall

Participates in Mayors/City Mgrs, Coalition

Continual oversight of budget and millage

Negotiate with School Board for schools

Review and assist with grant for city water lines

The Bradley/Lepley camp thrive on spreading fear, chaos and confusion. Don't let that happen. Need honest answers? Call the City Manager, City Clerk, or other Commission members.

No individual can take credit for the accomplishments in our city. They are the result of the combined efforts of the entire Commission working with city staff. We have great projects ahead of us including a new community center. The need for strong leadership that can be trusted as we move forward is essential.

The legacy we leave is the quality of our lives ....The differences in candidates is clear....

**VOTE TO RE-ELECT MAYOR H. B. "ROB" ROBINSON AND  
COMMISSIONER BOBBY LYNCH.**

Paid political advertisement paid for and approved by HB Rob Robinson Candidate for Mayor  
And Bobby Lynch Candidate for City Commission Seat 3

C

**Case Docket 532007MM00121701XXWH**

<https://www2.myfloridacounty.com/ccm/do/docket?county=53&data=73b48df32f046585d99a4118f939dcf1>

CASE NUMBER FILE DATE CASE TYPE STATUS

**532007MM00121701XXWH**

[MM07-001217-WH]

11/09/2007 MISDEMEANOR CLOSED

CHARGE SEQ# STATUTE STATUTE TEXT DATE PHASE

001 78403 BATTERY 08/07/2008 Court: Adjudication Withheld

002 784011 ASSAULT 08/07/2008 Court: Adjudication Withheld

[DEFENDANT=LEPLEY,JOHN G ]

[JUDGE=COON, TIMOTHY]

06/19/2009 APPROVAL OF CSHR GRANTED \_\_\_\_\_ MOTION

06/19/2009 TIMOTHY COON PRESIDING JUDGE

06/19/2009 FILE RETURNED FROM COURT

08/07/2008 001 **ADJUDICATION WITHHELD**

08/07/2008 001 TRIAL BY JURY

08/07/2008 001 000 YRS 12 MOS 000 DAYS PROBATION

08/07/2008 001 100 HOURS OF COMMUNITY SERVICE

08/07/2008 001 DEF SENTENCED BY KIRKLAND ,JOHN EDWARD

08/07/2008 002 **ADJUDICATION WITHHELD**

08/07/2008 002 TRIAL BY JURY

08/07/2008 002 CONCURRENT 2MM07-001217WH SEQ 001

08/07/2008 002 000 YRS 06 MOS 000 DAYS PROBATION

08/07/2008 002 100 HOURS OF COMMUNITY SERVICE

08/07/2008 002 DEF SENTENCED BY COON ,TIMOTHY

08/07/2008 001 FINE \$810.00 DUE 6/08/09 .>>

08/07/2008 001 FINE IMPOSED

08/07/2008 ACS PAYMENT DUE: 06/08/09

LAST DOCKET DATE=06/19/2009

JURY TRIAL=Yes DISPOSITION DATE=08/07/2008

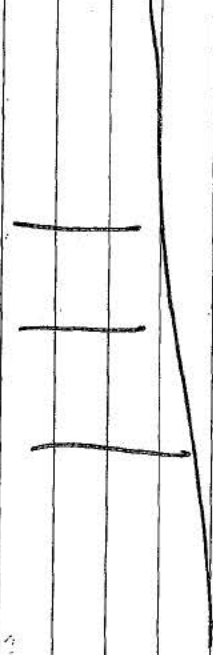
[Court Events | Finance Info | Docket Info]

**D**

Ordid - 50' wide

6/13/17

Going FWD → 00' lots Except Cabana Isle  
50' lots



Parking 4 to 5 through  
Common/open space

1,000 / home added  
to parks impact fees

$$\begin{array}{r}
 465 \\
 368 \\
 \hline
 833
 \end{array}$$

- Comment ~~to~~ to  
connect to street  
w/ Amenities

JD said he would

know whether was offered - Eminent for bike-hail  
walk

in 2014 re: Community

Center - add on to Cabana. - Do Crossing Signals

R.A.

**E**



**APPROVAL OF ORDER OF BUSINESS**

**Motion** made by Commissioner Summerlin and seconded by Commissioner Fellows to approve the order of business.

With no further discussion, Mayor HB Robinson called for the vote. Motion carried unanimously.

**PUBLIC COMMENT**

Darlene Zeanwick of 4 West Lemon Street and also the Chair for the Recreation Advisory Committee, reported the resignation of Robert Avery. Mrs. Zeanwick requested the appointment of Pastor Jeremy Clark to be placed on the next Agenda so that the Committee would be complete in time for the March 14<sup>th</sup> Open Forum.

Rennie Heath reminded the Commission that several months ago he had made a commitment to their previous Mayor in trying to be a good neighbor and a good developer. As a result, the builder would pay an additional \$1,000 per house as a park improvement fee.

Jennifer Codo-Salisbury with Central Florida Regional Planning Council (CFRPC) announced the next Community Workshop for February 27<sup>th</sup> 6:30 p.m. at the First Baptist Church.

Wayne Benner of 312 E. Bay Street asked the possibility of a bus stop in town and getting natural gas on east side of town.

The Mayor asked that the City Manager look into this.

Brenda Dolan of 2289 Grantham Avenue and also representing the Davenport Historical Society asked for assistance in storing their items during the renovations.

Discussion ensued with Commissioner Fellows voicing that he felt that the City should step up and help cover these costs and Commissioner Summerlin questioning the insurance coverage cost based on value and what value had they placed on the historical items. He also questioned if the unit would be big enough. Mrs. Dolan responded that the monthly insurance fee would be \$166.58 and the unit size would be big enough.

Commissioner Lynch agreed that they should step up and help the Davenport Historical Society.

The City Manager advised that he would place this on the next agenda upon confirmation of costs.

Commissioner Gonzales asked if they had taken into consideration a company for transporting the items. Mrs. Dolan responded that a family was donating the transportation of the items this week.

**F**

Mr. Robinson recollected discussion on placing liens on property and the ability to serve charge. The Attorney advised that he did recommend the ability to serve charge.

Mr. Warren further added that as far as liens, the City could put a lien on the home or property,



**City of Davenport**

POST OFFICE BOX 125  
DAVENPORT, FLORIDA 33836

CITY CLERK'S OFFICE

Tel: (863) 419-3300

Fax: (863) 419-3302

January 31, 2008

TO: Mayor and City Council  
Amy E. Arrington, City Manager  
FROM: Raquel Castillo, City Clerk  
SUBJ: Research of Minutes

---

As instructed at the last meeting, I have researched the minutes relating to the WWTP in relation to Council's concerns and inquiries and found the following information.

There were several meetings where the sewer project was discussed, but these meetings in particular related to the hookup fees/costs.

**January 22, 2007 – Regular Meeting**

At this meeting the Scope of Services for Phase III of the Wastewater Treatment Plant was presented to Council for approval.

At the meeting Mr. Lepley voiced his concern that before the City paid anymore money that the issue of hookup costs should be resolved. Council's consensus was the need to approve the scope of services and talk about hookup fees at a later time.

**October 29, 2007 – Workshop**

Robert mentioned the following in his presentation on the WWTP.

**Incentive to citizen (offset of cost to connect)**

**\$3,500 impact fee waiver**  
**\$1,500 Assistance for septic tank**

## A MESSAGE TO THE RESIDENTS OF DAVENPORT

It's election time again and the fearmongers and naysayers are hard at work. Don't be misled by the half-truths, innuendos, and flat-out lies that are being spread all over town.

You were misled a few years ago regarding the sewer. Now it's becoming increasingly clear that we will have to address this issue again. Before, we had a grant to pay for it; now it will be at the residents' expense.

You are being told that the current commission is trying to take your right to vote for mayor away. This is simply not true. Amendment 1 gives you, the voter, the choice.

The constant criticism of the current administration by a disgruntled few is unwarranted and untrue. The details above are just a few examples, but you get the picture. **In short, beware of messengers that walk all over town spreading lies and half-truths who then use the handicap parking space at City Hall.**

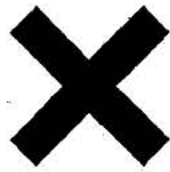
If you have questions concerning our great city, please reach out to Mayor Robinson, our City Commission or City Manager Kelly Callihan to have your questions accurately and appropriately answered.

**GOD BLESS DAVENPORT**

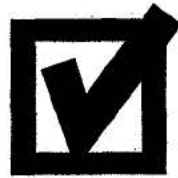
H

○ By now you have heard all the pros & cons about the upcoming election.

The question is —  
are you going to be misled again?



The challengers offer you lies, half-truths, innuendos, conflict and controversy.



The incumbents give you honesty, integrity, proven leadership and results.

**VOTE**

**More Progress**

**Less Embarrassment**

**Keep Davenport Moving Forward**



**Protect Our Integrity**



**Your Choices are Clear**



Both campaigns (Robinson and Lynch) assembling, stuffing, mailing their flyer "A legacy a part of you that remains", a malicious flyer with false statements that was paid for by both parties; but not mentioned on either campaign's financial reports.

In attendance: From Left Linda Robinson, Treasurer for Robinson Campaign, Robert "Bob" Lynch, Candidate Seat 3 Commissioner, on far right is Denise Lynch, Treasurer for Lynch Campaign.

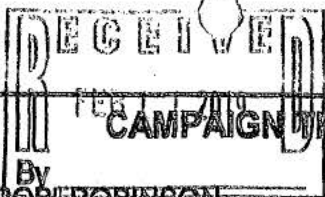
Posted on Robinson's Facebook:

[www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-105141444933457](http://www.facebook.com/HB-Rob-Robinson-Davenport-Mayor-105141444933457)





**J**



# CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
Name

(2) [REDACTED]  
Address (number and street)

City, State, Zip Code

Check here if address has changed

OFFICE USE ONLY

(3) ID Number: 2019 M1

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor, City of Davenport
- Political Committee (PC)
- Electioneering Communications Org. (ECO)
- Party Executive Committee (PTY)
- Independent Expenditure (IE) (also covers an individual making electioneering communications)
- Check here if PC or ECO has disbanded
- Check here if PTY has disbanded
- Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 01 / 01 / 2019 To 01 / 31 / 2019 Report Type: 2019 M1

Original  Amendment  Special Election Report

(6) Contributions This Report

Cash & Checks \$        ,        , 500 . 00

Loans \$        ,        ,        .       

Total Monetary \$        ,        , 500 . 00

In-Kind \$        ,        , 50 . 00

(7) Expenditures This Report

Monetary Expenditures \$        ,        , 0 . 00

Transfers to Office Account \$        ,        , 0 . 00

Total Monetary \$        ,        , 0 . 00

(8) Other Distributions  
\$        ,        , 0 . 00

(9) TOTAL Monetary Contributions To Date  
\$        ,        , 500 . 00

(10) TOTAL Monetary Expenditures To Date  
\$        ,        , 0 . 00

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

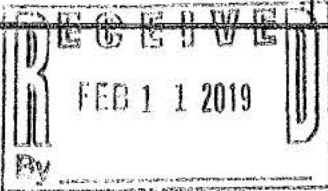
I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson  
 Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

Linda M. Robinson  
Signature

(Type name) H. B. "Rob" Robinson  
 Candidate  Chairperson (only for PC and PTY)

H. B. Robinson  
Signature



**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON (2) I.D. Number 2019 M1

(3) Cover Period 01 / 01 / 2019 through 01 / 31 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8)		(9)	(10)	(11)	(12)
		Contributor Type	Occupation	Contribution Type	In-kind Description	Amendment	Amount
01 / 28 / 19	H. B. "Rob" Robinson	S	Candidate	Check			\$500.00
1							
01 / 31 / 19	Linda M. Robinson	I	Retired	INK	Supplies for Brochures		50.00
2							
/ /							
/ /							
/ /							
/ /							
/ /							

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number 2019 M1

(3) Cover Period 01 / 01 / 2019 through 01 / 31 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
///	NO EXPENDITURES DURING THIS REPORTING PERIOD				
///					
///					
///					
///					
///					

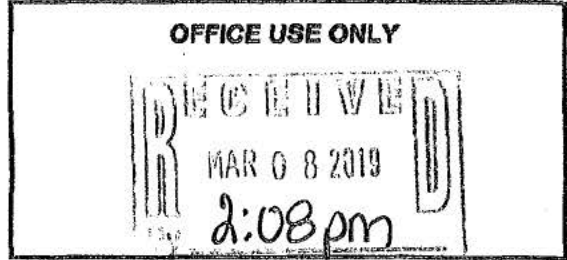
## CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
Name

(2) [REDACTED]  
Address (number and street)

City, State, Zip Code

Check here if address has changed



(3) ID Number: M1

(4) Check appropriate box(es):

Candidate Office Sought: Mayor, City of Davenport

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 02 / 01 / 2019 To 03 / 01 / 2019 Report Type: M1

Original

Amendment

Special Election Report

### (6) Contributions This Report

Cash & Checks \$        ,   2   , 350 . 00

Loans \$        ,        ,        .       

Total Monetary \$        ,   2   , 350 . 00

In-Kind \$        ,        ,   79 . 25

### (7) Expenditures This Report

Monetary Expenditures \$        ,   1   , 594 . 10

Transfers to Office Account \$        ,        ,        .       

Total Monetary \$        ,   1   , 594 . 10

### (8) Other Distributions (Petty Cash Spent)

\$        ,        ,   22 . 69

### (9) TOTAL Monetary Contributions To Date

\$        ,   2   , 850 . 00

### (10) TOTAL Monetary Expenditures To Date

\$        ,   1   , 594 . 10

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

X Linda M. Robinson  
Signature

(Type name) H. B. "Rob" Robinson

Candidate  Chairperson (only for PC and PTY)

X H. B. "Rob" Robinson  
Signature


**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M1

(3) Cover Period 02 / 01 / 2019 through 03 / 01 / 2019

(4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		
02 / 04 / 19 1	George Letterman 312 Cypress St. East Davenport, FL 33837	I	Retired	CHE			\$500.00
02 / 08 / 19 2	Warren McKnight 59 B Moore Road Haines City, FL 33844	I	Citrus Industry	CHE			\$200.00
02 / 08 / 19 3	Holly Hill Fruit Products PO Box 708 Davenport, FL 33836	B	Citrus Industry	CHE			\$200.00
02 / 12 / 19 4	Howard and Fatima Gill PO Box 764 Davenport, FL 33845	I		CHE			\$100.00
02 / 14 / 19 5	Abelardo Gonzales 8 Cypress Street East Davenport, FL 33837	I		CHE			\$50.00
02 / 14 / 19 6	Linda Robinson 	I		CHE			\$100.00
02 / 16 / 19 7	Deborah Burress 118 East Bay Street Davenport, FL 33837	I	Retired	CHE			\$150.00

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M1

(3) Cover Period 02 / 01 / 2019 through 03 / 01 / 2019 (4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		Amount
02 / 19 / 19 8	Tom and Sue Fellows PO Box 642 Davenport, FL 33836	I	Owner Trucking Company	CHE			\$500.00
02 / 19 / 19 9	Lisa Coffey and Donna Fellows Coffey PO Box 3013 Davenport, FL 33836	I	Claims Mgr. Financial Officer	CHE			\$500.00
02 / 19 / 19 10	Mark and Bonnie Collins 573 Sardinia Circle Davenport, FL 33837	I		CHE			\$50.00
03 / 01 / 19 11	Wayne T. Fellows, Inc. PO Box 642 Davenport, FL 33836	B		INK	Printing Donation		\$50.00
03 / 01 / 19 12	Kirk and Barbara Pierson 957 Bridgeford Crossing Boulevard Davenport, FL 33837	I		INK	650 door hanger bags @ 4.5 cents each		\$29.25
/ /							
/ /							

## CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M1

(3) Cover Period 02 / 01 / 2019 through 03 / 01 / 2019

(4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
02 / 05 / 19 1	Florida Signs and Graphics LLC 1100 Old Polk City Road Haines City, FL 33844	Deposit for Yard Signs	CAN		\$200.00
02 / 08 / 19 2	Florida Signs and Graphics LLC 1100 Old Polk City Road Haines City, FL 33844	Balance Due for Yard Signs	CAN		\$254.75
02 / 08 / 19 3	Chilton Signs & Designs 28597 Highway 27 Dundee, FL 33838	Deposit for Yard Signs	CAN		\$278.20
02 / 11 / 19 4	City of Davenport 1 Allapaha Davenport, FL 33837	Reserve a Space Grills Gone Wild	CAN		\$50.00
02 / 13 / 19 5	City of Davenport 1 Allapaha Davenport, FL 33837	Qualifying Fee	CAN		\$48.00
02 / 13 / 19 6	Florida Signs and Graphics LLC 1100 Polk City Road Haines City, FL 33844	Magnetic Signs	CAN		\$139.10
02 / 14 / 19 7	Chilton Signs & Designs 28597 Highway 27 Dundee, FL 33838	Refund of Deposit	REF		-\$278.20
02 / 15 / 19 8	Sign Depot 1100 West Colonial Drive, Unit 1 Orlando, FL 32804	Yard and Magnetic Signs and Banners	CAN		\$663.92



**CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M1

(3) Cover Period 02 / 01 / 2019 through 03 / 01 / 2019

(4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
02 / 19 / 19 9	Wells Fargo Bank, N. A. 305 Davenport Boulevard Davenport, FL 33837	Checks	CAN		\$9.00
02 / 25 / 19 10	Cash Wells Fargo Bank, N. A. 305 Davenport Boulevard Davenport, FL 33837	Petty Cash	PCW		\$100.00
02 / 25 / 19 11	Lowe's 37051 US Highway 27 Haines City, FL 33844	Landscape Timber for sign post	PCS		\$22.69
03 / 01 / 19 12	Synchrony Bank / Amazon PO Box 960013 Orlando, FL 32896-0013	Brochure Paper Printer Ink	CAN		\$129.33
///					
///					
///					
///					

# CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
Name

(2) [REDACTED]

Address (number and street)

[REDACTED]

City, State, Zip Code

Check here if address has changed

(3) ID Number: M2

(4) Check appropriate box(es):

Candidate Office Sought: Mayor, City of Davenport

Political Committee (PC)

Electioneering Communications Org. (ECO)

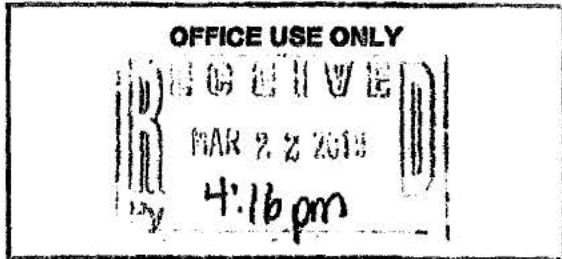
Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed



### (5) Report Identifiers

Cover Period: From 03 / 02 / 2019 To 03 / 15 / 2019 Report Type: M2

Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$        ,   5   , 150   . 00

Loans \$        ,        ,        .       

Total Monetary \$        ,   5   , 150   . 00

In-Kind \$        ,        ,        .       

### (7) Expenditures This Report

Monetary Expenditures \$        ,   2   , 490   . 38

Transfers to Office Account \$        ,        ,   0   . 00

Total Monetary \$        ,   2   , 490   . 38

### (8) Other Distributions (Petty Cash Spent)

\$        ,        ,   32   . 08

### (9) TOTAL Monetary Contributions To Date

\$        ,   8   , 000   . 00

### (10) TOTAL Monetary Expenditures To Date

\$        ,   4   , 084   . 48

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

X Linda Robinson  
Signature

(Type name) H. B. "Rob" Robinson

Candidate  Chairperson (only for PC and PTY)

X H. B. Rob Robinson  
Signature

**CAMPAIGN MEASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M2

(3) Cover Period 03 / 02 / 2019 through 03 / 15 / 2019 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
		Type	Occupation	Type	Description		
03 / 02 / 19 1	Harriet Rewis Rust 1830 Pawnee Trail Lakeland, FL 33803	I	Retired	CHE			\$150.00
03 / 04 / 19 2	Cassidy Holdings Group 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 3	Winter Haven Management Services LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 4	Lakeville Partners LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 5	Heath Construction & Management LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
03 / 04 / 19 6	CAS Holdings LLC 346 E. Central Avenue Winter Haven, FL 33880	B	Land Development	CHE			\$1,000.00
/ /							

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M2

(3) Cover Period 03 / 02 / 2019 through 03 / 15 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
03 / 06 / 19 1	Sign Depot 1100 West Colonial Dr., Unit 1 Orlando, FL 32804	Vinyl Banner Sign	CAN		\$92.00
03 / 06 / 19 2	Allegra Print and Imaging 4498 S. Vineland Road Orlando, FL 32811	Copy and Mail Campaign Brochure	CAN		\$2,322.38
03 / 07 / 19 3	Staples 3500 Posner Boulevard Davenport, FL 33837	Paper	PCS		\$32.08
03 / 12 / 19 4	Bank of America VISA PO Box 851001 Dallas, TX 78285-1001	Campaign Buttons Purchased from VictoryStore.com	CAN		\$76.00
///					
///					
///					
///					

## CAMPAIGN TREASURER'S REPORT SUMMARY

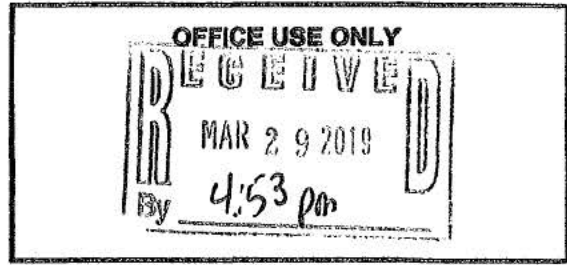
(1) H. B. "ROB" ROBINSON  
Name

(2) [REDACTED]  
Address (number and street)

[REDACTED]  
City, State, Zip Code

Check here if address has changed

(3) ID Number: M3



(4) Check appropriate box(es):

Candidate Office Sought: Mayor, City of Davenport

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 03 / 16 / 2019 To 03 / 28 / 2019 Report Type: M3

Original

Amendment

Special Election Report

### (6) Contributions This Report

Cash & Checks \$        ,        , 50 . 00

Loans \$        ,        ,        .       

Total Monetary \$        ,        , 50 . 00

In-Kind \$        , 1 , 000 . 00

### (7) Expenditures This Report

Monetary Expenditures \$        , 1 , 281 . 56

Transfers to Office Account \$        ,        , 0 . 00

Total Monetary \$        , 1 , 281 . 56

### (8) Other Distributions

\$        ,        , 0 . 00

### (9) TOTAL Monetary Contributions To Date

\$        , 8 , 050 . 00

### (10) TOTAL Monetary Expenditures To Date

\$        , 5 , 366 . 04

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

Linda M. Robinson  
Signature

(Type name) H. B. "Rob" Robinson

Candidate  Chairperson (only for PC and PTY)

H. B. "Rob" Robinson  
Signature

**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

**(1) Name** H. B. "ROB" ROBINSON

**(2) I.D. Number** M3

**(3) Cover Period** 03 / 16 / 2019 through 03 / 28 / 2019

**(4) Page** 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		Amount
03 / 16 / 19 1	Ed and Nancy McCue 1301 E. Hillsboro Blvd. Apartment 302 Deerfield Bch, FL 33441	I	Retired Law Enforcement	CHK			\$50.00
03 / 18 / 19 2	John Webb 242 McLean Point Winter Haven, FL 33884	I	Realtor; Commercial Business Owner	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
03 / 18 / 19 3	Kathy Webb 242 McLean Point Winter Haven, FL 33884	I	Business Consultant	INK	Electronic Advertisement 3/18/19 through 4/01/19		\$500.00
/ /							
/ /							
/ /							
/ /							

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number M3

(3) Cover Period 03 / 16 / 2019 through 03 / 28 / 2019

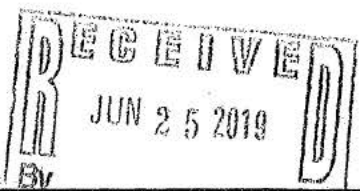
(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
03/16/19 1	Staples 3500 Posner Blvd. Davenport, FL 33837	Purchase Paper	CAN		\$42.78
03/21/19 2	Supervisor of Elections Winter Haven 70 Florida Citrus Blvd. Winter Haven, Florida 33880	Mail Labels Voter List	CAN		\$40.20
03/23/19 3	Staples 3500 Posner Blvd. Davenport, FL 33837	Paper Toner Cartridges Envelopes	CAN		\$359.33
03/26/19 4	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$759.00
03/26/19 5	Postmaster 1 South Boulevard East Davenport, FL 33837	Postage	CAN		\$74.25
03/26/19 6	Wells Fargo Bank, N.A. 305 Davenport Boulevard Davenport, FL 33837	Checks	CAN		\$6.00
/ /					
/ /					

# CAMPAIGN TREASURER'S REPORT SUMMARY

(1) H. B. "ROB" ROBINSON  
 Name  
 (2) [REDACTED]  
 Address (number and street)  
[REDACTED]  
 City, State, Zip Code

**OFFICE USE ONLY**



(3) ID Number: Final Report

Check here if address has changed

(4) Check appropriate box(es):

Candidate Office Sought: Mayor, City of Davenport

Political Committee (PC)

Electioneering Communications Org. (ECO)  Check here if PC or ECO has disbanded

Party Executive Committee (PTY)  Check here if PTY has disbanded

Independent Expenditure (IE) (also covers an individual making electioneering communications)  Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 03 / 29 / 2019 To 07 / 01 / 2019 Report Type: 7

Original  Amendment  Special Election Report

(6) Contributions This Report

Cash & Checks \$        ,        , 0 . 00

Loans \$        ,        ,        .       

Total Monetary \$        ,        , 0 . 00

In-Kind \$        ,        ,        .       

(7) Expenditures This Report

Monetary Expenditures \$        , 2 , 683 . 96

Transfers to Office Account \$        ,        , 0 . 00

Total Monetary \$        , 2 , 683 . 96

(8) Other Distributions  
 \$        ,        , 0 . 00

(9) TOTAL Monetary Contributions To Date  
 \$        , 8 , 050 . 00

(10) TOTAL Monetary Expenditures To Date  
 \$        , 8 , 050 . 00

### (11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) Linda M. Robinson

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

X Linda M. Robinson  
 Signature

(Type name) H. B. "Rob" Robinson

Candidate  Chairperson (only for PC and PTY)

X H. B. "Rob" Robinson  
 Signature



**CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number Final Report

(3) Cover Period 03 / 28 / 2019 through 07 / 01 / 2019

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description	Amendment	Amount
/ /	No Contributions to Report						
/ /							
/ /							
/ /							
/ /							

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number Final Report

(3) Cover Period 03 / 29 / 2019 through 07 / 01 / 2019

(4) Page 1 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
04 / 26 / 19 1	Wells Fargo Bank, N.A. 305 Davenport Blvd. Davenport, Florida 33837	Purchase Checks	CAN		\$18.00
05 / 07 / 19 2	George Letterman 312 Cypress Street East Davenpon, Florida 33837	Surplus Funds	DIS		\$165.59
05 / 07 / 19 3	Tom and Sue Fellows PO Box 642 Davenport, Florida 33836	Surplus Funds	DIS		\$165.59
05 / 07 / 19 4	Donna Fellows Coffey and PO Box 3013 Davenport, Florida 33836	Surplus Funds	DIS		\$165.59
05 / 07 / 19 5	Warren McKnight 59 B Moore Road Haines City, Florida 33844	Surplus Funds	DIS		\$66.95
05 / 07 / 19 6	Holly Hill Fruit Products PO Box 708 Davenport, Florida 33836	Surplus Funds	DIS		\$66.95
05 / 07 / 19 7	Harriet R. Rust 1830 Pawnee Trail Lakeland, Florida 33803	Surplus Funds	DIS		\$50.95
05 / 07 / 19 8	Deborah Burress 118 East Bay Street Davenport, Florida 33837	Surplus Funds	DIS		\$50.95

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number Final Report

(3) Cover Period 03 / 29 / 2019 through 07 / 01 / 2019

(4) Page 2 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
05/07/19 9	Mark and Bonnie Collins 573 Sardinia Circle Davenport, Florida 33837	Surplus Funds	DIS		\$16.40
05/07/19 10	Abelardo Gonzales 8 Cypress Street East Davenport, Florida 33837	Surplus Funds	DIS		\$16.40
05/07/19 11	Howard and Fatima Gill PO Box 764 Davenport, Florida 33836	Surplus Funds	DIS		\$32.30
05/07/19 12	Edward and Nancy McCue 1301 E. Hillsboro Blvd, #302 Deerfield Beach, Florida 33441-4229	Surplus Funds	DIS		\$16.40
05/07/19 13	Cassidy Holdings Group 346 E. Central Avenue Winter Haven, Florida 33880	Surplus Funds	DIS		\$330.88
05/07/19 14	Winter Haven Management Services 346 E. Central Avenue Winter Haven, Florida 33880	Surplus Funds	DIS		\$330.88
05/07/19 15	Lakeville Partners LLC 346 E. Central Avenue Winter Haven, Florida 33880	Surplus Funds	DIS		\$330.88
05/07/19 16	Heath Construction & Management 346 E. Central Avenue Winter Haven, Florida 33880	Surplus Funds	DIS		\$330.88

**CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

(1) Name H. B. "ROB" ROBINSON

(2) I.D. Number Final Report

(3) Cover Period 03 / 29 / 2019 through 07 / 01 / 2019

(4) Page 3 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
05/07/19 17	CAS Holdings LLC 346 E. Central Avenue Winter Haven, Florida 33880	Surplus Funds	DIS		\$330.88
05/07/19 18	Linda Robinson [REDACTED]	Surplus Funds	DIS		\$32.00
05/07/19 19	H. B. Robinson [REDACTED]	Surplus Funds	DIS		\$165.49
///					
///					
///					
///					
///					

**K**

## A life dedicated to service Veteran-Police Officer-Public Servant

- Voluntary Enlistment-US Army/  
Honorable Discharge
- 53 Years municipal government  
experience. 19 of these years was  
service to the residents of of  
Davenport as your chief, city  
manager, city commissioner/vice  
mayor, and now your MAYOR
- Current Vice President, Ridge  
League of Cities
- Member, Florida League of  
Mayors
- Life Member - Polk County Police  
Chiefs Association, Florida Police  
Chiefs Association, FBI National  
Academy Associates

## Personal

- Resident of Davenport since  
May, 1992
- Deacon, First Baptist Church  
of Davenport
- 4th Generation Floridian
- Bachelor of Science Degree from  
Florida International University
- Attended FBI National Academy  
for Law Enforcement.
- Attended Florida League of Cities  
Institutes for elected officials
- Married to my wife, Linda, for  
(soon-to-be) 48 years. We have 2  
children and 4 grandchildren.

Political advertisement paid for and approved by  
H.B. "ROB" ROBINSON Candidate for Mayor,  
PO Box 1257, Davenport, FL 33836

H. B. "ROB" ROBINSON  
CAMPAIGN FOR MAYOR  
PO BOX 1257  
DAVENPORT, FL 33836

T Darlene Bradley  
PO Box 3318  
Haines City FL 33845-3318

Vote



**ROBINSON** for Mayor on April 2nd

PRESORT STANDARD  
U.S. POSTAGE  
PAID  
PERMIT #1403  
ORLANDO, FL

H.B. "Rob"  
Robinson

**FOR MAYOR**  
City of Davenport

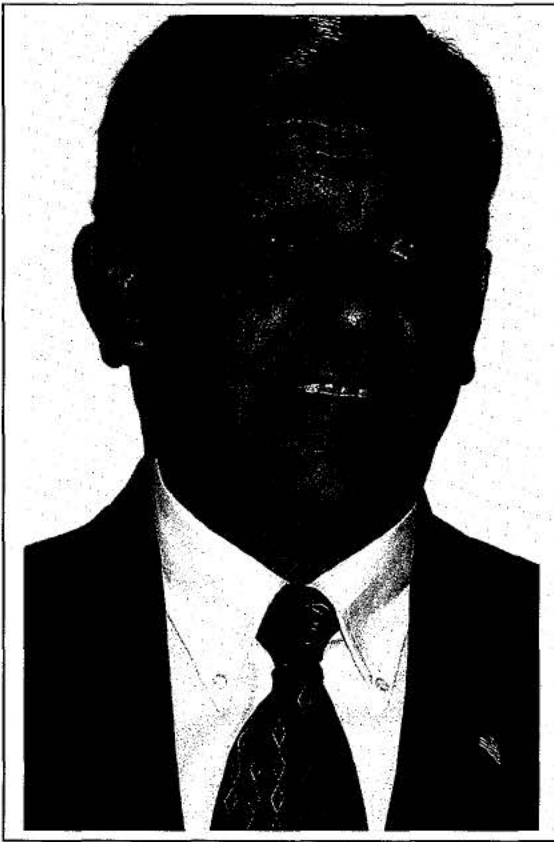
*A Better Future for our City*  
*A Better City for Our Future*



L







I brokered the very special developer arrangement to donate **\$4 million dollars** to our new **Event & Community Center** to break ground this year.

**Who I am NOT....**

I am not a builder or developer  
I am not employed by another city or municipality

The only club I am a member of is – **YOURS** - the citizen.

My opponents have occupations, which are self-serving conflicts of interest when voting on your behalf.

I do not belong to any special interest groups or faction that would dictate its own judgement over yours when representing the people of our fine city of Davenport.

**If you elect me once again  
as your representative,**

- I promise as always, to **"listen"** to the people, get answers to your concerns and vote on your behalf.
- I promise **NOT** to raise your taxes.
- I promise to support Mayor Bradley's ongoing vision to revitalize & rebuild our city to a vibrant, citizen friendly proud city of the 21<sup>st</sup> Century.

***The definition of insanity is to do the same thing over & over again – expecting different results.***

The **Old Guard** must go. It's as simple as that. If this is to be **your city** – not a private club for the commissioners – only **YOU** can change it.

I cannot fight your fight alone. You must fight as well. It is after all, truly **your** city.

**My Pledge to you is above**

**I ask for your Trust & for  
your Vote on April 2<sup>nd</sup>**

**Vote NO to Amendment 1  
on the April 2<sup>nd</sup> Ballot  
Keep your birthright  
to elect your mayor!**

**Let's win this fight together!  
Join me on April 2nd**

**Elect**

*John*

**Lepley**

For

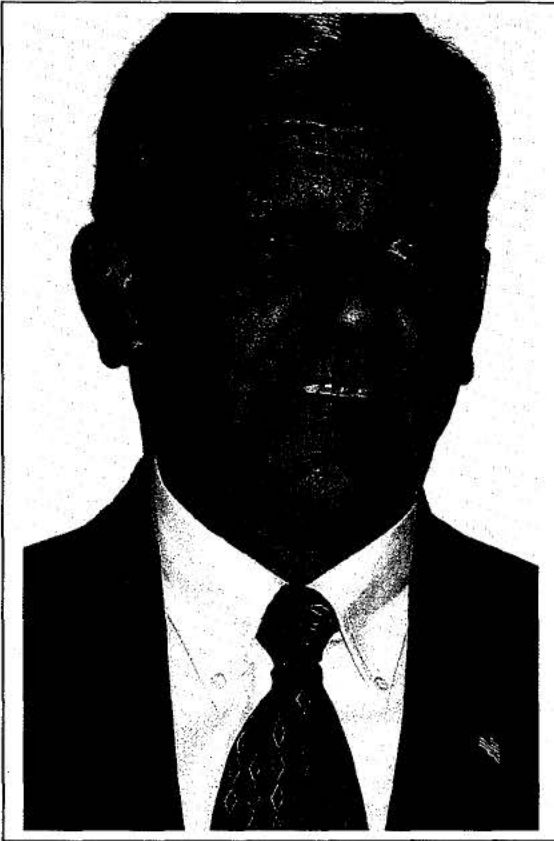
**Commission**

**Seat 3**

**VOTE**

**April 2nd**

Paid. for by John Lepley for Seat 3 Campaign -  
PO Box 2791, Davenport, FI 33836



I brokered the very special developer arrangement to donate \$4 million dollars to our new **Event & Community Center** to break ground this year.

**Who I am NOT....**

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I am not employed by another city or municipality

The only club I am a member of is – **YOURS** - the citizen.

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**Let's win this fight together!  
Join me on April 2nd**

**Elect**

*John*

**Lepley**

For

**Commission**

**Seat 3**

**VOTE**

**April 2nd**

Paid. for by John Lepley for Seat 3 Campaign -  
PO Box 2791, Davenport, FI 33836

FROM: (407) 740-6110  
Darlene Bradley  
Terracon Consultants, Inc.  
1675 Lee Road

SHIP DATE: 10SEP19  
ACTWGT: 2.00 LB  
CAD: 9003186/NET4160

Winter Park FL 32789  
US

BILL SENDER

TO The Florida Elections Commission  
The Florida Elections Commission

107 West Gaines Street  
Suite 224, Collins Building

TALLAHASSEE FL 32399

(850) 922-4539

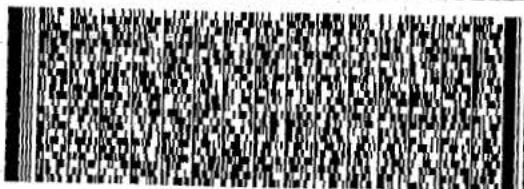
REF: DARLENE BRADLEY - PERSONAL

INV:

PO:

DEPT:

269040091125  
(US) 567 60040562



FedEx  
Ground



RECEIVED  
SEP 12 10 45  
STATE OF FLORIDA  
ELECTIONS COMMISSION

TRK# 7761 9625 8232

9622 0019 0 (000 000 0000) 0 00 7761 9625 8232



FedEx.

FedEx.

FedEx.

0323  
THE FLORIDA  
107 W GAINES ST  
SUITE 224  
TALLAHASSEE FL  
32399  
32399 6528 07  
118-5550  
ETP-2  
776196258232  
FD RU 92 Y

JKSV  
DOOR  
0323 TALA  
0107  
776196258232  
09/11/19  
02:01

**LEFT-HAND  
SIDE OF  
FILE**

**FLORIDA ELECTIONS COMMISSION**

REVIEW OF COMPLAINT FOR LEGAL SUFFICIENCY			
~ PRELIMINARY INFORMATION ~			
Date Received: 09/12/19	Reviewer: Cole	Case #: 19-515	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDED
Complainant: <b>John Lepley</b>		Respondent: <b>Rob Robinson</b>	
<b>Complainant:</b>	Complainant was a candidate for election to Davenport City Commission, Seat 3. He was defeated in the election held on 04/02/19.		
<b>Respondent:</b>	Respondent was a candidate for election to the office of Mayor of Davenport. He was elected in the election held on 04/02/19.		
<b>Background:</b>	This is an expedited case. Complainant is represented by Fred Reilly, Esq.		
~ VIOLATIONS ~			
<b>Violations in complaint:</b>	§104.271(2)		
<b>Reviewer's violations:</b>	§104.271(2)		
<b>Violations for CMS:</b>	§104.271(2)		
~ COMPLAINT ISSUES ~			
1. Complainant alleged Respondent made false, malicious statements about Complainant.			
~ REVIEW OF COMPLAINT ISSUES ~			
1.	<p>Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an <b>opposing</b> candidate which is false. The complaint is legally insufficient because Respondent was not an opponent of Complainant in the race for Davenport City Commission, Seat 3. Rather, Respondent was a candidate for Davenport Mayor in the same election.</p> <p>Respondent filed a response to the complaint in which he addressed the factual allegations pertaining to the allegedly false, malicious statements at issue. However, as noted above, Respondent was not an opposing candidate of Complainant, so his response to the allegations has no bearing on the legal sufficiency of the case.</p> <p align="center">Legally Insufficient</p>		
~ REVIEWER'S RECOMMENDATION AND COMMENTS ~			
I recommend the complaint is Legally Insufficient for the reasons set forth above.			

## MEMBER PROFILE

# Frederick John Reilly

Member in Good Standing

Eligible to Practice Law in Florida

**Bar Number:**

607800

**Mail Address:**

33 North Sixth Street, No. 4  
PO Box 2039  
Haines City, FL 33845-2039  
United States

Office: **310-927-3954**

Cell: **310-927-3954** - No Text Messages

Fax: 310-927-3954

**Email:**

**fredreilly@attorney-solicitor.com**

**Personal Bar URL:**

<https://www.floridabar.org/mybarprofile/607800>

**vCard:**



**County:**

Polk

**Circuit:**

10

**Admitted:**

10/31/1986

**10-Year Discipline History:**

None

**Law School:**

Samford University, Cumberland School of Law, 1986

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about lawyers licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, The Florida Bar allows individual attorneys the opportunity to add personal and professional information to the directory. The lawyer is solely responsible for reviewing and updating any additional information in the directory. The lawyer's added information is not reviewed by The Bar for accuracy and The Bar makes no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents are not responsible for the accuracy of that additional information. Publication of lawyers' contact information in this listing does not mean the lawyers have agreed to receive unsolicited communications in any form. Unauthorized use of this data may result in civil or criminal penalties. The Find a Lawyer directory is not a lawyer referral service.

Select Language

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*Lori Edwards, Polk County Supervisor of Elections*

## 2019 April Municipal Election

Election Date: 4/2/2019

(Website last updated at: 06/05/2019 10:16:27 PM)

Registered Voters:	48,269
Ballots Cast:	7,797
Voter Turnout:	16.15%

Precincts Reporting:	10 / 10
Election Day:	Completely Reported
Vote By Mail:	Completely Reported

## Official results.

### Summary Results

Change View

Vote Type View:

Graphical

### ☆ Bartow City Commission Seat 3, North District

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
Gerald J. Cochran	9.70%	160
W.H. "Billy" Simpson	48.39%	798



<b>Tanya Tucker</b>	<b>41.90%</b>	<b>691</b>
		<b>1,649</b>

☆ **Davenport Mayor**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
<b>Darlene Bradley</b>	<b>30.22%</b>	<b>230</b>
<b>H.B. "Rob" Robinson</b>	<b>69.78%</b>	<b>531</b>
		<b>761</b>

☆ **Davenport City Commissioner Seat 3**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
<b>John Lepley</b>	<b>16.80%</b>	<b>126</b>
<b>Bobby Lynch</b>	<b>61.73%</b>	<b>463</b>
<b>Headley Oliver</b>	<b>21.47%</b>	<b>161</b>
		<b>750</b>

☆ **Davenport Charter Amendment**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
<b>Yes (For Adoption)</b>	<b>22.96%</b>	<b>172</b>
<b>No (Against Adoption)</b>	<b>77.04%</b>	<b>577</b>
		<b>749</b>

☆ **Fort Meade City Commission Seat 5**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
<b>Samuel Berrien</b>	<b>52.29%</b>	<b>433</b>
<b>James M. (Mel) Parker</b>	<b>47.71%</b>	<b>395</b>
		<b>828</b>

☆ **Frostproof City Commission Seat 1**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
Michael B. Hutto	73.83%	220
Michael "Mike" Woodley	26.17%	78
		<hr/> 298

☆ **Haines City Commission Seat 1**

Participating Precincts Reporting:

2 / 2

Choice	Percent	Votes
Jayne Hall	50.11%	683
Don Mason	49.89%	680
		<hr/> 1,363

☆ **Lake Alfred City Commission Seats 1 and 2**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
Brent Eden	29.61%	398
Albertus Maultsby	26.41%	355
C. Diane Pereira	19.20%	258
Edwin Van Smith	24.78%	333
		<hr/> 1,344

☆ **Lake Wales Mayor Seat 1, At-Large**

Participating Precincts Reporting:

2 / 2

Choice	Percent	Votes
Eugene Fultz	54.88%	995
Bob Wood	45.12%	818
		<hr/> 1,813

☆ **Lake Wales Commissioner Seat 2, District 19**

Participating Precincts Reporting:

2 / 2

Choice	Percent	Votes
Curtis Gibson	63.54%	1,110
James Tucker	36.46%	637
		<u>1,747</u>

☆ **Lake Wales Charter Amendment**

Participating Precincts Reporting:

2 / 2

Choice	Percent	Votes
FOR	58.91%	1,058
AGAINST	41.09%	738
		<u>1,796</u>

☆ **Polk City Charter Amendment**

Participating Precincts Reporting:

1 / 1

Choice	Percent	Votes
Yes	51.65%	172
No	48.35%	161
		<u>333</u>

meetings of the Commission, represent the City in intergovernmental relationships, appoint with the advice and consent of the Commission the members of all boards and committees, present an annual state of the City message, and perform all other duties as specified by the Commission. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no administrative duties.

(b) *Election of Mayor and Vice-Mayor.*

At a regular election, the voters of the City shall elect a Mayor at large for a term of three (3) years. Annually, during the first regular commission meeting in May, the Commission shall elect from among its members a Vice-Mayor who shall act as Mayor during the absence or disability of the Mayor.

**Section 2.04 General powers and duties.**

All powers of the City shall be vested in the Commission except as otherwise provided by law or this Charter.

**Section 2.05 Prohibitions.**

(a) *Holding other offices.*

Except where authorized by law, no Commission Member shall hold any other office or employment with the City during the term for which he or she was elected to the Commission, and no former Commission Member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which he or she was elected to the Commission.

Nothing in this section shall be construed to prohibit the Commission from selecting any current or former Commission Member to represent the City on the governing board of any regional or other intergovernmental agency.

(b) *Appointment and removal.*

No Commission Member shall in any way dictate the removal or appointment of any department head or employee whom the Manager or any of his or her subordinates are empowered to appoint or remove. However, the Commission or any Commission Member may express their views and fully and freely discuss with the Manager any matter pertaining to the appointment and removal of any department head or employee.

(c) *Interference with administration.*

The Commission and any Commission Member shall consult and transact with department heads and employees, who are under the direction and supervision of the Manager, solely through the Manager. Neither the Commission nor any Commission Member shall direct, order or negotiate with any department head or employee, either publicly or privately.

# Checklist for Identifying Technical Deficiencies in Complaints

## Rule 2B-1.0025

**\*\*If any of the following information is incorrect or missing upon receipt of a new complaint, DO NOT open a case in CMS. Instead, process in accordance with Rule 2B-1.0025.\*\***

- Complaint is filed on Form 1
- All information required by Form 1 is provided
- Only one Respondent is named
- Complainant's name is included (not "Anonymous")
- All exhibits and attachments referenced in the complaint are attached
- If multiple complaints are submitted, separate copies of exhibits and attachments are attached for EACH complaint
- Complaint includes an original signature
- Notary is proper:
  - Includes the **venue** stating the location of the notarization in the format, "State of Florida, County of ."
  - Includes an **oath or an acknowledgment**, evidenced by the words "sworn" or "acknowledged."
  - States that the signer **personally appeared** before the notary public at the time of the notarization.
  - Includes the exact **date** of the notarial act.
  - Includes the **name of the person** whose signature is being notarized.
  - Specifies the specific **type of identification** the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence (e.g., drivers license).
  - Includes the **notary's official signature**.
  - Includes the **notary's name**, typed, printed, or stamped below the signature.
  - Includes the **notary's official seal** affixed below or to either side of the notary's signature.
- Alleging violation of Section 104.271(2), Florida Statutes
  - Box was checked, but no allegation of this statute was made
- Alleging violation of Section 104.2715, Florida Statutes
  - Box was checked, but no allegation of this statute was made

Last revised on: 5/9/18

MD 9/12/19  
Initials Date