

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
CITRUS COUNTY, FLORIDA
CIVIL ACTION

2020 CA 332

In re David Gregory,

Plaintiff

v.

Susan Gill
Supervisor of Elections

Defendant
_____ /

EMERGENCY PETITION FOR WRIT OF MANDAMUS

Plaintiff, David Gregory, acting pro se, pursuant 212.313(10)(a)F.S. and 99.1 F.S. Resign to Run law, petitions the court for an immediate hearing and the entry of a Writ of Mandamus to the Defendant Susan Gill, Supervisor of Elections Citrus County Florida. In support here of Plaintiff states:

FACTS FOR WHICH PLAINTIFF RELIES FOR RELIEF

Plaintiff is a Republican Candidate for Citrus County Property Appraiser and has a clear legal right to the performance of a specific legal duty by a public officer and that he has no other legal remedies available to him. In the spirit of the law, See Hatten v. State, 561 So 2d 562, 563 (Fla.1990) In spirit of the law, If the petition is facially sufficient, the court must issue an alternative writ, an order directed to the respondent to show cause why the requested relief should not be granted.” Holcomb v. Department of Corrections, 609 So 2d 751 (1st DCA 1992)

Defendant is the Supervisor of Elections in Citrus County Florida who oversees that potential candidates adhere to Florida Statutes in order to get their names placed upon the ballot.

COUNT I

Defendant has failed to abide by her sworn duty as a Supervisor of Elections in Citrus County and to Florida Statute 212.313(10)(a) having allowed Tim Reynard, to be an *Active-Prefiled* Candidate that should be removed and not allowed to become an official candidate for Citrus County Property Appraiser, as he is employed by the Citrus County Property Appraiser's office and continues to work for the Citrus County Property Appraiser office while campaigning in direct violation of 212.313.(10)(a). Florida Statutes, states:

No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

My Inquiry of 2010 led to the Ethics Commission reply which leaves no doubt about the prohibition of being employed by the same office you are seeking election to. By extrapolating the last sentence in the third paragraph it clearly indicates that their Attorney, Daniel A. Dalton, Jr. of the State of Florida's Ethics Commission states that you cannot be employed by the office your are running for but could however run for another office that is separate and distinct from that of the Constitutional office of the Property Appraiser. EXHIBIT A and B

COUNT II

Defendant has failed to abide by her sworn duty as a Supervisor of Elections in Citrus County and to Florida Statute 212.313(10)(a) having allowed Richard Schroeder, to be an *Active-Prefiled* Candidate that should be removed and not allowed to become an official candidate for Citrus County Property Appraiser, as he is employed by the Citrus County Property Appraiser's

office and continues to work for the Citrus County Property Appraiser office while campaigning in direct violation of 212.313.(10)(a). Exhibit A and B

COUNT III

Defendant failed to abide by her sworn duty to Florida Statutes 99.1 Resign to Run law, as she allowed a Citrus County Deputy Sheriff to become an *Active-Prefiled* Candidate, Cregg Dalton, should be removed from being an *Active-Prefiled* Candidate and not allow to become an Official Candidate for Citrus County Property Appraiser by his failure to submit ten days prior to filing his Candidacy forms his intent to resign letter to Governor Ron DeSantis and the Supervisor of Elections, the letters are still not filed.(s. 99.012(1), F.S.)4 Florida Candidate Restrictions

Section 99.012, F.S. defines candidate restrictions:

No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office him or her presently holds.

The resignation is irrevocable.

The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

The resignation must be effective no later than the earlier of the following dates The date the officer would take office, if elected; or

The date the officer's successor is required to take office.

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office. SEE EXHIBIT C

Exhibit A - Commission on Ethics Letter dated January 13, 2010

Exhibit B - Citrus Chronicle Newspaper article indicates the Tim Reynard and Richard Schroeder are still working there.

Exhibit C- Cregg Dalton filed candidacy paperwork, lacking intent to resign letter.

EXHIBIT A

Cheryl Forchilli
Chair
Roy Rogers
Vice Chair
Linda D. Conahan
Larry R. Handfield
Michael D. Joblove
Frank Kruppenbacher
Jean M. Larsen
Albert P. Massey, III
Robert J. Sniffen



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, FL 32317-5709

3600 Maclay Blvd., South, Suite 201
Tallahassee, FL 32312

Phillip Claypool
Executive Director

Virindia Doss
Deputy Executive Director

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

January 13, 2010

Mr. David Gregory
P.O. Box 2284
Homosassa Springs, Florida 34447

Re: Ethics Inquiry

Dear Mr. Gregory:

I have been assigned to respond to your inquiry dated January 8, 2010. In your inquiry you advise that you are an employee of the Citrus County Property Appraiser's Office. You inquire whether Section 112.313(10)(a), Florida Statutes, prohibits your running for a seat on the Citrus County Board of County Commissioners. You advise that, if elected, you will resign from the Property Appraiser's Office. Section 112.313(10)(a), Florida Statutes, states:

No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

Section 112.313(10)(a) prohibits an employee of the Property Appraiser's Office from holding office as a member of the governing board, council, commission, or authority, which is his employer while continuing as an employee. The Property Appraiser is a separate and distinct Constitutional office from the Citrus County Board of County Commissioners. Therefore, you would not be prohibited by Section 112.313(10)(a) from running for the County Commission while employed with the Property Appraiser's Office.

If you have not already done so, you will want to check with the Division of Elections to ascertain whether or not you would be subject to the "Resign to Run" law in Section 99.012, Florida Statutes, or any other provision of the Elections Code.

Should you have any additional questions, please do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Carlton, Jr.", written over a dotted background.

Daniel A. Carlton, Jr.
Staff Attorney

Rule stirs election dispute

Candidate says opponents must quit their jobs to run; official doesn't agree



David Gregory
2020 property appraiser candidate.

MIKE WRIGHT
Staff writer

A candidate for Citrus County property appraiser says two opponents must either leave their jobs in the office or drop from the race, based on personnel policy that is intended to prevent political campaigns from interfering with work.

David Gregory says the

office personnel policy requires Richard "Rick" Schroeder and Timothy Reynard to resign from their jobs if they want to seek office.

Reynard, like Gregory, is an announced Republican for property appraiser in 2020, as is Cregg Dalton; Schroeder is a no-party affiliation candidate. Incumbent Les Cook is not running again.

Both Reynard and

Schroeder work for Cook — Reynard is valuation specialist and Schroeder is an appraiser.

The office personnel policy makes reference to political activity, saying none of it is allowed on county time and on county property, such as the Courthouse Annex that houses the property appraiser and tax collector.

No employee may be a

candidate for "any other public office" that conflicts with the worker's duties in the property appraiser's office, the policy states.

It also says: "Any employee who wishes to accept or seek election to a county office must resign from the property appraiser's employment immediately."

See RULE/Page A2

RULE

Continued from Page A1

Gregory, in a letter to the Chronicle, said both Reynard and Schroeder must resign, according to that policy.

Cook said that isn't the case.

He said both sentences in the policy run together, that an employee who runs for office need resign only if the office he is seeking is in conflict with the property appraiser.

He said, for example, a conflict would arise for a property appraiser employee to seek election to the county commission because the board sets the property appraiser's budget.

"If we're the ones setting the values in the

county and an employee wanted to run for office of a taxing authority, that would be a conflict," he said.

Being a candidate for property appraiser while working in the appraiser's office is not a conflict, he said.

"You still have to follow the statutes," he said.

Gregory has experience with the issue himself. He worked 14 years in the property appraiser's office as a field appraiser and customer service representative.

In 2007, he ran unsuccessfully for state representative in a special election but did not resign to do so. Gregory said he didn't think the policy was



Les Cook
property appraiser disputes Gregory's interpretation.

in place then, though Cook said it's been in effect for about 30 years.

"They never said anything to me about it," he said.

Gregory said he wanted to run for county commission in 2010 and had heard about the policy by then.

He said he spoke with then-Property Appraiser Geoff Greene, who initially agreed to keep Gregory on the payroll during the county commission campaign, but then changed his mind after speaking with Cook, his top assistant at the time.

Gregory did not enter the 2010 campaign.

Cook said he doesn't recall that specific incident. He said he doesn't think

the policy ever prevented anyone from seeking office while continuing their employment.

Gregory said he will ask the state Division of Elections or Ethics Commission for clarification.

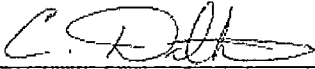
Cook said both Reynard and Schroeder told him of their election plans, and both signed forms acknowledging they read and agreed with the policy.

The final decision whether an employee has a conflict in his or her campaign rests with Cook.


"The bottom line is we've never exercised it," he said. "You've got some sour grapes out there, I suspect. I don't think it's made to keep people out of the property appraiser's race."

Contact Chronicle reporter Mike Wright at 352-563-3228 or mwright@chronicleonline.com.

EXHIBIT C-intent to resign letter was to have been submitted ten days prior to these Documents

<p>STATEMENT OF CANDIDATE (Section 106.023, F.S.) (Please print or type)</p>	<p>OFFICE USE ONLY</p> <p>RECEIVED NOV 18 2019 CITRUS COUNTY ELECTIONS</p>
<p>I, <u>Cress E. Dalton</u>, candidate for the office of <u>Citrus County Property Appraiser</u>; have been provided access to read and understand the requirements of Chapter 106, Florida Statutes.</p>	
<p>X <u></u> Signature of Candidate</p>	<p><u>11-17-19</u> Date</p>
<p>Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).</p>	

DS-DE 84 (05/11)

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES (Section 105.021(1), F.S.) (PLEASE PRINT OR TYPE)					RECEIVED NOV 1 2019 6:02 PM 602 & T ADN	
NOTE: This form must be on file with the qualifying officer before opening the campaign account.					OFFICE USE ONLY	
1. CHECK APPROPRIATE BOX(ES): <input checked="" type="checkbox"/> Initial Filing of Form Re-filing to Change: <input type="checkbox"/> Treasurer/Deputy <input type="checkbox"/> Depository <input type="checkbox"/> Office <input type="checkbox"/> Party						
2. Name of Candidate (in this order: First, Middle, Last) Gregg Edward Dalton			3. Address (include post office box or street, city, state, zip code)			
4. Telephone (352) 516-9201		5. E-mail address edaltonuf@aol.com				
6. Office sought (include district, circuit, group number) Citrus County Property Appraiser				7. If a candidate for a <u>nonpartisan</u> office, check if applicable: <input type="checkbox"/> My intent is to run as a Write-In candidate.		
8. If a candidate for a <u>partisan</u> office, check block and fill in name of party as applicable: My intent is to run as a <input type="checkbox"/> Write-In <input type="checkbox"/> No Party Affiliation <input checked="" type="checkbox"/> <u>Republican</u> Party candidate.						
9. I have appointed the following person to act as my <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer						
10. Name of Treasurer or Deputy Treasurer Nancy C. Weaver						
11. Mailing Address					12. Telephone (352) 257-1488	
13. City	14. County	15. State	16. Zip Code	17. E-mail address fetmail. nancycweaver@aol.com		
18. I have designated the following bank as my <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository						
19. Name of Bank Regions			20. Address 800 W. Main St.			
21. City Inverness	22. County Citrus	23. State FL	24. Zip Code 34450			
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.						
25. Date 11/13/2019			26. Signature of Candidate X 			
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)						
I, <u>Nancy C. Weaver</u> , do hereby accept the appointment (Please Print or Type Name)						
designated above as: <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer.						
<u>11/13/2019</u> Date			X <u>Nancy C. Weaver</u> Signature of Campaign Treasurer or Deputy Treasurer			

RELIEF REQUESTED

Wherefore, Plaintiff respectfully requests an immediate hearing pursuant to Section 119.11, Florida Statutes, following which Plaintiff requests the Court enter a Writ of Mandamus:

- A. Directing the Defendant to abide by her sworn duties to uphold Florida Election laws;
- B. Awarding Plaintiff reasonable fees and expenses incurred, if any; and
- C. Granting such other and further relief as the Court deems appropriate.

Respectfully Submitted June 3, 2020



David J. Gregory Acting Pro Se

5675 S LEOPARD PT
HOMASSA, FL 34446