

APPLICATION FOR NOMINATION TO THE COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: 8/5/19 Florida Bar No.: 0023446

GENERAL: Social Security No.: [REDACTED]

1. Name James Lawrence Mantre E-mail: mantre.james@gmail.com
Date Admitted to Practice in Florida: May 2005
Date Admitted to Practice in other States: October 1984 New York

2. State current employer and title, including professional position and any public or judicial office.
Law Office of James L. Mantre

3. Business address: 384 Palm Coast Parkway Suite 4
City Palm Coast County Flagler State FL ZIP 32137
Telephone (386) 793-0216 FAX () -

4. Residential address: [REDACTED]
City Palm Coast County Flagler State FL ZIP 32137
Since 2003 Telephone (386) 445-0086

5. Place of birth: Brooklyn, N.Y.
Date of birth: 10/2/57 Age: 61

6a. Length of residence in State of Florida: twenty years

6b. Are you a registered voter? Yes No
If so, in what county are you registered? Flagler

7. Marital status: Married
If married: Spouse's name Cornelia
Date of marriage 11/5/83
Spouse's occupation Realtor

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

8. Children

Name(s)	Age(s)	Occupation(s)	Residential address(es)
Catherine Manfre	32	Management Consultant	[REDACTED]
Alec Manfre	29	Business Owner	[REDACTED]
Barret Manfre	22	Ensign U.S. Navy	[REDACTED]

9. Military Service (including Reserves)

Service	Branch	Highest Rank	Dates
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

Service	Branch	Highest Rank	Dates
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s). *No*

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No *N/A*

Describe such problem and any treatment or program of monitoring or counseling.

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances. *No*

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.) *No*
15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. *No*
16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test. *No*
17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full. *No*

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

Schools	Class Standing	Dates of Attendance	Degree
Holy Family H.S.	20/800	9/73 - 4/75	High School
Seton Hall H.S.	5/125	9/71 - 6/73	Diploma
Fordham University	100/2500	9/75 - 6/79	Bachelor of Science
St. John's University School of Law	75/400	9/80 - 6/84	Juris Doctor

18b. List and describe academic scholarships earned, honor societies or other awards.

Phi Beta Kappa Honor Society, 1979
 Magna Cum Laude Fordham University 1979
 Academic Scholarship Fordham University 1975-1979
 Academic Scholarship to St. John's University 1981-84
 Scholarship as President of Night Class, St. John's University 1983-1984

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

Date	Position	Employer	Address
9/79- 9/80	Hospital Consultant	Service Master Ind.	Downer's Grove, Ill.
10/99- present	Realtor	self employed	Palm Coast, Fl.
1/2001 - 1/2005	Sheriff	Flagler County Sheriff	Justice Lane,
1/2013 - 1/2017	Sheriff	Flagler County Sheriff	Bunnell, Fl.

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

New York 10/84
Florida 5/2005

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

Position	Name of Firm	Address	Dates
see attachment			

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

see attachment

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ %	Civil	<u>50</u> %
Federal Trial	_____ %	Criminal	<u>20</u> %
Federal Other	_____ %	Family	<u>20</u> %
State Appellate	_____ %	Probate	<u>10</u> %
State Trial	<u>50</u> %	Other	_____ %
State Administrative	<u>10</u> %		
State Other	<u>40</u> %		
	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury? 20 Non-jury? 5
 Arbitration? _____ Administrative Bodies? 10

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. *No*

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full. *No*

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

see attachment

- 27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *N/A*
- 27c. During the last five years, how frequently have you appeared at administrative hearings? 0 average times per month
- 27d. During the last five years, how frequently have you appeared in Court? 1 average times per month
- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? _____% Defendants? _____% *N/A*
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.
29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases. *N/A*
30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved. *Due to my term as sheriff and change in practice area, I have not tried a case in eight years and no longer have the law office files to answer this question.*
31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached. *see attachment*

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

- 32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy. *No*

BUSINESS INVOLVEMENT:

- 33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.
I am the managing member of TEAM Realty Development, LLC and Briarwood Commons LLC. I would resign such position upon appointment or election.
- 33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.
*Real Estate Broker/Agent 2000 - present
Sheriff Flagler County 2001 - 2005 & 2012 - 2014*
- 33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.
Flagler County Sheriff's Office 2012 - 2014 \$128,000.00 per annum

POSSIBLE BIAS OR PREJUDICE:

- 34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself. *There are none.*

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____

32b. List any prior quasi-judicial service: *N/A*

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy. *Sheriff Flaster County 2001-2005*
U.S. Congress 2nd C.D. N.Y.-1994 *2012-2017*

32d. If you have had prior judicial or quasi-judicial experience, *N/A*

- (i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.
- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.
- (iii) List citations of any opinions which have been published.
- (iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.
- (v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.
- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.
- (vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition. *No*
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part? *No*
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved. *No*
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you? *No*
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition. *No*
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.
see attachment
39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars. *see attachment*
40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v). *No*
41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation. *No*

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain. *No*
- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?
 Yes No If no, please explain. _____
- 43b. Have you ever paid a tax penalty?
 Yes No If yes, please explain what and why. _____
- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why? *No*

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.
*Southern Storm 2018
 a fictional account of my experiences as a sheriff and prosecutor*
45. List any honors, prizes or awards you have received. Give dates.
46. List and describe any speeches or lectures you have given.
47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged. *Flagler County Bar Association 2008-2012
 Florida Bar Association
 New York Bar Association*
- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization. *Rotary 1994-2016
 Rotary President 2008-9
 Chamber of Commerce Flagler County 2000-present*
- 48c. List your hobbies or other vocational interests.
*Golf, Tennis, Biking, Hiking
 Reading historical non fiction
 Social Justice Ministry through Church*

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench. *No*

48e. Describe any pro bono legal work you have done. Give dates.

see attachment

SUPPLEMENTAL INFORMATION:

49a. Have you attended any continuing legal education programs during the past five years?

If so, in what substantive areas? *Municipal Law Real Estate Law
Employment Law Corporate Law*

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

No

50. Describe any additional education or other experience you have which could assist you in holding judicial office. *see attachment*

51. Explain the particular potential contribution you believe your selection would bring to this position. *see attachment*

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission. *N/A*

53. Give any other information you feel would be helpful to the Commission in evaluating your application. *N/A see attachment*

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

see attachment

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

James L. Manfre

Signature of Applicant:

James L. Manfre

Date:

8/5/19

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 8/5/19

JNC Submitting To: _____

Name (please print): James L. Manfre

Current Occupation: Attorney

Telephone Number: 386 445-0086 Attorney No.: 002344

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: Flagler

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date 340,000.00
List Last 3 years 120,000

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date 30,000
List Last 3 years 90,000

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current year to date _____
List Last 3 years _____

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current year to date _____
List Last 3 years _____

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

**DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)**

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

**CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)**

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

James L. Mantre

Signature of Applicant:

J L Mantre

Date:

8/5/19

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 5th day of August, 2019.

James L. Mantre

Printed Name

James L. Mantre

Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A - NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of 8/5, 2019 was \$200,000.

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ _____

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p. 3)

VALUE OF ASSET

DESCRIPTION OF ASSET (specific description is required - see instructions p. 3)	VALUE OF ASSET
Household goods and personal effects	\$ 100,000.00
Vehicles	30,000.00
Home 51 River Trail Drive Palm Coast Fl.	500,000.00

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Sun Trust Bank P.O. Box 79041 Baltimore, Md 21279	430,000.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D - INCOME

You may **EITHER** (1) file a complete copy of your latest federal income tax return, including all W2's, schedules, and attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
(if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
Law Office of James Manfre	389 Palm Coast Parkway Palm Coast	\$60,000.00
NYS Retirement	110 State St. Albany, NY 12244	\$7,000.00

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSIENSS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E - INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

[Handwritten Signature]
SIGNATURE

STATE OF FLORIDA

COUNTY OF Flagler

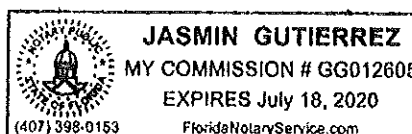
Sworn to (or affirmed) and subscribed before me this 5th day of Aug, 2017 by James Manfre

(Signature of Notary Public—State of Florida)

[Handwritten Signature: Jasmin Gutierrez]
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification X

Type of Identification Produced Drivers License



James L. Manfre Seventh Judicial Circuit County Judge Application Addendum

21. Assistant District Attorney	Suffolk County District Attorney	Riverhead, NY	10/84-9/1996
Deputy Town Attorney	Town of Babylon	Babylon, NY	9/90-9/1996
Receiver	US District Court	Hauppauge, NY	9/92-5/1999
In House Counsel	Bulow Properties	Bunnell, FL	10/99-12/2000
Attorney	Law Office of James Manfre	Bunnell, FL	6/05-12/2012
Attorney	Law Office of James Manfre	Palm Coast FL	6/17-present

22. Between June 2005 and December 2012, my practice consisted of municipal law, real estate, trusts and estates, family law, torts and criminal law. From June 2017, my practice has been concentrated in the areas of real estate and development, trusts and estates, business and corporate law and landlord and tenant law.

27a. Due to my term as Sheriff and change in my practice area, I have not tried a case in eight years and no longer have the law office files to answer this question.

38. I have been party to multiple lawsuits in my capacity as sheriff. The Office of the Sheriff was represented by outside counsel in these matters where there was little or no input in the proceedings of the cases in my capacity as sheriff.

39. There have been no findings as an attorney. However there was a finding of probable cause as sheriff by the Commission on Ethics regarding an accounting error made by a sheriff's office finance clerk involving a reimbursement from a sheriff's conference and a failure to file a gift report for a three day stay at a another person's home which my attorney had instructed did not have to be filed.

45. I received the Thurgood Marshall Award from the Flagler County NAACP as the man of the year in 2003. I received the Boy Scouts of America Award for the man of the year in Flagler County in 2004. I received the Victim's Advocate of the Year Award for the 7th Circuit in 2004. I received the Flagler County PAL award for man of the year in 2016.

46. I have lectured multiple times over the past two years on Criminal Justice Reform before local, statewide and national organizations such as LEAP, the ACLU and NACRJ.

48e. I have created a pro bono hotline with my church for spousal abuse complaints.

50. My unique experience of holding office as sheriff grants me insight into the origins of law enforcement procedures, arrests, investigations and the use of discretion in making difficult decisions under duress. During criminal matters, this perspective would assist me in evaluating testimony on all sides.

51. Having been a prosecutor, sheriff, criminal defense attorney and civil attorney will assist in my ability to more clearly determine the crucial issues before the court from multiple perspectives and thus enable more just decisions and verdicts.

53. I believe my commitment to service which has been apparent my entire career is an important component of my ability to be an effective jurist. My twenty five years in those public capacities have laid the foundation for success as a judge. In addition, as chief executive of a large organization, I have

James L. Manfre Seventh Judicial Circuit County Judge Application Addendum

developed the skills which will assist in managing a courtroom, its personnel and the case load assigned in an efficient and effective manner. I have experience in being available twenty fours a day and on weekends. These attributes are integral to the duties of a judge.

54. References

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David Popper	1000 Legion Place, Ste 1200 Orlando, FL 32801	407 716-7040
Justin Peterson	733 W. Colonial Drive Orlando, FL 32804	407 429-1310
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John Walsh	3 Chilham Court, Palm Coast, FL 32137	386 503-0602
John Howell	160 Lake Avenue Palm Coast, FL 32164	386 569-5685
James Troiano	979 Papaya Lane Winter Springs, FL 32708	352 316-2898
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INTEROFFICE RESEARCH MEMO

Protected Attorney Work-Product/Attorney-Client Privileged Communication

June 12, 2019

To: Justin T. Peterson, Esq.

From: James L. Manfre, Esq.

RE: DePaco Lease – Possible Termination

Dear Justin:

You contacted me regarding your client, Mr. DePaco, who is currently renting a single-family home in Ormond Beach. As I understand the facts, Mr. DePaco has been renting this home for several years and the lease is renewed in writing each year. The most current renewal was effective from February 1, 2019 until December 31, 2019 – a period of 11 months.

Mr. DePaco recently experienced problems with the water heater in the home which required multiple repairs before the repair company finally determined that the water heater needed to be replaced. Mr. DePaco does not believe he is responsible to replace the water heater under the terms of his lease and thus he has demanded that the landlord pay for the replacement.

The landlord apparently failed to respond to Mr. DePaco in a timely manner which prompted him to hire you to address the situation. You sent the landlord a 7-day notice letter as called for by the Florida Statutes and advised him that if the water heater was not replaced within 7 days, then the lease would be terminated.

Your letter was sent on June 5, 2019, and as of June 11, 2019, it appears that the landlord may have sent someone to the home to replace the water heater. Nonetheless, Mr. DePaco wants to terminate the lease due to multiple repairs he has had to make, and he wants to know what rights he has with regard to termination.

Additionally, you would like to know if there is a legal distinction between “repair” or “maintain” and “replace”. I will address each of these questions below.

Analysis

Fla. Stat. § 83.51(1) governs the duties of a landlord to maintain a single-family home that is rented to a tenant. It states only that:

The landlord at all times during the tenancy shall:

- (a) Comply with the requirements of applicable building, housing, and health codes; or
- (b) Where there are no applicable building, housing, or health codes, maintain the roofs, windows, doors, floors, steps, porches, exterior walls, foundations, and all other structural components in good repair and capable of resisting normal forces and loads and the

plumbing in reasonable working condition. The landlord, at commencement of the tenancy, must ensure that screens are installed in a reasonable condition. Thereafter, the landlord must repair damage to screens once annually, when necessary, until termination of the rental agreement.

Id. These duties can be altered by a written lease agreement.

I took a look at the Ormond Beach Building Code and I am not seeing anything particular to water heaters. The Florida Building Code addresses how they must be installed, but not who must maintain them or anything regarding their working condition. Thus, it initially appears that the landlord has no statutory duty to maintain a water heater. So, if such a duty exists, it would be under the lease agreement.

I have reviewed Mr. DePaco's lease agreement and there are several issues that stick out to me. First, the Parties filled out section 10 entitled "MAINTENANCE". That section shows that hot water is the tenant's responsibility to repair and maintain. Further, Addendum #1 shows that the tenant has the duty to repair and maintain all the home systems, and it includes a non-exclusive list of the home systems that it refers to. Water heater is not included, but it is similar to the items that are specifically listed.

Based on all of this, I believe it is the tenant's duty to "repair and maintain" the water heater. The landlord appears to have no statutory obligation to repair or maintain it with a single-family dwelling, and section 10 of the lease indicates that the repair and maintenance of hot water is the tenant's responsibility. Finally, although the Addendum does not specifically list the water heater as a system the tenant must repair and maintain, it is a non-exclusive list, and it is quite arguable that the water heater would fall under this provision as a home system – especially considering section 10.

I do not believe, however, that Mr. DePaco would have a duty to "replace" the water heater. While "maintain" could arguably mean that he has an obligation to keep the water heater in good working order, and that the water heater cannot be in good working order unless it is replaced, I believe that argument fails for the following reasons.

There is no definition of "repair", "maintain" or "replace" under the Florida Landlord-Tenant Act. I can also find no case law giving definition to these terms or differentiating them.

But the case law does state that when considering a clause of a contract, the courts will follow the guiding principle that contracts must be construed in accordance with the plain language of the agreement. *See Swire Pac. Holdings, Inc. v. Zurich Ins. Co.*, 845 So. 2d 161, 165-66 (Fla. 2003). And if the relevant language is susceptible or more than one reasonable interpretation, then the contract is considered ambiguous, and ambiguities are construed strictly against the drafter. *Id.* Finally, when a contractual term lacks a specific definition, "[a] fundamental principle of contract interpretation is that contract terms will be given their plain meaning in the absence of any evidence that the parties intended the words to denote a special meaning." *Petty v. Petty*, 548 So. 2d 793, 796 (Fla. 1st DCA 1989).

In this case, neither the law nor the lease defines the terms “repair”, “maintain” or “replace”. As such, the courts would apply their plain meaning, i.e., their dictionary definitions.

The Merriam-Webster Dictionary definition of “maintain” is “to keep in an existing state . . . ; preserve from failure or decline”. And the definition of “repair” is “to restore by replacing a part or putting together what is torn or broken”. Thus, neither of them would call for a full replacement.

What is more, note that in the Addendum, paragraph 2 uses the word “replace” with respect to the AC filters. It does not state that the tenant must “repair” or “maintain” the AC filter – it uses the specific word “replace”. As a result, the argument can certainly be made that the drafter understood the difference between these terms, and if the drafter wanted the burden placed on the tenant to “replace” the water heater, the drafter could have been specified in the contract. He didn’t.

Finally, based on all of the above, I think that -- at best -- the terms “repair” and “maintain” are ambiguous because they are capable of more than one interpretation. And since the landlord – and not Mr. DePaco – drafted the lease agreement, the ambiguity must be construed against the landlord.

Thus, I believe Mr. DePaco has a solid argument that he has no obligation to replace the water heater. So, the next question becomes, does he have a right to terminate the lease for the landlord’s failure to replace it prior to now.

As you are aware, the Landlord-Tenant Act specifies how a 7-day notice to repair must be given. It must be in writing and address all of the items specified by the statute. A telephone call or other notification will not suffice.

Based on your letter, I am assuming that you sent the 7-day notice letter on June 5th because a proper notice had not been given prior to that time. And pursuant to Fla. Stat. § 83.56:

(1) If the landlord materially fails to comply with s. 83.51(1) or material provisions of the rental agreement within 7 days after delivery of written notice by the tenant specifying the noncompliance and indicating the intention of the tenant to terminate the rental agreement by reason thereof, the tenant may terminate the rental agreement. If the failure to comply with s. 83.51(1) or material provisions of the rental agreement is due to causes beyond the control of the landlord and the landlord has made and continues to make every reasonable effort to correct the failure to comply, the rental agreement may be terminated or altered by the parties, as follows:

- (a)** If the landlord’s failure to comply renders the dwelling unit untenable and the tenant vacates, the tenant shall not be liable for rent during the period the dwelling unit remains uninhabitable.
- (b)** If the landlord’s failure to comply does not render the dwelling unit untenable and the tenant remains in occupancy, the rent for the period of noncompliance shall be

reduced by an amount in proportion to the loss of rental value caused by the noncompliance.

Assuming the facts as stated above to be correct, the landlord's provision of a new water heater on June 11th would be within 7 days of the date of your letter, and thus the tenant would not have any basis to terminate the lease. Even if the landlord went past the 7-day deadline, he may be able to argue that the circumstances were beyond his control if the replacement crew could not get to the home any earlier. If so, the tenant would not have a valid basis to terminate the lease.

Finally, I reviewed the contract for other possible clauses of termination. Unfortunately, I am not finding any.

In sum, while I do not believe that Mr. DePaco is liable for the replacement of the water heater, the facts as they stand do not present a clear case of rightful termination by the tenant. If the tenant terminates without proper cause, he can be held liable for the remainder of the rent, plus court costs and attorney's fees in addition to what he would have to pay out of pocket to defend the case. Also, keep in mind that if he is sued for refusing to pay the rent, he must deposit the rent into the court's registry as it becomes due. Otherwise, he waives all of his defenses – including the 7-day notice claim on the water heater. So, he would still be paying the rent without occupying the property.

For that reason, I do not see termination as a wise course of action under the facts of this case. Please let me know if you have any other questions.