

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Bob Lynch

Case No.: FEC 19-514

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: Bob Lynch

Case No.: FEC 19-514

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: Bob Lynch

Case No.: FEC 19-514

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
 (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.

Donna Malphurs

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

LYNN T. THOMAS, FRP
PARALEGAL

March 9, 2020

VIA E-MAIL – fcc@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 19-514; Respondent Bob Lynch

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, Bob Lynch, who was a candidate for the Davenport City Commission. Mr. Lepley was a candidate for the same commission seat. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 2019. 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.

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

Florida Elections Commission
March 9, 2020
Page Two

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. This allegation does not rise 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. 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.

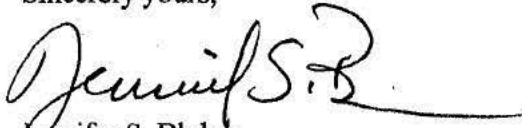
Additionally, while now the Respondent includes conclusory statements that Mr. Lepley’s factual statements were false, he provides no particularity on how those statements are false. The factual statement relied on by Mr. Lepley in Count 2 was that the Respondent misled voters by stating in campaign literature that he had and would vote no on a local amendment when in fact, he had voted yes to place the amendment on the ballot (attachments to the complaint showed this). In Count 3, Mr. Lepley alleged that the Respondent claimed the city’s millage rate was one of the lowest in the county when in fact, it is the fifth highest rate in the county (again attachments to the complaint supported this). As the finding of insufficiency by the FEC’s Executive Director stated, “Section 104.271(2), F.S., does not apply as neither statement was alleged to be made, with malice, against Complainant.” The complaint was not denied because the statements were false, but because they did not rise to the level of a sufficient legal violation. Mistaken interpretation of the law is not a basis for an award of attorney’s fees. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1st 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).

Section 106.265(6), Florida Statutes should not be used as a means of silencing complainants by opening them up to costly administrative proceedings simply because they do not have a perfect understanding of the law. It should be used when it is demonstrated that a complainant has knowingly provided false information in a malicious attempt to harm the Respondent. That is not the case here. Mr. Lepley 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. He respectfully

Florida Elections Commission
March 9, 2020
Page Two

requests that the FEC dismiss the amended 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

*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: BOB LYNCH

CASE NO. FEC 19-514

AMENDED MOTION FOR ATTORNEY'S FEES

COMES NOW, the Respondent, Bob Lynch, 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 Motion.
- B. The Respondent, Bob Lynch, shall be referred to as "Lynch" in this Motion.
- C. The Florida Elections Commission Complaint No. 19-514 filed by Lepley against Lynch (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Lynch filed a Response to the Complaint on October 4, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-514 were "Legally Insufficient" and the case has been closed.

Legal Basis for Amended Motion

The Respondent, Bob Lynch, respectfully requests a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that 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. 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. 1st 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

C. 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 and violations 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 Lepley's references to campaign violation penalties in the Complaint is crucial to determining whether there was a malicious intent to injure Lynch's reputation.

In the Complaint, Lepley asserted that Lynch 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."

Lepley's stated desire for "hefty fines and removal from office" is clear evidence of Lepley's malicious intent to injure the reputation of Lynch.

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

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

i. Count 2 of the Complaint - Allegation that Lynch violated Section 104.271. In the Complaint Lepley's alleged that Lynch's statement about voting on "Ordinance 881" was a "false/misleading statement"). 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 chapter 104.

ii. Count 3 of the Complaint - Allegation that Lynch violated Section 104.271. In the Complaint Lepley alleged that Lynch's statement about millage rates constitutes "a false/misleading statement." 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 chapter 104.

E. Statements were material.

Lepley's statements in the Complaint that Lynch violated Sections 104.271 were false or made with reckless disregard for the truth and are material to the issues raised by the Complaint.

Conclusion

Lynch 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, Bob Lynch 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 Lynch.

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 Bob Lynch

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
Website: 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>

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

To: Fred Reilly <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

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

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

FEC@myfloridalegal.com · 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 19-514; Respondent: Bob Lynch

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.

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

ALEX VILLALOBOS
OF COUNSEL

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TALLAHASSEE, FLORIDA 32302

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

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

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 19-514; Respondent Bob Lynch

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, Bob Lynch, who was a candidate for the Davenport City Commission. Mr. Lepley was a candidate for the same commission seat. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 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.

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 are only

two statements that attempt to provide the particularity required by the rule. The Respondent alleges that in both Count 2 and Count 3 of the complaint, Mr. Lepley alleged factual statements that did not violate section 104.271, Florida Statutes and demonstrate his misinterpretation of section 104.271. While stating that Mr. Lepley's allegations are false, the Respondent does not provide any evidence that the factual statements are false, but merely states that he misinterpreted section 104.271, Florida Statutes and therefore, did not allege a violation of the statute.

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. 1st 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.

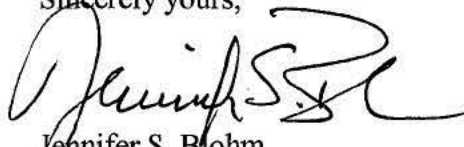
Secondly, the Respondent does not allege the factual statements made by Mr. Lepley were false. Instead, he alleges that Mr. Lepley's misinterpretation of the law (i.e. section 104.271) makes the allegation of a violation false. This is not the proper test. The factual statement relied on by Mr. Lepley in Count 2 was that the Respondent misled voters by stating in campaign literature that he had and would vote no on a local amendment when in fact, he had voted yes to place the amendment on the ballot. Respondent does not allege in the motion that these factual allegations are false, and instead, alleges that the statement that he misled the voters does not violate section 104.271 and is a misinterpretation of the statute. This is different than alleging that Mr. Lepley falsely stated that the Respondent voted yes to place the amendment on the ballot. In Count 3, Mr. Lepley alleged that the Respondent claimed the city's millage rate was one of the lowest in the county when in fact, it is the fifth highest rate in the county. Again, the Respondent in his motion does not allege that this fact is false, but that Mr. Lepley misinterpreted section 104.271. Thus, the material factual allegations were true, but Mr. Lepley's legal conclusion was insufficient. As the finding of insufficiency by the FEC's Executive Director stated, "Section 104.271(2), F.S., does not apply as neither statement was alleged to be made, with malice, against Complainant." The Respondent fails to allege in the motion that there are false allegations of fact in Mr. Lepley's complaint and therefore, the motion

Florida Elections Commission
February 28, 2020
Page Two

is legally insufficient. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1st 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).

Mr. Lepley is not a lawyer and although he has run for office, he is not an expert in election law. 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. He 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
(850) 878-5212
(850) 656-6750 (Facsimile)

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

131 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32301
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850/878-5212

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

MAILING ADDRESS:
POST OFFICE BOX 1547
TALLAHASSEE, FLORIDA 32302

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

ALEX VILLALOBOS
OF COUNSEL

LYNN T. THOMAS, FRP
PARALEGAL

February 28, 2020

VIA HAND DELIVERY AND E-MAIL – fcc@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 19-514; Respondent Bob Lynch

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, Bob Lynch, who was a candidate for the Davenport City Commission. Mr. Lepley was a candidate for the same commission seat. On October 8, 2019, the complaint was dismissed as legally insufficient. The Respondent filed a motion for attorney's fees on December 1, 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.

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 are only

two statements that attempt to provide the particularity required by the rule. The Respondent alleges that in both Count 2 and Count 3 of the complaint, Mr. Lepley alleged factual statements that did not violate section 104.271, Florida Statutes and demonstrate his misinterpretation of section 104.271. While stating that Mr. Lepley's allegations are false, the Respondent does not provide any evidence that the factual statements are false, but merely states that he misinterpreted section 104.271, Florida Statutes and therefore, did not allege a violation of the statute.

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. 1st 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.

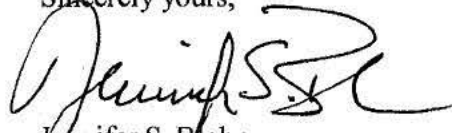
Secondly, the Respondent does not allege the factual statements made by Mr. Lepley were false. Instead, he alleges that Mr. Lepley's misinterpretation of the law (i.e. section 104.271) makes the allegation of a violation false. This is not the proper test. The factual statement relied on by Mr. Lepley in Count 2 was that the Respondent misled voters by stating in campaign literature that he had and would vote no on a local amendment when in fact, he had voted yes to place the amendment on the ballot. Respondent does not allege in the motion that these factual allegations are false, and instead, alleges that the statement that he misled the voters does not violate section 104.271 and is a misinterpretation of the statute. This is different than alleging that Mr. Lepley falsely stated that the Respondent voted yes to place the amendment on the ballot. In Count 3, Mr. Lepley alleged that the Respondent claimed the city's millage rate was one of the lowest in the county when in fact, it is the fifth highest rate in the county. Again, the Respondent in his motion does not allege that this fact is false, but that Mr. Lepley misinterpreted section 104.271. Thus, the material factual allegations were true, but Mr. Lepley's legal conclusion was insufficient. As the finding of insufficiency by the FEC's Executive Director stated, "Section 104.271(2), F.S., does not apply as neither statement was alleged to be made, with malice, against Complainant." The Respondent fails to allege in the motion that there are false allegations of fact in Mr. Lepley's complaint and therefore, the motion

Florida Elections Commission
February 28, 2020
Page Two

is legally insufficient. *See Hadeed v. State*, 208 So. 3d 782 (Fla. 1st 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).

Mr. Lepley is not a lawyer and although he has run for office, he is not an expert in election law. 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. He 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 · www.fec.state.fl.us



December 3, 2019

CERTIFIED MAIL # 92148969009997901631253565

John Lepley
PO Box 2791
Davenport, FL 33836

RE: Case No.: FEC 19-514; Respondent: Bob Lynch

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.

Sincerely,

Donna Ann Malphurs

Agency Clerk

/dam

Enclosure: Petition for Attorney's Fees and Costs
cc: Fred Reilly, Attorney for Respondent



Lepley v. Lynch (FEC No. 19-514) - Motion for Attorney's Fees Fred Reilly to: Florida
Elections Commission 12/01/2019 08:39 PM
History: This message has been replied to.

1 Attachment



LynchMotionLepley12012019.docx

Re: Lepley v. Lynch (FEC No. 19-514) - 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

*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: BOB LYNCH

CASE NO. FEC 19-514

MOTION FOR ATTORNEY'S FEES

COMES NOW, the Respondent, Bob Lynch, 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 Motion.
- B. The Respondent, Bob Lynch, shall be referred to as "Lynch" in this Motion.
- C. The Florida Elections Commission Complaint No. 19-514 filed by Lepley against Lynch (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. Lynch filed a Response to the Complaint on October 4, 2019.
- E. The Florida Elections Commission determined that (all counts in) Complaint No. 19-514 were "Legally Insufficient" and the case has been closed.

Basis for Motion

The Respondent, Bob Lynch, states 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. Lynch respectfully requests that a finding that:

i. Lepley filed the Complaint against Lynch with a malicious intent to injure Lynch'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 Lynch. Lepley's Complaint included the following allegations:

i. Count 2 of the Complaint - Allegation that Lynch violated Section 104.271. Since there is unequivocal evidence that (i) Lynch did not violate Section 104.271, and (ii) the plain words of Lepley's allegation (Lynch's statement about voting on "Ordinance 881" is a "false/misleading statement") clearly demonstrates Lepley's flagrant misinterpretation of Section 104.271, 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 chapter 104.

ii. Count 3 of the Complaint - Allegation that Lynch violated Section 104.271. Since there is unequivocal evidence that (i) Lynch did not violate Section 104.271, and (ii) the plain words of Lepley's allegation (Lynch's statement about millage rates constitutes "a false/misleading statement") clearly demonstrates Lepley's flagrant misinterpretation of Section 104.271, 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 chapter 104.

WHEREFORE, Bob Lynch 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 Lynch.

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 Bob Lynch

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 · www.fec.state.fl.us



November 4, 2019

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

RE: Case No.: 19-514; Respondent: Bob Lynch

Dear Mr. Reilly:

On October 8, 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 or at the number listed above.

Sincerely,

Donna Ann Malphurs

Donna Ann Malphurs

DM/med

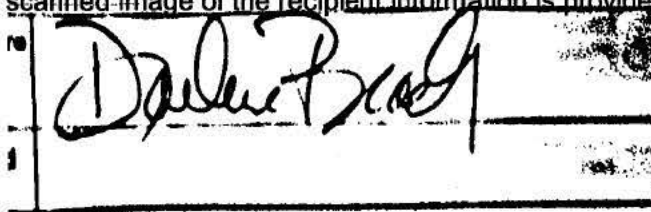


Date Produced: 10/14/2019

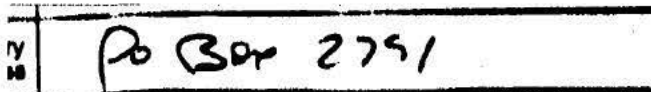
Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1630 3157 83. Our records indicate that this item was delivered on 10/12/2019 at 11:09 a.m. in DAVENPORT, FL 33837. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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: 19-514 EXP LI

Amended due 10/26



Florida Elections Commission

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

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

FEC@myfloridalegal.com · www.fec.state.fl.us



October 8, 2019

CERTIFIED MAIL 9214 8969 0099 9790 1630 3157 83

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

RE: Case No.: FEC 19-514; Respondent: Bob Lynch

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 from making or causing to be made, with malice, any statement about an opposing candidate which is false.

The United States Supreme Court established the standard that a candidate for public office must meet before his opposing candidate can be held accountable for making a false statement against him in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court reminded us of the, "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official's reputation forfeit the First Amendment protection, which should provide "breathing space" for freedom of expression. The Court held that "actual malice" requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

The statements with which Complainant took issue that were made by Respondent against Complainant were printed in a joint political advertisement mailer paid for by Respondent and Rob Robinson, candidate for Mayor of Davenport. Complainant highlighted the statements, which also referenced Darlene Bradley, candidate for Mayor of Davenport and Complainant's wife. Each statement is addressed below.

"Both have criminal backgrounds...he with a felony misdemeanor of assault and battery." Complainant stated he had never been arrested and has no record of conviction. Complainant provided documentation showing that he was charged with battery and assault on November 9,

John Lepley
October 8, 2019
Page 2
FEC 19-514

2007. The document shows that adjudication was withheld for both charges, but on August 8, 2008, Complainant was sentenced to 100 hours of community service, and a \$810 fine was imposed. Respondent stated that his statement was "...awkwardly expressed and partially true, and thus did not constitute false or malicious charges..." and pointed out that charges for assault and battery can involve misdemeanor and/or felony charges. Therefore, the statement in the mailer was sufficiently grounded in fact that it does not appear to have been a false statement made with actual malice.

"Contrary to their brochures, neither of them (Complainant and Bradley) initiated the Fourth of July celebration..." Complainant argued that he assisted the Chairman of Davenport Concerned Citizens to obtain speakers, sponsors, and readers to "coordinate" the event in 2015. Complainant has not claimed that he "initiated" the idea or the event, merely that he assisted with its coordination and planning. Therefore, Respondent's statement does not appear to have been false. In response to the complaint, Respondent stated that the statement was "...factually accurate and thus did not constitute false or malicious charges..." Based upon the foregoing, it appears that Respondent's statement was sufficiently grounded in fact that it does not appear to have been a false statement made with actual malice.

"Contrary to their brochures...neither (Complainant and Bradley) brokered a deal with a primary developer..." Complainant stated he was "present" at a Commission meeting in which an agreement was reached with a developer to donate \$1,000 for every house he sold in Davenport. Minutes of the meeting indicated, in part, that the developer would honor an agreement he made with the prior Mayor. Respondent's statement wasn't that Complainant had never participated in group negotiation with a developer. Rather, it was that Complainant had not brokered a deal with a developer. The documents provided by Complaint do not show that he specifically brokered the agreement. In response to the complaint, Respondent stated that the statement was "...factually accurate and thus did not constitute false or malicious charges..." Based upon the foregoing, it appears that Respondent's statement was sufficiently grounded in fact that it does not appear to have been a false statement made with actual malice.

"Contrary to their brochures...neither (Complainant and Bradley) stopped a \$5,000 lien on our homes for sewer as the amount was never established." Complainant appears to take exception to the part of the statement claiming the amount was never established. However, that part of the statement was not about Complainant and, therefore, is not a false, malicious statement about Complainant. In response to the complaint, Respondent asserted that the statement relative to the lien was "factually accurate and thus did not constitute false or malicious charges."

Complainant also took issue with Respondent's claim in the mailer that, "I have and will vote NO on Amendment 1", and Respondent's claim in campaign literature that property taxes in Davenport were one of the lowest millage rates in the county. Section 104.271(2), F.S., does not apply as neither statement was alleged to be made, with malice, against Complainant.

John Lepley
October 8, 2019
Page 3
FEC 19-514

Complainant took exception to a post on what was apparently the personal Facebook page of Denise Lynch, wife of Respondent. However, although Complainant stated Ms. Lynch served as Respondent's campaign treasurer, she was not Complainant's opponent. Section 104.271, F.S., only applies to a statement made by a candidate's opponent; therefore, the statute does not apply to Ms. Lynch's statements.

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.

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

Sincerely,



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 19-514

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.



FEC Complaint No. 19-514 (Lepley v. Lynch) Fred Reilly to: fec@myfloridalegal.com 10/04/2019 06:23 PM
Cc: "reconstruction16@aol.com"
From: "Fred Reilly" <fredreilly@attorney-solicitor.com>
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>
Cc: "reconstruction16@aol.com" <reconstruction16@aol.com>

2 Attachments



Lynch Response 19 514.pdf Lynch Exhibits A B 19 514.pdf

Re: FEC Complaint No. 19-514 (Lepley v. Lynch)

ATTN: Donna Malphurs

Hi Donna,

Attached please find the following in regards to the above-captioned FEC case:

- A. Bob Lynch's Response to Complaint.
- B. Exhibits A and B.

I had previously submitted the Notice of Appearance.

Please contact me 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

*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: BOB LYNCH

CASE NO. FEC 19-514

RESPONSE TO FEC COMPLAINT FILED BY JOHN LEPLEY

COMES NOW, the Respondent, Bob Lynch, 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, Bob Lynch, shall be referred to as "Lynch" in this Response.
- C. The Florida Elections Commission Complaint No. 19-514 filed by Lepley against Lynch (dated September 9, 2019) shall be referred to as the "Complaint" in this Response.
- D. The Complaint was received by Lynch on September 24, 2019. For clarification purposes, the Complaint was sent by certified mail but Lynch did not sign for the certified mail since he was out of town on vacation. The certified mail was simply placed in Lynch's mailbox despite the fact that Lynch did not sign for it.

Responses to Specific Allegations Set Forth in the Complaint

1. 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: Mr. Lynch 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 A).”

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

B. “On 3/1/19 Mr. Lynch’s wife and Campaign Treasurer, Denise Lynch, posted on face book that I drug a man through a car window. This incident happened at the Davenport Police Dept. in front of Sgt. Nancy Lane; who testified that never happened. This is a false and malicious statement (Attachment C).”

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

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

E. “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. Lynch'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. "On 3/1/19 Mr. Lynch's wife and Campaign Treasurer, Denise Lynch, posted on face book that I drug a man through a car window. This incident happened at the Davenport Police Dept. in front of Sgt. Nancy Lane; who testified that never happened. This is a false and malicious statement (Attachment C)."

Response:

i. Lepley essentially alleges that Denise Lynch (the wife of Bob Lynch) violated Section 104.271.

ii. Lynch is not vicariously liable for any actions of another individual.

iii. The allegation does not state any factual basis for a charge that Denise Lynch committed a violation of Section 104.271 because Denise Lynch was not a candidate. In addition, Denise Lynch has not been served with a FEC Complaint and she has the right to due process in respect to any proceeding involving potential criminal penalties. The allegation certainly does not state any factual basis for a violation against Bob Lynch.

C. "John Lepley did not initiate the Fourth of July celebration." (Additional narrative omitted).

Response:

i. Lynch'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. 2nd DCA 2012).

iii. Lepley's allegation does not provide clear and convincing evidence that Lynch'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.

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

Response:

i. Lynch'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 Lynch's statement violates the standard stated in Sharkey:

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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.

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

Response:

i. Lynch'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 Lynch'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.

2. ALLEGATION OF FALSE AND MALICIOUS CHARGE VIOLATION

Alleged Violation: Section 104.271, Florida Statutes.

Factual Allegation: “104.271: Mr. Lynch lied and misinform citizens in his campaign flyer stating he did not vote for Ordinance 881. “I have and will vote NO on Amendment.” On 1/7/19 – Bobby Lynch voted YES in the City Workshop to create Ordinance 881. Attachment G is Commission Minutes dated 1/7/19. On 2/4/19 he again voted YES on Ordinance 881 on the First Reading. Attachment H are Commission Minutes 2/4/19. Ordinance 881 became Amendment 1 on the ballot.

If passed, Amendment 1, removes the Mayor’s Seat, creates a 5th commission seat, and the commissioners appoint a mayor amongst themselves and takes the right to vote for a mayor away from the citizens. Mr. Lynch supported this in the work shop and on the first reading; which is how it made it as Amendment 1 on the ballot. Yet in his campaign flyer he states he voted No. This is a false/misleading statement in his flyer. Attachment I is a copy of the Amendment 1 ballot language and it was included with my campaign flyer.”

Response:

A. Lynch did not violate Chapter 104.271 and Lepley’s factual allegation does not establish probable cause for such violation.

B. Section 104.271, Florida Statutes, states, in part, as follows:

(1) Any candidate who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any

provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 and, in addition, after conviction shall be disqualified to hold office.

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code.

C. Lynch's statement in campaign literature about voting on "Ordinance 881" does not constitute either (1) a willful charge against an opposing candidate, or (2) a statement about an opposing candidate which is false.

D. Assuming arguendo that Lynch's statement about voting on "Ordinance 881" is in fact inaccurate, Lynch's statement clearly does not constitute a violation of Section 104.271.

Lepley's factual allegation constitutes a flagrant misinterpretation of the plain language of Section 104.271.

3. ALLEGATION OF FALSE OR MALICIOUS CHARGES

Alleged Violation: Section 104.271, Florida Statutes.

Factual Allegation: "Mr. Lynch states in his campaign literature that property taxes in Davenport continue to be one of the lowest millage rates in the county; this is a false statement. Davenport has the 5th highest millage rate in Polk County. Attachment J shows the millage rates for each city in Polk County."

Response:

A. Lynch did not violate Chapter 104.271 and Lepley's factual allegation does not establish probable cause for such violation.

B. Section 104.271, Florida Statutes, states, in part, as follows:

(1) Any candidate who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 and, in addition, after conviction shall be disqualified to hold office.

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code.

C. Lynch's statement in campaign literature about property taxes does not constitute either (1) a willful charge against an opposing candidate, or (2) a statement about an opposing candidate which is false.

D. Assuming arguendo that Lynch's statement about Davenport's millage rate is in fact inaccurate, Lynch's statement clearly does not constitute a violation of Section 104.271. Lepley's factual allegation constitutes a flagrant misinterpretation of the plain language of Section 104.271.

4. ALLEGATION OF CAMPAIGN DONATION VIOLATION.

Alleged Violation: Section 106.08 (5), Florida Statutes.

Factual Allegation:

In the FEC Complaint, Lepley alleges:

"Rennie Heath (Developer) gave \$5,000 in campaign donations to Mr. Lynch as reported in his campaign financial report M2 for period 3/2 – 3/15/19 Attachment K. Mr. Lynch listed 5 different entities for Mr. Rennie Heath with the same address listing \$1,000 contribution for each entity, exceeding the amount allowing in a municipal election."

Response

A. Lynch did not violate Section 106.08 (5) and Lepley's factual allegation does not establish probable cause for such violation.

B. Section 106.08 (5)(a) states: "A person may not make any contribution through or in the name of another, directly or indirectly, in any election."

C. Section 106.011, Florida Statutes, states, in part, as follows:

(14) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee.

D. Each of the following five (5) entities made a contribution of \$1,000.00 to Lynch's campaign and such contributions were duly reported in Lynch's campaign reports:

1. Cassidy Holdings Group, Inc.
2. Winter Haven Management Services LLC
3. Lakeville Partners LLC
4. Heath Construction & Management LLC
5. CAS Holdings LLC

Each of the entities constitute a separate and distinct "person" as defined by Section 106.011 (14), Florida Statutes.

5. ALLEGATION OF VOTING CONFLICTS VIOLATION.

Alleged Violation: Section 104.071, Florida Statutes.

Factual Allegation: "FS 104.071 Voting Conflicts Violation – Mr. Lynch did not disclose nor abstain from voting in favor of Mr. Heath's projects after receiving \$5,000 in campaign donations from Mr. Heath. (Minutes of his voting records attached.)" (List of Attachments, Dates and Ordinances omitted).

Response:

A. Lynch did not violate either Section 104.071 or Section 112.3143, and Lepley's factual allegations do not establish probable cause for such violations.

B. Section 104.071, Florida Statutes addresses remuneration by a candidate for services or support.

C. Contrary to Lepley's allegation, Lynch did affirmatively disclose his campaign contributions (including the campaign contributions from Cassidy Holdings Group, Inc., Winter Haven Management Services LLC, Lakeville Partners LLC, Heath Construction & Management LLC, CAS Holdings LLC in the duly filed Campaign Report (attached hereto as Exhibit A) in compliance with Section 106.07(4), Florida Statutes.

D. Subsequent to Lynch's disclosure of campaign contributions in compliance with Section 106.07(4), Lynch performed his affirmative duty as an elected official to vote on all matters before the City Commission including those annexation, zoning and land development matters cited by Lepley. Lynch did not abstain from such votes because there was no special private gain or loss which would be the basis for his disqualification. See George v. City of Cocoa, Fla., 78 F. 3d 494 (11th Cir., 1996) at p. 496:

Florida law imposes on elected officials an affirmative duty to vote on all matters before them; abstaining from a vote is prohibited unless "there is, or appears to be, a possible conflict of interest under § 112.311, § 112.313, or § 112.3143." Fla. Stat. Ann. § 286.012 (West 1995). Section 286.012 speaks only of when a public official may abstain from voting; it does not describe the circumstances under which a public official must abstain from voting. The statutory provision dealing with mandatory abstention from city council voting is Fla. Stat. Ann. § 112.3143(3)(a) (West 1995); it provides that "[n]o county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain or loss..." Under § 112.3143(3)(a), the identification of a "special private gain or loss" to the city council member as a result of his or her vote is a necessary condition for disqualification.

E. Lepley's base allegation is that Lynch engaged in an illegal quid pro quo with real estate developers, but Lepley has not provided any clear and convincing evidence which establishes probable cause for such a violation.

6. ALLEGATION OF CAMPAIGN REPORTING VIOLATION.

Alleged Violation: Section 106.143, Florida Statutes.

Factual Allegation: “106.143 Literature does not reference “paid for by” statement nor are these expenses listed in his campaign reports. Mr. Lynch failed to report the printing and postage expenses for two large post cards (6” x 11”) in his campaign finance reports as an in-kind contribution or as an expense for the following two postcards:

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

Response:

A. Lynch 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 two items of campaign literature (Attachment Q and Attachment R of the Complaint) do not state any name (and specifically *do not* state that these items were sent by, paid for by, or authorized by Lynch) and therefore were anonymous communications (the “Anonymous Literature”).

D. Lynch did not pay for, authorize, approve, or have any connection whatsoever to the Anonymous Literature. The individual(s) who prepare the Anonymous Literature may have

violated Section 106.143, but Lynch has no culpability for the actions of such individual(s).

“There is no vicarious liability under chapter 106.” Diaz de la Portilla v. Florida Elections Commission, 857 So. 3d 913, 917 (Fla. 3rd DCA 2003).

7. ALLEGATION OF CAMPAIGN FINANCE REPORTING VIOLATION.

Alleged Violation: Section 106.143, Florida Statutes.

Factual Allegation: “FS 106.143 The attached photo is posted on Rob Robinson’s facebook. In this photo are 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 letter to voters. Attachments A and S.”

Response:

A. Lynch did not violate Chapter 106.143 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. 3rd 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. 3rd DCA 2003).

D. Contrary to Lepley’s allegation, Lynch did affirmatively disclose his campaign expenditures (including the campaign expenditures to Staples for the Lynch’s fifty percent (50%)

share of "The Legacy" printing, envelopes and postage expenses) in the duly filed Campaign Report 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 B.

8. ALLEGATIONS RELATED TO CAMPAIGN REPORT VIOLATIONS.

Alleged Violation: Section 106.141, Florida Statutes.

Factual Allegation: "FS 106.141: All campaign reports must be signed by the candidate and the campaign treasurer and certified as true and correct. Attachments K, T, U & W

i. Mr. Lynch "M2" Treasurer Report has the wrong amount for total monetary contributions to date; it lists \$5,190; total should be \$5,140 (Attachment K)

ii. Mr. Lynch "M3" Treasurer Report has the wrong amount for total monetary contributions to date; it lists \$6,263.08; total should be \$5,213.08 (Attachment U)

iii. Mr. Lynch "M3" Treasurer Report has the wrong amount for total expenditures for the period of 3/16 – 3/28/19; it lists \$2,423.07 and it should be \$2,473.07. (Attachment U)

iv. Mr. Lynch "Final" Treasurer's Report for the period of 3/29/2019 – 7/01/2019 is missing Mr. Lynch's signature. (Attachment V)"

Response:

A. Lynch did not violate Chapter 106.141 and Lepley's factual allegations do not establish probable cause for such violation.

B. Section 106.141, Florida Statutes, relates to the *disposition of surplus funds* by candidates. None of Lepley's Factual Allegations provide a sufficient factual basis for a finding that Lynch failed to dispose of campaign funds in the manner provided in Section 106.141.

C. Factual Allegations i, ii., and iii. are that Lynch made math errors in the Campaign Reports (i.e., incorrect totals). Factual Allegation iv. is that Lynch failed to sign the Campaign Report.

D. The incorrect totals stated in Factual Allegations i., ii., and iii. constitute unintentional scrivener's errors. An unintentional scrivener's error is tantamount to a technical error that should incur no more than a nominal civil fine, if any.

E. The unsigned Campaign Report is an unintentional omission or technical error that should incur no more than a nominal civil fine, if any.

WHEREFORE, Bob Lynch respectfully requests that the Commission make the determination that none of the eight (8) counts of the Complaint filed by John Lepley are legally sufficient to establish probable cause and therefore this case should be closed.

Lynch's Request that the Commission make

A Finding Against Lepley pursuant to

Section 106.265 (6), Florida Statutes

The Respondent, Bob Lynch, 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. Lynch respectfully requests that the Commission make a finding that:

i. Lepley filed the Complaint against Lynch with a malicious intent to injure Lynch'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 Lynch. Lepley's Complaint included the following allegations:

i. Count 2 of the Complaint - Allegation that Lynch violated Section 104.271. Since there is unequivocal evidence that (i) Lynch did not violate Section 104.271, and (ii) the plain words of Lepley's allegation (Lynch's statement about voting on "Ordinance 881" is a "false/misleading statement") clearly demonstrates Lepley's flagrant misinterpretation of Section 104.271, 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 chapter 104.

ii. Count 3 of the Complaint - Allegation that Lynch violated Section 104.271. Since there is unequivocal evidence that (i) Lynch did not violate Section 104.271, and (ii) the plain words of Lepley's allegation (Lynch's statement about millage rates constitutes "a false/misleading statement") clearly demonstrates Lepley's flagrant misinterpretation of Section 104.271, 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 chapter 104.

iii. Count 4 of the Complaint - Allegation that Lynch violated Section 106.08 (5). Since there is unequivocal evidence that (i) Lynch fully complied with Section 106.08 (5), and (ii) the plain words of Lepley's allegation fundamentally disregard the fact that a corporation or limited liability company constitutes a "person" (as defined by Section 106.011 (14), Florida Statutes), 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 chapter 106.

iv. Count 5 of the Complaint - Allegation that Lynch violated Section 106.15. Since there is unequivocal evidence that (i) Lynch fully complied with Section 106.15, and (ii) the plain words of Lepley's allegation flagrantly misinterpret Section 106.15, Florida Statutes, 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 chapter 106.

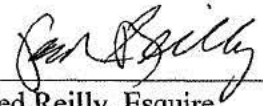
WHEREFORE, Bob Lynch respectfully requests that the Commission make a finding against John Lepley pursuant to Section 106.265 (6), Florida Statutes, and that John Lepley shall be liable for costs and reasonable attorney's fees incurred in the defense of Lynch.

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Respectfully submitted this 4th day of October, 2019.



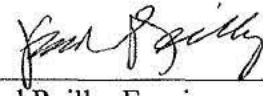
Bob Lynch, Respondent



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 Bob Lynch

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) this 4th day of October, 2019.



Fred Reilly, Esquire

FLORIDA ELECTIONS COMMISSION

COMPLAINANT: JOHN LEPLEY

RESPONDENT: BOB LYNCH

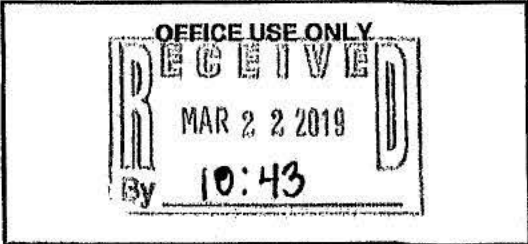
CASE NO. FEC 19-514

EXHIBIT A

CAMPAIGN FINANCE REPORT

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) BOBBY LYNCH
 Name
 (2) 115 CYPRESS STREET
 Address (number and street)
DAVENPORT, FL. 33837
 City, State, Zip Code



Check here if address has changed

(3) ID Number: 47-3184452

(4) Check appropriate box(es):
 Candidate Office Sought: DAVENPORT CITY COMMISSION SEAT THREE
 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 / 02 / 19 To 03 / 15 / 19 Report Type: M2
 Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$, 5 , 100 .00
 Loans \$, , .
 Total Monetary \$, 5 , 100 .00
 In-Kind \$, , 50 . 00

(7) Expenditures This Report

Monetary Expenditures \$ 81.29 , 79.00 , 2,322.88 .
 Transfers to Office Account \$, , .
 Total Monetary \$, 2 , 483 . 17

(8) Other Distributions
 \$, , .

(9) TOTAL Monetary Contributions To Date
 \$, 5 , 190 . 00

(10) TOTAL Monetary Expenditures To Date
 \$, 2 , 507 . 17

(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) DENISE LYNCH
 Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer
 x Denise Lynch
 Signature

(Type name) BOBBY LYNCH
 Candidate Chairperson (only for PC and PTY)
 x Bobby Lynch
 Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BOBBY LYNCH

(2) I.D. Number 47-3184452

(3) Cover Period 03 / 02 / 19 through 03 / 15 / 19

(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 / 02 / 19 1	STAPLES 3500 POSNER PARK DAVENPORT, FL.33837	COPY PAPER	CAN		\$81.29
03 / 11 / 19 2	ALLEGRA PRINT & IMAGING 4498 S. VINELAND ROAD ORLANDO, FL. 32811	MAILER FOR CAMPAIGN BROCHURE	CAN		\$2,322.88
03 / 15 / 19 3	BANK OF AMERICA P.O. BOX 851001 DALLAS, TX. 75285-1001	PURCHASE CAMPAIGN BUTTONS	CAN		\$79.00

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name BOBBY LYNCH (2) I.D. Number 47-3184452

(3) Cover Period 03 / 02 / 19 through 03 / 15 / 19 (4) Page 1 of 1

(5) Date	(6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
			Type	Occupation				
03 / 02 / 19	1	LYNCH BOBBY 115 CYPRESS STREET DAVENPORT, FL. 33836	S		CAS			\$100.00
03 / 07 / 19	2	HEATH CONSTRUCTION & MANAGEMENT, LLC 2415 CYPRESS GARDENS WINTER HAVEN, FL 33884	B	MANAGEMENT	CHE			\$1,000.00
03 / 07 / 19	3	CASSIDY HOLDINGS GROUP, INC. 346 E CENTRAL AVE WINTER HAVEN, FL. 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19	4	WINTER HAVEN MANAGEMENT SERVICES LLC. 346 E CENTRAL AVE WINTER HAVEN, FL 33880	B	MANAGEMENT	CHE			\$1,000.00
03 / 07 / 19	5	CAS HOLDINGS, LLC 346 E CENTRAL AVE WINTER HAVEN, FL 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19	6	LAKEVILLE PARTNERS LLC 346 E CENTRAL AVE WINTER HAVEN, FL. 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19	7	WAYNE T. FELLOWS TRUCKING 2 WEST BLVD DAVENPORT, FL 33837	B	TRUCKING	INK	MAKING COPIES		\$50.00

FLORIDA ELECTIONS COMMISSION

COMPLAINANT: JOHN LEPLEY

RESPONDENT: BOB LYNCH

CASE NO. FEC 19-514

**EXHIBIT B
CAMPAIGN FINANCE REPORT**

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) BOBBY LYNCH

Name

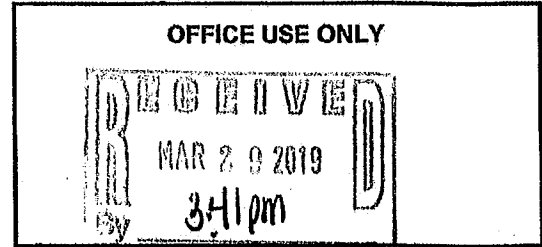
(2) 115 CYPRESS STREET

Address (number and street)

DAVENPORT, FL. 33836

City, State, Zip Code

Check here if address has changed



(3) ID Number: 47-3184454

(4) Check appropriate box(es):

Candidate Office Sought: DAVENPORT CITY COMMISSION SEAT THREE

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 / 19 To 03 / 28 / 19 Report Type: M3

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 73.08

Loans \$, ,

Total Monetary \$, , 73.08

In-Kind \$, 1,000.00

(7) Expenditures This Report

Monetary Expenditures \$, , 2,423.07

Transfers to Office Account \$, ,

Total Monetary \$, , 2,423.07

(8) Other Distributions

\$, ,

(9) TOTAL Monetary Contributions To Date

\$, , 6,263.08

(10) TOTAL Monetary Expenditures To Date

\$, , 4,930.24

(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) DENISE LYNCH

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

X *Denise Lynch*
Signature

(Type name) BOBBY LYNCH

Candidate Chairperson (only for PC and PTY)

X *Bobby Lynch*
Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name BOBBY LYNCH (2) I.D. Number 47-3184452

(3) Cover Period 03 / 16 / 19 through 03 / 28 / 19 (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 / 17 / 19 1	RIDGE CONSTRUCTION, INC. PO BOX 1061 DAVENPORT, FL. 33836	B		CHE			\$73.08
03 / 28 / 19 2	WEBBS CONVENIENCE STORE 38283 HWY 27 DAVENPORT, FL. 33387	B	ADVERTISING		A		\$500.00
03 / 28 / 19 3	WEBBS CONVENIENCE STORE 38283 HWY 27 DAVENPORT, FL. 33837	B	ADVERTISING		A		\$500.00
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name BOBBY LYNCH

(2) I.D. Number 47-3184452

(3) Cover Period 03 / 16 / 19 through 03 / 28 / 19

(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 / 17 / 19	FLORIDA SIGNS AND GRAPHICS 1100 OLD POLK CITY ROAD HAINES CITY, FL. 33844	CAMPAIGN SIGNS	CAN		\$1,080.70
1					
03 / 17 / 19	FLORIDA SIGNS AND GRAPHICS 1100 OLD POLK CITY ROAD HAINES CITY, FL. 33844	CAMPAIGN BANNERS	CAN		\$149.80
2					
03 / 26 / 19	US POSTAL SERVICE 1 SOUTH BLVD DAVENPORT, FL. 33837	STAMPS	CAN		\$833.25
3					
03 / 28 / 19	STAPLES 3500 POSNER PARK DAVENPORT, FL. 33837	ENVELOPES PAPER	CAN		\$359.32
4					
03 / 28 / 19	BOBBY LYNCH 115 CYPRESS STREET DAVENPORT, FL. 33836	REFUND OF CONTRIBUTION LIMIT OVERAGE	CAN		\$50.00
5					
/ /					
/ /					
/ /					

STAPLES - 3/23/19

Purchase Paper, Envelopes and Printer Toner

Robinson and Lynch shared the expense.

ITEMS PURCHASED	COST	AMOUNT DUE FROM EACH CANDIDATE
HP 410A (C/M/Y - 3 PK) (\$328.99 - 6.74 coupon)	322.25	161.14
HP 410 Black (\$156.99 - 3.22 coupon)	153.77	76.88
3 boxes envelopes (\$36.99 - 0.76 coupon)	108.69	54.34
3 boxes envelopes (\$22.19 - 0.46 coupon)	65.19	32.59
Printer Paper (One Box containing 10 reams @ \$36.99 - 0.76 coupon) (used 6 reams)	21.74	10.87
Sub-Total	671.64	335.82
Sales Tax	47.01	23.50
TOTAL	718.65	359.32

ROBINSON to pay \$359.33

LYNCH to pay \$359.32

*#705
3/28/19
\$359.32*

STAPLES

3500 Posner Boulevard
 DAVENPORT, FL 33837
 (863) 420-7064

SALL 1902815 to 002 64031
 1843 03/23/19 02:05

QTY SKU PRICE

REWARDS NUMBER 3378353006

These 3 boxes of envelopes were
 not used and are being returned.

QTY	SKU	PRICE
3	ENVELOPE PULL & SE 718103264464	4.99000 29.97
	Coupon No. 4686855671410637	-0.02
1	HP 410A C/M/Y CPK 2596065	328.99
	Coupon No. 4686855671410637	-6.74
	****Promotion****	
1	ENV #10 P&S SECURI * 718103107936	36.99
	Coupon No. 4686855671410637	-0.76
1	ENV #10 P&S SECURI * 718103107938	22.19
	* Reg. Price 36.99	
	+ Item Discount <-14.80>	
	Coupon No. 4686855671410637	-0.46
	Total Promotion Discount <-14.80>	

1	HP 410X HI-YIELD B 868793807545	156.99
	Coupon No. 4686855671410637	-3.22
	****Promotion****	
1	ENV #10 P&S SECURI * 718103107938	36.99
	Coupon No. 4686855671410637	-0.76
1	ENV #10 P&S SECURI * 718103107936	22.19
	* Reg. Price 36.99	
	+ Item Discount <-14.80>	
	Coupon No. 4686855671410637	-0.46
	Total Promotion Discount <-14.80>	

1	SPLS 8.5X11 MULTIC * 718103161046	36.99
	Instant Savings <-16.00>	
	Coupon No. 4686855671410637	-0.76
	****Promotion****	
1	ENV #10 P&S SECURI * 718103107938	36.99
	Coupon No. 4686855671410637	-0.76
1	ENV #10 P&S SECURI * 718103107938	22.19
	* Reg. Price 36.99	
	+ Item Discount <-14.80>	
	Coupon No. 4686855671410637	-0.46
	Total Promotion Discount <-14.80>	

	SUBTOTAL	715.48
	Standard Tax 7.00%	50.08
	TOTAL	\$765.56

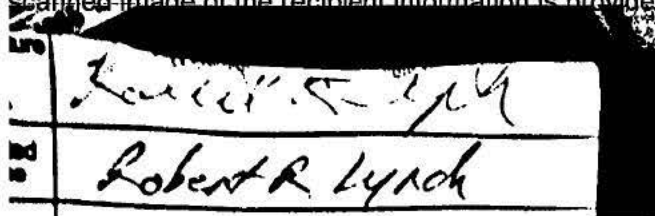


Date Produced: 09/23/2019

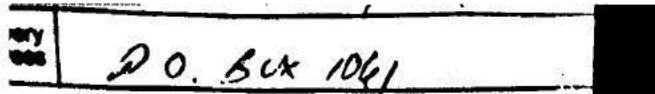
Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1629 8752 50. Our records indicate that this item was delivered on 09/16/2019 at 11:01 a.m. in DAVENPORT, FL 33836. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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: 19-514 19-517 1st 14 split

USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

Tracking Number: 92148969009997901629875250

[Remove X](#)





Your item was delivered at 11:01 am on September 16, 2019 in DAVENPORT, FL 33836.

Delivered

September 16, 2019 at 11:01 am
Delivered
DAVENPORT, FL 33836

[Feedback](#)

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- [Return Receipt Electronic](#) 
- [Tracking History](#) 
- [Product Information](#) 

[See Less](#) 

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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 · www.fec.state.fl.us



September 13, 2019

CERTIFIED MAIL 9214 8969 0099 9790 1629 8752 50

Bobby Lynch
P.O. Box 1061
Davenport, FL 33836

RE: Case No.: FEC 19-514; Respondent: Bobby Lynch

Dear Mr. Lynch:

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. 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.

Sincerely,

Molly Donovan

Molly Donovan
Complaint Coordinator

Enclosure: Complaint w/attachments

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: Bobby Lynch
Address: P.O. Box 1061 Phone: (863) 557-0053
City: Davenport County: Polk State: FL Zip Code: 33836

If individual is a candidate, list the office or position sought: Seat 3 - Commissioner

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.


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.


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 9th day of
September, 2019


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 Commissioner
P. O. Box 2791, Davenport, FL 33836 (407) 923-7447

Respondant: Bob Lynch, Candidate for Seat 3 – City of Davenport
P. O. Box 1061, Davenport, FL 33836 (863) 557-0053

City of Davenport Election (4/2/2019)

The following is a list of violations by Bobby Lynch, Commissioner Seat 3 - City of Davenport; which include Florida Statutes 104 and 106:

1. **FS 104.271 False or Malicious charges against, or false statements about, opposing candidate:** Mr. Lynch 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 A**).

i. **FS 104.271: "John Lepley, charged with a felony misdemeanor of assault and battery"**. In 2008, while I was a Davenport Commissioner, I was ran off the road. 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. Lynch. A copy of the final judgement for the misdemeanor is **Attachment B**.

ii. **FS 104.271:** On 3/1/19 Mr. Lynch's wife and Campaign Treasurer, Denise Lynch, posted on her face book that I drug a man through a car window. This incident happened at the Davenport Police Dept. in front of Sgt. Nancy Lane; who **testified** that never happened. This is a false and malicious statement (**Attachment C**).

Facebook link: www.facebook.com/denise.l.lynch.9

iii. **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.

iv. **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**). Bob Lynch was present at this commission meeting; yet he claims in his campaign literature that I did not have any involvement.

v. **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 confirming 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 for 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**.

2. **FS 104.271: Mr. Lynch lied and misinform citizens in his campaign flyer stating he did not vote for Ordinance 881. "I have and will vote NO on Amendment". On 1/7/19 - Bobby Lynch voted YES in the City Workshop to create Ordinance 881. Attachment G is Commission Minutes dated 1/7/19. On 2/4/19 he again voted YES for Ordinance 881 on the First Reading. Attachment H are Commission Minutes 2/4/19. Ordinance 881 became Amendment 1 on the ballot.**

If passed, Amendment 1, removes the Mayor's Seat, creates a 5th commission seat, and the commissioners appoint a mayor amongst themselves and takes the right to vote for a mayor away from the citizens. Mr. Lynch supported this in the work shop and on the first reading; which is how it made it as Amendment 1 on the ballot. Yet in his campaign flyer he states he voted No. This is a false/misleading statement in his flyer. **Attachment I is a copy of the Amendment 1 ballot language and it was included with my campaign flyer.**

3. **FS 104.271: Mr. Lynch states in his campaign literature that property taxes in Davenport continue to be one of the lowest millage rates in the county; this is a false statement. Davenport has the 5th highest millage rate in Polk County. Attachment J shows the millage rates for each city in Polk County.**

4. **FS 106.08 Contributions, limitations on (5)(a)** A person may not make any contribution through or in the name of another, directly or indirectly, in any election. Rennie Heath (Developer) gave \$5,000 in campaign donations to Mr. Lynch (see attached campaign financial report M2 for period 3/2 – 3/15/19 (**Attachment K**)). Mr. Lynch listed 5 different entities for Mr. Rennie Heath's donations, exceeding the allowed amount for a municipality election.
5. **FS 104.071 Voting Conflicts Violation:** Mr. Lynch did not **disclose** or **abstain** his vote on any of Mr. Heath's projects after receiving \$5,000 in campaign donations from Mr. Heath. (Minutes of his voting records listed below and **attached**.)

Attachment	Date	
L	3/4/19	Ordinance 876 Annexation for Astoria Properties
L	3/4/19	Ordinance 878 Rezoning Astoria Properties
M	4/1/19	Ordinance 885 Final Plat approval for Citrus Pointe S/D
N	4/15/19	Ordinance 885 2 nd reading Final Plat for Citrus Pointe S/D
N	4/15/19	Ordinance 884 Final Plat for Highland Cove S/D
O	5/6/19	Ordinance 884 2 nd reading Final Plat Highland Cove S/D
P	5/20/19	Ordinance 889 Amend boundaries Highland Meadows II
P	5/20/19	Ordinance 890 PUD for Highland Cove S/D

6. **FS 106.143 Literature does not reference "paid for by" statement nor are these expenses listed in his campaign finance reports.** Mr. Lynch 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 postcards:

- i. "A Message to the Residents of Davenport" (**Attachment Q**)
- ii. The Question is – are you going to be misled again? (**Attachment R**)

7. **FS 106.143:** The attached photo is posted on Rob Robinson's facebook. In this photo are Linda Robinson (Treasurer for Robinson) Bob Lynch (Candidate for Seat 3), Denise Lynch (Treasurer for Lynch) at Rob Robinson's house preparing a letter to mail to voters: "**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 mailing this letter to voters. **Attachments A and S.**

8. FS 106.141: All campaign reports must be signed by the candidate and the campaign treasurer and certified as true and correct. (Attachments K, T, U & W)

- i. Mr. Lynch "M2" Treasurer Report has the wrong amount for total monetary contributions to date; it lists \$5,190; total should be \$5,140. **(Attachment K)**
- ii. Mr. Lynch "M3" Treasurer Report has the wrong amount for total monetary contributions to date; it lists \$6,263.08; total should be \$5,213.08. **(Attachment U)**
- iii. Mr. Lynch "M3" Treasurer Report has the wrong amount for total expenditures for the period 3/16 – 3/28/19; it lists \$2,423.07 and it should be \$2,473.07. **(Attachment U)**
- iv. Mr. Lynch "Final" Treasurer's Report for the period of 3/29/2019 – 7/01/2019 is missing Mr. Lynch's signature. **(Attachment V)**

Mr. Lynch campaign flyer is **Attachment W**. He has been a commissioner for 17 years and is well aware of the violations for false and malicious statements and how to review/sign/approve his campaign finance reports.

I believe Mr. Lynch and his Treasurer's false and vicious statements about me and my accomplishments sent in emails, flyers, post cards, letters, and face book altered the outcome for Seat 3 in his favor as well as tarnished my reputation and defamation of my character. He willfully and 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 X** 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

Complainant: Lepley

Respondent: Lynch

statements against my opponent. 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 my opponents. Mr. Lynch 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.

The Florida Election 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 compliant.

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: Bob Lynch,
Candidate for Seat 3 Commision**

A

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 livesThe 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

B

Case Docket 532007MM00101XXWH

<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]

C



Denise Lovell Lynch

March 1 ·

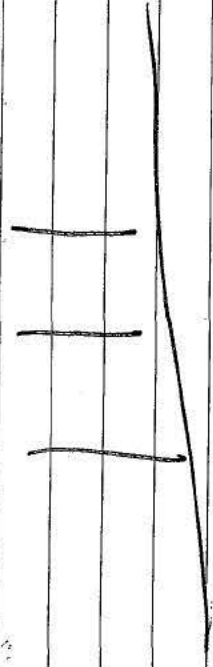
I am sharing this because it is true!! The Citizens of Davenport need to know who these people truly are! They are behind the "Concerned Citizens of Davenport" group who meet I guess periodically. The main purpose of this group is to tell half truths and confuse people into thinking what they say is true when in fact it is the opposite. I am a concerned citizen of Davenport and have never once been invited to any of the meetings nor have I ever received one of their flyers ... why??? ... because they know I will call them out on their lies!!! People need to look them up on Grady's online jail inquiry to get a idea of what they've done. Their neighbor said Darlene made a mistake. A mistake is a one time thing ... this idiot used a dead woman's handicap placard every day, every week, every year!!! This is intentional and NOT a mistake. Her husband John Lepley is running against my husband Bobby. He served probation for road rage when he pulled over a young man (John's car looked a lot like an undercover cop car) and proceeded to try and pull the kid thru the car window!!!! Please research these two if you have any thought about voting for them. We do not need them in our City and definitely not on our Council.

D

Ordin - 50' wide

6/13/17

Game Field → 00' lots Except Cabana Isle
50' lots



Parking 4 to 5 Yhaugh
Common/open space

7,000 / home added
to parks impact fees

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

- Comment ~~to~~ to
Connect to Groet
w/ Amenities

JD said he would

know whether was offered - Comment for bike trail
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 14th 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 27th 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

G

They also needed to set a Workshop on the stormwater and the LDR's. He realized that there were some commitments but they could discuss this further at the January 22nd meeting.

CITY ATTORNEY REPORT

The Attorney announced that as requested by CFRPC for tonight's meeting, he explained that the Public Hearing for the LDR update as mentioned in the property owner letters dated November 20, 2018 would be rescheduled and that new letters would be mailed out prior to the meeting.

CITY CLERK REPORT

Adding to the City Manager's comments, the City Clerk announced that there was also a Workshop scheduled on January 22nd at 5:30 pm to discuss the Employee Handbook. In addition, by Charter they needed to do the State of the City Address in January.

CITY COMMISSION COMMENTS

Commissioner Kneeld approached the Commission regarding their view of a possible Charter Amendment at the next election regarding the Mayor Seat going from being elected to being appointed from amongst the Commission. Commissioner Kneeld further cited that Davenport was 1 of 6 municipalities that elected its Mayor. The other 9 appointed them from among its Commission. Some advantages was that it took the focus off the position of the Mayor being outside of the City Commission when in fact it was part of the Commission. He further pointed out that there was a clause in the Charter that allowed them through an ordinance to send it to the voters. If they were in agreement they could direct staff to look into what it would take and properly discuss it at an upcoming meeting.

This met with consensus and consideration from the City Commission and staff was asked to get with the Attorney.

The Attorney provided that the City had a weak Mayor form of government and although there was a perception that the Mayor had more power, everybody had the same amount of power. The Mayor just ceremoniously ran the meetings and didn't have any additional powers. He clarified that what they were looking at was that all five (5) seats would be elected, then the Commission amongst themselves will select the Mayor and Vice-Mayor.

Commissioner Kneeld also announced that the Chat with a Commissioner was cancelled for this month due to him going to Phoenix to see his son being born.

Mayor Robinson announced that the Davenport/Haines City Chamber sponsored a class of student leaders every year. The cost of this was \$250 per student and asked that they consider this at their next meeting.

H

Mayor Robinson addressed that most of the employees were all aware that there was no way that a Mayor or Commissioner could fire anybody and would hope that none of the candidates running for office were making such an outrageous statement.

Darlene Bradley of Bay Street advised that she too had heard this while campaigning this weekend. She wanted to point out that the City Manager currently had the best staff working for him that the City had ever had and for someone to make this announcement, was not only false but not even believable; and the individuals holding the campaign meetings this past weekend were spreading this rumor. It was bad enough that people were taking her literature from her constituent's doors.

Her other concern was regarding the entrance sign at Hwy. 17/92 and South Boulevard obstructing the view. The City Manager informed her that the County was moving the STOP bar up to help with this.

To address some of their concerns, Commissioner Fellows provided that all the candidates should be careful about the information that is being put out to the residents. Most of the citizens weren't as versed in the City Charter as they were and the residents didn't know what they were hearing was legitimate or not. He himself was hearing a lot of misinformation.

Commissioner Kneeld hope that this put to rest rumors of a strong mayor form of government that was brought up at a previous meeting.

Abel Gonzales of 8 E. Cypress Street announced that February 19th Tuesday at 5:30 the Polk County Veterans Council would be meeting at the Davenport Community Theatre.

There being no one else, the Mayor closed Public Comment.

CONSENT AGENDA

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the Minutes of the January 22, 2019 Commission Workshop and the January 22, 2019 Regular Meeting. Motion carried unanimously with no discussion.

OLD BUSINESS - None

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 881 TO APPROVE A PROPOSED AMENDMENT TO SECTIONS 2.01, 2.03, and 10.01 OF THE CITY CHARTER

At this time the Attorney was instructed to read Ordinance No. 881 by title.

The Mayor opened the Public Hearing.

Bob Avery of 307 E. Maple Street voiced his opposition to the Ordinance further citing the importance of the citizens to elect their Mayor.

John Lepley outlined their arguments for the ordinance and that other cities did it and the Mayor's comment about the abuse of power of the Mayor, to which he pointed out that they didn't have any more power nor obligation than the rest of the Commission. Also, now once again without announcement they were trying to evade active participation by the owners of the city from being aware of another item that took away their right to vote. Just a few years ago, the Commission had tried to sneak in a \$40 million dollar sewer project in the old part of town that would lien each citizen \$5,000 without discussion to the citizens. After a citizen uproar, over 450 people told the commission that they did not want this project to go forward. Because of this, the citizens brought forward a petition on three (3) Amendments. One to stop the sewer in the traditional part of town, one to cut the term of office from 4 to 2 and the other to remove the super majority to fire the City Manager. Amazingly enough when Darlene got into office, they found out that they could build the same sewer for \$2 million dollars of developer money instead of citizen's money.

Passing around a picture of a Black Hawk Down soldier being dragged through Mogadishu; Mr. Lepley stated that they were further humiliating all of America's honor that this soldier had fought and died for. This picture reinforced his resolve to fight for him and what he gave and what rights he fought and died for. By taking the right of people to vote for Mayor, they were taking this away.

Marsha Evans of 310 E. Maple Street also voiced her opposition to the ordinance and their right to vote for the elected officials. She did not agree with them taking their constitutional right away. The mayor and the commission should be voted by the people because they are for the people.

Darlene Bradley of Bay Street reiterated her comments from the last meeting and pointed out that the City had built a bigger Commission Chamber so that more citizens could attend, but now when the citizens came to the meetings, they refuse to answer their questions. Last month they had decided to close a portion of Suwannee without getting a traffic study or researching into the impact this would have. Tonight, on the agenda was ordinance 881 to take away the right of the people to elect their own Mayor because they now wanted to pick a Mayor amongst themselves. She questioned had they forgotten who had elected them and who paid for the city to run. She further asked had they forgotten the men and women who had fought to give them the right to vote. She questioned their representation of the people and did they not think that they could vote for their own Mayor. Maybe they should change the Charter and change their terms back to 2 years and reduce their salary.

Addressing Commissioner Kneeld, she pointed out his decision to close Suwannee without a traffic study and now it was his motion on 881 to take away the right of the people to elect their mayor. Why had he run for Commission and who did he represent? She further reiterated that when he was campaigning for office that he had told her not to worry about Suwannee being closed. He had also told Mr. Avery this. So was he lying to them then or was he lying to them now. They were taking the honor and right away from them that others had given up the ultimate sacrifice for. If they voted for Ordinance 881, then they obviously didn't represent the people of Davenport. They represented themselves or their special interests. For those that have been on the Commission for 12 to 14 years, she questioned when the last time they went door to door was. When was the last time they went to her house. She would ask that they vote no on Ordinance 881.

Joyce Hunter of 15 West Boulevard South also asked that they vote no on this ordinance because she too felt that it was taking away one of their rights. She further explained that they voted for their Mayor because they knew what their agenda was and knew that they would follow that

agenda. If the Commission appointed them, then they would have no say so. In addition, no one had explained why and the reasoning behind it.

Barbara Pierson of 957 Bridgeford Crossing Boulevard wanted to first start by saying that she believed in Home Rule in 100% and the State was trying to take that right away. What she was hearing from everyone was that it was a dysfunctional system, but she didn't believe that it was the system but the people that were dysfunctional. However, this particular amendment was not the fix. It wouldn't fix what had happened because it could happen all over again. She truly believed that they have been cohesive and continually put the city first and that is what was needed. By taking away this vote, they were telling their constituents that their vote and opinion was not of value to them. However, it should be the first and primary thing and they should always strive to listen to the citizens.

As for the rotation system that is being proposed, those other cities that did it didn't have ¼ of the growth that Davenport was experiencing. Maybe there might be someone that just wanted to be part of the Commission and didn't want the added responsibility of the Mayor. The Mayor was one vote and had no more power than the others, but there were other responsibilities that came with it. She would just say "let cities work". This city was working and working well and felt that changing it now would do the voters a really big disservice. She further pointed out that in 2017, this was proposed as one of their Charter Amendments and the Commission at the time voted it down unanimously.

Anita Beasley of 1233 Merrimack Drive, Andover pointed out that if a Mayor was that important, then the citizens should have the right to say who it's going to be.

There being no one else, the Mayor closed the Public Hearing and entertained a motion.

Motion by Commissioner Kneeld and seconded by Commissioner Fellows to approve Ordinance 881 on its first reading.

Discussion ensued with Commissioner Kneeld accepting the floor since some of the comments had been directed towards him. Commissioner Kneeld reiterated the first question of why he had run for Commission, to which he answered that it was certainly not for the \$200 a month salary. Anybody that has seen what service he has put towards the community in the last 6 months knows where his heart stood in the community.

Secondly, in answer to what was the reasoning for the Ordinance, he stated that he had suggested this a few months ago. But first and foremost he wanted to clarify that this was not the Commission taking away their vote. This was the Commission making a recommendation to them of what was going to make the Commission run more efficient. If the ordinance passed, the Charter Amendment would be placed on the ballot in April for them to vote on it. He hoped that they would hear their reasoning tonight and he hoped that they would concur that it was in the best interest of the city to do so.

He also wanted to address the misconception that the Mayor was the Chief Executive of the City. Further citing that this was not the case, the Charter specifically stated that they were a voting member of the Commission and attended and presided at the meetings of the Commission. The Charter also spelled out that they represented 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 other duties as specified by the Commission. They are recognized as the head of the City for all ceremonial purposes and by the



KEEP YOUR RIGHT TO VOTE on APRIL 2ND

CHARTER BALLOT QUESTION CITY OF DAVENPORT, FLORIDA REFERENDUM ELECTION

ELECTION OF CITY MAYOR BY CITY COMMISSION FROM AMONG ITS MEMBERS

The Charter of the City of Davenport should be amended to reclassify and renumber the Mayor Seat as Commission Seat No. 5 and require the City Commission to elect the City's Mayor from among the members of the City Commission on an annual basis at the City Commissions first regular meeting in May, following the conclusion of the 2017-2020 term of the Mayor Seat.

_____ Yes (for adoption)

_____ **No (Against Adoption)**

J



Marsha M. Faux, CFA, ASA
 Polk County Property
 Appraiser
 Print Date: 10/12/2018

2018 FINAL MILLAGE RATES

UNINCORPORATED RATES

TAX AREA	TAX CODE	COUNTY GEN FUND	SCHOOL (Total: 6.2510)		COUNTYWIDE MSTU (Total: 0.8728)			MSTU RNCH BNT0	WATER MANAGEMENT DISTRICTS				LAKE REGION LMD	LKLD MASS TRANSIT	TOTAL UNINCR MILLAGE RATE
			LOCAL	STATE	PARKS	LIBRARY	STORM		SO FLA WMD	EVERG CONST PROJ	OKEE-CHOBEE	SW FLA WMD			
SOUTH FL WMD	30	7.1565	2.2480	4.0030	0.5619	0.2109	0.1000		0.1209	0.0417	0.1310				14.5739
SWFWMD	90	7.1565	2.2480	4.0030	0.5619	0.2109	0.1000					0.2955			14.5758
SWFWMD/LKLD MASS	91	7.1565	2.2480	4.0030	0.5619	0.2109	0.1000					0.2955		0.5000	15.0758
SWFWMD/Lake Region	92	7.1565	2.2480	4.0030	0.5619	0.2109	0.1000					0.2955	0.4214		14.9972
SWFWMD/Rancho Bonito	93	7.1565	2.2480	4.0030	0.5619	0.2109	0.1000	9.1272				0.2955			23.7030

CITY	MILLAGE CODE	CITY RATES		UNINCOR MILLAGE RATE (LESS MSTU)	TOTAL MILLAGE RATE	Fire Assessments								
		OPERATING	SPECIAL DISTRICTS			Single Family Residence								
				LDDA										
Auburndale	90330	4.2515			13.7030	17.9545	Single Family Residence					\$191.00		
Auburndale	92330	4.2515			14.1244	18.3759	Multi Family					\$132.00		
Bartow	90310	3.5378			13.7030	17.2408	Mobile Home					\$96.00		
Bartow	91310	3.5378			14.2030	17.7408	Building Class	Commercial	Industrial	Warehouse	Institutional			
Davenport	90430	7.5000			13.7030	21.2030	<1,999	\$327	\$67	\$11	\$168			
Dundee	90460	7.9000			13.7030	21.6030	2000-3,499	\$653	\$133	\$21	\$336			
Eagle Lake	90470	7.6516			13.7030	20.5734	3,500-4,999	\$1,142	\$233	\$36	\$587			
Fort Meade	90210	6.8704			13.7030	21.0056	5,000-9,999	\$1,631	\$332	\$51	\$839			
Frostproof	30220	7.3045			13.7011	21.0075	10,000-19,999	\$3,262	\$664	\$102	\$1,677			
Frostproof	90220	7.3045			13.7030	21.2906	20,000-29,999	\$6,524	\$1,328	\$203	\$3,336			
Haines City	30420	7.5895			13.7011	21.2925	30,000-39,999	\$9,786	\$1,991	\$305	\$5,029			
Haines City	90420	7.5895			13.7030	23.6789	40,000-49,999	\$13,048	\$2,655	\$406	\$6,705			
Highland Park	90340	9.9759			13.7030	14.8080	50,000-99,999	\$16,310	\$3,319	\$507	\$8,381			
Hillcrest Heights	90350	1.1050			13.7030	20.9420	100,000-249,999	\$19,572	\$3,982	\$609	\$10,057			
Lake Alfred	90440	7.2390			13.7030	21.3634	250,000-499,999	\$22,834	\$4,646	\$710	\$11,733			
Lake Alfred	92440	7.2390			14.1244	20.7468	500,000-749,999	\$26,095	\$5,309	\$812	\$13,410			
Lake Hamilton	90450	8.4276			13.7030	19.1674	750,000-999,999	\$29,358	\$5,973	\$913	\$15,086			
Lake Wales	90320	7.0438			13.7030	19.6674	>1,000,000	\$32,619	\$6,637	\$1,014	\$16,762			
Lakeland	90510	5.4644			13.7030	20.1430	Garbage Collection & Yard Trash Collection					\$ 144.50		
Lakeland	91510	5.4644			14.2030	20.6430	Garbage Disposal & Yard Trash Disposal					\$ 44.00		
Lakeland	91511	5.4644	2.0000		14.2030	20.9530	Total Collection & Disposal 2018					\$ 188.50		
Mulberry	90110	6.4400			13.7030	20.4930								
Mulberry	91110	6.4400			14.2030	20.9144								
Polk City	90520	7.2500			13.7030									
Winter Haven	90410	6.7900			13.7030									
Winter Haven	92410	6.7900			14.1244									

K

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) **BOBBY LYNCH**

Name

(2) **115 CYPRESS STREET**

Address (number and street)

DAVENPORT, FL. 33837

City, State, Zip Code

Check here if address has changed

(3) ID Number: **47-3184452**

(4) Check appropriate box(es):

Candidate Office Sought: **DAVENPORT CITY COMMISSION SEAT THREE**

Political Committee (PC)

Electioneering Communications Org. (ECO)

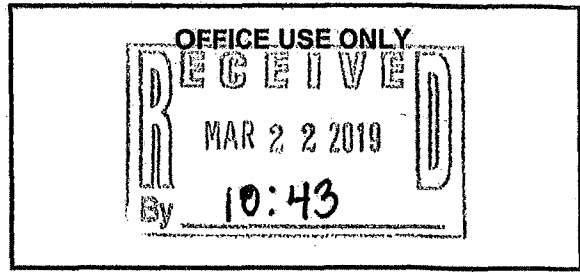
Party Executive Committee (PTY)

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 / 19 To 03 / 15 / 19 Report Type: M2

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, 5 , 100 . 00

Loans \$, , .

Total Monetary \$, 5 , 100 . 00

In-Kind \$, , 50 . 00

(7) Expenditures This Report

Monetary Expenditures \$ 81.29 , 79.00 , 2,322.88 .

Transfers to Office Account \$, , .

Total Monetary \$, 2 , 483 . 17

(8) Other Distributions

\$, , .

(9) TOTAL Monetary Contributions To Date

\$, 5 , 190 . 00

(10) TOTAL Monetary Expenditures To Date

\$, 2 , 507 . 17

(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) **DENISE LYNCH**

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

X *Denise Lynch*

Signature

(Type name) **BOBBY LYNCH**

Candidate Chairperson (only for PC and PTY)

X *Bobby Lynch*

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name BOBBY LYNCH (2) I.D. Number 47-3184452

(3) Cover Period 03 / 02 / 19 through 03 / 15 / 19 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle)	(8) Contributor		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
(6) Sequence Number	Street Address & City, State, Zip Code	Type	Occupation	Type	Description		
03 / 02 / 19 1	LYNCH BOBBY 115 CYPRESS STREET DAVENPORT, FL. 33836	S		CAS			\$100.00
03 / 07 / 19 2	HEATH CONSTRUCTION & MANAGEMENT, LLC 2415 CYPRESS GARDENS WINTER HAVEN, FL. 33884	B	MANAGEMENT	CHE			\$1,000.00
03 / 07 / 19 3	CASSIDY HOLDINGS GROUP, INC. 346 E CENTRAL AVE WINTER HAVEN, FL. 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19 4	WINTER HAVEN MANAGEMENT SERVICES LLC. 346 E CENTRAL AVE WINTER HAVEN, FL 33880	B	MANAGEMENT	CHE			\$1,000.00
03 / 07 / 19 5	CAS HOLDINGS, LLC 346 E CENTRAL AVE WINTER HAVEN, FL 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19 6	LAKEVILLE PARTNERS LLC 346 E CENTRAL AVE WINTER HAVEN, FL. 33880	B	DEVELOPMENT	CHE			\$1,000.00
03 / 07 / 19 7	WAYNE T. FELLOWS TRUCKING 2 WEST BLVD DAVENPORT, FL 33837	B	TRUCKING	INK	MAKING COPIES		\$50.00

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BOBBY LYNCH

(2) I.D. Number 47-3184452

(3) Cover Period 03 / 02 / 19 through 03 / 15 / 19

(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 / 02 / 19	STAPLES 3500 POSNER PARK DAVENPORT, FL. 33837	COPY PAPER	CAN		\$81.29
1					
03 / 11 / 19	ALLEGRA PRINT & IMAGING 4498 S. VINELAND ROAD ORLANDO, FL. 32811	MAILER FOR CAMPAIGN BROCHURE	CAN		#2,322.88
2					
03 / 15 / 19	BANK OF AMERICA P.O. BOX 851001 DALLAS, TX. 75285-1001	PURCHASE CAMPAIGN BUTTONS	CAN		\$79.00
3					

L

The Mayor opened and closed the Public Hearing with no public comment.

There being no discussion, the Mayor called for the vote. Motion carried unanimously.

OLD BUSINESS

1. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 876 REGARDING VOLUNTARY ANNEXATION OF A PARCEL OF LAND. (OWNER: ASTORIA PROPERTIES, LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US 17/92)**

At this time the Attorney was instructed to read Ordinance No. 876 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance. Raymond noted that the metes and bound legal description was included in the Ordinance.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Lynch and seconded by Commissioner Kneeld to approve Ordinance No. 876 on its second reading. Motion carried unanimously with no discussion.

2. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 877 TO APPROVE A SMALL SCALE LAND USE PLAN MAP AMENDMENT (LUPA) FROM POLK COUNTY RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL MEDIUM (RM). (OWNER: ASTORIA PROPERTIES, LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US 17/92)**

At this time the Attorney was instructed to read Ordinance No. 877 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance and there were no changes since first reading.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve Ordinance No. 877 on its second and final reading. Motion carried unanimously with no discussion.

3. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 878 TO REZONE A PARCEL OF LAND FROM MULTI-FAMILY 3 (MF-3) AND POLK COUNTY RESIDENTIAL MEDIUM (RMX) TO PLANNED UNIT DEVELOPMENT (PUD). (OWNER: ASTORIA PROPERTIES LLC - GENERAL LOCATION: NORTH OF NORTH BOULEVARD E, EAST OF US 17/92)**

At this time the Attorney was instructed to read Ordinance No. 878 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance and no changes have been made since first reading. Raymond further detailed that the total acreage of this PUD consisted of 70.80 acres.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve Ordinance No. 878 on its second reading. Motion carried unanimously with no discussion.

Directing his question to developer Rennie Heath, Vice-Mayor Summerlin questioned when were they looking at annexing the adjacent unincorporated piece to the east of this property? Mr. Heath of the Cassidy Group, 346 E. Central Avenue, Winter Haven answered that their goal was to annex this plus another parcel to the north but could not pinpoint a timeframe.

4. PUBLIC HEARING AND SECOND READING OF ORDINANCE 882 TO REZONE A PARCEL OF LAND FROM RESIDENTIAL ESTATE 1 (RE-1) TO RESIDENTIAL ESTATE 2 (RE-2). (OWNER: MARK F. BANJAK - GENERAL LOCATION: 327 NORTH BOULEVARD WEST)

At this time the Attorney was instructed to read Ordinance 882 by title.

City Planner Raymond Perez explained that this ordinance was also being presented for second reading and rezoned the parcel from RE-1 to RE-2.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Fellows and seconded by Commissioner Kneeld to approve Ordinance No. 882 on its second reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND SECOND READING OF ORDINANCE 883 TO REZONE TWO PARCELS OF LAND FOR SOUTHERN CROSSINGS SUBDIVISION FROM RESIDENTIAL 1 (R-1) TO PLANNED UNIT DEVELOPMENT (PUD). (OWNER: HOLLY HILL FRUIT PRODUCTS CO. INC./CIRCUS INN INC. - GENERAL LOCATION: SOUTH BOULEVARD WEST)

At this time the Attorney was instructed to read Ordinance No. 883 by title.

City Planner Raymond Perez explained that this was second reading of the ordinance and there were no changes since its first reading.

The Mayor opened and closed the Public Hearing with no public comment.

Motion by Commissioner Lynch and seconded by Commissioner Kneeld to approve Ordinance No. 883 on its second reading. Motion carried unanimously with no discussion.

NEW BUSINESS

2. REQUEST TO APPROVE THE SELECTION OF THE TOP FIVE CONSULTANTS FROM THE REQUEST FOR QUALIFICATIONS FOR CONTINUING ENGINEERING SERVICES #18/19-02 ADVERTISED ON JANUARY 4, 2019

Utilities Director Mike Stripling explained that Staff had gone out for proposals. Said proposals had been reviewed by selected staff and the top five firms were being presented for approval.

The Mayor opened and closed the Public Hearing with no public comment.

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Marissa Barmby with the Central Florida Regional Planning Council announced that his was first reading of the Ordinance adopting the Land Development Regulations which also included zoning map changes related to combining zoning districts and rezoning the impacted properties.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 874 on its first reading. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 885 APPROVING A FINAL PLAT FOR "CITRUS POINTE SUBDIVISION" – GENERAL LOCATION: EAST OF HOLLY HILL ROAD, SOUTH OF NORTH BOULEVARD WEST. (PROPERTY OWNER: HHR EAST, LLC)

At this time the Attorney was instructed to read Ordinance No. 885 by title.

City Planner Raymond Perez announced that this was a request to approve a final plat for Citrus Pointe subdivision. Raymond further noted that this was a 100 lot subdivision.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Kneeld to approve Ordinance No. 885 as read. Motion carried unanimously with no discussion.

4. REQUEST TO APPROVE RESOLUTION 408-19 APPROVING AN APPLICATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND FOR PHASE ONE WASTEWATER TREATMENT FACILITIES LOAN NUMBER WW 53071

At this time the Attorney was instructed to read Resolution No. 408-19 by title.

Utilities Director Mike Stripling explained that this was the loan application for the phase one upgrades for the wastewater treatment plant with a principal forgiveness of \$504,200.

Mike noted a change to the application in Section III, which should reflect revenue pledges from both water and wastewater revenues.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by both Commissioners Lynch and Kneeld to approve Resolution No. 408-19.

Discussion ensued with the Vice-Mayor questioning the content of the project. Mike responded that it consisted of the gravity system to the school, headworks at the WWTP

N

There being no further discussion, Commissioner Kneeld amended the motion on the table to approve the LDR's but with the change back to 1,500 sf as they were read on April 1st. The second was provided by Commissioner Lynch and carried unanimously.

As a point of order, the Mayor called for the vote on the original motion. Motion carried unanimously.

2. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 885 APPROVING A FINAL PLAT FOR "CITRUS POINTE SUBDIVISION" – GENERAL LOCATION: EAST OF HOLLY HILL ROAD, SOUTH OF NORTH BOULEVARD WEST. (PROPERTY OWNER: HHR EAST, LLC)

At this time the Attorney was instructed to read Ordinance 885 by title.

City Planner Raymond Perez explained that this was second reading of the Final Plat for Citrus Pointe and there had been no changes since first reading.

The Public Hearing was opened and closed with no public input.

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance 885 as read. Motion carried unanimously with no discussion.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 884 APPROVING A FINAL PLAT FOR "HIGHLAND COVE SUBDIVISION" – GENERAL LOCATION: EAST OF HOLLY HILL ROAD, NORTH OF NORTH BOULEVARD. (PROPERTY OWNER: ROOKS, LLC)

At this time the Attorney was instructed to read Ordinance 884 by title.

City Planner Raymond Perez advised that this was approval for the final plat for Highland Cove subdivision and recommended for approval by the Planning Commission earlier in the evening. He further provided that Staff recommended approval with the change of the minimum living square footage from 1,300 to 1,500.

The Mayor opened the Public Hearing.

Douglas Stamm of 592 Cantabria Drive – Dell Web Community accepted and provided that his home bordered on this subdivision and questioned if the builder was going to do anything to replace the trees that were removed in the right-of-way and asked why had the city approved the removal of the trees.

Raymond provided that he would be glad to meet with Mr. Stamm and the engineer on this project, however this project had met all the requirements of the LDR's.

Rennie Heath with Heath Construction & Management LLC and representative of 4 Rooks LLC asked for clarification from Raymond that he was recommending approval of this final plat with the change from 1,300 sf to 1,500 sf. Raymond responded that he was and the reason for this was because of the Commission's decision to keep the R3 minimum living area of 1,500 sf.

There being no one else, the Mayor closed the Public Hearing.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the final plat for Highland Cove subdivision.

Discussion ensued with the Commission questioning if the right-of-way was a road right-of-way or a utilities right-of-way and had it been closed. Raymond responded that it was a road right-of-way and it had been closed.

Brief discussion ensued on the ownership of the abutting property of the right-of-way and Raymond was asked to look into this.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

2. REQUEST TO APPROVE THE FY 19/20 STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

The City Manager explained that this was an annual agreement with a slight increase of \$152 from last year.

At this time the Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Kneeld and seconded by Vice-Mayor Summerlin to approve the 19/20 State Highway Lighting Agreement with Florida Department of Transportation. Motion carried unanimously with no discussion.

3. APPROVE AN AGREEMENT WITH THE POLK COUNTY TAX COLLECTOR FOR THE UNIFORM COLLECTION OF A NON-AD-VALOREM ASSESSMENT FOR STORMWATER MANAGEMENT

The Public Hearing was opened and closed with no public input.

Utilities Director Mike Stripling explained that this agreement would establish the terms and conditions in which the Tax Collector would collect and enforce the collection of this assessment. This would be assessed on an annual basis on the tax bill.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve the Agreement with the Polk County Tax Collector for the collection of a non-ad-valorem assessment for stormwater management. Motion carried unanimously with no discussion.

O

CONSENT AGENDA

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve the Consent Agenda which consisted of the Minutes of the April 15, 2019 Planning Commission and the April 15, 2019 Regular Meeting. Motion carried unanimously with no discussion.

At this time the Mayor opened and closed the Public Hearing with no public input.

OLD BUSINESS

1. **PUBLIC HEARING AND SECOND READING OF ORDINANCE 879 TO APPROVE A LAND USE PLAN AMENDMENT (LUPA) OF TWO SEPARATE SUBDIVISIONS FROM RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL). (OWNERS: MYSTERIOUS PINK APARTMENTS, LLC AND NVR INC. - GENERAL LOCATION: MYSTERY HOUSE ROAD, WEST OF PINK APARTMENT ROAD)**

At this time the Attorney was instructed to read Ordinance No. 879 by title.

City Planner Raymond Perez provided that this was the LUPA of 19.26 acre parcels along Mystery House Road (Pleasant Hill Estates) and staff recommended approval.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 879 as read. Motion carried unanimously with no discussion.

2. **PUBLIC HEARING AND SECOND READING OF ORDINANCE 880 FOR THE REZONING OF TWO SEPARATE SUBDIVISIONS FROM RESIDENTIAL SUBURBAN EXTRA (RSX) TO PLANNED UNIT DEVELOPMENT PUD. (OWNERS: MYSTERIOUS PINK APARTMENTS, LLC AND NVR INC. - GENERAL LOCATION: MYSTERY HOUSE ROAD, WEST OF PINK APARTMENT ROAD)**

At this time the Attorney was instructed to read Ordinance No. 880 by title.

Raymond explained that this was for the rezoning of the same parcel.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Kneeld and seconded by Commissioner Fellows to approve Ordinance No. 880 as read. Motion carried unanimously with Commissioner Kneeld questioning if there were any changes since the last hearing to which Raymond responded that nothing had changed.

3. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 884 APPROVING A FINAL PLAT FOR "HIGHLAND COVE SUBDIVISION" - GENERAL LOCATION: EAST OF HOLLY HILL ROAD, NORTH OF NORTH BOULEVARD. (PROPERTY OWNER: 4 ROOKS, LLC)**

At this time the Attorney was instructed to read Ordinance No. 884 by title.

Raymond provided that this was for the final plat of the Highland Cove subdivision. The R-3 zoning in this subdivision required a minimum living area of 1,500 sq.ft. Raymond advised that there had been no changes since the last hearing and recommended approval.

The Mayor opened the Public Hearing.

Bill Blake of 580 Cantabria Drive accepted and questioned why the trees had been removed and what the intention was to restore the property. Mr. Blake further added that the trees had provided a nice barrier to all the abutting residences.

Raymond responded that the Developer had complied with all the Land Development Regulation requirements. The engineer was present in the audience to provide any further comments or information on this.

Rodney Gadd with GADD & Associates located at 1925 US 98 South, Lakeland added that the 30' was a public right-of-way and half was in the County and the other half was in the City. It was their intention to have this right-of-way vacated. The right-of-way in general didn't by default leave a vegetative buffer between two developments. They were seeking the subdivision of land for the improvements and if any trees were taken down outside of anything that wasn't allowed would be a Code Enforcement issue. They could definitely attempt to get the contractor to make it right however anything that was removed would have been approved by Staff.

Commissioner Kneeld noted that they had discussed this in length at their last meeting but looking at the map, the County ROW was closed and given to Del Webb and the other was closed for this new development so both properties were abutting directly up against each other.

Vice-Mayor Summerlin questioned when they had abandoned their portion. Commissioner Kneeld responded that it had been done when they had approved this development. Mr. Gadd interjected and added that what they were approving tonight would abandon the east portion abutting the property however the remaining portion that went out to Forest Lake Drive would not be and would be used for utilities and a partial roadway.

Mr. Blake took the floor again and corrected the record by pointing out that the strip of land was not owned by anybody. His position would be that they not approve the plat until this issue was resolved. He believed that it was important not to vacate public land without the right conditions set on it and the conditions should be that the developer and landowners agree on a replacement of the trees or some barrier to replace what was taken down.

There being no other public input, the Mayor closed the Public Hearing and entertained a motion.

Motion by Commissioner Kneeld and seconded by Commissioner Fellows to approve Ordinance No. 884 approving the final plat for Highland Cove Subdivision.

The Mayor questioned Raymond if the city had met all the rules and regulations and laws of the State, the County and the City. Raymond responded that it had and the City had complied with the City's Land Development Regulations.

Vice-Mayor Summerlin further voiced his concerns with the abandonment of the right-of-way. The City Manager explained that the portion that would be abandoned ran into the Marbella Subdivision and this was where the right-of-way stopped and didn't go any further. In answer to the Vice-Mayor's next question, he answered that there would not be any need for the City to use this piece of property since everything was already developed in the area.

He understood Mr. Blake's concern with the buffer but if the city didn't own the piece of property it wasn't up to the City to say whether or not the trees could be removed or replaced. This would be between the County and the developer. He wanted to go on record by stating that any utility right-of-way that they now had they had to maintain because they may need it in the future; and if there was a possibility that they may need it, he didn't want to give it away.

Commissioner Kneeld added that this was an excellent point and this is was something to take into consideration going forward and hoped that staff would point it out to them.

The City Manager asked Mr. Gadd if he could talk to the developer to see if they could replace some of the trees or place some kind of buffer. Mr. Gadd responded that he couldn't speak for the developer but he would ask.

Commissioner Lynch further noted that he had questioned ownership of the property and wanted to be absolutely sure. Mr. Gadd shared that a title search had been done and reviewed by all parties.

Commissioner Fellows felt that they need to extend the good neighbor policy.

Before voting, Vice-Mayor Summerlin pointed out that no trees would be placed in utility easements anyways.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

NEW BUSINESS

1. APPOINTMENT OF VICE-MAYOR

The Mayor opened the floor for nominations for Vice-Mayor.

Commissioner Fellows motioned to reappoint Brynn Summerlin as Vice-Mayor. The seconded was provided by Commissioner Lynch.

P

2. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 891 ADDRESSING TRAFFIC CONTROL ON ESCAMBIA AVENUE AND MIAMI AVENUE

At this time the Attorney was instructed to read Ordinance No. 891 by title.

Chief Holden advised that there were no changes since the last meeting and proceeded to briefly identify the locations involved.

The Mayor opened the Public Hearing with no public input.

Motion by Commissioner Kneeld and seconded by Commissioner Lynch to approve Ordinance No. 891.

Discussion ensued with Vice-Summerlin asking when they were going to do an evaluation to add more and further added the needed to set a specific timeframe to reevaluate the need.

Mayor Robinson opposed this idea and voiced that he personally did not like it. They had enough heartburn without adding stop signs at every intersection.

Commissioner Kneeld asked if Staff was still pursuing the school board about changing the bus stop from Lemon Street to Palmetto Street. Staff responded that they had not but would be talking to them at the May 28th meeting at the Community Center.

He also questioned why the stop signs were put up before second reading of the Ordinance. The City Manager responded that staff felt that it was an emergency situation because of the complaints the City had received. In addition, they wanted to know what kind of feedback it would get before second reading. There had been negative comments but the majority were positive.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 889 AMENDING THE BOUNDARIES OF THE HIGHLAND MEADOWS II CDD

At this time the Attorney was instructed to read Ordinance No. 889 by title.

The Attorney advised that there was statutory criteria that should be considered when granting or denying a petition. In addition, whenever there was an expansion or contraction, the State required them to consider these criteria as well.

City Planner Raymond Perez explained that this was a request to amend the District and had been recommended for approval by the Planning Commission earlier in the evening. Raymond further advised that he would be including the Petition at second reading of the Ordinance.

Roy VanWyk with Hopping Green & Sams located at 119 South Monroe Street, Tallahassee took the floor and explained that they were there tonight to expand the District by approximately 44 acres. He noted that the Petition had been filed with both Haines City and Polk County prior to tonight. In addition, he was providing the following for inclusion into the record.

- Affidavits of Pre-filed Testimony
- Affidavit of Publication of Public Hearing

Mr. VanWyk asked for approval of the Ordinance on its first reading and stood for questions.

Vice-Mayor Summerlin noted that to his knowledge they had not had any issues with the CDD since its establishment. Staff confirmed that there weren't any.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Vice-Mayor Summerlin and seconded by both Commissioner Kneeld and Lynch to approve Ordinance No. 889 on its first reading. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND 1ST READING OF ORDINANCE NO. 890 REZONING A PARCEL OF LAND FROM R-3 (RESIDENTIAL-3) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE HIGHLAND COVE SUBDIVISION LOCATED EAST OF HOLLY HILL ROAD AND NORTH OF NORTH BOULEVARD (PROPERTY OWNERS: 4 ROOKS, LLC)

At this time the Attorney was instructed to read Ordinance No. 890 by title.

City Planner Raymond Perez advised that this had not been recommended for approval by the Planning Commission. This request was for a zoning change from R-3 to PUD and a reduction of the minimum living area from 1,500 sq. ft. to 1,300 sq. ft.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Kneeld and seconded by Vice-Mayor Summerlin to deny the zoning request. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND APPROVAL OF RESOLUTION NO. 412-19 APPROVING THE FINAL PLAT FOR THE CHAMPION TOWNHOME SUBDIVISION LOCATED NORTH OF CR 547 (DAVENPORT BOULEVARD) AND EAST OF HIGHWAY 27

At this time the Attorney was instructed to read Resolution No. 412-19 by title.

City Planner Raymond Perez explained that this was for approval of a final plat for Champion Townhome Subdivision. This encompassed an area of 13.759 acres and no changes had been made since the preliminary plan. Raymond further added that this request had been reviewed by Staff and found to be consistent with the policies and goals of the City's Land Development Regulations and the Comprehensive Plan and recommended approval.

The Mayor opened the Public Hearing.

Sharon Garrett of Carl Boozer Road and owner of the adjacent property to the east accepted the invitation and proceeded to voice the challenge of keeping debris off her property. In addition, there was no fence between this subdivision and her property and the kids were constantly using her property as a playground. The City had incorporated fences all around yet there wasn't one at this development and asked why.

Q

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.**

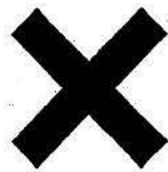
If you have questions concerning our great city, please reach out to Mayor Robinson, our City Commission or City Manager Kelly Callihan to have your questions accurately and appropriately answered.

GOD BLESS DAVENPORT

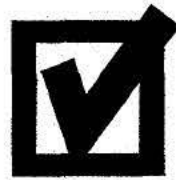
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By now you have heard all the pros & cons about the upcoming election.

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

5

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





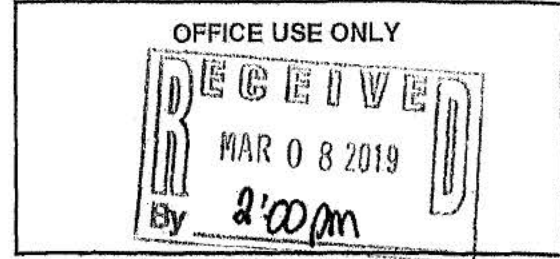
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Bobby Lynch
Name

(2) P.O. Box 1061, 115 Cypress Street
Address (number and street)

Davenport, P.I. 33837
City, State, Zip Code

Check here if address has changed



(3) ID Number: 47-3184452

(4) Check appropriate box(es):

Candidate Office Sought: City Commissioner Seat Three

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 2 1 13 1 19 To 3 1 01 1 19 Report Type: M1

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 40.00

Loans \$, ,

Total Monetary \$, , 40.00

In-Kind \$, ,

(7) Expenditures This Report

Monetary Expenditures \$, , 24.00

Transfers to Office Account \$, ,

Total Monetary \$, , 24.00

(8) Other Distributions

\$, ,

(9) TOTAL Monetary Contributions To Date

\$, , 40.00

(10) TOTAL Monetary Expenditures To Date

\$, , 24.00

(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) Deivise Lynch

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

X Deivise Lynch
Signature

(Type name) Bobby Lynch

Candidate Chairperson (only for PC and PTY)

X Bobby Lynch
Signature

CAMPAIGN TREASURER'S REPORT -- ITEMIZED CONTRIBUTIONS

(1) Name Bobby Lynch

(2) I.D. Number 42-3184452

(3) Cover Period 2 1 13 1 19 through 3 1 01 1 19

(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
<u>2 1 13 1 19</u>	<u>Lynch, Bobby</u> <u>115 Cypress street</u> <u>Davenport Fl.</u> <u>33837</u>	<u>S</u>		<u>CAS</u>			<u>\$40.00</u>
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CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Bobby Lynch

(2) I.D. Number 47-3184452

(3) Cover Period 2 11 19 through 3 10 19

(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					
03/18/19	Lynch, Bobby 115 E. Cypress Street Davenport, IA 33827		cap		\$24.00
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CAMPAIGN TREASURER'S REPORT SUMMARY

(1) BOBBY LYNCH

Name

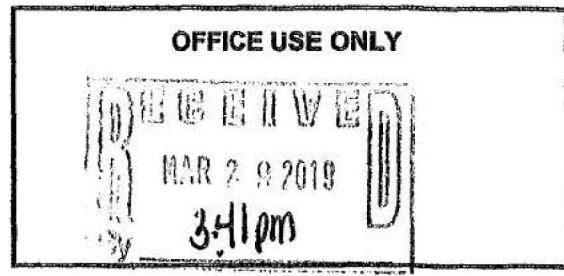
(2) 115 CYPRESS STREET

Address (number and street)

DAVENPORT, FL. 33836

City, State, Zip Code

Check here if address has changed



(3) ID Number: 47-3184454

(4) Check appropriate box(es):

Candidate Office Sought: DAVENPORT CITY COMMISSION SEAT THREE

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 / 19 To 03 / 28 / 19 Report Type: M3

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 73.08

Loans \$, ,

Total Monetary \$, , 73.08

In-Kind \$, , 1,000.00

(7) Expenditures This Report

Monetary Expenditures \$, , 2,423.07

Transfers to Office Account \$, ,

Total Monetary \$, , 2,423.07

(8) Other Distributions

\$, ,

(9) TOTAL Monetary Contributions To Date

\$, , 6,263.08

(10) TOTAL Monetary Expenditures To Date

\$, , 4,930.24

(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) DENISE LYNCH

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

x *Denise Lynch*
Signature

(Type name) BOBBY LYNCH

Candidate Chairperson (only for PC and PTY)

x *Bobby Lynch*
Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name BOBBY LYNCH (2) I.D. Number 47-3184452

(3) Cover Period 03 / 16 / 19 through 03 / 28 / 19 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle)	(8) Contributor		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
(6) Sequence Number	Street Address & City, State, Zip Code	Type	Occupation	Type	Description		
03 / 17 / 19 1	RIDGE CONSTRUCTION, INC. PO BOX 1061 DAVENPORT, FL. 33836	B		CHE			\$73.08
03 / 28 / 19 2	WEBBS CONVENIENCE STORE 38283 HWY 27 DAVENPORT, FL. 33387	B	ADVERTISING		A		\$500.00
03 / 28 / 19 3	WEBBS CONVENIENCE STORE 38283 HWY 27 DAVENPORT, FL. 33837	B	ADVERTISING		A		\$500.00
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BOBBY LYNCH

(2) I.D. Number 47-3184452

(3) Cover Period 03 / 16 / 19 through 03 / 28 / 19

(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 / 17 / 19	FLORIDA SIGNS AND GRAPHICS 1100 OLD POLK CITY ROAD HAINES CITY, FL. 33844	CAMPAIGN SIGNS	CAN		\$1,080.70
1					
03 / 17 / 19	FLORIDA SIGNS AND GRAPHICS 1100 OLD POLK CITY ROAD HAINES CITY, FL. 33844	CAMPAIGN BANNERS	CAN		\$149.80
2					
03 / 26 / 19	US POSTAL SERVICE 1 SOUTH BLVD DAVENPORT, FL. 33837	STAMPS	CAN		\$833.25
3					
03 / 28 / 19	STAPLES 3500 POSNER PARK DAVENPORT, FL. 33837	ENVELOPES PAPER	CAN		\$359.32
4					
03 / 28 / 19	BOBBY LYNCH 115 CYPRESS STREET DAVENPORT, FL. 33836	REFUND OF CONTRIBUTION LIMIT OVERAGE	CAN		\$50.00
5					
///					
///					
///					
///					

V

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) BOBBY LYNCH

Name

(2) 115 CYPRESS STREET

Address (number and street)

DAVENPORT, FL. 33836

City, State, Zip Code

Check here if address has changed

(3) ID Number: 47-3184454

OFFICE USE ONLY

(4) Check appropriate box(es):

Candidate Office Sought: DAVENPORT CITY COMMISSION SEAT THREE

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 / 29 / 2019 To 07 / 01 / 2019 Report Type: FINAL

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 0 . 00

Loans \$, , .

Total Monetary \$, , 0 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$ 232,840.00 , .

Transfers to Office Account \$, , .

Total Monetary \$, , .

(8) Other Distributions

\$, , .

(9) TOTAL Monetary Contributions To Date

\$ 5,213.08 *ml*

(10) TOTAL Monetary Expenditures To Date

\$ 5,213.08 *ml*

(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) DENISE LYNCH

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

Denise Lynch
Signature

(Type name) BOBBY LYNCH

Candidate Chairperson (only for PC and PTY)

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name BOBBY LYNCH

(2) I.D. Number 47-3184452

(3) Cover Period 03 / 03 / 29 / 20 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		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		Amount
/ /	NO CONTRIBUTIONS TO REPORT						
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BOBBY LYNCH

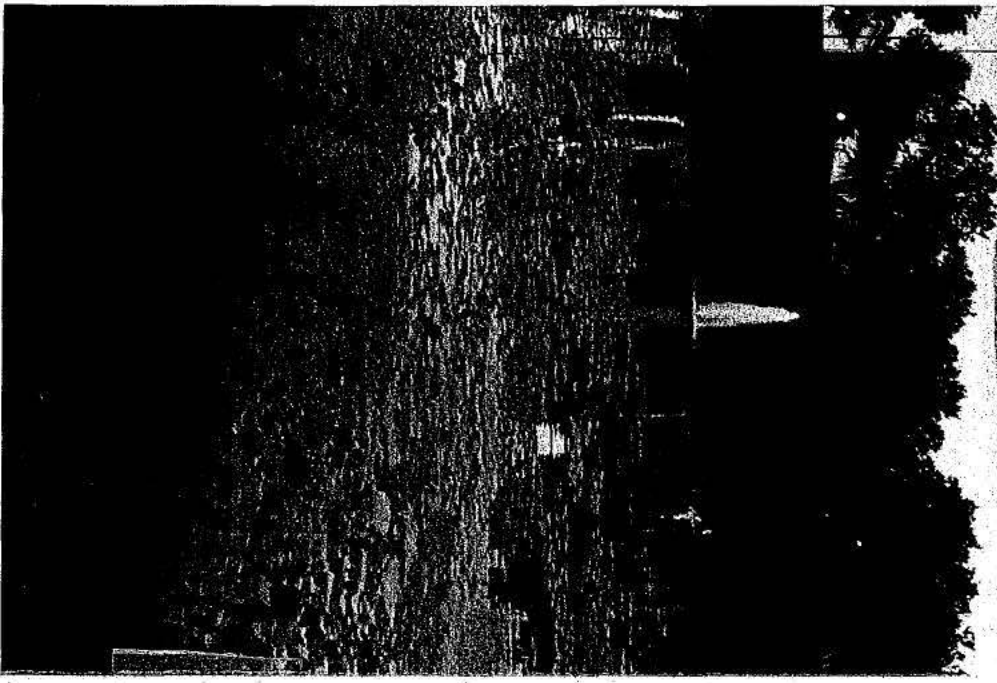
(2) I.D. Number FINAL REPORT

(3) Cover Period 03 / 29 / 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) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
06 / 29 / 2019 1	BOBBY LYNCH 115 CYPRESS STREET DAVENPORT, FL. 33836	SURPLUS FUNDS	DIS		93.08
06 / 29 / 2019 2	RIDGE CONSTRUCTION, INC. PO BOX 1061 DAVENPORT, FL. 33836	SURPLUS FUNDS	DIS		\$73.08
06 / 29 / 2019 3	BOBBY LYNCH 115 CYPRESS STREET DAVENPORT, FL. 33836	SURPLUS FUNDS	DIS		\$66.68
///					
///					
///					
///					
///					

W



*Your vote on April 2nd
will allow me to continue
to represent you the citizens
in a truthful and
honorable manner.*

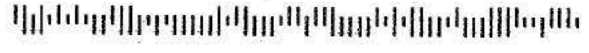
PRESORT STANDARD
U.S. POSTAGE
PAID
PERMIT #1403
ORLANDO, FL



**BOBBY
LYNCH**

April 2nd, 2019

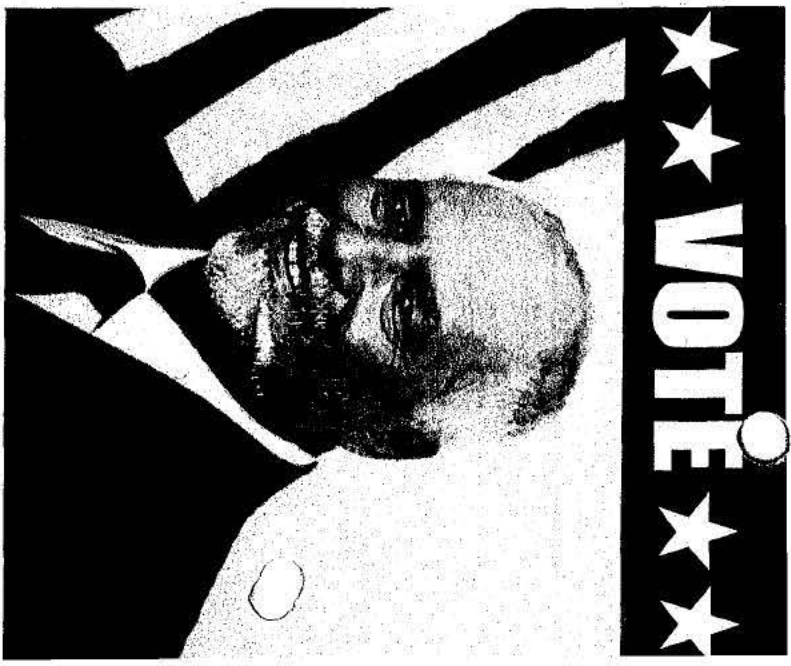
John G Lepley
PO Box 2791
Davenport FL 33836-2791



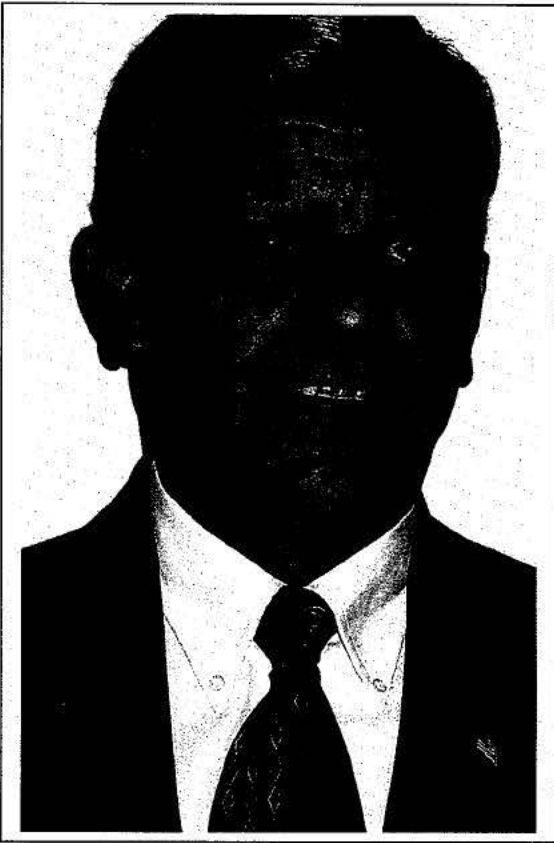
**Political advertisement paid for and approved by
Bobby Lynch Candidate for City Commission Seat 3 Campaign

**FOR
Commission
Seat 3**

**BOBBY
LYNCH**



X



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 21st 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 2nd**

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

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

Elect

John

Lepley

For

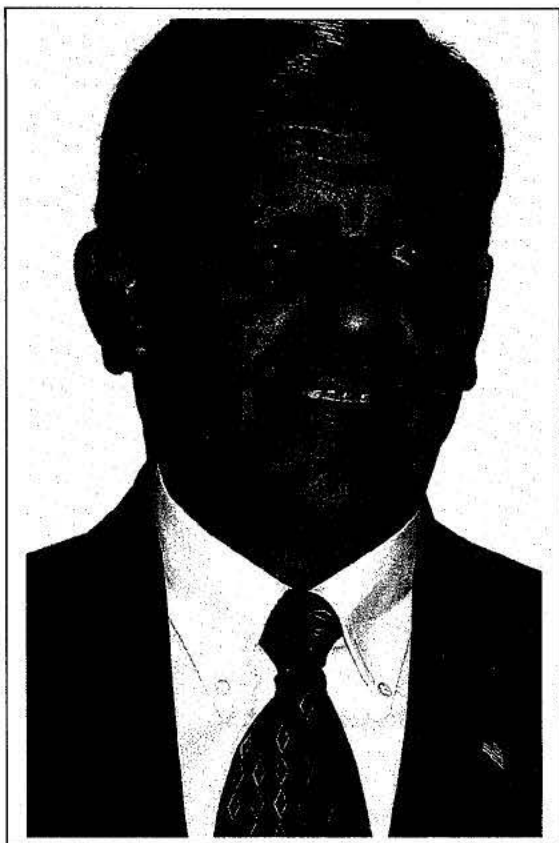
Commission

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

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**Vote NO to Amendment 1
on the April 2nd 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, FL 33836

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

SHIP DATE: 10SEP19
ACTWGT: 2.00 LB
CAD: 9003196INET4160

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

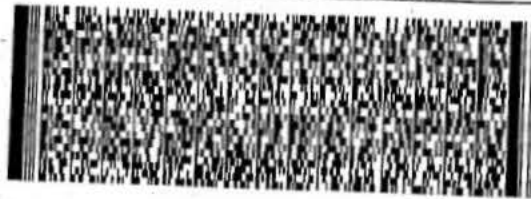
REF: DARLENE BRADLEY - PERSONAL

24501006911295
(US)

INV.

PO.

DEPT.



FedEx
Ground



TRK# 7761 9625 8232

RECEIVED
2019 SEP 12 2A
32399
STATE OF FLORIDA
ELECTIONS COMMISSION

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



FedEx.

FedEx.

FedEx.

0323
THE FLORIDA
107 W GAINES ST
SUITE 224
TALLAHASSEE FL
32399
32399 6526 07
118-5550
ETP-2
776196258232
PUBU921

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

FLORIDA ELECTIONS COMMISSION

REVIEW OF COMPLAINT FOR LEGAL SUFFICIENCY

~~~~ PRELIMINARY INFORMATION ~~~~

|                         |                |                |                                                                                  |
|-------------------------|----------------|----------------|----------------------------------------------------------------------------------|
| Date Received: 09/12/19 | Reviewer: Cole | Case #: 19-514 | <input checked="" type="checkbox"/> ORIGINAL<br><input type="checkbox"/> AMENDED |
|-------------------------|----------------|----------------|----------------------------------------------------------------------------------|

|                                 |                              |
|---------------------------------|------------------------------|
| Complainant: <b>John Lepley</b> | Respondent: <b>Bob Lynch</b> |
|---------------------------------|------------------------------|

**Complainant:** Complainant was one of Respondent's opponents in the race for Davenport City Commission, Seat 3. He was defeated in the election held on 04/02/19

**Respondent:** Respondent was one of Complainant's opponents in the race for Davenport City Commission, Seat 3. He defeated Complainant in the election held on 04/02/19.

**Background:** This is an expedited case.

~~~~ VIOLATIONS ~~~~

Violations in complaint: §104.271(2)

Reviewer's violations: §104.271(2)

Violations for CMS: §104.271(2)

~~~~ COMPLAINT ISSUES ~~~~

**1.** Complainant alleged Respondent made false, malicious statements about Complainant.

~~~~ REVIEW OF COMPLAINT ISSUES ~~~~

1. 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 opposing candidate which is false. Such statements must be made with actual malice.

The United States Supreme Court established the standard that a candidate for public office must meet before her opposing candidate can be held accountable for making a false statement against her in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court reminded us of the, "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official's reputation forfeit the First Amendment protection, which should provide "breathing space" for freedom of expression. The Court held that "actual malice" requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

The statements with which Complainant took issue that were made by Respondent against Complainant were printed in a joint political advertisement mailer paid for by Respondent and Rob Robinson, candidate for Mayor of Davenport. Complainant highlighted the statements, which all also referenced Darlene Bradley-Lepley, candidate for Mayor of Davenport:

1. "...both have criminal backgrounds...he with a felony misdemeanor of assault and battery." Complainant stated he had never been arrested and has no record of conviction. Respondent did not claim that Complainant had been arrested or convicted. Further, Complainant provided documentation showing that he was charged with battery and assault on 11/09/07. The document shows that adjudication was withheld for both charges, but on 08/07/08, Complainant was sentenced to 100 hours of community service and a \$810 fine was imposed. Therefore, the statement in the mailer was sufficiently grounded in fact that it does not appear to have been a false statement made with actual malice. In response to the complaint, Respondent stated that his statement was "...awkwardly expressed and partially true, and thus did not constitute false or malicious charges..." and pointed out that charges for assault and battery can involve misdemeanor and/or felony degrees.
2. "Contrary to their brochures, neither of them initiated the Fourth of July celebration..." Complainant argued that he assisted the Chairman of Davenport Concerned Citizens to obtain speakers, sponsors, and readers to "coordinate" the event in 2015. Complainant has not claimed that he "initiated" the idea or the event, merely that he assisted with its coordination and planning. Therefore, this statement does not appear to have been false. In response to the complaint, Respondent stated that the statement was "...factually accurate and thus did not constitute false or malicious charges..."
3. "Contrary to their brochures...neither brokered a deal with a primary developer..." Complainant stated he was "present" at a Commission meeting in which an agreement was reached with a developer to donate \$1,000 for every house he sold in Davenport. Complainant attached a handwritten document that appears to memorialize the \$1,000 payment per home initialed R.H. and the minutes of the meeting on 02/05/18 noting that Rennie Heath made a public comment reminding the Commission that months ago he had made a commitment to the previous mayor in trying to be a "good neighbor and good developer," and "as a result," he would pay an additional \$1,000 per house as a park improvement fee. These documents appear to show that the understanding with the developer to provide funds to Davenport was reached with a prior mayor, not with Complainant. It may be that Complainant was present at the meeting in which the details of this understanding were finalized or memorialized, but the documents do not show that Complainant brokered the deal himself. Respondent's statement wasn't that Complainant had never participated in group negotiation with a developer. Rather, it was that Complainant had not brokered a deal with a developer. The statement as written is open to interpretation as to its precise meaning and given the facts presented by Complainant it could not be considered a false and malicious statement. In response to the complaint, Respondent stated that the statement was "...factually accurate and thus did not constitute false or malicious charges..."
4. "Contrary to their brochures...neither stopped a \$5,000 lien on our homes for sewer as the amount as never established." Complainant stated lien was confirmed at a meeting on 07/30/12, and the amount was confirmed on 10/29/07. He attached a letter dated 01/31/08 noting that at a presentation, \$5,000 in fees for "offset of cost to connect" was discussed, \$1,500 of which related to "septic tank." Presumably, Complainant takes exception to the part of the statement claiming the amount was never established, but that part of the statement was not about Complainant, and therefore, is not a false, malicious statement about Complainant. In response to the complaint, Respondent stated that the statement was "...factually accurate and thus did not constitute false or malicious charges..."

5. Complainant highlighted another part of this paragraph stating, "Contrary to their brochures...neither saved the city \$38 million on a new sewer plant..." However, despite that it was highlighted, it was not mentioned in Complainant's narrative, which otherwise specifically quoted all the statements with which he took issue. It is safe, therefore, to presume that this statement is not alleged as having been a false statement made with actual malice.

Complainant also took issue with Respondent's claim in the mailer that, "I have and will vote NO on Amendment." However, that statement was not against Complainant. Rather, it was about Respondent.

Complainant also took issue with Respondent's claim in campaign literature that property taxes in Davenport were one of the lowest millage rates in the county. However, that statement was not against Complainant.

Complainant took exception to a post on what was apparently the personal Facebook page of Denise Lynch, wife of Respondent. The post contained a statement pertaining to the assault and battery issue referenced above. However, although Complainant stated Ms. Lynch served as Respondent's campaign treasurer, the statement appears to be on a personal page of Ms. Lynch, not a campaign page of Respondent. Ms. Lynch noted that Complainant, "...is running against my husband Bobby," but nothing about the post referenced a position as Respondent's treasurer or otherwise spoke for the campaign. Rather, she described herself as, "...a concerned citizen of Davenport..." not an official mouthpiece for Respondent's campaign. These statements appear to be far enough removed from Respondent and the campaign that I do not believe they can be attributed to Respondent. One person is not responsible for the speech of another, and this post did not contain any information to connect it to Respondent's campaign or to make it campaign literature. In response to the complaint, Respondent stated he is not vicariously liable for actions of another individual, and noted that Complainant's allegation is that Respondent's wife, not Respondent, violated Section 104.271, F.S.

Legally Insufficient

~~~~ REVIEWER'S RECOMMENDATION AND COMMENTS ~~~~

I recommend the complaint is Legally Insufficient for the reasons set forth above.



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

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

**Public Records Online**  
**CASE INFORMATION**

Printed as of 9/26/2019 by Public

Case Number: **2007MM00121701XXWH**

Judge: **JOHN E KIRKLAND**

Section: **W3**

**Parties**

| <b>Party Type</b> | <b>Party Name</b>  | <b>Attorney</b> |
|-------------------|--------------------|-----------------|
| DEFENDANT         | LEPLEY JOHN GEORGE |                 |
| PLAINTIFF         | STATE OF FLORIDA   |                 |

**Dockets**

| <b>Date</b> | <b>Action</b>                                | <b>Type</b> | <b>Pages</b> | <b>Sequence</b> |
|-------------|----------------------------------------------|-------------|--------------|-----------------|
| 11/9/2007   | 2007-215995_____ AGENCY REPORT #             | AGRP        | 0            | 1               |
| 11/9/2007   | AFFIDAVIT COMPLAINT/CITATION FILED           | IADD        | 0            | 2               |
| 11/9/2007   | 12/12/07 08:45 AM W3 STREET ARRAIGNMENT      | SARR        | 0            | 3               |
| 11/9/2007   | SUMMONS ISSUED                               | SUM         | 0            | 4               |
| 11/15/2007  | ASSISTANCE PROVIDED BY SAW                   | AP          | 0            | 5               |
| 11/19/2007  | SUMMONS SERVED                               | SUMS        | 0            | 6               |
| 11/26/2007  | RET'D TO WH BY BA_____ PAPERWORK RETURNED TO | PWRT        | 0            | 7               |
| 11/26/2007  | ..                                           | PWP         | 0            | 8               |
| 11/27/2007  | BA PAPERWORK REC'D FROM                      | PWRF        | 0            | 9               |
| 12/10/2007  | LIGUORI ,JOHN LAWREN PRIVATE ATTY OF RECORD  | PAA         | 0            | 10              |
| 12/10/2007  | LIGOURI_____ NOTICE APPEARANCE OF COUNSEL    | NAPC        | 0            | 11              |
| 12/10/2007  | WRITTEN PLEA OF NOT GUILTY                   | WPNG        | 0            | 12              |
| 12/10/2007  | DEMAND FOR JURY TRIAL                        | DJT         | 0            | 13              |



Public Records Online  
CASE INFORMATION

Printed as of 9/26/2019 by Public

Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

Dockets

| Date       | Action                                       | Type | Pages | Sequence |
|------------|----------------------------------------------|------|-------|----------|
| 12/10/2007 | DEMAND/NOTICE FOR DISCOVERY FILED            | DDIS | 0     | 14       |
| 12/10/2007 | MOTION FOR STATEMENT OF PARTICULARS          | MSP  | 0     | 15       |
| 12/10/2007 | MOTION TO PRODUCE FAVORABLE EVIDENCE         | MPFE | 0     | 16       |
| 12/10/2007 | ..                                           | PWP  | 0     | 17       |
| 12/10/2007 | WH_____ PAPERWORK RETURNED TO                | PWRT | 0     | 18       |
| 12/10/2007 | BA PAPERWORK REC'D FROM                      | PWRF | 0     | 19       |
| 12/10/2007 | 01/23/08 12:45_PM W3 STREET PRETRIAL CONF    | SPTC | 0     | 20       |
| 12/10/2007 | DEFT/ATTY NOTICE MAILED                      | NOTE | 0     | 21       |
| 12/17/2007 | STATE'S RESPONSE & DEM FOR RECIPROCAL DISC   | SDRD | 0     | 22       |
| 12/20/2007 | NOTIFICATION FROM POSTMASTER - UNDELIVERABLE | NFPU | 0     | 23       |
| 1/8/2008   | SUPPLEMENTAL DISCOVERY                       | SD   | 0     | 24       |
| 1/23/2008  | GRANTED DEFENSE MOTN FOR CONTINUANCE         | DMC  | 0     | 25       |
| 1/23/2008  | 02/20/08 12:45_PM W3 STREET PRETRIAL CONF    | SPTC | 0     | 26       |
| 1/23/2008  | TIMOTHY COON PRESIDING JUDGE                 | JCOO | 0     | 27       |
| 1/23/2008  | FILE RETURNED FROM COURT                     | FRFC | 0     | 28       |
| 2/20/2008  | 04/02/08 12:45 PM W3 MANDATORY DOCKET CALL   | MDOC | 0     | 29       |
| 2/20/2008  | 04/07/08 08:30 AM M3 JURY SELECTION          | JSEL | 0     | 30       |
| 2/20/2008  | TIMOTHY COON PRESIDING JUDGE                 | JCOO | 0     | 31       |
| 2/20/2008  | FILE RETURNED FROM COURT                     | FRFC | 0     | 32       |
| 2/27/2008  | BRIAN PARKS WITNESS SUBPOENA ISSUED          | WSI  | 0     | 33       |

Public Records Online  
CASE INFORMATION

Printed as of 9/26/2019 by Public

Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

Dockets

| Date      | Action                                         | Type | Pages | Sequence |
|-----------|------------------------------------------------|------|-------|----------|
| 2/27/2008 | LARRY PARK _____ WITNESS SUBPOENA ISSUED       | WSI  | 0     | 34       |
| 2/27/2008 | NANCY LANE _____ WITNESS SUBPOENA ISSUED       | WSI  | 0     | 35       |
| 2/27/2008 | CLINTON HARRIS _____ WITNESS SUBPOENA ISSUED   | WSI  | 0     | 36       |
| 2/27/2008 | BRENT BURNS _____ WITNESS SUBPOENA ISSUED      | WSI  | 0     | 37       |
| 2/27/2008 | ..                                             | PWP  | 0     | 38       |
| 3/4/2008  | LARRY PARK WITNESS SUBPOENA SERVED             | WSS  | 0     | 39       |
| 3/6/2008  | BA/WSS-BURNS PAPERWORK REC'D FROM              | PWRF | 0     | 40       |
| 3/12/2008 | BA/WSS-PARKS PAPERWORK REC'D FROM              | PWRF | 0     | 41       |
| 3/12/2008 | BRIAN PARKS WITNESS SUBPOENA SERVED            | WSS  | 0     | 42       |
| 3/12/2008 | BA/WSS-PARK PAPERWORK REC'D FROM               | PWRF | 0     | 43       |
| 3/12/2008 | CPL NANCY LANE WITNESS SUBPOENA SERVED         | WSS  | 0     | 44       |
| 3/12/2008 | ..                                             | PWP  | 0     | 45       |
| 3/12/2008 | WH/SUB PAPERWORK RETURNED TO                   | PWRT | 0     | 46       |
| 3/14/2008 | BA/WSS-LANE PAPERWORK REC'D FROM               | PWRF | 0     | 47       |
| 3/25/2008 | SUPPLEMENTAL DISCOVERY                         | SD   | 0     | 48       |
| 3/26/2008 | CHIEF CLEMENTS _____ WITNESS SUBPOENA ISSUED   | WSI  | 0     | 49       |
| 3/26/2008 | DARRIN ORTEGA _____ WITNESS SUBPOENA ISSUED    | WSI  | 0     | 50       |
| 3/26/2008 | JOEY PARK _____ WITNESS SUBPOENA ISSUED        | WSI  | 0     | 51       |
| 3/26/2008 | EVELYN VELASQUEZ _____ WITNESS SUBPOENA ISSUED | WSI  | 0     | 52       |
| 3/26/2008 | ..                                             | PWP  | 0     | 53       |

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Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

Dockets

| Date      | Action                                     | Type | Pages | Sequence |
|-----------|--------------------------------------------|------|-------|----------|
| 3/26/2008 | ..                                         | PWP  | 0     | 54       |
| 3/28/2008 | JOEY PARK WITNESS SUBPOENA SERVED          | WSS  | 0     | 55       |
| 3/31/2008 | BA/WSS-CHIEF CLEMENTS PAPERWORK REC'D FROM | PWRF | 0     | 56       |
| 3/31/2008 | BA/OFC ORTEGA PAPERWORK REC'D FROM         | PWRF | 0     | 57       |
| 3/31/2008 | BA/WSS-OFC VELASQUEZ PAPERWORK REC'D FROM  | PWRF | 0     | 58       |
| 4/2/2008  | GRANTED DEFENSE MOTN FOR CONTINUANCE       | DMC  | 0     | 59       |
| 4/2/2008  | 04/30/08 12:45 PM W3 MANDATORY DOCKET CALL | MDOC | 0     | 60       |
| 4/2/2008  | WILLIAMS FOR COON _____ PRESIDING JUDGE    | JUDG | 0     | 61       |
| 4/2/2008  | FILE RETURNED FROM COURT                   | FRFC | 0     | 62       |
| 4/4/2008  | BA/WSS PAPERWORK REC'D FROM                | PWRF | 0     | 63       |
| 4/30/2008 | GRANTED DEFENSE MOTN FOR CONTINUANCE       | DMC  | 0     | 64       |
| 4/30/2008 | 05/28/08 12:45 PM W3 STREET PRETRIAL CONF  | SPTC | 0     | 65       |
| 4/30/2008 | TIMOTHY COON PRESIDING JUDGE               | JCOO | 0     | 66       |
| 4/30/2008 | FILE RETURNED FROM COURT                   | FRFC | 0     | 67       |
| 5/12/2008 | 001 INFORMATION FILED                      | PADD | 0     | 68       |
| 5/12/2008 | SUMMONS ISSUED                             | SUM  | 0     | 69       |
| 5/12/2008 | 002 DIRECT INFORMATION FILED               | DINF | 0     | 70       |
| 5/28/2008 | 07/30/08 12:45 PM W3 MANDATORY DOCKET CALL | MDOC | 0     | 71       |
| 5/28/2008 | 08/04/08 08:30 AM M3 JURY SELECTION        | JSEL | 0     | 72       |
| 5/28/2008 | TIMOTHY COON PRESIDING JUDGE               | JCOO | 0     | 73       |

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Judge: JOHN E KIRKLAND

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Dockets

| Date      | Action                                         | Type | Pages | Sequence |
|-----------|------------------------------------------------|------|-------|----------|
| 5/28/2008 | FILE RETURNED FROM COURT                       | FRFC | 0     | 74       |
| 6/3/2008  | EVELYN VELASQUEZ _____ WITNESS SUBPOENA ISSUED | WSI  | 0     | 75       |
| 6/3/2008  | BRIAN PARKS _____ WITNESS SUBPOENA ISSUED      | WSI  | 0     | 76       |
| 6/3/2008  | LARRY PARK _____ WITNESS SUBPOENA ISSUED       | WSI  | 0     | 77       |
| 6/3/2008  | JOEY PARK _____ WITNESS SUBPOENA ISSUED        | WSI  | 0     | 78       |
| 6/3/2008  | DARRIN ORTEGA _____ WITNESS SUBPOENA ISSUED    | WSI  | 0     | 79       |
| 6/3/2008  | TERESA LEPLEY _____ WITNESS SUBPOENA ISSUED    | WSI  | 0     | 80       |
| 6/3/2008  | NANCY LANE _____ WITNESS SUBPOENA ISSUED       | WSI  | 0     | 81       |
| 6/3/2008  | BRENT BURNS _____ WITNESS SUBPOENA ISSUED      | WSI  | 0     | 82       |
| 6/3/2008  | CLINTON HARRIS _____ WITNESS SUBPOENA ISSUED   | WSI  | 0     | 83       |
| 6/3/2008  | ..                                             | PWP  | 0     | 84       |
| 6/6/2008  | CLINTON HARRIS WITNESS SUBPOENA SERVED         | WSS  | 0     | 85       |
| 6/6/2008  | EVELYN VELASQUEZ WITNESS SUBPOENA SERVED       | WSS  | 0     | 86       |
| 6/6/2008  | NANCY LANE WITNESS SUBPOENA SERVED             | WSS  | 0     | 87       |
| 6/6/2008  | DARRIN ORTEGA WITNESS SUBPOENA SERVED          | WSS  | 0     | 88       |
| 6/10/2008 | TERESA LEPLEY WITNESS SUBPOENA SERVED          | WSS  | 0     | 89       |
| 6/12/2008 | LARRY PARK WITNESS SUBPOENA SERVED             | WSS  | 0     | 90       |
| 6/12/2008 | BRIAN PARKS WITNESS SUBPOENA SERVED            | WSS  | 0     | 91       |
| 6/12/2008 | BRENT BURNS WITNESS SUBPOENA SERVED            | WSS  | 0     | 92       |
| 6/12/2008 | JOEY PARK WITNESS SUBPOENA SERVED              | WSS  | 0     | 93       |

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Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

Dockets

| Date      | Action                                       | Type | Pages | Sequence |
|-----------|----------------------------------------------|------|-------|----------|
| 6/17/2008 | BA/WSS PAPERWORK RETURNED TO                 | PWRT | 0     | 94       |
| 7/30/2008 | 08/04/08 08:30 AM M3 JURY SELECTION          | JSEL | 0     | 95       |
| 7/30/2008 | KAYLOR FOR COON _____ PRESIDING JUDGE        | JUDG | 0     | 96       |
| 7/30/2008 | FILE RETURNED FROM COURT                     | FRFC | 0     | 97       |
| 7/30/2008 | BARTOW _____ FILE SENT                       | FSNT | 0     | 98       |
| 7/31/2008 | BA/MAYA FILE RECEIVED                        | FREC | 0     | 99       |
| 8/1/2008  | DEFENDANT'S RESPONSE TO DEMAND FOR DISCOVERY | DRDD | 0     | 100      |
| 8/1/2008  | ..                                           | PWP  | 0     | 101      |
| 8/4/2008  | AT WRONG COURTHOUSE IS ON HIS WAY            | FREE | 0     | 102      |
| 8/4/2008  | 08/07/08 08:30 AM M3 JURY TRIAL              | JTRL | 0     | 103      |
| 8/4/2008  | T/C FILE CHECKED OUT                         | C    | 0     | 104      |
| 8/4/2008  | JSEL STARTED @ 2:01 PM, ENDED @ 3:05PM       | PER  | 0     | 105      |
| 8/4/2008  | JURY SWORN IN @ 3:07 PM @ JURY SELECTION     | PER  | 0     | 106      |
| 8/4/2008  | TIMOTHY COON PRESIDING JUDGE                 | JCOO | 0     | 107      |
| 8/4/2008  | ..                                           | DEAP | 0     | 108      |
| 8/7/2008  | 001 ADJUDICATION WITHHELD                    | CADD | 0     | 109      |
| 8/7/2008  | 001 TRIAL BY JURY                            | CADD | 0     | 110      |
| 8/7/2008  | 001 000 YRS 12 MOS 000 DAYS PROBATION        | SADD | 0     | 111      |
| 8/7/2008  | 001 100 HOURS OF COMMUNITY SERVICE           | SADD | 0     | 112      |
| 8/7/2008  | 001 DEF SENTENCED BY KIRKLAND ,JOHN EDWARD   | SADD | 0     | 113      |

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Dockets

| Date     | Action                                      | Type | Pages | Sequence |
|----------|---------------------------------------------|------|-------|----------|
| 8/7/2008 | 002 ADJUDICATION WITHHELD                   | CADD | 0     | 114      |
| 8/7/2008 | 002 TRIAL BY JURY                           | CADD | 0     | 115      |
| 8/7/2008 | 002 CONCURRENT 2MM07-001217WH SEQ 001       | SADD | 0     | 116      |
| 8/7/2008 | 002 000 YRS 06 MOS 000 DAYS PROBATION       | SADD | 0     | 117      |
| 8/7/2008 | 002 100 HOURS OF COMMUNITY SERVICE          | SADD | 0     | 118      |
| 8/7/2008 | 002 DEF SENTENCED BY COON ,TIMOTHY          | SADD | 0     | 119      |
| 8/7/2008 | 001 FINE \$810.00 DUE 6/08/09 .>>           | SMOD | 0     | 120      |
| 8/7/2008 | 001 FINE IMPOSED                            | SMOD | 0     | 121      |
| 8/7/2008 | ACS PAYMENT DUE: 06/08/09                   | ACSP | 0     | 122      |
| 8/7/2008 | _____ NO CONTACT WITH VICTIM                | NCWV | 0     | 123      |
| 8/7/2008 | ANGER IS MANAGEABLE CLASS                   | AIM  | 0     | 124      |
| 8/7/2008 | NO EARLY TERMINATION OF PROBATION           | NET  | 0     | 125      |
| 8/7/2008 | DEFT ORDERED WRITE LETTER OF APOLOGY/VICTIM | DOLA | 0     | 126      |
| 8/7/2008 | JUDGE NO BUY OUT OF HRS                     | PER  | 0     | 127      |
| 8/7/2008 | THE RULE IS ENVOKED                         | PER  | 0     | 128      |
| 8/7/2008 | GUILTY EACH CT _____ VERDICT                | VERD | 0     | 129      |
| 8/7/2008 | JURY TRIAL STARTS @ 9:14AM ENEDED @ 4:05PM  | PER  | 0     | 130      |
| 8/7/2008 | MOTION IN LIMINE                            | MIL  | 0     | 131      |
| 8/7/2008 | DEF MOT FOR JOA DENIED                      | PER  | 0     | 132      |
| 8/7/2008 | DEF RENEWS MOT FOR JOA-DENIED               | PER  | 0     | 133      |

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Case Number: 2007MM00121701XXWH

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Dockets

| Date      | Action                                            | Type  | Pages | Sequence |
|-----------|---------------------------------------------------|-------|-------|----------|
| 8/7/2008  | TIMOTHY COON          PRESIDING JUDGE             | JCOO  | 0     | 134      |
| 8/7/2008  | ..                                                | DEAP  | 0     | 135      |
| 8/11/2008 | WH                          FILE SENT             | FSNT  | 0     | 136      |
| 8/11/2008 | RET'D TO WH BY BA_____ PAPERWORK RETURNED TO      | PWRT  | 0     | 137      |
| 8/11/2008 | ..                                                | PWP   | 0     | 138      |
| 8/12/2008 | WH                          PAPERWORK RETURNED TO | PWRT  | 0     | 139      |
| 8/12/2008 | BA/DISCOVERY          PAPERWORK REC'D FROM        | PWRF  | 0     | 140      |
| 8/12/2008 | WH                          FILE RECEIVED         | FREC  | 0     | 141      |
| 8/29/2008 | REC'D PAYMENT VIA PERSON-FINANCE PROCESSING       | RPVP  | 0     | 142      |
| 8/29/2008 | \$810.00 030815 PAYMENT RCVD/PERSON               | \$ADD | 0     | 143      |
| 4/16/2009 | BA/SARAH/SRS-AUDIT          FILE SENT             | FSNT  | 0     | 144      |
| 5/18/2009 | CREDIT OF COMMUNITY SVC HRS          MOTION       | MOT   | 0     | 145      |
| 5/18/2009 | ..                                                | PWP   | 0     | 146      |
| 5/20/2009 | WH                          FILE RETURNED         | FRET  | 0     | 147      |
| 5/20/2009 | WH                          FILE RECEIVED         | FREC  | 0     | 148      |
| 5/20/2009 | 06/19/09 09:00 AM W3          HEARING             | HEAR  | 0     | 149      |
| 5/20/2009 | NOTICE OF HEARING FILED                           | NHEA  | 0     | 150      |
| 5/20/2009 | ..                                                | PWP   | 0     | 151      |
| 5/22/2009 | BA/MOTION                  PAPERWORK REC'D FROM   | PWRF  | 0     | 152      |
| 6/15/2009 | ERIC LANGSTON          WITNESS SUBPOENA SERVED    | WSS   | 0     | 153      |

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Judge: JOHN E KIRKLAND

Section: W3

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| Date      | Action                                 | Type | Pages | Sequence |
|-----------|----------------------------------------|------|-------|----------|
| 6/15/2009 | ..                                     | PWP  | 0     | 154      |
| 6/15/2009 | JEANETTE DUGAS WITNESS SUBPOENA SERVED | WSS  | 0     | 155      |
| 6/15/2009 | ..                                     | PWP  | 0     | 156      |
| 6/15/2009 | WH PAPERWORK RETURNED TO               | PWRT | 0     | 157      |
| 6/15/2009 | WH PAPERWORK RETURNED TO               | PWRT | 0     | 158      |
| 6/16/2009 | JUDGE COON FILE CHECKED OUT            | C    | 0     | 159      |
| 6/17/2009 | PRAECIPE FOR WITNESS SUBPOENA FILED    | PWS  | 0     | 160      |
| 6/17/2009 | ..                                     | PWP  | 0     | 161      |
| 6/18/2009 | WH PAPERWORK RETURNED TO               | PWRT | 0     | 162      |
| 6/18/2009 | BA/SUBPOENAS PAPERWORK REC'D FROM      | PWRF | 0     | 163      |
| 6/19/2009 | APPROVAL OF CSHR GRANTED _____ MOTION  | MOT  | 0     | 164      |
| 6/19/2009 | TIMOTHY COON PRESIDING JUDGE           | JCOO | 0     | 165      |
| 6/19/2009 | FILE RETURNED FROM COURT               | FRFC | 0     | 166      |

No Hearing Data Available

No Bond Data Available



**Public Records Online  
CASE INFORMATION**

Printed as of 9/26/2019 by Public

Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

**Financials**

**Receivables**

| Effective Date | Due Date | Fee Description | Fee Amount | Total Amount Due |
|----------------|----------|-----------------|------------|------------------|
| 8/7/2008       | 1/1/1900 |                 | \$810.00   | \$0.00           |
|                |          | TOTAL           | \$810.00   | \$0.00           |

**Payments**

| Receipt Number | Receipt Date | Receipt Amount | Paying Customer |
|----------------|--------------|----------------|-----------------|
| 4497915        | 8/29/2008    | \$810.00       | CONV            |

No Payment Plan Data Available

**Dispositions**

-----Disposition-----

**Count 1**

| Phase         | Description | Statute    | Level       | Degree | Status           | Plea | Action                | Date      |
|---------------|-------------|------------|-------------|--------|------------------|------|-----------------------|-----------|
| Initial Phase | BATTERY     | 784.03.1A1 | Misdemeanor | First  | Notice to Appear |      |                       |           |
| Pros Phase    | BATTERY     | 784.03.1A1 | Misdemeanor | First  | Same             |      | Filed                 | 5/12/2008 |
| Court Phase   | BATTERY     | 784.03.1A1 | Misdemeanor | First  | Same             |      | Adjudication Withheld | 8/7/2008  |

**Count 2**

| Phase         | Description | Statute | Level       | Degree | Status         | Plea | Action | Date |
|---------------|-------------|---------|-------------|--------|----------------|------|--------|------|
| Initial Phase | ASSAULT     | 784.011 | Misdemeanor | Second | Not applicable |      |        |      |

Public Records Online  
CASE INFORMATION

Printed as of 9/26/2019 by Public

Case Number: 2007MM00121701XXWH

Judge: JOHN E KIRKLAND

Section: W3

**Dispositions**

|             |         |         |             |        |                                       | -----Disposition----- |           |
|-------------|---------|---------|-------------|--------|---------------------------------------|-----------------------|-----------|
| Pros Phase  | ASSAULT | 784.011 | Misdemeanor | Second | Initiated by<br>Prosecutor/<br>Direct | Filed                 | 5/12/2008 |
| Court Phase | ASSAULT | 784.011 | Misdemeanor | Second | Same                                  | Adjudication Withheld | 8/7/2008  |

No Reopen Data Available

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**Your DPPA Permissible Use:** Court, Law Enforcement, or Government Agencies

**Your GLBA Permissible Use:** Legal Compliance

**Your DMF Permissible Use:** Legitimate Business Purpose Pursuant to a Law, Government Rule, Regulation, or Fiduciary Duty

## Comprehensive Report

**Date:** 09/26/19

**Reference Code:** 19-514

### Report processed by:

Office of the Attorney General Florida Elections Commission  
PL-01 THE CAPITOL 107 ST W 107 ST W107  
TALLAHASSEE, FL 32399  
850-414-3300 Main Phone

### Subject Information

**(Best Information for Subject)** Name: JOHN GEORGE LEPLEY

Date of Birth: **12/4/1948**

Age: **70**

LexID: 001503984989

SSN: [REDACTED] issued in **Indiana** between **1/1/1962** and **12/31/1963**

[View All SSN Sources](#)

### Possible Criminal Records:

#### Florida Court:

Name: JOHN GEORGE LEPLEY

LexID: 001503984989

SSN: [REDACTED]

Address: 7212 TIFFANY DR, ORLANDO, FL 32807-6367

State of Origin: Florida

County of Origin: OSCEOLA

DOB: 12/04/1948

Race: WHITE

Sex: Male

Case Number: 2017 TR 047702

#### Offenses:

**Offense #1**

Court Case Number: 2017 TR 047702  
Court Offense: UNLAWFUL SPEED (REQUIRES SPEED)  
Court Disposition: 4 PAID FINE OR CIVIL PENALTY  
Court Disposition Date: 01/03/2018

**Court Activity:**  
[NONE FOUND]

**Florida Court:**

Name: JOHN GEORGE LEPLEY  
LexID: 001503984989  
SSN: 3 [REDACTED]  
Address: PO BOX 540643, ORLANDO, FL 32854-0643  
State of Origin: Florida  
County of Origin: POLK  
DOB: 12/04/1948  
Case Number: 53-2013-TR-058012-0001-WH

**Offenses:**

**Offense #1**

Court Case Number: 53-2013-TR-058012-0001-WH  
Court Offense: UNLAWFUL SPEED STATE ROADWAY  
Court Statute: 316.187(2)(C)  
Court Disposition: PAID CIVIL PENALTY Status:DISPOSED  
Court Disposition Date: 08/07/2013

**Court Activity:**  
[NONE FOUND]

**Florida Court:**

Name: JOHN GEORGE LEPLEY  
LexID: 001503984989  
SSN: [REDACTED]  
Address: 7212 TIFFANY DR, ORLANDO, FL 32807-6367  
State of Origin: Florida  
County of Origin: OSCEOLA  
DOB: 12/04/1948  
Race: WHITE  
Sex: Male  
Case Number: 2006 TR 046600

**Offenses:**

**Offense #1**

Court Case Number: 2006 TR 046600  
Court Offense: 01-09 SPEED UNLAWFUL  
Court Disposition: C ADJ/WH CLK (SCHOOL ELECT 316.1001)  
Court Disposition Date: 08/15/2006

**Court Activity:**  
[NONE FOUND]

**Florida Court:**

Name: JOHN GEORGE LEPLEY

LexID: 001503984989

SSN: [REDACTED]

Address: 7212 TIFFANY DR, ORLANDO, FL 32807-6367

State of Origin: Florida

County of Origin: ST\_LUCIE

DOB: 12/04/1948

Race: WHITE

Sex: Male

Case Number: 2011TR005002 A

Case Type Description: TRAFFIC INFRACTION

**Offenses:**

**Offense #1**

Offense Date: 02/05/2011

Arresting Agency: FLORIDA HIGHWAY PATROL

Court Case Number: 2011TR005002 A

Court Offense: UNLAWFUL SPEED (REQUIRES SPEEDS)

Court Statute: 316.187

Court Disposition: GUILTY - PAID FINE Status:CLOS 20110303

Court Disposition Date: 03/03/2011

Court Level/Degree: TRAFFIC INFRACTION

Sentence Date: 03/03/2011

Sentence

Jail:

Probation:

Suspended Time:

**Court Activity:**

[NONE FOUND]

ALL    NAME                      SSN                      ADDRESS                      PHONE(S)                      INDICATORS

The following are potential household members of the subject searched:

2.    JOHN GEORGE LEPLEY  
JOHN G LEPLEY  
JOHN G BRADLEY  
JOHN G LUPLEY  
**DOB:** 12/4/1948  
 Age: 70  
 Gender - Male  
 \*View Sources (~10)

**SSN:** ██████████  
**LexID:** 1503984989  
**DL:** ██████████  
**DL State:** FL  
**Issue Date:** Oct 97  
**Exp Date:** Dec 25

PO BOX 540643  
ORLANDO, FL 32854-0643,  
ORANGE COUNTY  
 Jan 1988 - Aug 2019

PO BOX 7643A  
ORLANDO, FL 32854, ORANGE COUNTY  
 Jan 1984 - Jan 1988

PO BOX 2791  
DAVENPORT, FL 33836-2791,  
POLK COUNTY  
 Apr 2007 - Nov 2018

215 E BAY ST  
DAVENPORT, FL 33837-4156,  
POLK COUNTY  
 Sep 1999 - Nov 2018

7212 TIFFANY DR # DR  
ORLANDO, FL 32807-6367,  
ORANGE COUNTY  
 Dec 1984 - Oct 2017

PO BOX 7643A  
ORLANDO, FL 32830, ORANGE COUNTY  
 Oct 1983 - Jan 2003

1800 ORANGE BLOSSOM  
ORLANDO, FL 32854, ORANGE COUNTY  
 Aug 1996

1800 N ORANGE BLOSSOM TRL  
ORLANDO, FL 32804-5605,  
ORANGE COUNTY  
 Aug 1996

RR 1 BOX 460  
HAINES CITY, FL 33844, POLK COUNTY  
 Oct 1990 - Dec 1990

3460  
HAINES CITY, FL 33844, POLK COUNTY  
 May 1989

PO BOX 54



criminal

motor vehicles

people at work

425-3170  
 POSSIBLE NON-DA  
 FRONTIER COM NW -  
 WA  
 EVERETT, FL

863-421-1831 - EDT  
 BRADLEY D  
 (CURRENT LISTING  
 NAME)  
 POSSIBLE NON-DA  
 FRONTIER COMM OF FL  
 HAINES CITY, FL  
 Mar 2011 - Sep 2019

| <u>ALL</u> | <u>NAME</u> | <u>SSN</u> | <u>ADDRESS</u>                                                                                                 | <u>PHONE(S)</u>                                                              | <u>INDICATORS</u> |
|------------|-------------|------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------|
|            |             |            | <u>ORLANDO, FL 32802-0054,</u><br><u>ORANGE COUNTY</u><br>May 1989                                             |                                                                              |                   |
|            |             |            | <u>460 I</u><br><u>HAINES CITY, FL 32854,</u><br><u>ORANGE COUNTY</u><br>Sep 1987                              |                                                                              |                   |
|            |             |            | <u>540643 I</u><br><u>ORLANDO, FL 32854, ORANGE</u><br><u>COUNTY</u><br>Sep 1987                               |                                                                              |                   |
|            |             |            | <u>DARLENE BRADLEY LEPLEY</u><br><u>APT T</u><br><u>ORLANDO, FL 32854, ORANGE</u><br><u>COUNTY</u><br>Oct 1983 | <u>425-3170</u><br>POSSIBLE NON-DA<br>FRONTIER COM NW -<br>WA<br>EVERETT, FL |                   |
|            |             |            | <u>7482 RANCHERO ST</u><br><u>ORLANDO, FL 32822-5627,</u><br><u>ORANGE COUNTY</u>                              |                                                                              |                   |

**SSN:** [REDACTED] **Last Name:** BRADLEYLEPLEY;  
**First Name:** DARLENE; **Middle Name:** T;

**Your DPPA Permissible Use:** Court, Law Enforcement, or Government Agencies

**Your GLBA Permissible Use:** Legal Compliance

**Your DMF Permissible Use:** Legitimate Business Purpose Pursuant to a Law, Government Rule, Regulation, or Fiduciary Duty

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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   |



**Tanya Tucker****41.90%****691****1,649**☆ **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          |
|               |         | <b>1,747</b> |

☆ **Lake Wales Charter Amendment**

Participating Precincts Reporting:

2 / 2

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

☆ **Polk City Charter Amendment**

Participating Precincts Reporting:

1 / 1

| Choice | Percent | Votes      |
|--------|---------|------------|
| Yes    | 51.65%  | 172        |
| No     | 48.35%  | 161        |
|        |         | <b>333</b> |

# 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
  - ~~N/A~~ Box was checked, but no allegation of this statute was made
- Alleging violation of Section 104.2715, Florida Statutes
  - ~~N/A~~ Box was checked, but no allegation of this statute was made

Last revised on: 5/9/18

MD    9/12/19  
Initials    Date