

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

FLORIDA
COMMISSION ON ETHICS

AUG 17 2015

RECEIVED

ORIGINAL COMPLAINT
15-174

1. PERSON BRINGING COMPLAINT:

Name: DENNIS McDONALD Telephone Number: 386 852 9016

Address: PO 192

City: FLAGLER BEACH County: FLAGLER Zip Code: 32136

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name: GEORGE HANNS Telephone Number: _____

Address: 205 BELLE AIRE DRIVE

City: PALM COAST County: FLAGLER Zip Code: _____

Title of office or position held or sought: COUNTY COMMISSIONER

3. STATEMENT OF FACTS:

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

4. OATH

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

STATE OF FLORIDA
COUNTY OF FLAGLER

Sworn to (or affirmed) and subscribed before me
this 12 day of AUGUST,
20 15, by DENNIS McDONALD

(name of person making statement)

Barbara Klufas

(Signature of Notary Public - State of Florida)

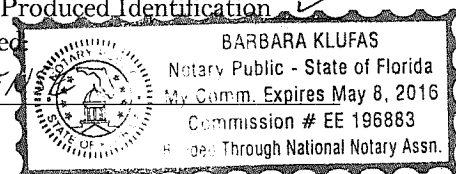
BARBARA KLUFAS

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

Personally Known _____ OR Produced Identification ☒

Type of Identification Produced

FL DRIVER LICENSE



SIGNATURE OF COMPLAINANT

FLDL 71235171501310
CE FORM 50-EFF. 4/2008
EXP 04/11/2022

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

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

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

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

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

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

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

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

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

Resolved, by the House of Representatives (the Senate concurring), that it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

Code of Ethics for Government Service

Any person in Government service should:

- I.** Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
- II.** Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
- III.** Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
- IV.** Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V.** Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- VI.** Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
- VII.** Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
- VIII.** Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
- IX.** Expose corruption wherever discovered.
- X.** Uphold these principles, ever conscious that public office is a public trust.

The Code of Ethics for Government Service can be found in the JER at Chapter 12, Section 3, paragraph 12-300. It can also be found in the Standards of Conduct for Employees of the Executive Branch, located in the JER at Chapter 2, section 1, or at 5 C.F.R., Part 2635.

Passed July 11, 1958

August 13, 2015

Preface to this complaint: I have made this complaint after many hours of consideration and discussion with members of the local community. I like George Hanns personally but his behavior this last election was intolerable. Mr Hanns appears by his actions and deeds not to be able to separate himself from BOCC member and individual actions. He endorsed Commissioner Meeker on the airwaves and in printed campaign materials which have been supplied in this complaint. This was certainly his personal right but certainly not part of his job description as a commissioner. These "For Meeker" campaign materials were submitted to the SOE as well as by members of both parties questioning Mr Hanns understanding of Canvassing Board protocol. It was clear to me having attended all the canvassing meetings that Mr Hanns knowingly violated Florida State Statute when he maintained his seat on the canvassing board. Mr Hanns had the audacity to act to select another canvassing board alternate contrary to FS. to replace Charlie Ericksen on the CB. for exactly the same reason he was removed ! His statements enforce my opinion and the County Judge and SOE agreed that he was violating Section 102.141[1] of the Florida Statutes when he endorsed Meeker in the mailing submitted for your review. It was further discovered and used as a defense that Mr Hanns never provided a written approval for this campaign mailer. The Voting public has no way to sort the truth on this carefully planned ploy, but the Ethics Commission has the ability to prevent it from reoccurring. Mr Hanns made Florida history by being removed from the Canvassing Board the evening of a General Election with representatives of the Florida Elections Department as witness.

1. County Commissioner George Hanns attended State Canvassing Board Workshops many times during his 23 years of serving as a County Commissioner, which is believed to have provided him knowledge to prevent any occurrences of unethical, corrupt and/or illegal activity and allow him to understand the importance of conducting himself at the highest standards possible so all voter's would have confidence that manipulation, collusion or corruption is not taking place by those responsible for conducting elections.
2. Commissioner George Hanns served on the county canvassing board many times during his tenure as county commissioner; therefore, he possesses extensive experience as a canvassing board member and has no excuse for conducting or condoning unethical, corrupt and/or illegal activity as a canvassing board member.
3. County Commissioner George Hanns took an Oath to Office and has the responsibly and obligation to conduct himself in a fair, honest, ethical manner at all times.
4. County Commissioner George Hanns was/is required annually to take 4 hours of Ethics Training in 2014.

5. County Commissioner George Hanns has direct access to the Florida Ethics Commission, Division of Elections and the Supervisor of Elections to ensure any questions he may have had would have been answered promptly to ensure he always was conducting himself in a fair, honest, ethical and transparent manner.
6. Florida Statue 102.141 defines, without exception, when a canvassing board member shall be replaced or is ineligible to serve on the canvassing board which is "In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, **or is an active participant in the campaign of candidacy of any candidate who has opposition in the election being canvassed**".
7. It is a requirement that ineligible canvassing board members **shall be replaced**. Replacement of an ineligible canvassing board member is a requirement, not an elective. When a resistant ineligible canvassing board member like George Hanns refuses to step down to create a vacancy it makes it impossible to "replace" this ineligible canvassing board member because the canvassing board can only consist of three members as is outlined in Florida Statues 102.141.
8. During the 2014 general election two county commissioners were requested by the Supervisor of Elections to step down from serving on the county canvassing board; one being the Commission Chair George Hanns and the other being an alternate canvassing board member Commissioner Charles Ericksen Jr. It was realized they were serving on the canvassing board when they were not eligible due to their involvement in fellow county commissioner Frank Meeker's re-election campaign. Neither of the two commissioner's were transparent and forthcoming regarding their involvement in their fellow commissioners re-election campaign. Both Hanns and Ericksen kept their involvement hidden and refused to immediately step down from serving on the canvassing board upon the supervisor of elections request. George Hanns in fact denied his involvement, yet he too is believed to have been on the local radio station (WNZF) with Commissioner Frank Meeker advertising and demonstrating to the public how much they were united and in support of one another.
9. Commissioner George Hanns endorsed fellow County Commissioner/ Frank Meeker's re-election campaign when a mailing was distributed reflecting a quote from Commissioner George Hanns endorsing Candidate Frank Meeker. The mailer contained a text quote and a group picture which included Commissioners George Hanns, Charles Ericksen, Frank Meeker and Nathan McLaughlin. When Commissioner George Hanns was asked to step down from the Canvassing Board for endorsing Frank Meeker George stated he did not endorse Candidate Frank Meeker because he didn't put the endorsement in writing. Failure to put the endorsement in writing doesn't change the fact that the endorsement existed and that it was distributed to thousands of voters influencing them as they voted. The proof of the

endorsement is in the materials that were distributed to the voters. **Commissioner George Hanns knew of the endorsement mailing and kept it quiet deceiving the voter's and other canvassing board members, and in doing so he broke the public's trust.** Several weeks after the advertisement was delivered by US mail, and after thousands of voters voted early or by absentee ballot Candidate Frank Meeker sent out a retraction by mail. This retraction was done after thousands of voter's had voted early or voted absentee by mail, and the retraction was not sent out until just days before election day; therefore the retraction had little to no value. Not only did Commissioner George Hanns keep the endorsement event secret from the other canvassing board members he nor Commissioner Frank Meeker were upfront and forthcoming and transparent about the event. George Hanns instead denied the endorsement after it was made public by the supervisor of elections by stating it wasn't an endorsement because he didn't provide consent in writing. Frank Meeker did not notify the elections office of the improper endorsement event, nor did he advertise on the radio or in the local newspaper of general circulation (Daytona Beach News Journal). It is believed the event was calculated between the two men. The timing of the event took place so late in the election cycle that time was not permitted to contact voters before they voted. Therefore as a result the election was impacted with no recourse. Frank Meeker is a Republican and George Hanns a Democrat; Frank Meeker was desperate for votes as he knew his Republican opponent would be tough to beat and he needed more than Republican support to keep his seat on the County Commission. The actions of Commissioners Frank Meeker and George Hanns affected the outcome of the election making the election unfair.

10. As was stated previously, George Hanns possesses extensive experience serving on the Canvassing Board as he attended statewide workshops. George Hanns demonstrated he knew enough about the election laws to know that it is required that an endorsement should be put in writing. Just because one does not put the endorsement in writing doesn't mean it didn't occur. The distribution of the mailed endorsement content contained a quote made by George Hanns and not some generic information unrelated to endorsement.
11. It was requested by the Supervisor of Elections on November 3, 2014 that Commissioner George Hanns step down from serving on the Canvassing Board and he blatantly refused denying he endorsed Commissioner Frank Meeker. No explanation was provided at that time to the canvassing board explaining why he failed to apprise the canvassing board of the event and why he kept it hidden. Both Supervisor Weeks and County Judge Melissa Stens (Canvassing Board Chair) both agreed that because the mailing was distributed with the "quoted" endorsement that the endorsement did in fact take place regardless of whether Commissioner

George Hanns put his endorsement to Commissioner Frank Meeker in writing or not. There is no way to recall the endorsement after thousands of voters who received the mailing already voted early or voted absentee ballot. Furthermore, it was an extended period of time after the endorsement was initially mailed before Commissioner Frank Meeker made any attempt to send out a second mailing notifying voter's of a retraction, and this second mailing was sent out just days before election day after thousands of voter's had already voted. The return name and font size on the return address of the mailings distributed by Commissioner Frank Meeker is concerning and believed to be perceived as an attempt to hide who released the materials as it appeared that a group and not candidate "Frank Meeker" released the materials. The first mailing contained a return address font size so small that it is nearly impossible to read, which is believed to have been done intentionally as it had to be done manually. This appears to be deception planned and calculated.

12. Commissioner George Hanns was asked **again** on November 4, 2014 to step down from serving on the election Canvassing Board and he again blatantly refused, therefore he was removed against his will by a motion being made by the Supervisor of Elections and second to the motion being made by the Chair of the Canvassing Board, Judge Melissa Stens. Judge Stens supported the motion made by Supervisor Weeks after the copy of the DE 09-07 "Canvassing Board – Disqualification of Member" was reviewed. Judge Stens already made it known that Canvassing Board Commissioner George Hanns endorsed Candidate Frank Meeker by the endorsement appearing on the mailing as it did when the issue was first raised. George Hanns was so arrogant that he made a statement that he would not step down because of how long he has been a Commissioner and his statement should be reflected in the canvassing board meeting minutes and/or the court reporters report. I heard this statement personally as did the other Canvassing Board members and members of the public present at the Canvassing Board meeting. The removal of Commissioner George Hanns from the Canvassing Board took place in the presence of Officials from the Florida Department of State, Division of Elections who were observing the process at the request of the county administrator Craig Coffey as is described below. I believe that county administrator Coffey's request to be a violation of my voter rights as a means of a county employee to influence the outcome of an election. The actions of Commissioner George Hanns and Craig Coffey were an embarrassment for Flagler County. It is believed this is the first time in Florida history that a Board of County Commission Chairman has ever been removed on the evening of a General Election. The public's confidence in fair, accurate, honest elections is now diminished all because one county commission risked everything to help his fellow county commissioner and kept it hidden and was not forthcoming and transparent.

13. Per the records produced by the court reporter George Hanns stated on record he did not

disclose to the canvassing board what his involvement had been regarding the Meeker endorsement before Supervisor Weeks prior to Weeks making it public. Hanns even stated in front of all in the room that he did not reveal the situation because he knew the SOE would. This statement was made by Commissioner George Hanns confirms he knowingly and willingly deceived the voters, knew of the issue and kept it hidden which confirms he intentionally violated the requirements of Florida Law relating to the eligibility of canvassing board members. He knew what transpired was not ethical and proper and maybe illegal. Because he knew of the issue and kept it hidden confirms he is dishonest and made the attempt to carry out the conspired plan hoping not to get caught. George Hanns had no expectation of being removed from the Canvassing Board involuntarily. He intended to be a bully believing he was in control of his position on the canvassing board which explains why he was not cooperative when the Supervisor of Elections asked him to step down on November 3, 2014. George Hanns broke the public's trust and has allowed the public to no longer have confidence in fair, honest elections. George Hanns failed to be transparent and upfront.

14. The actions and behaviors of some county commissioners (including George Hanns) and their staff (county administrator Craig Coffey and county attorney Albert Hadeed) demonstrate they have used their positions for their personal gain or for the personal gain of each other. Their actions are an embarrassment to our county. It is believed they have demonstrated corrupt deceitful behavior that will only continue if not reported and if consequences are not applied.
15. County Commissioner George Hanns has on many occasions during the canvassing of absentee ballots asked the county attorney Albert Hadeed for his opinion on the voter's intent; when doing so he has placed the absentee ballot in the attorney Albert Hadeed's view. This has been witnessed by myself Dennis McDonald and the issue was addressed by the then Supervisor of Elections, Kimberle Weeks. In fact Supervisor Weeks stated on record on multiple occasions to county attorney Albert Hadeed that he was not a fourth Canvassing Board Member. This too could explain why county attorney Albert Hadeed remained silent when the request and removal of Commissioner George Hanns from the Canvassing Board took place. The county commissioners are the county attorney's employer. Two County commission races were on the 2014 election ballot; the county attorney wants to maintain his employment and has a special interest to be involved in the elections process. This is why securing the county attorney as the Canvassing Board Attorney was discussed during the Board of County Commission meeting as has been explained within [item #17]. The County Attorney is not a canvassing board member and should not provide anything more than legal guidance to commissioners, have we forgotten that state statutes place a judge as chair on this board for a reason. Only the alternate canvassing board member is permitted by law to provide input even though an alternate canvassing board member is not permitted to vote on matters; unless they are serving in the

absence of a canvassing board member.

16. Per Florida Statute 102.141(6) the removal of canvassing board members was reflected in the Conduct of Election Report that is filed with the Florida Division of Elections following the certification of the 2014 general election. Commissioner/alternate canvassing board member Barbara Revels (replaced Commissioner George Hanns on the Canvassing Board after he was removed) refused to sign the required Conduct of Election Report because it reflected the fact that 2 county commissioners were removed from the County Canvassing Board (alternate Canvassing Board member Charles Ericksen Jr and canvassing board member/Chairman of the Board of County Commission George Hanns). It is required that the Conduct of Election Report be filed by the board and not be subject to one members opinion. Commissioner Revels wrote on the report "Refused to Sign: Barbara Revels". Commissioner Revels stated she did not feel it was necessary that such information be reflected on the report. The Supervisor of Elections disagreed because she deemed the matter to be actions taken by the Canvassing Board. This action by Revels reflects collusion of board of county commission members and the county attorney Albert Hadeed with county manager Coffey by condoning and supporting each other's actions and behaviors in an effort to hide events. Attorney Albert Hadeed/Canvassing Board Attorney was present during this meeting, he at no time informed the Canvassing Board of requirements or encouraged transparency from County Commissioners.
17. A Special Canvassing Board meeting was held on September 12, 2014 in the Supervisor of Elections office bringing in a record crowd of voters. Commissioner Hanns and other county commissioner's behaviors and actions towards the Supervisor of Elections were criticized by Joe Kubusky. George Hanns became argumentative, stood up (in a threatening manner) and very unprofessionally verbally lashed back yelling at the public in a threatening manner. Many of the individuals present recorded the meeting, as did the Supervisor of Elections. Following the September 12, 2014 Special Canvassing Board meeting a scheduled County Commission meeting was held. It was at this time County Commission Chair/Canvassing Board member George Hanns brought up at the end of the County Commission meeting issues faced during Canvassing Board meetings. The alternate canvassing board member Barbara Revels and county attorney/canvassing board attorney Albert Hadeed were present. A discussion then took place at the County Commission meeting about the appointment of a canvassing board attorney along with other election related topics; all which were captured on audio by the staff member of the Clerk of the Court. It is believed that none of the election related topics were reflected on the meeting agenda, advertised to the public or reflected in the Board of County Commission meeting minutes. Furthermore, the other canvassing board members (including the Supervisor of Elections) were not noticed and provided the opportunity to be present to participate in the discussions. It would not be expected that election Canvassing Board issues

be discussed at a Board of County Commission Meeting with only a canvassing board member and canvassing board alternates present. During the Board of County Commission meeting it was stated that action was to take place at the next scheduled election canvassing board meeting (October 17, 2014) for the county attorney Albert Hadeed (the board of county commissioners attorney) to be appointed the official canvassing board attorney, which in fact did occur during the October 17, 2014 Canvassing Board meeting as had been stated at the County Commission meeting and Commissioner George Hanns was the one to make the motion on the matter. From my perspective and other public attendees it seemed that this voting in of Hadeed had been prearranged ! No such topic was discussed during the September 12th Special Canvassing Board meeting or at any other prior Canvassing Board meetings, therefore, it is believed a violation of the Florida Sunshine Law occurred. It was unknown by the Canvassing Board Agenda that a vote was going to take place at the October 17, 2014 canvassing board meeting as to who the canvassing board attorney would be. This September 12, 2014 Board of County Commission meeting appeared to be the prime opportunity for collaboration between commissioners (canvassing board member and alternates) and their staff to poll support from one another to manipulate and conquer the events of election canvassing board meetings to their advantage and liking, and to undermine and attack the supervisor of elections who is a constitutional elected officer who is independently elected by the people to preserve the integrity of the elections process.

18. The County Commission also discussed election related issues on or about October 20, 2014 at a regularly scheduled Board of County Commission meeting, which too is believed to be a violation of the Sunshine Law as it was not advertised, was not on the meeting agenda, nor were other canvassing board members noticed or provided the opportunity to participate in the discussions. These occurrences of discussing the Canvassing Boards business take place with Commissioner George Hanns, Chair of the County Commission leading the meetings, and are done at the end of Board of County Commission meetings where the public would not expect such events. All discussions are captured on meeting audio though they may not be reflected in the Board of County Commission meeting minutes.
19. In an effort to manipulate the operations of the elections office and dominate canvassing board meetings the county administrator Craig Coffey sent his assistant Christy Mayer to scheduled canvassing board meetings and she took short hand and recorded the meetings to later present meeting minutes. The SOE had always been the one responsible for the office records and kept the meeting minutes for the 6-years she served as Supervisor of Elections. It appears she was exposing more than county commissioners and their staff wanted exposed with events involving county commissioner serving on the canvassing board when they were not eligible. Supervisor Weeks continued to prepare her set of meeting minutes and placed them in the

record. Supervisor Weeks was ranked as one of the top 13 performing Supervisor's in the State by Governor Rick Scott in April 2012.

20. After it was requested that Commissioner/alternate canvassing board member Charles Ericksen Jr step down from the canvassing board on approximately October 17, 2014 during a scheduled Canvassing Board meeting, he did not do so, he did however voluntarily step down at a Board of County Commission meeting on approximately October 20, 2014. It was then according to a document prepared by county administrator Craig Coffey that the Board of County Commissioners instructed Craig Coffey to issue a correspondence to the Florida Department of State/Secretary of State-Ken Detzner making a request. On October 21, 2014 Craig Coffey presented a letter to the Secretary of State, Ken Detzner making the claim that the Board of County Commissioners voted unanimously on October 20th, 2014 for the state to assist under Florida Statute 101.58 to "Supervise and observe registration and election processes" because they were concerned that the community may have reached a new low in their confidence of our local election process. Craig Coffey did not provide any supporting evidence to support the claim and he relied upon a Statute that neither the Board of County Commissioners nor Craig Coffey had any statutory authority to rely upon. Florida Statute 101.58 is specific as to who can make such a request relying on this code. The letter issued by Craig Coffey generated a letter to the Supervisor of Elections informing her of the request and the State's upcoming arrival. The request made by county administrator Craig Coffey citing Florida Statute 101.58 resulted in State Officials to make multiple visits to Flagler County to observe the 2014 General Election and again county attorney Albert Hadeed failed to provide legal guidance and he had no comment. Chairman George Hanns however is responsible for leading the commission meeting where this attack on the Supervisor of Elections Office took place. This is a prime example of the willful manipulation, collaboration, conspiracy and collusion demonstrated by the members of the board of county commission and their staff to undermine our Supervisor of Elections and destroy our confidence in the Flagler elections process.
21. Florida Statute 101.58 is specific as to who can request over-site from the State. Nowhere do I see the ability of a county administrator or BOCC to intercede in the well defined process of 101.58. Per Florida Statute after over-site takes place it is then required that a report be filed with the Department of State of their appointed officials findings, and a copy be filed with the Clerk of Circuit Court of said County. It is believed again, manipulation and collusion took place between the chair of the county commission George Hanns, fellow county commissioners, the county attorney and the county administrator to promote and allow corruption in an effort to discredit the supervisor of elections because she did not condone identified behaviors and actions of the board of county commissioners. The supervisor took measures to stop their practices by requesting County Commissioners who were ineligible to serve as canvassing board

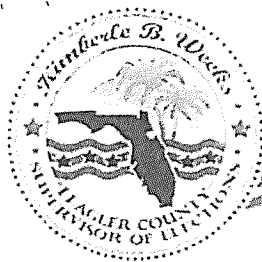
members to step down. Their actions created a hostile work environment for the Supervisor of Elections, and it was their actions which diminished the public's trust in our elections.

22. Our confidence in our local election process is at an all time low due to the actions of the Board of County Commissioners (including George Hanns) and their staff and it is not because of the actions of the Supervisor of Elections as Craig Coffey claimed. Craig Coffey and the Board of County Commissioner (including George Hanns) appears to have retaliated against the Supervisor of Elections for exposing what they tried to keep hidden and in doing so cited a Statue in their correspondence to Secretary of State, Ken Detzner that they did not have authority to cite. Once again I believe the Statute is quite specific as to who has authority to make such a request and Board of County Commissioners or County Administrator is not listed. This explains why the required report was not produced and filed with the Secretary of State or the Clerk of the Circuit Court of said county. The actions of the Board of County Commissioners, Craig Coffey and county attorney Albert Hadeed have been costly to the tax payers and unfortunately the Supervisor of Elections paid the price for their actions with false accusation being made by those individuals and false information being released to the media. The county attorney had a responsibility to properly legal guide the board of county commissioners and the county administrator and because he was in collusion with them in order to maintain his employment.
23. The actions of George Hanns, the other county commissioners, and their staff have been done willingly, intentionally and with knowledge. They have used their position for personal gain- to remain in office, and to benefit other fellow commissioners to get re-re-elected so they too could remain in office to carry out agendas collectively. In the last two election cycles four of these commissioner have been narrowly elected. Hanns was a five term incumbent but won by 318 votes to a first time candidate, that was less than 1% but more than the .5% required to recount. Ericksen won by 120 votes and Meeker survived by 209 votes. They together retaliated against the supervisor of elections by conspiring together to harm the Supervisor of Elections reputation and their actions impacted our elections. Chair Commissioner George Hanns used his county employees to carry out his agenda relating to unethical practice and attacking the Supervisor of Elections for exposing his wrong doing and his dislike for being requested to remove himself from the county canvassing board. Commissioner Hanns and his fellow Commissioners are responsible for the actions and behaviors of the county administrator Craig Coffey and County Attorney Albert Hadeed. The removal of Commissioner George Hanns from the Canvassing Board left him powerless in the canvassing process and an embarrassment to our County.

As a county commissioner, George Hanns has an obligation and responsibility to honor his oath

to office, complete required ethics training and conduct himself at the highest ethical standards possible. Commission George Hanns should have conducted himself in an honest, fair and transparent manner at all times with no exceptions. At no time should it be accepted that a board of county commissioner or other employee paid with county tax dollars be permitted to break the public's trust or misuse the tax payer's money without consequences. It is believed by the dishonest behaviors demonstrated by George Hanns while serving on the Canvassing Board and Board of County Commission he proved he cannot be trusted. It is being requested that a recommendation be made to Governor Rick Scott that Commissioner George Hanns be removed from public office.

24. In conclusion of this complaint I am dismayed that the elections process in Flagler has been over run by such blatant violations of everyday ethical behavior. It is my opinion shared with other citizens of both political parties that the Board of County Commissioners, County Attorney, and County Manager operated beyond their scope of authority to influence the Canvassing Board for the direct benefit of the incumbents. As a participant in nearly every canvassing board meeting in the 2014 election cycle the outrageous conduct of Commissioner George Hanns with his statement that he could not be removed by the SOE and County Judge because he was a 6 term BOCC member is beyond comprehension! I close with this statement from the Ethics Commission's required training from The Code of Ethics for Government Service item 1 ; Put loyalty to the highest moral principles and to country above loyalty to Person, Party, or Government Department. I ask that you recommend to the Governor to remove George Hanns for his most egregious actions during the general election in 2014. They have been well documented and witnessed by representatives of the DOE and have brought a new low in Florida Canvassing Board History.



Kimberle B. Weeks
Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

FLAGLER COUNTY CANVASSING BOARD AGENDA

Open & Canvass of Absentee Ballots

2014 General Election
November 4, 2014

Meeting Date: November 3, 2014
Meeting Time: 3:00 p.m.

- I. Call to Order
- II. Pledge to the Flag
- III. Roll Call and Sign In
- IV. Verify Proof of Advertising
- V. Public comments and/or questions
- VI. New Business
- VII. Old Business
- VIII. Opening and processing of Absentee Ballots
- IX. Public comments and/or questions
- X. Opening and processing of absentee ballots
- XI. Adjournment

Kimberle Weeks

From: Albert J. Hadeed
Sent: Saturday, November 01, 2014 11:10 AM
To: mmooorestens@circuit7.org; George Hanns; Kimberle B. Weeks
(Kweeks@flaglerelections.com)
Cc: Barbara S. Revels; Roberta Walton
Subject: Canvassing Board Meeting of Oct 29 2014 - Allegations of Dennis McDonald
Attachments: Transcript Excerpt from 10-22-14 Cnv Bd Meeting Referenced by Dennis McDonald.pdf

I will ask that this email with its attachment be submitted for the record at Monday's November 3, 2014 meeting. This to correct a statement made by Dennis McDonald about my rendering of advice to the Canvassing Board. What he stated at the last meeting (October 29, 2014) under public comments was misleading and attempted to put my actions as counsel to the Canvassing Board in a false light.

He claimed that I had improperly communicated with Commissioner Hanns about the intent of a voter as reflected in the voter's ballot. He referred to the specific time in the public tape when this had occurred.

I attach the partial transcript prepared by my legal assistant of that particular time he cited. It clearly shows the Canvassing Board was convened and conducting business and was reviewing ballots that had been rejected by the tabulator. Among the ballots being reviewed for making new ballot card duplicates, Commissioner Hanns found one with water stains and was attempting to interpret it in the presence of the Judge. He showed me the ballot on the conference table. I was careful not to touch the ballot and said so, in accordance with proper protocol.

I responded to his question by informing him that the Division of Elections did not have a specific rule example that fit this particular water stained ballot. During this time and other times when ballots were being reviewed by the Canvassing Board that day in the conference room, I had the Division Rules on addressing ballot irregularities and voter intent on my laptop.

I did not venture any opinion on the particular ballot in question, stating the rules provided no specific guidance beyond the general standard of interpreting voter intent. I then informed Commissioner Hanns that it would be best to get the input of the Supervisor who was momentarily out of the conference room at the time, as she may have had experience with assessing water stained ballots.

The Canvassing Board discussed the ballot and made its decision without my saying anything else and without my participation in their dialog to reach a decision concerning this particular ballot. They reached their decision independently of me, entirely without my influence.

In sum, there was absolutely nothing about my responding to Commissioner Hann's inquiry that was improper or outside the scope of my responsibility to render advice to the Canvassing Board.

I should note for the record that this was the second time that Mr. McDonald has made the allegations, the first being Friday, October 24th at which time it was fully addressed by myself as well as the Judge.

Respectfully submitted,

Al Hadeed

Flagler County Attorney
1769 E Moody Blvd #2
Bunnell, FL 32110
386-313-4005 Office
386-313-4105 FAX

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

10/22/14 meeting

Hanns and Stens duplicating ballots

48 minutes:

Stens: You know what. I'm sorry. I'm not even... Hold on. Now I'm seeing some of those are light and some of them are dark.

Hanns: They have some moisture on these.

Stens: We have another one that....

Hanns: Al. This has moisture. It appears that it blotted or something.

Hadeed: Okay. Put it down. Now, don't touch it. Ok. So you are talking about this?

Hanns: Uh hm. Like some moisture or water got on it.

Hadeed: That doesn't. Ohhhhh.

Stens: Yeah, because some of them are dark. Let me see if I can fold it.

Hadeed: I don't think, I'm thinking of the rules, I don't think there are any rules that, or example, you know where they say this is valid, this is invalid. This is the way the rules are set up. I think you are just going to have to interpret it. But ask Ms. Weeks. I'm sure she has run into similar situations.

Inaudible talking in background.

Stens: Alright. So, I started giving him these and then I saw how dark this one was and it made me question whether those, but the closer I looked at it you can actually see a dot on all of those so I think the lighter, and this one actually is half dark and half light?

Weeks: I wonder if he tried to add water to try to erase it? Then it looks like it bled like a water mark. In particular, they may have voted and then decided they didn't want to vote for him? And maybe they blotted water on it. I don't know. What do you think? Maybe it is just the darkness that remains after the water.

Stens: Well I think maybe it got wet and bled through, so I folded it but it didn't match up as though like it was wet when it was folded. That was when I noticed the dots.

Weeks: It appears they put dots in these specific places. On here. And otherwise it bled through to the back so it is apparent I think they put water specifically on these particular dots. Would you agree? Since it bled through the back?

Stens: Right.

Weeks: How would you get the water dots right on the markings?

Stens: So you are saying that the only things you think we should count are the dark ones?

Weeks: The dark ones. That's what I think.

Stens: What do you think George?

Weeks: I think in order to get water dots in these specific spots they had to intentionally be placed there and they bled through to the back.

Hanns: they bled through.

Weeks: so you could see they intentionally placed water dots on those places.

Hanns: And, and

Weeks: This one here was bled out and it looks like they darkened it otherwise ...

Hanns: I agree. Otherwise if it was water it would be all over more.

Weeks: all over. And this one was bled out and then it darkened back up and they changed their mind on that one.

Hanns: I say just count the dark ones.

Weeks: The dark ones. That's what I say.

Stens: Then I'm going to need another ballot. I'm sorry. Because I started...

Hanns: It started. So we'll have to void that and duplicate it.

Stens: So when she brings back that other ballot, will you stay here so we agreed on what we are counting and what we are not?

Weeks: Yes.

Kimberle Weeks

From: Kimberle Weeks
Sent: Saturday, November 01, 2014 4:30 PM
To: 'Matthews, Maria I.'
Subject: RE: Canvassing Board Designation of Alternates for General Election 2014
Attachments: Meeker-Hanns Endorsement Recall 10-24-2014.pdf, Meeker-Hanns Endorsement.pdf
Importance: High

Maria,

Today the attached mailings were delivered to my office and of course as you can imagine the candidate and supporters of the candidate running against commissioner Meeker is concerned about the integrity of the elections as the commissioner who serves on the canvassing board has been said to have endorsed candidate Meeker and then later the statement is retracted. It appears the endorsement mailing was issued on 10/8 and the recall mailing was dated 10/24, so the misinformation was out there for more than 2 weeks (during early voting period and while canvassing board meetings were held). The concern that people have is that voters received the initial mailing and may not have received the recall, or the voters may have voted before the recall card was received. Mr. Hanns has been a commissioner for more than 20 years. What do we do as far as seating the canvassing board? Can the election be challenged due to this? The appearance of impropriety is certainly of concern with the current events demonstrated by the board of county commissioners and their staff, which may be why the county administrator is concerned with voter confidence, but unfortunately he has requested the look be at the process rather than in his own closet.

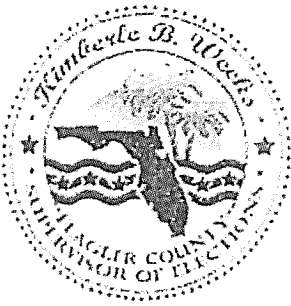
Also, previously county commissioner Charles Ericksen Jr served as an alternate canvassing board member and when the issued was raised that he too financially contributed to commissioner Meeker's campaign the board replaced him with another commissioner, Barbara Revels, who is said to being investigated by the Florida Ethics Commission for the past several months.

Not only did Mr. Ericksen donate to Mr. Meeker's campaign, he attended a dinner fund raiser when doing so. I realize that simply contributing financially to a candidate's campaign doesn't disqualify an alternate canvassing board member from serving on the canvassing board, but need direction when it expands to attending functions such as this fund raiser dinner. Our county attorney and commissioners failed to report any of this to the canvassing board, and the board of county commissioners didn't make the canvassing board alternate change from Ericksen to Revels until this issues was raised at a canvassing board meeting after Ericksen had served as an alternate.

Would it be proper, legal and appropriate for Ms. Revels and Mr. Hanns or Ericksen to serve to serve as canvassing board members or alternates?

Unfortunately occurrences as this and the misinformation that is being distributed by the county attorney and county administrator (who both are employed by the board of county commissioner and want to keep their jobs) is what gives elections a bad reputations and shakes voters confidence with elections being fair and honest.

Kimberle B. Weeks
Flagler County Supervisor of Elections
State Certified, Master FCEP 1,2 & 3



1769 East Moody Blvd., Bldg. #2, Suite 101
Bunnell, Florida 32110

Phone: 386.313.4170
Fax: 386.313.4171
Web: Flaglerelections.com

The Flagler County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Matthews, Maria I. [mailto:Maria.Matthews@DOS.MyFlorida.com]
Sent: Friday, October 31, 2014 9:17 AM
To: Matthews, Maria I.
Cc: Detzner, Kenneth W.; Kennedy, Jennifer L.; Boynton, John; Atkinson, Drew; Holland, Gary J.; Lesser, Brittany; Burrus, Christie D.; Small, Stacey L.
Subject: Canvassing Board Designation of Alternates for General Election 2014

Dear Chief Judges of the Judicial Circuits and Chairs of the Boards of County Commissioners:

Please find attached a memo from the Florida Division of Elections.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,

Maria Matthews, Esq.
Director, Division of Elections
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520 (office)
850.245.6291 (fax)

Please note: Florida has a very broad public records law. Written communications (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

@ItsWorkingFL



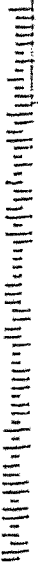
The Department of State is committed to excellence
Please take our Customer Satisfaction Survey

Campaign to Re-Elect
Frank J. Meeker
41 Cochise Court
Palm Coast, Florida 32137

Presorted Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137

Palm Coast, FL 32137

*Paid for by Frank J. Meeker, Republican
Candidate for re-election to Flagler Co., FL
Board of County Commissioners, District 2*



October 24, 2014

Dear Friends,

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker

Republican candidate for reelection to Flagler County Board of County Commissioners, District 2

A black and white photograph of a man in a suit and tie, smiling, with a large, textured, abstract background. The man is in the foreground, and the background is a large, textured, abstract shape that resembles a stylized 'E' or a large letter. The overall image has a high-contrast, grainy appearance.



"I support Frank J. Meeker and hope you will too. Frank's experience has proven to be invaluable. He has given back to his community and supported me with the veterans. He is a flagler recognized leader." BOCC Chair George Hanns

Campaign to Re-Elect

Frank J. Meeker

[illegible]

Presorted Standard
 U.S. Postage
 Paid
 Permit 59
 Ft. Lauderdale, FL 32137

NEEDER

Flager County Commission

10/15/20

Knowledge with Proven Experience

www.facebook.com/electfrankleecker

Palm Coast, FL 32137

1000

[illegible]

Vote for Frank November 4th

Frank Meeker looks out for all Flagler Residents,..always has.

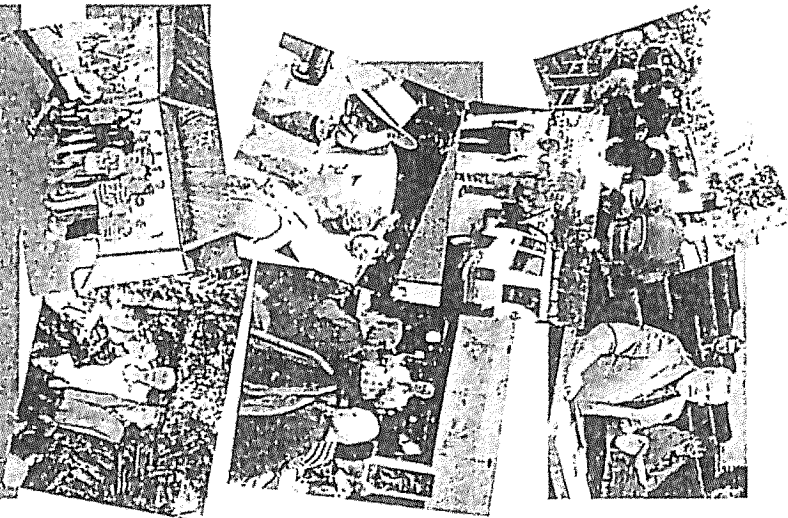
As a City Council Member in Palm Coast, Frank fought for the African American Cultural Society when a \$10,000 grant was going to be denied. Frank got it turned around and approved.

As a competitive soccer coach, Frank was always looking out for our kids. He wasn't afraid to get his hands dirty either laying sod with his soccer team at Eddie Johnson Park in Bunnell.

Working as a team, got the budget back on track, kept taxes low, provided mandated services, protected our homes, saved millions.

Helps Commissioner Revels and the community by making pizzas for Carver Gym fund raisers.

Frank Meeker, Silver County, and forced upon us by David Frank, Mayor/Republican for Eagle County, head of county's Commission.



Endorsed by the Flagler County Professional Fire Fighters Association, Flagler County Association of Realtors and the Florida Professional Fire Fighters Association, as well as neighbors, friends, colleagues, and citizens around Flagler.

Kimberle Weeks

From: Dennis McDonald
Sent: Sunday, November 02, 2014 7:06 PM
To: Kimberle Weeks
Subject: Fwd: Hanns Non-Endorsement of Meeker

This is a flat out LIE ! Read the endorsement from Hanns on the front of the mailer and look at the letter..Two Years ago I think NOT !

----- Forwarded message -----

From: George Hanns <ghanns@flaglercounty.org>
Date: Thu, Oct 30, 2014 at 3:28 PM
Subject: RE: Hanns Non-Endorsement of Meeker
To: Dennis McDonald <dkmcdonald67@gmail.com>

I may have endorsed Mr. Meeker in his initial run two years ago, but I have not endorsed anyone for this election cycle as I cannot since I am on the Canvassing Board. Unfortunately, based on the old endorsement, Commissioner Meeker sent out a mailer with my name on it to about 1,500 people. That is what I was told. My understanding is that Mr. Meeker immediately corrected the problem when he discovered it. He sent a new mailer to the same 1,500 individuals with the correction that I had not endorsed him.

Geo

From: Dennis McDonald [<mailto:dkmcdonald67@gmail.com>]
Sent: Wednesday, October 29, 2014 9:25 PM
To: George Hanns
Subject: Re: Hanns Endorsement of Meeker

That's what I thought George you have been at this a long time and this was not your "style". So how will you get the word out that you have not endorsed Meeker ?

A word to the wise association with Meeker will tarnish your 20+ years on the BOCC ! His fabrications are well known like his claim that the Malacompra drainage project is a reality. It's NOT, there is Zero consideration at the state funding level until Flagler has the required permits.

So where is " Captain Water " with the permit ? This county had the funding to do the permit with the DCDD \$900,000 two years ago and it was not made a priority. Meeker never got it done. He was busy greasing the wheel for Holland so she could milk \$10,000 from the Ocean Hammock POA for Southern Strategies the lobbyist.

Remember what our mothers told us " your judged by the company you keep "

Regards.

Dennis

On Wed, Oct 29, 2014 at 9:02 PM, George Hanns <ghanns@flaglercounty.org> wrote:

I do not or or did not endorse any candidate !

From: Dennis McDonald [dkmcdonald67@gmail.com]
Sent: Wednesday, October 29, 2014 2:55 PM
To: George Hanns
Cc: Kimberle Weeks; Klasne, Nick; Brian McMillan; Matt Walsh
Subject: Fwd: Hanns Endorsement of Meeker

Hi George.

Are you aware this is going on ?

Thanks.

Dennis

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Vote November 4th for a dedicated leader who stands with us.



"I support Frank J. Meeker and hope you will too. Frank's experience has proven to be invaluable. He has given back to his community and supported me with the veterans. He is a Flagler recognized leader." BOCC Chair George Harns

Re-Elect **Frank J. MEERER**

Flagler County Commission
District 2

Knowledge with Proven Experience!

www.facebook.com/electFrankMeeker

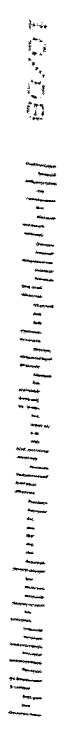
Campaign to Re-Elect

Frank J. Meeker

Official Campaign
Financial Report
2010

Precedent Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137

Palm Coast, FL 32137



Vote For Frank! November 4th

Frank Meeker looks out for all Flagler Residents,...always has.

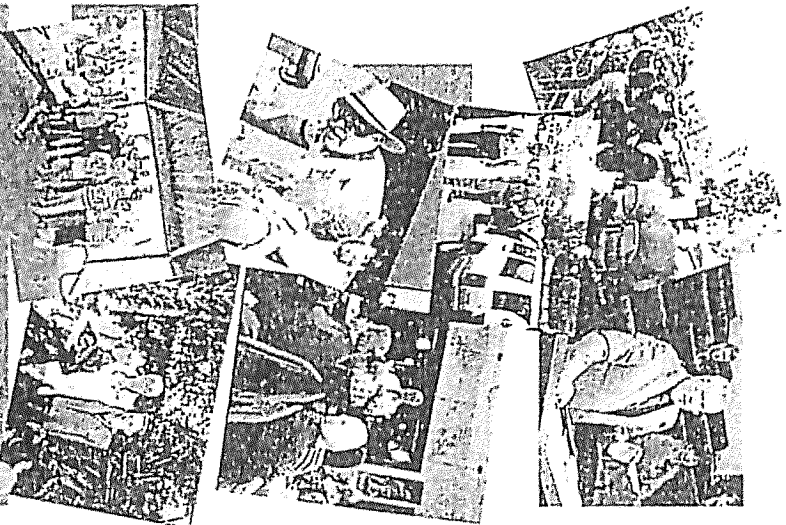
As a City Council Member in Palm Coast, Frank fought for the African American Cultural Society when a \$10,000 grant was going to be denied. Frank got it turned around and approved.

As a competitive soccer coach, Frank was always looking out for our kids. He wasn't afraid to get his hands dirty either laying sod with his soccer team at Eddie Johnson Park in Bunnell.

Working as a team, got the budget back on track, kept taxes low, provided mandated services, protected our homes, saved millions.

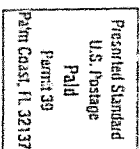
Helps Commissioner Revels and the community by making pizzas for Carver Gym fund raisers.

Frank Meeker is a professional fundraiser and a member of the National Association of Professional Fundraisers. He is also a member of the Board of Directors of the Flagler County Board of County Commissioners.



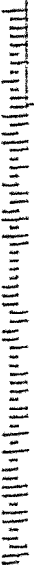
Endorsed by the Flagler County Professional Fire Fighters Association, Flagler County Association of Realtors and the Florida Professional Fire Fighters Association as well as neighbors, friends, colleagues, and citizens around Flagler.

Campaign to Re-Elect
Frank J. Meeker
41 Cochise Court
Palm Coast, Florida 32137



Palm Coast, FL 32137

*Paid for by Frank J. Meeker Republican
Candidate for re-election to Flagler Co., FL
Board of County Commissioners, District 2*



October 24, 2014

Dear Friends,

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker

Republican Candidate for re-election to Flagler County Board of County Commissioners, Dist. 2

Select Year: 2014 ▼

The 2014 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall

35

assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

Kimberle Weeks

From: Kaiti Lenhart
Sent: Thursday, October 30, 2014 8:16 AM
To: 'Kimberle Weeks'
Subject: FW: New Statute -- Section 286.0114 Public meetings; reasonable opportunity to be heard -- Effective 1 Oct 2103
Attachments: SB 50 pdf

Kaiti Lenhart
Deputy Supervisor

Flagler County Elections Office
1769 E. Moody Boulevard, Building 2, Suite 101
PO Box 901 • Bunnell, FL 32110
Phone: (386) 313-4170 • Fax: (386) 313-4171
Online: <http://www.flaglerelections.com>

From: Holland, Gary J. [<mailto:Gary.Holland@DOS.MyFlorida.com>]
Sent: Monday, July 01, 2013 11:49 AM
To: SOEContacts
Subject: New Statute -- Section 286.0114 Public meetings; reasonable opportunity to be heard -- Effective 1 Oct 2103

Dear Supervisors of Elections:

As a follow-up to my presentation at the recent FSASE Conference, Governor Scott signed SB 50 (attached) on Friday (it will be Ch. 2013-227, Laws of Florida, effective 1 Oct 2013).

This law requires that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission, subject to rules or policies adopted by the board or commission. (However, the statute places limits on the contents of such rules and policies – see subsection (4) of the statute.) It appears to me that the law would apply to “propositions” before a county canvassing board; however, as I stated at the FSASE Conference, this law is outside the jurisdiction of the Department to interpret; therefore, you may want to have your canvassing board attorney look into the law and decide whether the canvassing board should adopt rules or policies at its initial meeting which set forth the board’s procedures to comply with the law.

Also, as I stated previously, “proposition” is not defined in the law, but its common dictionary means something which the board must consider or accept in the performance of its duties. If the law is applicable to canvassing boards, a proposition could include, but not be limited to the validity of a voter challenge, a provisional ballot, or a voter’s signature.

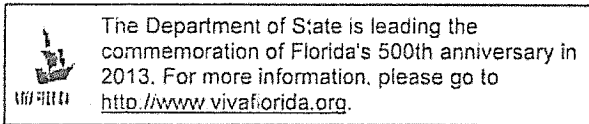
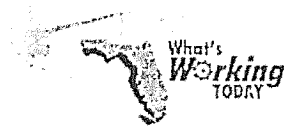
Regards,

Gary J. Holland
Assistant Director, Division of Elections
Florida Department of State
R.A. Gray Building, 500 S. Bronough Street
Tallahassee, FL 32399-0250
Phone: 850-245-6200
Fax: 850-245-6217

Note: This response is provided for reference only and does not constitute a formal legal opinion or representation from the Department of State or the Division of Elections. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

@ItsWorkingFL



The Department of State is committed to excellence.
Please take our Customer Satisfaction Survey.

201350er

1
2 An act relating to public meetings; creating s.
3 286.0114, F.S.; defining "board or commission";
4 requiring that a member of the public be given a
5 reasonable opportunity to be heard by a board or
6 commission before it takes official action on a
7 proposition; providing exceptions; establishing
8 requirements for rules or policies adopted by the
9 board or commission; providing that compliance with
10 the requirements of this section is deemed to have
11 occurred under certain circumstances; providing that a
12 circuit court has jurisdiction to issue an injunction
13 under certain circumstances; authorizing a court to
14 assess reasonable attorney fees in actions filed
15 against a board or commission; providing that an
16 action taken by a board or commission which is found
17 in violation of this section is not void; providing
18 that the act fulfills an important state interest;
19 providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Section 286.0114, Florida Statutes, is created
24 to read:

25 286.0114 Public meetings; reasonable opportunity to be
26 heard; attorney fees.—

27 (1) For purposes of this section, "board or commission"
28 means a board or commission of any state agency or authority or
29 of any agency or authority of a county, municipal corporation,

201350er

30 or political subdivision.

31 (2) Members of the public shall be given a reasonable
32 opportunity to be heard on a proposition before a board or
33 commission. The opportunity to be heard need not occur at the
34 same meeting at which the board or commission takes official
35 action on the proposition if the opportunity occurs at a meeting
36 that is during the decisionmaking process and is within
37 reasonable proximity in time before the meeting at which the
38 board or commission takes the official action. This section does
39 not prohibit a board or commission from maintaining orderly
40 conduct or proper decorum in a public meeting. The opportunity
41 to be heard is subject to rules or policies adopted by the board
42 or commission, as provided in subsection (4).

43 (3) The requirements in subsection (2) do not apply to:

44 (a) An official act that must be taken to deal with an
45 emergency situation affecting the public health, welfare, or
46 safety, if compliance with the requirements would cause an
47 unreasonable delay in the ability of the board or commission to
48 act;

49 (b) An official act involving no more than a ministerial
50 act, including, but not limited to, approval of minutes and
51 ceremonial proclamations;

52 (c) A meeting that is exempt from s. 286.011; or

53 (d) A meeting during which the board or commission is
54 acting in a quasi-judicial capacity. This paragraph does not
55 affect the right of a person to be heard as otherwise provided
56 by law.

57 (4) Rules or policies of a board or commission which govern
58 the opportunity to be heard are limited to those that:

201350er

59 (a) Provide guidelines regarding the amount of time an
60 individual has to address the board or commission;

61 (b) Prescribe procedures for allowing representatives of
62 groups or factions on a proposition to address the board or
63 commission, rather than all members of such groups or factions,
64 at meetings in which a large number of individuals wish to be
65 heard;

66 (c) Prescribe procedures or forms for an individual to use
67 in order to inform the board or commission of a desire to be
68 heard; to indicate his or her support, opposition, or neutrality
69 on a proposition; and to indicate his or her designation of a
70 representative to speak for him or her or his or her group on a
71 proposition if he or she so chooses; or

72 (d) Designate a specified period of time for public
73 comment.

74 (5) If a board or commission adopts rules or policies in
75 compliance with this section and follows such rules or policies
76 when providing an opportunity for members of the public to be
77 heard, the board or commission is deemed to be acting in
78 compliance with this section.

79 (6) A circuit court has jurisdiction to issue an injunction
80 for the purpose of enforcing this section upon the filing of an
81 application for such injunction by a citizen of this state.

82 (7) (a) Whenever an action is filed against a board or
83 commission to enforce this section, the court shall assess
84 reasonable attorney fees against such board or commission if the
85 court determines that the defendant to such action acted in
86 violation of this section. The court may assess reasonable
87 attorney fees against the individual filing such an action if

201350er

88 the court finds that the action was filed in bad faith or was
89 frivolous. This paragraph does not apply to a state attorney or
90 his or her duly authorized assistants or an officer charged with
91 enforcing this section.

92 (b) Whenever a board or commission appeals a court order
93 that has found the board or commission to have violated this
94 section, and such order is affirmed, the court shall assess
95 reasonable attorney fees for the appeal against such board or
96 commission.

97 (8) An action taken by a board or commission which is found
98 to be in violation of this section is not void as a result of
99 that violation.

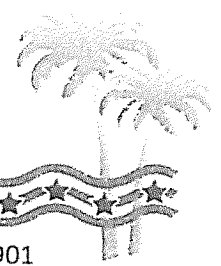
100 Section 2. The Legislature finds that a proper and
101 legitimate state purpose is served when members of the public
102 have been given a reasonable opportunity to be heard on a
103 proposition before a board or commission of a state agency or
104 authority, or of an agency or authority of a county, municipal
105 corporation, or political subdivision. Therefore, the
106 Legislature determines and declares that this act fulfills an
107 important state interest.

108 Section 3. This act shall take effect October 1, 2013.



Kimberle B. Weeks

Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

Official Canvassing Board Meeting Minutes

Flagler County Supervisor of Elections

Board Meeting Minutes: November 3, 2014
(3:00 p.m., Supervisor of Elections Office)

Present

1. Kimberle B. Weeks-Supervisor of Elections
2. Melissa Moore-Stens-County Judge, Canvassing Board Chair
3. George Hanns-BoCC Chairman
4. Barbara Revels, Alternate canvassing board member appointed by the BoCC for alternate Charles Ericksen Jr.
5. Roberta Walton, Attorney
6. Al Hadeed, County Attorney
7. David Sullivan, Republican Executive Chairman
8. Christie Mayer-County Employee, Craig Coffey Administrative Assistant, Public
9. Kim Medley-Public
10. Bill McGuire-Palm Coast City Council Member
11. Dennis McDonald-Public
12. Diane Gullman-Sorting Team Member
13. Yvonne Silva-Sorting Team Member
14. Carolyn Hawkins-Public
15. Jonathan Simmons-Reporter from Palm Coast Observer
16. Pierre Tristam-Reporter Flaglerlive
17. Court Reporter

Proceedings

Meeting called to order at 3:03 p.m.

Pledge to Flag took place

Chair Stens stated proof of advertising had already been verified.

Sign In took place

Public comments and questions were limited to only be heard once, and took place at the beginning of the meeting.

- Barbara Revels-made a comment that the court reporter was not present during the duration of the last meeting, and therefore the record would not be complete.

Supervisor Weeks responded to Ms. Revels stating that she herself was present during the entire duration of the meeting and her meeting minutes would accurately reflect the record.

- Bill McGuire posed a question about the meeting minutes.
- Supervisor Weeks responded to Mr. McGuire's stating that she was the keeper of the records for the elections office and she would be doing the meeting minutes and they would be the record along with the court reporter's transcription and the minutes composed by county employee Christy Mayer would also be on file.
- Dennis McDonald asked about the FDLE investigation regarding to the county attorney whispering at a previous meeting and asked when it would be revealed who was involved and when it happened.
- Chair Stens stated she didn't want to comment on the matter and advised Mr. McDonald to contact the FDLE.
- Dennis McDonald also made a comment about the BoCC discussing and taking action to request that the state come and oversees our elections when this was never on the agenda and never allowed for public comments.

Public comments and questions were closed.

Supervisor Weeks commented on a matter she said was recently brought to her attention about county commissioner candidate Frank Meeker mailing out a mailing stating that he was endorsed by commissioner Hanns and the mailing contained a group picture in which Frank Meeker and George Hanns were in the same picture. Supervisor Weeks stated she believed that George Hanns should step down from being a canvassing board member because of the appearance of impropriety.

Commissioner Hanns responded stated he did not endorse a candidate.

Dennis McDonald wanted to make a comment, and was denied by Chair Stens. Chair Stens stated she would only allow public questions and comments one time, and stated that Supervisor Weeks wanted them at the beginning of the meeting.

761 Absentee ballots were presented and accepted to the canvassing board, and approved to be opened and sorted for tabulation.

The seal, serial numbers and count on both the AB 1 and AB 2 tabulators were verified and reported.

The absentee ballots were opened, sorted and tabulated. One ballot was a Primary Election ballot and was deducted from the count, reducing the number of absentee ballots to be tabulated to 760. One ballot was received shredded. The voter's intention for the shredded ballot was determined, and the 6 ballots was duplicated and tabulated.

6 Ballots were duplicated.

1 Military email ballot was completed.

Totals were confirmed and all balanced with expected results and was recorded.

The next meeting, Tuesday, November 4th at 6 p.m. was announced.

Meeting was adjourned at 4:51 p.m.

Chair Stens stated that the meeting needed to continue to upload the absentee and early votes.

Chair Stens left the meeting.

Chief Deputy Darlene Walker printed a zero GEMS report and uploaded the absentee and early votes into GEMS.

The seal was removed, the memory card replaced in AB 3 and the new seal was applied and all was verified and recorded.

The meeting finally adjourned at 6:24 p.m.

Flagler County Canvassing Board
Meeting November 3, 2014
Minutes

MEMBERS PRESENT: Judge Melissa Moore-Stens, County Commission Representative George Hanns, Elections Supervisor Kimberle Weeks.

MEMBERS ABSENT: None.

OTHERS PRESENT: County Commissioner Barbara Revels, County Commissioner Charles Ericksen, Jr., Palm Coast City Councilman Bill McGuire, County Attorney Al Hadeed, Attorney Roberta Walker, along with a court reporter and members of the public.

1. Pledge of Allegiance – The meeting was called to order at 3:00 p.m. with the Pledge of Allegiance led by Judge Moore-Stens.
2. Roll Call and Sign-in – The sign-in was distributed and a quorum was obtained with all members of the Canvassing Board present.
3. Verify Proof of Advertising – Judge Moore-Stens then confirmed today's Canvassing Board meeting had been advertised. A copy of the advertisement is in the file. The next meeting will be November 4, 2014 at 6:00 p.m.
4. Public Outreach
 - a. Commissioner Revels inquired about the ability of the court reporter to hear all of the discussions at the last Canvassing Board meeting, as she could not easily move around the room and it was said she would be providing a verbatim transcript of the meeting. In addition, she did not stay for the duration of the meeting.
 - b. Councilman Bill McGuire asked what the official minutes of this body are and who keeps them. Judge Moore-Stens noted that Supervisor Weeks is preparing her notes and those as well as those being prepared by the county will be included in the official binder. Supervisor Weeks noted the court reporter notes will also be prepared.
 - c. Dennis McDonald inquired again about the status of the "whispering tape" with County Attorney Hadeed and others. Judge Moore-Stens reported that the FDLE investigation is still on-going so she directed his inquiry to the FDLE.

In addition as part of a public records request, he received the letter dated October 21 from the County Administrator to the Secretary of State asking for someone to oversee the elections in Flagler County. He feels this request was done without public notice and without the public's ability to comment. He also feels Commissioner Revels' assignment as an alternate was not done as part of the agenda and without public comment. Commissioner Hanns noted the action by

Flagler County Canvassing Board
Meeting November 3, 2014
Minutes

the County Commission for canvassing board alternates are often done by consensus. He added the meeting at which that action was taken was televised and broadcast live.

- d. Al Hadeed requested to supplement the record of this meeting with the addition of an email dated November 1, 2014 he sent to the Canvassing Board members (see attachment).
 - e. Supervisor Weeks added that she failed to disclose at the last Canvassing Board meeting that Commissioner Ericksen had attended a fundraising event for Commissioner Frank Meeker, which although now a moot point, would have disqualified him as being a member of the Canvassing Board.
5. New Business -- Supervisor Weeks announced that Commissioner Frank Meeker had sent out a campaign mailing with a group picture that includes Commissioner Hanns and a statement of his support of Commissioner Meeker. In addition, a second mailing had been sent out stating it was an error and that Chairman Hanns had not endorsed him. Supervisor Weeks continued by wondering if the original mailing had any impact on the election; therefore, she is not comfortable with Chairman Hanns serving on the Canvassing Board because of the appearance of endorsement for a candidate. Chairman Hanns stated he did not endorse Commissioner Meeker and it is not uncommon for group photos to be taken of the elected officials are taken at events.

Supervisor Weeks expressed the opinion that since the Canvassing Board is not allowing public comment at both the beginning and ending of their meetings, it is stifling the public. She added that County Commission meetings allows for comments at both the beginning and ending of their regular meetings. Ms. Walker noted that Florida Statutes states a "reasonable" time should be given to the public for comment and it can be either at the beginning or the end of meetings or both. Judge Moore-Stens stated that the Canvassing Board has been hearing comment at the end of the meetings but she was asked to have it at the beginning of today's meeting.

6. Old Business -- None.
7. Review of Last Meeting Minutes -- Judge Moore-Stens distributed minutes of the October 29 Canvassing Board meeting. After discussion of the October 29, 2014 Canvassing Board meeting minutes, Judge Moore-Stens asked that those minutes be corrected to reflect that Chairman Hanns arrived at 2:00 p.m. to relieve Commissioner Revels. Both Judge Moore-Stens and Chairman Hanns left at 8:00 p.m., returning at approximately 9:30 p.m. to continue with the recount of ballots.
8. Opening and Processing of Absentee Ballots -- Judge Moore-Stens announced there are 761 absentee ballots to be opened today. At 3:22 p.m. the Board and volunteers began the process of opening and counting the ballots. Supervisor Weeks reminded everyone that it is a felony offense to discuss prior to 7:00 p.m. election night anything seen or

Flagler County Canvassing Board
Meeting November 3, 2014
Minutes

heard during this process. Four ballots were duplicated in order to go through the tabulators and one emailed (military) ballot was duplicated; all were processed. One ballot received was shredded so it was duplicated by a blank ballot and processed through the tabulator. Both Ms. Walker and Mr. Hadeed provided the same information on the handling of the shredded ballot.

The total of 8,629 absentee ballots have now been processed.

Canvassing Board members recorded the seal and serial numbers for the tabulators.

9. Adjournment – The next meeting of the Canvassing Board is scheduled for Tuesday, November 4 at 6:00 p.m. Today's meeting was concluded at 4:50 p.m.

When Supervisor Weeks realized the Board had not uploaded the results to the State, the meeting was reconvened at 4:52 p.m. so that process could begin. After the upload, the meeting was adjourned at 6:30 p.m.

ATTACHMENT TO 11/03/14
CANVASSING BD MTG MINUTES

Albert J. Hadeed

From: Albert J. Hadeed
Sent: Saturday, November 01, 2014 11:10 AM
To: mmoorestens@circuit7.org; George Hanns; Kimberle B. Weeks
(Kweeks@flaglerelections.com)
Cc: Barbara S. Revels; Roberta Walton
Subject: Canvassing Board Meeting of Oct 29 2014 - Allegations of Dennis McDonald
Attachments: Transcript Excerpt from 10-22-14 Cnv Bd Meeting Referenced by Dennis McDonald.pdf

I will ask that this email with its attachment be submitted for the record at Monday's November 3, 2014 meeting. This to correct a statement made by Dennis McDonald about my rendering of advice to the Canvassing Board. What he stated at the last meeting (October 29, 2014) under public comments was misleading and attempted to put my actions as counsel to the Canvassing Board in a false light.

He claimed that I had improperly communicated with Commissioner Hanns about the intent of a voter as reflected in the voter's ballot. He referred to the specific time in the public tape when this had occurred.

I attach the partial transcript prepared by my legal assistant of that particular time he cited. It clearly shows the Canvassing Board was convened and conducting business and was reviewing ballots that had been rejected by the tabulator. Among the ballots being reviewed for making new ballot card duplicates, Commissioner Hanns found one with water stains and was attempting to interpret it in the presence of the Judge. He showed me the ballot on the conference table. I was careful not to touch the ballot and said so, in accordance with proper protocol.

I responded to his question by informing him that the Division of Elections did not have a specific rule example that fit this particular water stained ballot. During this time and other times when ballots were being reviewed by the Canvassing Board that day in the conference room, I had the Division Rules on addressing ballot irregularities and voter intent on my laptop.

I did not venture any opinion on the particular ballot in question, stating the rules provided no specific guidance beyond the general standard of interpreting voter intent. I then informed Commissioner Hanns that it would be best to get the input of the Supervisor who was momentarily out of the conference room at the time, as she may have had experience with assessing water stained ballots.

The Canvassing Board discussed the ballot and made its decision without my saying anything else and without my participation in their dialog to reach a decision concerning this particular ballot. They reached their decision independently of me, entirely without my influence.

In sum, there was absolutely nothing about my responding to Commissioner Hann's inquiry that was improper or outside the scope of my responsibility to render advice to the Canvassing Board.

I should note for the record that this was the second time that Mr. McDonald has made the allegations, the first being Friday, October 24th at which time it was fully addressed by myself as well as the Judge.

Respectfully submitted,

Al Hadeed

Flagler County Attorney
1769 E Moody Blvd #2
Bunnell, FL 32110
386-313-4005 Office
386-313-4105 FAX

10/22/14 meeting

Hanns and Stens duplicating ballots

48 minutes:

Stens: You know what. I'm sorry. I'm not even... Hold on. Now I'm seeing some of those are light and some of them are dark.

Hanns: They have some moisture on these.

Stens: We have another one that.....

Hanns: Al. This has moisture. It appears that it blotted or something.

Hadeed: Okay. Put it down. Now, don't touch it. Ok. So you are talking about this?

Hanns: Uh hm. Like some moisture or water got on it.

Hadeed: That doesn't. Ohhhhh.

Stens: Yeah, because some of them are dark. Let me see if I can fold it.

Hadeed: I don't think, I'm thinking of the rules, I don't think there are any rules that, or example, you know where they say this is valid, this is invalid. This is the way the rules are set up. I think you are just going to have to interpret it. But ask Ms. Weeks. I'm sure she has run into similar situations.

Inaudible talking in background.

Stens: Alright. So, I started giving him these and then I saw how dark this one was and it made me question whether those, but the closer I looked at it you can actually see a dot on all of those so I think the lighter, and this one actually is half dark and half light?

Weeks: I wonder if he tried to add water to try to erase it? Then it looks like it bled like a water mark. In particular, they may have voted and then decided they didn't want to vote for him? And maybe they blotted water on it. I don't know. What do you think? Maybe it is just the darkness that remains after the water.

Stens: Well I think maybe it got wet and bled through, so I folded it but it didn't match up as though like it was wet when it was folded. That was when I noticed the dots.

Weeks: It appears they put dots in these specific places. On here. And otherwise it bled through to the back so it is apparent I think they put water specifically on these particular dots. Would you agree? Since it bled through the back?

Stens: Right.

Weeks: How would you get the water dots right on the markings?

Stens: So you are saying that the only things you think we should count are the dark ones?

Weeks: The dark ones. That's what I think.

Stens: What do you think George?

Weeks: I think in order to get water dots in these specific spots they had to intentionally be placed there and they bled through to the back.

Hanns: they bled through.

Weeks: so you could see they intentionally placed water dots on those places.

Hanns: And, and

Weeks: This one here was bled out and it looks like they darkened it otherwise ...

Hanns: I agree. Otherwise if it was water it would be all over more.

Weeks: all over. And this one was bled out and then it darkened back up and they changed their mind on that one.

Hanns: I say just count the dark ones.

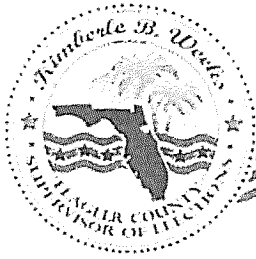
Weeks: The dark ones. That's what I say.

Stens: Then I'm going to need another ballot. I'm sorry. Because I started...

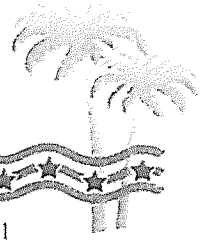
Hanns: It started. So we'll have to void that and duplicate it.

Stens: So when she brings back that other ballot, will you stay here so we agreed on what we are counting and what we are not?

Weeks: Yes.



Kimberle B. Weeks
Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

FLAGLER COUNTY CANVASSING BOARD AGENDA

Open & Canvass of Absentee Ballots

**2014 General Election
November 4, 2014**

**Meeting Date: November 4, 2014
Meeting Time: 6:00 p.m.**

- I. Call to Order
- II. Pledge to flag
- III. Proof of advertising, roll call and sign in
- IV. Opening and processing of Absentee Ballots
- V. New Business
- VI. Old Business
- VII. Public Questions & Comments
- VIII. Adjournment



Kimberle B. Weeks
Flagler County Supervisor of Elections

1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

November 4, 2014---6:00 p.m.

Canvassing Board Sign-In

Election: November 4, 2014 General

Kimberle B. Weeks

Heidecock

Supervisor

Christa Sprague

Del Valle

Quade Lane

Virginia Smith

Barbara Stuch

Henry Harris

Carlos A. Ray

John D. Hansen

Albert J. Hadeed

From: Weinberg, Mark [mweinberg@circuit7.org]
Sent: Monday, November 03, 2014 9:48 AM
To: 'Kimberle Weeks'
Cc: 'maria.matthews@dos.myflorida.com'; Perkins, Judge Terence R.
Subject: Replacement of Flagler County Canvassing Board Alternate Charles Ericksen Jr.
Attachments: 20141102185354045.pdf; 20141102182351884.pdf; Meeker -2014 Gen Endorsement.pdf

Importance: High

Ms. Weeks,

Thank you for your e-mail below. I have consulted with Judge Perkins and we have concluded that the appointment of Ms. Revels as the alternate member of the canvassing board was done properly and in accordance with the statute.

Mark Weinberg

From: Kimberle Weeks [mailto:kweeks@flaglerelections.com]
Sent: Sunday, November 02, 2014 8:40 PM
To: Matthews, Maria I.
Cc: Weinberg, Mark
Subject: Replacement of Flagler County Canvassing Board Alternate Charles Ericksen Jr.
Importance: High

Maria,

I received the email from you on 10/31/2014 shown below which included the attachment above, and I noticed you also sent it to Chief Judges of the Judicial Circuits, Chairs, Boards of County Commissioners.

The alternate canvassing board member appointed to serve in the absence of county commission chair George Hanns for the 2014 elections was initially county commissioner Charles Ericksen Jr and this was done before any 2014 canvassing board meetings took place. On October 17th I brought to the canvassing boards attention that I was notified that commissioner Ericksen Jr contributed \$50 (and attended a fund raiser dinner) to county commissioner candidate Frank Meeker's re-election campaign. It was then that the board of county commissioners decided at their October 20th board meeting, without placing it on the agenda, to replace alternate canvassing board member Ericksen, which is not how your letter of instruction directs for the replacement of an alternate canvassing board member to be done. The board of

county commissioners replaced alternate Ericksen with county commissioner Barbara Revels, who is under investigation by the Ethics commission. All of the referenced events involving the board of county commissioners, and the appointment of commissioner Revels to the canvassing board have placed the appearance of impropriety upon our elections, and the voters have expressed concern.

I understand your letter to read that Chief Judge (The Honorable Terence Perkins) of the judicial circuit should have been notified when an alternate replacement for Mr. Ericksen was necessary, and Chief Judge Perkins, must then appoint an alternate canvassing board member for the alternate (Charles Ericksen Jr) that is no longer serving, from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign or candidate). It is unclear why the board of county commissioners or their staff failed to do this.

I received a correspondence on October 22nd in my office dated October 21, 2014, from the Chairman of the Board of County Commissioners, George Hanns confirming that the board of county commissioners selected County Commissioner Barbara Revels on October 20, 2014, to serve as the alternate replacement for Charles Ericksen Jr., instead of contacting the Chief Judge as your email instructed. I am copying Court Administrator, Mark Weinberg in this correspondence so he can give this matter his immediate attention and see that your instruction is followed. We have a scheduled canvassing board meeting on Monday, November 3rd at 3 p.m. and will need the replacement alternate that Judge Perkins appoints to be in attendance at that time.

The most recent issue that you were made aware of that involves Chairman of the Board of County Commission, George Hanns endorsing County Commissioner, Frank Meeker's re-election will be raised at the scheduled canvassing board meeting tomorrow,

November 3, 2014, and it may be determined that Commissioner Hanns cannot, will not, or should not remain on the canvassing board, and therefore his alternate may need to be ready to serve. Attached for your reference is a copy of the mailing(s) that were provided to me regarding the endorsement of commissioner Frank Meeker's re-election by Chairman of the Board of County Commissioners, George Hanns.

If I am incorrect in anyway, please advise.

Thank you,
Kimberle B. Weeks
Flagler County Supervisor of Elections

From: Matthews, Maria I. [<mailto:Maria.Matthews@DOS.MyFlorida.com>]

Sent: Friday, October 31, 2014 9:17 AM

To: Matthews, Maria I.

Cc: Detzner, Kenneth W.; Kennedy, Jennifer L.; Boynton, John; Atkinson, Drew; Holland, Gary J.; Lesser, Brittany; Burrus, Christie D.; Small, Stacey L.

Subject: Canvassing Board Designation of Alternates for General Election 2014

Dear Chief Judges of the Judicial Circuits and Chairs of the Boards of County Commissioners:

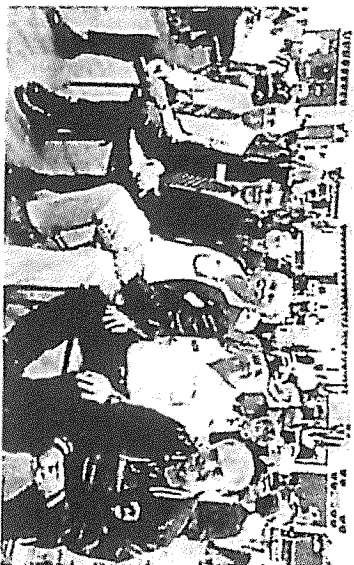
Please find attached a memo from the Florida Division of Elections.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,

Maria Matthews, Esq.
Director, Division of Elections
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520 (office)
850.245.6291 (fax)

Please note: Florida has a very broad public records law. Written communications (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Campaign to Re-Elect

Frank J. Meeker

100

Presorted Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137

Re-Elect Frank J. MEER

Flagler County Commission

District 2

Knowledge with Proven Experience!

www.facebook.com/electFrankMeeker

SECRET

Vote For Frank November 4th

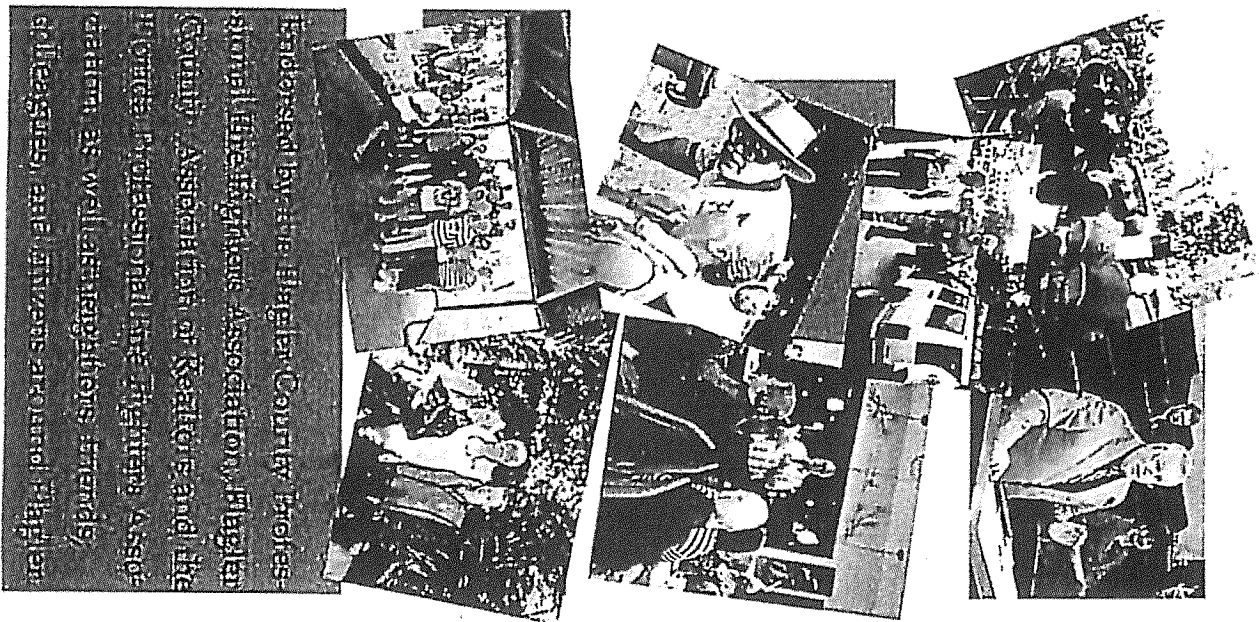
Frank Meeker looks out for all Flagler Residents,...always has.

As a Cily Council Member in Palm Coast, Frank fought for the African American Cultural Society when a \$10,000 grant was going to be denied. Frank got it turned around and approved.

As a competitive soccer coach, Frank was always looking out for our kids. He wasn't afraid to get his hands dirty either laying sod with his soccer team at Eddie Johnson Park in Bunnell.

Working as a team, got the budget back on track, kept taxes low, provided mandated services, protected our homes, saved millions.

Helps Commissioner Revels and the community by making pizzas for Carver Gym fund raisers.



Endorsed by the Flagler County Professional Firefighters Association, Flagler County Association of Realtors and the Junior Professional and Firefighters Association as well as firefighters, friends, neighbors, and citizens around Flagler

Campaign to Re-Elect Frank J. Meeker

41 Cochise Court
Palm Coast, Florida 32137

Presorted Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137

*Paid for by Frank J. Meeker Republican
Candidate for re-election to Flagler Co, FL
Board of County Commissioners, District 2*



October 24, 2014

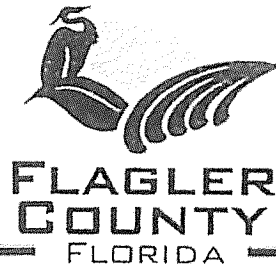
Dear Friends,

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker

Republican Candidate for re-election to Flagler Co, FL Board of County Commissioners, Dist. 2

Administration
1769 E. Moody Blvd Bldg 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4001
Fax: (386)313-4101

October 21, 2014

Mrs. Kimberle Weeks
Supervisor of Elections
1769 E. Moody Blvd., Bldg. 2
Bunnell, FL 32110

RECEIVED
SUPERVISOR OF ELECTIONS
OCT 22 2014 *RC*
FLAGLER COUNTY, FL
KIMBERLE B. WEEKS

Dear Mrs. Weeks:

Please be advised that at the October 20, 2014 meeting of the Flagler County Board of County Commissioners, Commissioner Barbara Revels was selected to replace Commissioner Charles Ericksen, Jr., as the Alternate to the Canvassing Board. This appointment is for the 2014 election cycle.

Should you have a question about this appointment, please feel free to contact County Administrator Craig Coffey or me.

Sincerely,

George Hanns, Chairman
Flagler County Board of County Commissioners

C: Commissioner Barbara Revels
Judge Melissa Moore-Stens, Canvassing Board Chairman

/clm

RECEIVED
FLAGLER COUNTY
SUPERVISOR OF ELECTIONS
2014 OCT 22 PM 1:59

RECEIVED
FLAGLER COUNTY
SUPERVISOR OF ELECTIONS
2014 OCT 22 PM 1:00

District 1 Charles Ericksen, Jr.	District 2 Frank Meeker	District 3 Barbara Revels	District 4 Nate McLaughlin	District 5 George Hanns
-------------------------------------	----------------------------	------------------------------	-------------------------------	----------------------------



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

To: Chief Judges of the Judicial Circuits
Chairs, Boards of County Commissioners

From: Maria Matthews, Esq., Director, Division of Elections

Cc: Supervisors of Elections

Date: 31 October 2014

Subject: Canvassing Board Designation of Alternates for General Election 2014

We are well into the final week before the General Election on November 4, 2014. We wanted to remind you that if you have not already done so, it is not too late for you to appoint alternates to serve on the county canvassing boards in each of the respective counties.

The Legislature added this provision into law in 2013 to provide relief for county canvassing board members who serve long hours and handle everything from the canvassing of absentee ballots through election night reporting to the voting system audits. The designation of alternates and their availability can be critical particularly on election night when the canvassing board must continuously canvass ballots and report updated election results every 45 minutes throughout the night until all that can be reported has been reported.¹

The Legislature directed the Chief Judge of each Judicial Circuit and each Chair of the Board of County Commissioners to designate alternates² as follows:

- If you are the Chief Judge of the Judicial Circuit, you are required, in addition to appointing a county judge to serve as one of the three statutorily designated county canvassing board members in each respective county, to designate an alternate from one of the other county court judges in each of the respective counties that falls within the judicial circuit. If each county

¹ See § 102.141(4), Fla. Stat.

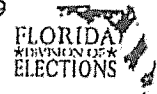
² The designation of an alternate is distinct from the statutory process for appointing a substitute. The substitute process is used if a statutorily designated member of the canvassing board is unable to serve, or is disqualified from serving as a result of being a candidate facing opposition or being an active participant in the campaign process. The law sets out who is responsible for appointing a substitute member and when the chief judge must get involved if no substitute member can serve or a vacancy is created. See § 102.141(1)(a-c), Fla. Stat.

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399

850.245.6200 • 850.245.6217 (Fax) election.dos.state.fl.us

Promoting Florida's History and Culture VivaFlorida.org



64

Chief Judges of the Judicial Circuits
Chairs, Boards of County Commissioners
31 October 2014
Page 2 of 2

judge is able to serve or is disqualified, then you must appoint an alternate member who is otherwise qualified to serve as a substitute.³

- If you are the Chair of the Board of County Commissioners for your respective county, you may already be serving as one of the three statutorily designated county canvassing board members.⁴ However, you are still required to appoint an alternate from any of the board of county commissioners to serve.⁵ If such member cannot serve or is disqualified from serving at any point, then the Chief Judge of the judicial circuit for your county must be notified.

The Chief Judge of the judicial circuit must then appoint an alternate from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign or candidate).⁶

An alternate may be present, observe, and communicate with the existing three-member canvassing board at any of its meetings, but cannot participate in any decisions unless and until he or she is serving as a canvassing board member.⁷

We appreciate your service. Please let me know if you have any questions or comments. You can contact me at 850.245.6520 or 850.443.7730; maria.matthews@dos.myflorida.com.

³ See § 102.141(1)(e)1., Fla. Stat.

⁴ Obviously, if you are the Chair and you were unable to serve or were disqualified from serving as a result of being a candidate facing opposition or an active participant in the campaign process, a substitute would have already been designated.

⁵ See § 102.141(1)(e)2., Fla. Stat.

⁶ See § 102.141(1)(d), Fla. Stat.

⁷ See § 102.141(1)(e)4., Fla. Stat.

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

Once again the meaning of the Florida Sunshine Law is being twisted, re-defined and manipulated. This time it is by a group within the Flagler County government. The County attorney Al Hadeed, the County Administrator Craig Coffee, and some members on the board of the county commission are attempting to draw attention away from (two) 3rd degree felonies in which county attorney Al Hadeed and Charles Ericksen (county commissioner and an alternate canvassing board member) were caught whispering by chance on audio tape at the publically noticed August 25th, 2014 canvassing board meeting (See Exhibit A page 9). This is the very reason for having a canvassing board created by state statute, to prevent improprieties such as this incident, and to insure state statutes are followed implicitly. The Canvassing Board meets several times during the course of an election to insure fair, honest, and accurate elections. The canvassing board by Florida statute (102.141(1)) States: The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. Alternate canvassing board members must be appointed pursuant to paragraph (e). In the event any member of the county is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows: (see FS 102.141(1)(a-e). The last sentence of this statute is why Commissioner Ericksen recently has stepped down as alternate canvassing board member. He gave fifty dollars and attended a campaign fund raising dinner for fellow county commission board member candidate Frank Meeker (See Exhibit B Page 10). George Hanns (canvassing board member and county commission chairman) apparently has publicly endorsed candidate Frank Meeker as well (See Exhibit C page 11). George must have then had candidate Frank Meeker send out a retraction to the endorsement. TOO LATE GEORGE! (See Exhibit D page 12) You are already disqualified as a canvassing board member under this statute. No Do Over's!

Felony #1

In a whispered audio recording (See Exhibit A Page 9 for copy of transcript) during the August 25th, 2014 canvassing board meeting Mr. Al Hadeed stated to commissioner Eriksen: he had witnessed county commissioner (X) canvassing board member, (in a prior canvassing board meeting), conduct his own private visual polling of the absentee ballots and witnessed commissioner (X) leave the canvassing area and report his findings to another party outside via his cell phone. This was (FELONY #1) per FS(104.23) States: Disclosing how elector votes: Any election official or person assisting any elector who willfully discloses how any elector voted, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

Felony #2

Mr. Hadeed did not report the violation of FS 104.23 he had witnessed. In fact, on the audio tape discussion between Mr. Hadeed and Commissioner Ericksen. Mr. Hadeed provides a confession of how he aided, advised, and covered up the violation for a period of time, and helped Commissioner (X) avoid detection and prosecution by not reporting the incident to the other members of the canvassing board at the time he witnessed the violation occurring. This was (Felony #2) a violation of FS (104.091(3)) covering up of any such crime witnessed by (any person), is also guilty of a 3rd degree felony as stated in FS (104.091(3)) Aiding, Abetting, Advising, or Conspiring In Violation Of The Code: Any person who knows of a felony violation of this code and gives any aid to the offender who has violated this code, with the intent that the offender avoid or escape detection, arrest, trial, or punishment, shall be punished as if or she had committed the violation. This subsection does not prohibit a member of the Florida Bar from giving legal advice to a client. It should be noted that Commissioner Eriksen did not report what Mr. Hadeed had told him, and later claimed a "County Commissioner" was never spoken of in connection with this crime.

S.O.E. MRS. WEEKS RELEASES THE PUBLIC RECORD OF HADEED/ERICKSON RECORDING

Mrs. Weeks complied with the Florida Statutes in this matter implicitly according to (FS 286.011(2)) The minutes of any such board or commission of any such agency or authority shall be promptly recorded, and such records shall be open to public inspection. AGO 75-45 {Attorney General Opinion} states: "Sunshine Law-Taping Recording must be transcribed to written minutes." In an article in the Daytona Beach News Journal by Julie Murphy, Mrs. Barbara Peterson, President of the First Amendment Foundation, which specializes in the Sunshine Law agreed Mrs. Weeks did nothing wrong, stating, "There is no expectation of privacy in a public meeting." Also, Richard Harrison an adjunct professor of law at Stetson University College of Law in Gulfport, also stated in the same Daytona Beach News Journal article, Mrs. Weeks had every right to record, with or without the consent of the two officials. Mrs. Weeks taped the Aug 25th meeting with her cell phone so she could more easily and accurately provide written minutes of the ever lengthening meetings, since the Palm Coast Community Center issues had arisen, and there had been more than the usual amount of discussion. Mrs. Weeks was preparing the meeting's minutes when she discovered the two plus minutes of whispering on the audio recording. She went over the recording multiple times until she was able to transcribe what she believed was said by Mr. Hadeed and Commissioner Erickson. Once Transcribed it became a public record and legal to release to the public under FS 286.011(2). Transparency is of paramount importance in the election process, and Mrs. Weeks is dedicated to keeping every part of the election process open for public scrutiny, whether good or bad. This is why there has been such controversy over the length and content of the recent canvassing board's minutes. Mrs. Weeks wants verbatim

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

minutes kept for complete transparency. The other members of the canvassing board want an abbreviated version that must be approved by them, so they have the option of rewriting history and covering up any mistakes or wrong doing as in this case in which Commissioner (X) released election results and Mr. Hadeed was caught confessing to helping cover up the crime.

MR. HADEED'S CLAIM TO INNOCENCE

Mr. Hadeed is claiming that he broke no law because he is a member of the Florida Bar and claims he was giving legal advice to a client Per FS (104.091(3)(Excerpt) This subsection does not prohibit a member of the Florida Bar from giving legal advice to a client. Was Commissioner (X) his client? If you stretch Mr. Hadeed's assertion far enough, it would cover any taxpaying citizen in the county, since all county employees technically work for the taxpayers of this county. This is preposterous! Why would Mr. Hadeed not report such a violation of the state election statutes? Mr. Hadeed was acting as the Canvassing board's attorney when the violation was witnessed. Mr. Hadeed is the person responsible for advising the canvassing board on legal matters and state statutes and is to help insure elections are fair, honest, and lawful. We have never seen any public board meeting in which the board's attorney represented the board and also represented interests or clients who were in exact opposition to the defined purpose of that board or commission. It is a conflict of interest. How then can Mr. Hadeed represent county commissioner (X) in the act of violating the election law, while at the same time he is representing the canvassing board, which is by state statute FS 102.141(1), the intended vehicle created to protect the state's election laws and processes? The same is true for his discussion of the admitted 3rd degree felony with Commissioner Charles Ericksen. Mr. Hadeed cannot represent a commissioner while on duty as the canvassing board attorney. (See Below: Florida Bar Rule 4-1.7 concerning conflict of interest). Was Mr. Hadeed worried about losing his position and 200K plus yearly salary so much as the county attorney, that he attempted to protect and conceal what commissioner (X) had done? This is a MAJOR conflict of interest and Mr. Hadeed should be removed from his position as canvassing board attorney. Mr. Hadeed should be fully investigated by FDLE and the Florida Bar for his actions in this matter.

THE FLORIDA BAR RULES CONCERNING CONFLICTS OF INTEREST

RULE 4-1.7 CONFLICT OF INTEREST; CURRENT CLIENTS

4 RULES OF PROFESSIONAL CONDUCT
4-1 CLIENT-LAWYER RELATIONSHIP

RULE 4-1.7 CONFLICT OF INTEREST; CURRENT CLIENTS

(a) Representing Adverse Interests. Except as provided in subdivision (b), a lawyer must not represent a client if:

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

- (1) the representation of 1 client will be directly adverse to another client; or
- (2) there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Loyalty to a client (Excerpt)

Loyalty to a client is also impaired when a lawyer cannot consider, recommend, or carry out an appropriate course of action for the client because of the lawyer's other responsibilities or interests. The conflict in effect forecloses alternatives that would otherwise be available to the client. Subdivision (a) (2) addresses such situations. A possible conflict does not itself preclude the representation. The critical questions are the likelihood that a conflict will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client. Consideration should be given to whether the client wishes to accommodate the other interest involved.

This Florida Bar Rule fits Al Hadeed's actions of advising and concealing Commissioner (X)'s 3rd degree felony like a glove. We realize this is a redundant statement, but Mr. Al Hadeed's purpose the day he caught commissioner (X) committing the 3rd degree Felony was not to protect his county commission client, but to serve in the interests of the canvassing board ruled by the Florida Statutes it operates under. Instead, Mr. Hadeed chose to aid the commissioner in the concealing of and avoiding prosecution of a crime which was the exact reason the canvassing board was created by the Florida Legislature. This is the conflict of interest spoken of in the above statute and Florida Bar rule—no doubt.

THE HADEED-COFFEY SMOKE SCREEN

Mr. Hadeed and Mr. Coffey (county administrator) are instead alleging that under FS 934.03, a felony was committed by the supervisor of elections when she audio recorded Mr. Hadeed and alternate canvassing board member, Commissioner Charles Ericksen, during the August 25th canvassing board meeting without their prior knowledge, and then made the recording and written transcription public. Mr. Coffey, the County Administrator (the county commission is his normal employer and sets his salary which is in excess of 200K per year), was quoted in the Sept. 29, 2014 News Journal article, "If you accidentally record something, that's one thing," Coffey said. "She went out of her way to distribute it and that's just bad." You see Mr. Coffey, it is bad only if you are county attorney Al Hadeed, the one caught confessing on an audio recording of himself, aiding the person guilty of a violation of election law (FS 104.23) which is a 3rd degree felony. FS 934.02(2) states: Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation and does

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

not mean any public oral communication or uttered at a public meeting any electronic communication. (Also) AGO 91-28 states: that public officials may not complain they are secretly being recorded during public meetings in violation of Section 934.03, Florida Statutes. Mr. Hadeed and Mr. Coffey how devious are you? Accuse the whistle blower, our SOE Kimberle Weeks, so that perhaps everyone would forget the two felonies committed by County Commissioner (X) and the Flagler County Attorney Al Hadeed. This act was a deliberate attempt by Mr. Hadeed and Mr. Coffey to shift the public's attention away from two third degree felonies and redirect their attention towards the SOE Kimberle Weeks. (Felony #1) A commissioner caught committing a 3rd degree felony by releasing voting results early. For the 2nd felony, Mr. Hadeed is caught confessing to aiding a county commissioner to escape arrest and punishment. Mr. Hadeed, you are the canvassing board's attorney as well as the Flagler County commission's board attorney and a member of the Florida Bar. Mr. Hadeed, what a great example of the law profession you are by concealing a 3rd degree felony. This is covered in FS 104.091(3) as stated above in paragraph and under Florida Bar rule 4-1.7 which is a part of the rules all Florida attorneys are sworn to practice and live by. Shameful!

THE MEDIA CONNECTION:

The local media is certainly not guilty of practicing good journalism or impartiality in this scandal. Most of the reporting was flamboyant, head line grabbing to increase their circulation and market share of the news media for profit. The only reporter who seemed to practice a little journalism was Julie Murphy of the Daytona Beach News Journal, when she spoke with Barbara Peterson President of the First Amendment Foundation, and Richard Harrison an adjunct professor of law at Stetson University College of Law in Gulfport. Both Sunshine Law experts agreed Mrs. Weeks did nothing wrong by recording Mr. Hadeed and Commissioner Erickson during the August 25th 2014 canvassing board meeting. It seems this article was (*just about*) all the press has had to say on the possibility (Mrs. Weeks is right) and the "good ole boys" might just be distorting and twisting state law to serve their own purposes. All the rest of the press seems to complacently swallow whatever the "good ole boys" network spoon was feeding them. They should at least investigate and try and prove who commissioner (X) really is. This may not be as historic as Mr. Hadeed claims.

Here are some questions they could research:

1. Could it possibly be a commissioner who is still in office?
2. Do the letters N M mean anything to anyone?
3. Why does the county attorney never miss a canvassing board meeting?
4. Who orders him to be there?
5. Why would "they" insist on his presence at these meetings?
6. Why would Mr. Coffey get involved in this?
7. Was it to protect one of his bosses currently serving on the board?

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

8. Should we really believe Hr. Hadeed when he says commissioner (X) was a former member and this incident happened years ago?
9. If it happened years ago, and is historical, why all the fuss to redirect attention away from commissioner (X) and the attorney Al Hadeed and redirect all the attention on Mrs. Weeks?
10. Why does the board of county commission, the county administrator, and the canvassing board chair person want summary minutes of the canvassing board meetings instead of verbatim minutes which are truly transparent?
11. Why in light of all the information about Attorney Al Hadeed's felonious action caught on an audio recording, is he still the canvassing board attorney?
12. Why would the Chair of the Canvassing Board, Judge Melissa Stens vote to keep Hadeed as canvassing board attorney after hearing the whispering conversation between Al Hadeed and commissioner Ericksen that took place during the August 25th canvassing board meeting?
13. Why would the new appointee to the recently vacated alternate canvassing board member's position be a commissioner who is under an ethics violation investigation?
14. What does it say about our Flagler county commission when commissioner (X) commits a felony and is caught by the county commission's attorney covering up the violation; but does not report it: Mr. Eriksen steps down because he gave money to candidate Frank Meeker, the new appointee to the spot Mr. Eriksen vacated is filled by Commissioner Barbara Revels who is currently under investigation on ethics charges; and let's not forget commissioner George Hanns, (currently serving on the canvassing), board who has apparently endorsed commissioner Frank Meeker as well.
15. The biggest question, why do the "good ole boys" want Mrs. Weeks gone so badly? Is it so they can re-gain control of the elections in this county?
16. What happened in the 2006 election commission race (before Mrs. Weeks was elected S O E), when every Palm Coast precinct was won by virtual unknown county commission candidate Bob Abbott?
17. Why were the 2006 voted ballots destroyed just weeks before Mrs. Weeks was sworn into office for her first term by the outgoing SOE, yet the years previous to 2006 election were left untouched and were not destroyed.

These are just some starter questions for you folks in the press and law enforcement to start asking and researching.

The worst violator of lack journalism is in our opinion the online news source Flagler Live by Pierre Tristam. His reports, while full of details, often go off subject are usually slanted in the direction of his ultra liberal philosophy (his writing is normally his opinion and not fact), as in this case, spun to aid his friends "the good ole boys" in the Flagler County Government. If you don't bow to their wishes, they won't give you the scoop when a real story-happens isn't that right

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

Pierre? Pierre should be getting Carl Laundries' salary as Flagler County Information officer (Spin Doctor)-Pierre is better at it!

FLAGLER COUNTIES DIRTY POLITICS AT THEIR FINEST

Let's recap one point at a time:

#1) All this started over recording of a publicly noticed meeting of the Flagler County Canvassing August 25, 2014 to insure an accurate and honest accounting of the content of the meeting's minutes. Two Sunshine Law experts both agree Mrs. Weeks did nothing wrong.

#2) By accident, Mrs. Weeks discovers Canvassing board attorney Al Hadeed describing a 3rd degree felony by county commissioner (X) witnessed by him. Mr. Hadeed did not report the violation, nor did Commissioner Erickson report what Mr. Hadeed told him of the violation. Mr. Hadeed confesses to aiding commissioner (X) evade arrest; avoid detection, and punishment of the crime of disclosing how an elector has voted; also a 3rd degree felony per FS 104.091(3).

#3) In the name of transparency and open government Mrs. Weeks releases the recording of Al Hadeed whispering about the 3rd degree felony he had witnessed to Commissioner Charles Erickson. Again legal experts on Sunshine Law agree Mrs. Weeks did nothing wrong.

#4) Mr. Hadeed claims he is innocent because he is a member of the Florida Bar Association and was giving counsel to a client (a very thin technicality at best). It has been pointed out that at the time the violation occurred he was the canvassing board attorney, not the county commission attorney, whose duty as canvassing board attorney is to insure all statutes are followed. Mr. Hadeed is warned by Barbara Peterson President of the First Amendment Foundation, not to be a conduit between board members (which happens regularly we are told).

#5) The smoke screen to shift attention, (and injure Mrs. Weeks politically), away from the felony violations by commissioner (X) and cover up by Al Hadeed begins. Mr. Coffey states: "If you accidentally record something, that's one thing." "She went out of her way to distribute it, and that's just bad." What is bad is a county commissioner releasing how electors voted and the canvassing board attorney protecting him. Both acts are stand alone 3rd degree felonies and so far no state agency or the press is investigating, prosecuting or reporting about these two public official's violations of the state elections laws.

#6) What about the Press? No blue ribbon for the press through all of this scandal. What a pitiful performance by the press. For God's sake reporters, the Constitution of the United States of America gave to you the right to be a free press and a policeman of our government. It is a necessity if our way of life is to continue. I have heard it said, "One can't argue much with someone who buys ink by the 55 gallon drum." This is the only power the press has over government to make it behave. Always print the truth through honest, research, be fair and un-opinionated, and question the cases like this one in which there were criminal acts committed by

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

several of the same people who ignited the furor against the S.O.E. (Duh!), while trying to shift the blame off them. The press is really the 4th branch of government by means of keeping in check the over dominance by government, through public disclosure of information. Now Press, go and do your job! We have giving you information on violations and laws which were broken and questions to ask. so start reporting already!

SUMMATION

All of this is nothing more than a county commissioner, the county attorney/canvassing board attorney, the county administrator, and the mostly unwitting aid of the local press, attempting to transfer attention off of criminal acts perpetrated by their own local band of "good ole boys" and then refocus the attention on S.O.E. Kimberle Weeks by conspiring to blame her on a sunshine law violation. These "Good Ole Boys" obviously have some great interest in how the elections are progressing (hmmm) to chance breaking state election laws and possible removal from office and imprisonment. I wonder why? Somehow, "these good ole boys" convinced the FDLE to investigate Mrs. Kim Weeks (Hmmm). All of those who had any involvement in this attempt to white wash over these two Public Officials felonies, and twist the sunshine law to help them achieve their goals, should be investigated, reported on, and prosecuted to the fullest extent of state law. If state agencies do not follow their own statutes concerning election and sunshine law, then the Federal Justice department should step in to protect the voter's civil right to vote in private. The Federal Justice Department will be notified! Something has to be done to protect our right to free elections in this corrupt county!

There are no limits as to what the "good ole boys" will do to stay in power and maintain their control; we have provided documentation confirming this in the above articles.

Sincerely, Our Opinions.

Citizens for Honesty in Government

**County commissioners and the county Attorney attempt
cover up of their Felonies AT THE FLAGLER COUNTY
CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense**

EXHIBIT A

AL HADEED) Well you know, we actually had a problem here. Um, maybe I shouldn't tell you this. (CHARLES ERICKSEN JR) Well, no don't. (AL HADEED) No, with a prior prior county commissioner, I had to caution him, cause he was reading the frickin ballots. I said you cannot do that. (CHARLES ERICKSEN JR) Right, that's her instructions. Well, that's the law, that's the frickin law. (CHARLES ERICKSEN JR) Yea, right. (AL HADEED) I think it's like a third degree felony or something like that. (CHARLES ERICKSEN JR) Well yea she explained that, that if you said anything about what went on in the room, other than the procedures, in other words if you said I saws Al's ballot, he voted for so and so. (AL HADEED) No, this commissioner was actually studying the ballots. (CHARLES ERICKSEN JR) Oh wow. (AL HADEED) And I said you can't do that. And the problem was after that session he ran out and made a call. And so I talked to him later, I said look, you just got my note, I am sure that call you made was to report to somebody what you've seen. It was like he was doing like a, a sample, a _____ sample of what he's seen ...he didn't do it again. (CHARLES ERICKSEN JR) Oh, she would have called security on him.

The remaining session is a conversation between Commissioner Charles Ericksen Jr and County Attorney Al Hadeed regarding Pierre Tristam taking pictures as absentee ballots were being opened and security being called on him due to the strict security policy the supervisor of elections enforces.

At the end of the tape Commissioner George Hanns is heard entering the conversation. Apparently some body language is being presented to George by Commissioner Charles Ericksen Jr and/or County Attorney Al Hadeed as County Commission Chair George Hanns makes the comment "Next meeting, oh, she's not taping it anyway".

County commissioners and the county Attorney attempt
cover up of their Felonies AT THE FLAGLER COUNTY
CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

EXHIBIT B

Report Date : ALL

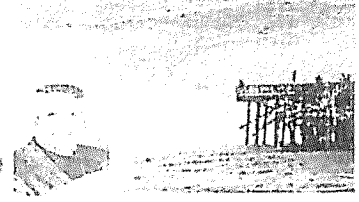
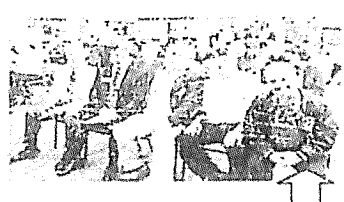
Campaign Treasurer's Report - Itemized Contributions

Seq Num	Date	Contributor	Contributor Type	Occupation	Contribution Type	In-Kind Description	Amend	Amount	
	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
10	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
11	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
12	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual	County Clerk's Office	Check			100.00	
13	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
14	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
15	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual	Manager	Check			100.00	
16	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
17	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
18	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual	Manager	Check			100.00	
19	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
20	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
21	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
22	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
23	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
24	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
25	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
26	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
27	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
28	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
29	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	
30	12/15/14	John A. Livingston 1111 N. 1st St. Flagler Beach, FL 32114	Individual		Check			100.00	

County commissioners and the county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

EXHIBIT C

Vote November 4th for a dedicated Leader who stands with us.

"I support Frank J. Meeker and hope you will too. Frank's experience has proven to be invaluable. He has given back to his community and supported me with the veterans. He is a Flagler recognized leader." BOUCE Chief George Harris

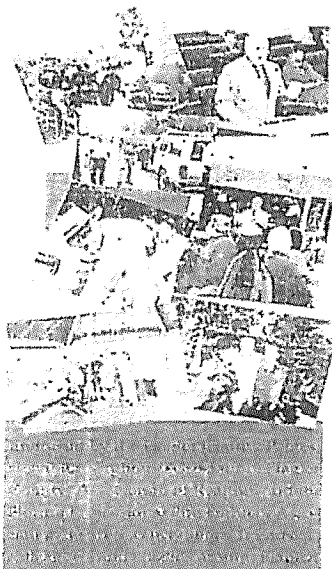
Re-Elect Frank J. MEEKER
Flagler County Commission
District 2
Knowledge with Proven Experience!

Campaign to Re-Elect
Frank J. Meeker

Frank J. Meeker
Palm Coast, FL 32137

Frank J. Meeker
Palm Coast, FL 32137

Frank J. Meeker
Palm Coast, FL 32137



Frank Meeker looks out for all Flagler Residents...always has.

As a member of the Flagler County Commission, Frank Meeker has been a dedicated leader for the past 10 years. He has been a vocal advocate for the needs of the community and has been instrumental in the development of the county's infrastructure. He has been a strong supporter of the veterans and has been a key player in the development of the county's economic future. He has been a dedicated leader for the past 10 years and has been a vocal advocate for the needs of the community.

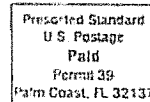
Frank Meeker has been a dedicated leader for the past 10 years and has been a vocal advocate for the needs of the community. He has been instrumental in the development of the county's infrastructure and has been a strong supporter of the veterans.

County commissioners and the county Attorney attempt
cover up of their Felonies AT THE FLAGLER COUNTY
CANVASSING BOARD at S.O.E.'S WEEKS' Political Expense

EXHIBIT D

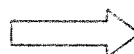
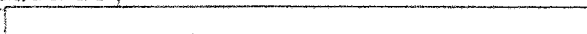
Campaign to Re-Elect
Frank J. Meeker

41 Cochise Court
Palm Coast, Florida 32137



Palm Coast, FL 32137

Paid for by Frank J. Meeker Republican
Candidate for re-election to Flagler Co., FL
Board of County Commissioners, District 2



October 24, 2014

Dear Friends,

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker



Frank J. Meeker, Republican Candidate for re-election to Flagler Co., FL Board of County Commissioners, District 2



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

October 15, 2009

Honorable Sharon L. Zeller
County Court Judge
Broward County Courthouse
Fort Lauderdale, Florida 33301

RE: DE 09-07
Canvassing Board – Disqualification of Member;
§§ 102.141(1), Florida Statutes

Dear Judge Zeller:

This letter responds to your request for an advisory opinion. You are the Administrative County Judge for Broward County and, as such, you serve as the chair of the County Canvassing Board. As a local officer having election-related duties, the Division of Elections has authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2009).

Section 102.141(1)(a)-(d), Florida Statutes (2009), disqualifies a canvassing board member or a substitute member of a canvassing board if the member is a candidate with opposition in the election being canvassed or is an "active participant" in the campaign or candidacy of any candidate who has opposition in the election being canvassed.

You ask if whether any or all of the following activities by a member of the canvassing board constitute being an "active participant" in the campaign or candidacy of any candidate who has opposition in the election being canvassed:

- Being a member of an election or re-election committee for a candidate
- Public endorsement with or without financial support of a candidate
- Holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate
- Signing endorsement card for a candidate
- Attending a fundraiser for a candidate
- Chairing or co-chairing an ongoing election campaign or fundraiser for the candidate

Honorable Sharon L. Zeller
October 15, 2009
Page 2 of 3

As we stated in *Division of Elections Opinion 08-10* (September 26, 2008):

The Election Code does not define "active participant," nor have we found it defined in any Florida appellate case law or Attorney General Opinions. We believe the focus must be on the modifier "active" in the phrase "active participant." If the member is a passive participant, the member would not be disqualified from being a member of a canvassing board. We do not believe that a monetary contribution to a candidate's campaign by itself makes a canvassing board member an "active participant" in the campaign.

Your questions now cause us to further define what makes one an "active participant" under section 102.141, Florida Statutes. Prior Division of Elections' informal opinions concerning this section have interpreted being an "active participant" to include activities such as publicly endorsing a candidate, displaying a candidate's campaign signs, or soliciting votes for a candidate. Stated more broadly, an "active participant" in a campaign is one who undertakes an action intentionally to demonstrate or generate public support of the candidate. This does not include merely making a campaign contribution. While a contribution to a candidate becomes a public record by operation of law (*see* section 106.0706, Florida Statutes (2009)), it cannot be said the donor is making the contribution for the intentional purpose of demonstrating or generating *public* support for the candidate. In fact, the donation does not become a public record until the candidate files the campaign finance reports on the required due dates, which may be months after the contribution is made. *See* § 106.07(1), Florida Statutes (2009). Therefore, one who merely makes a campaign contribution is a "passive participant" in a candidate's campaign. *Division of Elections Opinion 08-10* (September 26, 2008).

Accordingly, to address your specific questions: Being an "active participant" would include being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign t-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; or chairing or co-chairing an ongoing election campaign or fundraiser for a candidate. In each of these activities one is undertaking an action intentionally to demonstrate or generate public support for the candidate.

SUMMARY

To be disqualified as a canvassing board member, the member must be an "active participant" in the campaign or candidacy of any candidate who has opposition in the election being canvassed. An "active participant" means that a canvassing board member undertakes an effort intentionally to demonstrate or generate public support of a candidate beyond merely making a campaign contribution.

Honorable Sharon L. Zeller
October 15, 2009
Page 3 of 3

The following activities would make a canvassing board member an "active participant" in the candidate's campaign or candidacy: Being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; or chairing or co-chairing an ongoing election campaign or fundraiser for a candidate. However, the mere giving of a campaign contribution would not make a canvassing board member an "active participant."

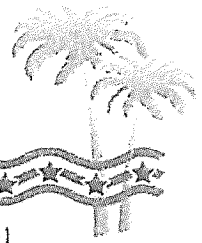
Sincerely,



Donald L. Palmer
Director, Division of Elections



Kimberle B. Weeks
Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

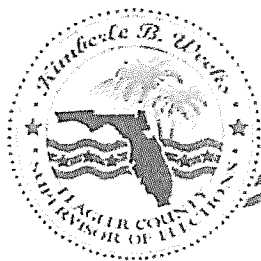
FLAGLER COUNTY CANVASSING BOARD AGENDA

Open & Canvass of Absentee Ballots—Unofficial Results

**2014 General Election
November 4, 2014**

**Meeting Date: November 4, 2014
Meeting Time: 7:00 p.m.**

- I. Call to Order
- II. Roll Call and Sign In
- III. Verify Proof of Advertising
- IV. Opening and processing of Absentee Ballots
- V. New Business
- VI. Old Business
- VII. Public Questions & Comments
- VIII. Adjournment



Kimberle B. Weeks
Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

November 4, 2014---7:00 p.m.

Canvassing Board Sign-In

Election: November 4, 2014 General

4-Nov-14 Opening of Absentee Ballots 2014 General Election
7:00 p.m.

AB 1 Beginning Tabulation Count _____

Absentee's Opened _____

AB 1 Expected ending count _____

AB 1 Serial Number _____

AB 1 Seal Number _____

AB 1 Ending Count _____

Difference (If Any - or +) _____

AB 2 Beginning Tabulation Count _____

Absentee's Opened _____

AB 2 Expected ending count _____

AB 2 Serial Number _____

AB 2 Seal Number _____

AB 2 Ending Count _____

Difference (If Any - or +) _____

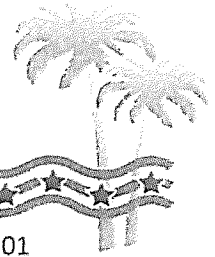
7:30 p.m.

[illegible]



Kimberle B. Weeks

Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 • PO Box 901 • Bunnell, Florida 32110-0901
Phone (386) 313-4170 • Fax (386) 313-4171 • www.flaglerelections.com

Official Canvassing Board Meeting Minutes

Flagler County Supervisor of Elections

Board Meeting Minutes: November 4, 2014

(6:00 p.m., Supervisor of Elections Office)

Present

1. Kimberle B. Weeks-Supervisor of Elections
2. Melissa Moore-Stens-County Judge, Canvassing Board Chair
3. George Hanns-BoCC Chairman
4. Barbara Revels, Alternate Canvassing Board Member appointed by the BoCC to replace alternate Charles Ericksen Jr who voluntarily stepped down
5. Roberta Walton, Private Attorney
6. Al Hadeed, County Attorney, Canvassing Board Attorney Per Judge Stens and George Hanns
7. David Sullivan, Republican Executive Chairman-Public
8. Christie Mayer-County Employee, Craig Coffey Administrative Assistant-Public
9. Kim Medley-Public
10. Bill McGuire-Palm Coast City Council Member-Public
11. Virginia Smith-City of Palm Coast Clerk-Public
12. Cindie Lane-City of Palm Coast Employee-Public
13. Carlos E. Rey-Department of State, Division of Elections-Public
14. Dennis McDonald-Public
15. Linda J. Hanson-Public
16. J. Logan-Public
17. Court Reporter-Public

Proceedings

Meeting called to order at 3:03 p.m.

Pledge to Flag took place

Chair Stens stated proof of advertising had already been verified.

Sign In took place

The serial number, seal number and count on the tabulator were verified on the AB 3 tabulator and the zero tape was verified. All information was recorded before tabulation of absentee ballots accepted today were tabulated by Supervisor Weeks.

352 absentee ballots which have been verified by staff were accepted, opened and sorted for tabulation. One envelope for precinct 3 had 2 ballots in one envelope. It was verified that both persons who signed the certificate side of the envelope requested absentee ballots, and their signatures both matched the signatures on file.

County attorney/Canvassing Board attorney Al Hadeed stated that per the Rule of the Division both ballots were to be counted.

Supervisor Weeks asked General Counsel of the Division of Elections, Carlos Rey if both ballots should be accepted and tabulated. Carlos looked into the matter and returned to tell Supervisor Weeks that the law is silent on the matter and it would be a decision of the canvassing board. Supervisor Weeks relayed the information to the canvassing board. Both ballots were accepted and tabulated which increased the number of accepted ballots to 353.

The additional absentee ballots were verified by staff and presented to the canvassing board changing the number of accepted ballots from 353 to 356. The three absentee ballots were opened and tabulated.

4 Ballots were duplicated and tabulated

2 Military/overseas ballots were processed

The absentee ballots that were in question were presented to the canvassing board for decision and 2 were accepted and all others were rejected. The 2 accepted ballots changed the number of accepted ballots from 356 to 358.

An additional 5 verified absentee ballots were presented to the canvassing board changing the number of accepted ballots from 358 to 363.

One last absentee ballot that was verified by staff was presented to the canvassing board changing the number of accepted absentee ballots from 363 to 364.

The number of accepted absentee ballots matched the ending number on the tabulator of tabulated ballots.

Under New Business:

- Judge Stens presented a 12 page document that was received by the county for the Chair of the County Canvassing Board that was titled "County commissioners and the county attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E's Weeks' Political Expense".. Copies were made for Judge Stens, attorney's Hadeed and Walton and some members of the public.

- REC Chairman Mr. David Sullivan made a public comment stating that the poll watchers in place for the general election have all reported that it has been reported that the election went smooth and all voters were provided the opportunity to vote.
- Supervisor Weeks provided a copy of DE 09-07 from the Department of State that her attorney Roberta Walton provided her. She asked Roberta to speak on the opinion and then she asked that Commissioner George Hanns step down from the canvassing board to prevent the appearance of impropriety because county commissioner candidate Frank Meeker mailed out a mailing stating that he was endorsed by commissioner Hanns, and the mailing contained a group picture in which Frank Meeker and George Hanns were in the same picture.
- Commissioner Hanns responded by stating he did not endorse a candidate and that he would not step down.
- Supervisor Weeks made a motion for George Hanns to be removed from the canvassing board.
- Judge Stens reviewed the Division Opinion, and then agreed with Supervisor Weeks that Commissioner George Hanns should step down. Commissioner Hanns did not vote on the matter.
- Commissioner George Hanns removed his name badge, and gave his seat to alternate canvassing board member Commissioner Barbara Revels.

Under old Business:

- County Attorney/Canvassing Board Attorney Al Hadeed presented a copy of an email that Supervisor Weeks sent to Court Administrator Mark Weinberg and his response regarding the appointment of alternate canvassing board member Barbara Revels by the board of county commissioners. Mr. Hadeed stated that the BoCC correctly appointed alternate Revels after the resignation of alternate Ericksen Jr.
- Supervisor Weeks responded by reading from page 2 of 2 of the document she received from the Director of the Division of Elections, Maria Matthews which read "if you are Chair of the Board of County Commissioners for your respective county, you may already be serving as one of three statutorily designated county canvassing board members. However, you are still required to appoint an alternate from any of the board of county commissioners to serve. If such member cannot serve or is disqualified from serving at any point, then the Chief Judge of the judicial circuit for your county must be notified.

The Chief Judge of the judicial circuit must then appoint an alternate from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign of candidate).

The precincts modemed in and those that were unable to do so were direct uploaded. Chief Deputy Supervisor Darlene Walker printed an "Unofficial Summary Report" reflecting results of all precincts reporting.

The next meeting was announced for Thursday, November 6th at 5:01 p.m.

The meeting finally adjourned at 8:53 p.m.

**Flagler County Canvassing Board
Absentee Ballots Meeting November 4, 2014
Minutes**

MEMBERS PRESENT: Judge Melissa Moore-Stens, County Commission Representative George Hanns, Elections Supervisor Kimberle Weeks.

MEMBERS ABSENT: None.

OTHERS PRESENT: County Commissioner Barbara Revels, County Attorney Al Hadeed, Attorney Roberta Walker, along with a court reporter and members of the public.

1. Pledge of Allegiance – The meeting was called to order at 6:00 p.m. with the Pledge of Allegiance led by Judge Moore-Stens.
2. Roll Call and Sign-in – The sign-in was distributed and a quorum was obtained with all members of the Canvassing Board present.
3. Verify Proof of Advertising – Judge Moore-Stens then confirmed today's Canvassing Board meeting had been advertised. A copy of the advertisement is in the file. The first meeting (at 6:00) is to open absentee ballots followed by a meeting at 7:00 p.m. to process the unofficial election results.
4. Opening and Processing of Absentee Ballots – At 6:06 p.m., Board members began opening the absentee ballots received. They duplicated two ballots for processing through the tabulator.

Judge Moore-Stens reminded everyone that it is still a felony offense to discuss anything heard or seen during this process prior to 7:00 p.m. tonight (election night). One envelope was found to have two ballots and two signatures on the envelope. The Canvassing Board agreed both ballots would be processed because both signatures matched those on file. Altogether, 364 ballots were accepted and processed.

5. New Business
 - a. Judge Moore-Stens received an anonymous letter addressed to the Canvassing Board Chairman upon arrival at tonight's meeting. Judge Moore-Stens noted she has not had a chance to review the letter. It was accepted as public comment.
 - b. Ms. Walker presented an opinion from the Attorney General dated October 15, 2009 regarding what constitutes "active support" of a candidate for office. Supervisor Weeks still feels it would be appropriate for Chairman Hanns to step down due to the mailing by Commissioner Meeker.

Chairman Hanns again stated he gave no permission to use the photo of himself with Commissioner Meeker and he did not endorse him nor does he intend to do so. After further discussion, Supervisor Weeks made the motion that Chairman

Flagler County Canvassing Board
Absentee Ballots Meeting November 4, 2014
Minutes

Hanns step down from his position on the Canvassing Board. Chairman Hanns stated he has no intention of stepping down and he should not be held accountable for the actions of others. In addition, he feels Supervisor Weeks should step down due to her partiality to certain individuals during the primary election.

Judge Moore-Stens reviewed the Attorney General's opinion. She then seconded the motion but stated that no one has influenced the counting of the ballots and duplication of ballots.

Chairman Hanns noted it is important to him to protect the integrity of the election and, therefore, he asked Commissioner Revels to serve as the Alternate. He apologized for any harm it may have caused but he is the one who will suffer.

The vote on the motion was 2 to 1 with Chairman Hanns dissenting. At 8:14 p.m., Commissioner Revels joined the Canvassing Board.

- c. Supervisor Weeks read aloud comments made by Commissioner Revels in the newspaper that "all eyes need to be on this election". She also noted Commissioner Revels has questioned how the court reporter was being paid, yet a county employee has been attending the Canvassing Board meetings.
6. Old Business – Mr. Hadeed noted that at the last Canvassing Board meeting, Commissioner Revels' appointment as the Alternate from the County Commission was questioned. Mr. Hadeed then asked that the correspondence from Supervisor Weeks on this item as well as the response from the Circuit Court noting that the Chief Judge had reviewed the statutes and found all to be in order be made part of the record (Attachment 1).
7. Public Outreach – Mr. Dave Sullivan, who coordinated poll watchers both at the primary election and today, reported that the poll workers did their job with no indication of any issue. He commended all of the poll watchers and workers for a good job.
8. Adjournment – The meeting was adjourned at 8:20 p.m.

Albert J. Hadeed

From: Weinberg, Mark [mweinberg@circuit7.org]
Sent: Monday, November 03, 2014 9:48 AM
To: 'Kimberle Weeks'
Cc: 'maria.matthews@dos.myflorida.com'; Perkins, Judge Terence R.
Subject: Replacement of Flagler County Canvassing Board Alternate Charles Ericksen Jr.
Attachments: 20141102185354045.pdf; 20141102182351884.pdf; Meeker -2014 Gen Endorsement.pdf
Importance: High

Ms. Weeks,

Thank you for your e-mail below. I have consulted with Judge Perkins and we have concluded that the appointment of Ms. Revels as the alternate member of the canvassing board was done properly and in accordance with the statute.

Mark Weinberg

From: Kimberle Weeks [mailto:kweeks@flaglerelections.com]
Sent: Sunday, November 02, 2014 8:40 PM
To: Matthews, Maria I.
Cc: Weinberg, Mark
Subject: Replacement of Flagler County Canvassing Board Alternate Charles Ericksen Jr.
Importance: High

Maria,

I received the email from you on 10/31/2014 shown below which included the attachment above, and I noticed you also sent it to Chief Judges of the Judicial Circuits, Chairs, Boards of County Commissioners.

The alternate canvassing board member appointed to serve in the absence of county commission chair George Hanns for the 2014 elections was initially county commissioner Charles Ericksen Jr and this was done before any 2014 canvassing board meetings took place. On October 17th I brought to the canvassing boards attention that I was notified that commissioner Ericksen Jr contributed \$50 (and attended a fund raiser dinner) to county commissioner candidate Frank Meeker's re-election campaign. It was then that the board of county commissioners decided at their October 20th board meeting, without placing it on the agenda, to replace alternate canvassing board member Ericksen, which is not how your letter of instruction directs for the replacement of an alternate canvassing board member to be done. The board of

county commissioners replaced alternate Ericksen with county commissioner Barbara Revels, who is under investigation by the Ethcis commission. All of the referenced events involving the board of county commissioners, and the appointment of commissioner Revels to the canvassing board have placed the appearance of impropriety upon our elections, and the voters have expressed concern.

I understand your letter to read that Chief Judge (The Honorable Terence Perkins) of the judicial circuit should have been notified when an alternate replacement for Mr. Ericksen was necessary, and Chief Judge Perkins, must then appoint an alternate canvassing board member for the alternate (Charles Ericksen Jr) that is no longer serving, from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign or candidate). It is unclear why the board of county commissioners or their staff failed to do this.

I received a correspondence on October 22nd in my office dated October 21, 2014, from the Chairman of the Board of County Commissioners, George Hanns confirming that the board of county commissioners selected County Commissioner Barbara Revels on October 20, 2014, to serve as the alternate replacement for Charles Ericksen Jr., instead of contacting the Chief Judge as your email instructed. I am copying Court Administrator, Mark Weinberg in this correspondence so he can give this matter his immediate attention and see that your instruction is followed. We have a scheduled canvassing board meeting on Monday, November 3rd at 3 p.m. and will need the replacement alternate that Judge Perkins appoints to be in attendance at that time.

The most recent issue that you were made aware of that involves Chairman of the Board of County Commission, George Hanns endorsing County Commissioner, Frank Meeker's re-election will be raised at the scheduled canvassing board meeting tomorrow,

November 3, 2014, and it may be determined that Commissioner Hanns cannot, will not, or should not remain on the canvassing board, and therefore his alternate may need to be ready to serve. Attached for your reference is a copy of the mailing(s) that were provided to me regarding the endorsement of commissioner Frank Meeker's re-election by Chairman of the Board of County Commissioners, George Hanns.

If I am incorrect in anyway, please advise.

**Thank you,
Kimberle B. Weeks
Flagler County Supervisor of Elections**

From: Matthews, Maria I. [<mailto:Maria.Matthews@DOS.MyFlorida.com>]
Sent: Friday, October 31, 2014 9:17 AM
To: Matthews, Maria I.
Cc: Detzner, Kenneth W.; Kennedy, Jennifer L.; Boynton, John; Atkinson, Drew; Holland, Gary J.; Lesser, Brittany; Burrus, Christie D.; Small, Stacey L.
Subject: Canvassing Board Designation of Alternates for General Election 2014

Dear Chief Judges of the Judicial Circuits and Chairs of the Boards of County Commissioners:

Please find attached a memo from the Florida Division of Elections.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,

Maria Matthews, Esq.
Director, Division of Elections
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520 (office)
850.245.6291 (fax)

Please note: Florida has a very broad public records law. Written communications (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Vote November 4th for a dedicated Leader who stands with us,



"I support Frank J. Meeker and hope you will too. Frank's experience has proven to be invaluable. He has given back to his community and supported me with the veterans. He is a Flagler recognized leader." BOCC Chair George Hanns

Re-Elect Frank J. MEERER

Flagler County Commission District 2

Knowledge with Proven Experience!

www.facebook.com/electFrankMeeker

Campaign to Re-Elect

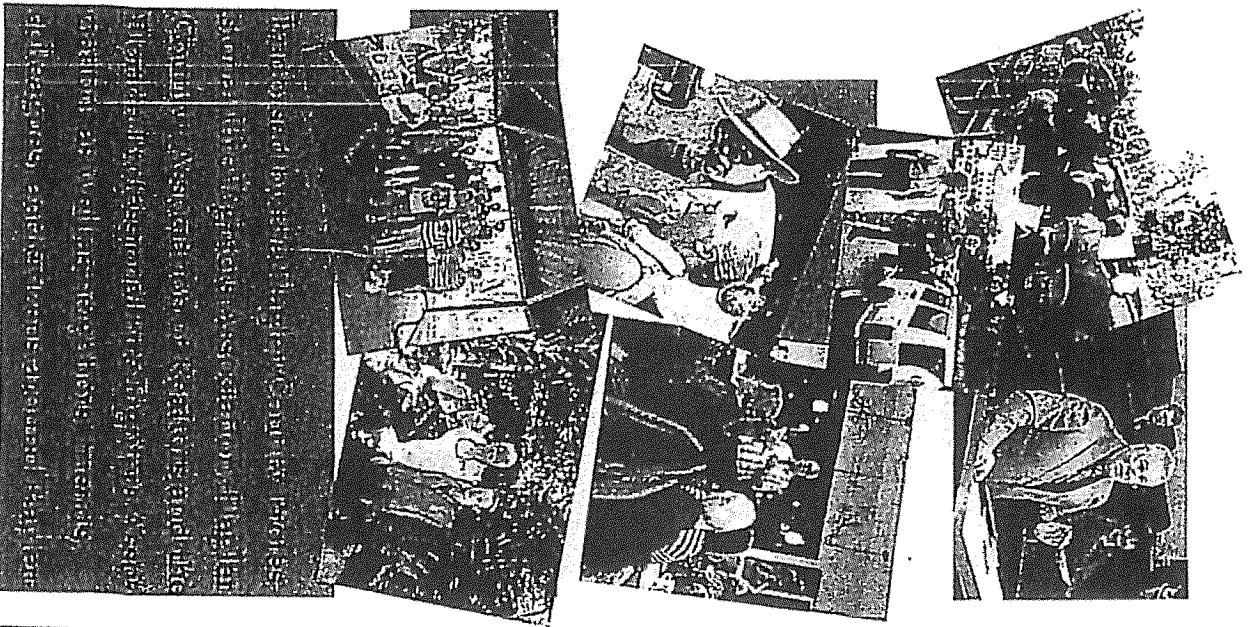
Frank J. Meeker

41 Eagle Court
Palm Coast, Florida
32137

Presorted Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137



76



Vote For Frank November 4th

Frank Meeker looks out for all Flagler Residents, ...always has.

As a City Council Member in Palm Coast, Frank fought for the African American Cultural Society when a \$10,000 grant was going to be denied. Frank got it turned around and approved.

As a competitive soccer coach, Frank was always looking out for our kids. He wasn't afraid to get his hands dirty either laying sod with his soccer team at Eddie Johnson Park in Bunnell.

Working as a team, got the budget back on track, kept taxes low, provided mandated services, protected our homes, saved millions.

Helps Commissioner Revels and the community by making pizzas for Carver Gym fund raisers.

41 Cochise Court
Palm Coast, Florida 32137

Presorted Standard
U.S. Postage
Paid
Permit 39
Palm Coast, FL 32137

Paid for by Frank J. Meeker Republican Candidate for re-election to Flagler Co, FL Board of County Commissioners, District 2

100%
 90%
 80%
 70%
 60%
 50%
 40%
 30%
 20%
 10%
 0%
 -10%
 -20%
 -30%
 -40%
 -50%
 -60%
 -70%
 -80%
 -90%
 -100%

October 24, 2014

Dear Friends,

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker

Republican Candidate for re-election to Flagler Co, FL Board of County Commissioners, Dist. 2

Administration

1769 E. Moody Blvd Bldg 2
Bunnell, FL 32110



**FLAGLER
COUNTY**
FLORIDA

www.flaglercounty.org

Phone: (386)313-4001

Fax: (386)313-4101

October 21, 2014

RECEIVED

SUPERVISOR OF ELECTIONS

OCT 22 2014

FLAGLER COUNTY, FL
KIMBERLE B. WEEKS

Mrs. Kimberle Weeks
Supervisor of Elections
1769 E. Moody Blvd., Bldg. 2
Bunnell, FL 32110

Dear Mrs. Weeks:

Please be advised that at the October 20, 2014 meeting of the Flagler County Board of County Commissioners, Commissioner Barbara Revels was selected to replace Commissioner Charles Ericksen, Jr., as the Alternate to the Canvassing Board. This appointment is for the 2014 election cycle.

Should you have a question about this appointment, please feel free to contact County Administrator Craig Coffey or me.

Sincerely,

George Hanns, Chairman
Flagler County Board of County Commissioners

C: Commissioner Barbara Revels
Judge Melissa Moore-Stens, Canvassing Board Chairman

/clm

RECEIVED
FLAGLER COUNTY
SUPERVISOR OF ELECTIONS
OCT 22 2014

RECEIVED
FLAGLER COUNTY
SUPERVISOR OF ELECTIONS
OCT 22 2014

District 1
Charles Ericksen, Jr.

District 2
Frank Meeker

District 3
Barbara Revels

District 4
Nate McLaughlin

District 5
George Hanns

98



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

To: Chief Judges of the Judicial Circuits
Chairs, Boards of County Commissioners

From: Maria Matthews, Esq., Director, Division of Elections

Cc: Supervisors of Elections

Date: 31 October 2014

Subject: Canvassing Board Designation of Alternates for General Election 2014

We are well into the final week before the General Election on November 4, 2014. We wanted to remind you that if you have not already done so, it is not too late for you to appoint alternates to serve on the county canvassing boards in each of the respective counties.

The Legislature added this provision into law in 2013 to provide relief for county canvassing board members who serve long hours and handle everything from the canvassing of absentee ballots through election night reporting to the voting system audits. The designation of alternates and their availability can be critical particularly on election night when the canvassing board must continuously canvass ballots and report updated election results every 45 minutes throughout the night until all that can be reported has been reported.¹

The Legislature directed the Chief Judge of each Judicial Circuit and each Chair of the Board of County Commissioners to designate alternates² as follows:

- If you are the Chief Judge of the Judicial Circuit, you are required, in addition to appointing a county judge to serve as one of the three statutorily designated county canvassing board members in each respective county, to designate an alternate from one of the other county court judges in each of the respective counties that falls within the judicial circuit. If each county

¹ See § 102.141(4), Fla. Stat.

² The designation of an alternate is distinct from the statutory process for appointing a substitute. The substitute process is used if a statutorily designated member of the canvassing board is unable to serve, or is disqualified from serving as a result of being a candidate facing opposition or being an active participant in the campaign process. The law sets out who is responsible for appointing a substitute member and when the chief judge must get involved if no substitute member can serve or a vacancy is created. See § 102.141(1)(a-c), Fla. Stat.

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) election.dos.state.fl.us
Promoting Florida's History and Culture VivaFlorida.org



Chief Judges of the Judicial Circuits
Chairs, Boards of County Commissioners
31 October 2014
Page 2 of 2

judge is able to serve or is disqualified, then you must appoint an alternate member who is otherwise qualified to serve as a substitute.³

- If you are the Chair of the Board of County Commissioners for your respective county, you may already be serving as one of the three statutorily designated county canvassing board members.⁴ However, you are still required to appoint an alternate from any of the board of county commissioners to serve.⁵ If such member cannot serve or is disqualified from serving at any point, then the Chief Judge of the judicial circuit for your county must be notified.

The Chief Judge of the judicial circuit must then appoint an alternate from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign or candidate).⁶

An alternate may be present, observe, and communicate with the existing three-member canvassing board at any of its meetings, but cannot participate in any decisions unless and until he or she is serving as a canvassing board member.⁷

We appreciate your service. Please let me know if you have any questions or comments. You can contact me at 850.245.6520 or 850.443.7730; maria.matthews@dos.myflorida.com.

³ See § 102.141(1)(c)1., Fla. Stat.

⁴ Obviously, if you are the Chair and you were unable to serve or were disqualified from serving as a result of being a candidate facing opposition or an active participant in the campaign process, a substitute would have already been designated.

⁵ See § 102.141(1)(c)2., Fla. Stat.

⁶ See § 102.141(1)(d), Fla. Stat.

⁷ See § 102.141(1)(e)4., Fla. Stat.

**Flagler County Canvassing Board
Unofficial Results Meeting November 4, 2014
Minutes**

MEMBERS PRESENT: Judge Melissa Moore-Stens, County Commission Alternate Representative Barbara Revels, Elections Supervisor Kimberle Weeks.

MEMBERS ABSENT: None.

OTHERS PRESENT: County Attorney Al Hadeed, Attorney Roberta Walker, along with a court reporter and members of the public.

1. Pledge of Allegiance – The meeting was called to order at 8:20 p.m. with dispensing of the Pledge of Allegiance.
2. New Business – At 8:50 p.m., 100% of the precincts reporting was completed.
3. Old Business – None.
4. Public Outreach – None.
5. Adjournment – The next meeting will be November 6, 2014 at 5:01 p.m. for canvassing of provisional ballots. The meeting was adjourned at 8:53 p.m.