

Dan Parrott

From: Sonia Cifuentes <sc@fishbacklaw.com>
Sent: Thursday, February 25, 2016 1:43 PM
To: Clint Johnson
Cc: Kurt Ardaman; Lance D. King; Dan Parrott
Subject: Public Records Determination and Compliance
Attachments: Ltr to Mayor 2-25-16.pdf; Questions re public records.pdf

Mayor Johnson,

Attached please find correspondence in the above-referenced matter. The original will follow by U.S. Mail.

Thank you.

*Sonia Cifuentes-Gonzalez
Legal Assistant to A. Kurt Ardaman, Daniel W. Langley and Christopher R. Conley
Fishback Dominick
1947 Lee Road
Winter Park, FL 32789-1834
Phone 407-262-8400
Fax 407-425-2863 or 3679*

Any reply or other e-mail communication to us will be electronically filtered for "spam" and/or "viruses". That filtering process may result in such reply or other e-mail communication being quarantined (i.e., potentially not received at our site at all) and/or delayed in reaching us. For that reason, we cannot guarantee that we will receive your e-mail communications and/or that we will receive them in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail.

FISHBACK DOMINICK

ATTORNEYS AT LAW

1947 LEE ROAD

WINTER PARK, FLORIDA 32789-1834

G. BEN FISHBACK (1893-1983)
JULIAN K. DOMINICK (1924-2003)

TEL (407) 262-8400
(407) 425-2788
FAX (407) 425-2863
WWW.FISHBACKLAW.COM

MARK F. AHLERS
* A. KURT ARDAMAN
JOHN F. BENNETT
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* DANIEL W. LANGLEY
MICHAEL D. TEMPKINS

* FLORIDA BAR BOARD CERTIFIED IN
CITY, COUNTY AND LOCAL GOVERNMENT

February 25, 2016

OF COUNSEL,
GAYLE A. OWENS
CHARLES R. STEPTER, JR.

Via U.S. Mail and E-Mail

Mayor Clint Johnson
DeBary City Hall
16 Colomba Rd.
DeBary, FL 32713

Re: Public Records Determination and Compliance

Dear Mayor Johnson:

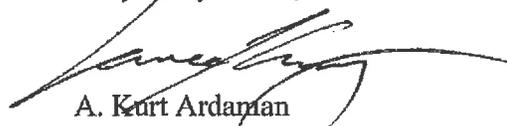
The City Council has directed the City Manager and City Attorney to determine:

- 1) Whether the pending public records requests pertaining to you and your actions involve public records;
- 2) To the extent that such records are public records, whether the requests have been properly responded to; and
- 3) What may be needed to fully respond to the requests.

We understand that in lieu of meeting with the City Manager and me that you requested a written inquiry. Therefore, please find enclosed a memorandum from the City Manager and me listing initial questions, the answers to which will assist in determining the status of certain requested records. Please answer each question with as much detail as possible. The memorandum also requests copies of various records that need to be produced in response to the pending public records requests.

The City Manager and I are available to discuss if you should have any questions. However, if you have any questions regarding your rights and interests, you should obtain independent counsel. Fishback Dominick, the City Manager, and I represent the City, and neither Fishback Dominick nor I are able to advise you regarding this matter.

Very Truly Yours,



A. Kurt Ardaman
City Attorney, City of DeBary
Lance D. King, Esquire
Fishback Dominick Law Firm
1947 Lee Road
Winter Park, FL 32789-1834
(407) 262-8400
(407) 425-2863 (Fax)
ardaman@fishbacklaw.com

Enclosures

cc: DeBary City Council (Via E-Mail)
Dan Parrott (Via E-Mail)

5. The City is in possession of approximately 730 surveys from the Mayor's Mailbox. Were there more than 730 surveys? If so, where are such surveys?

6. We understand that in addition to the surveys, individuals deposited letters, notes and other documents in the Mayor's Mailbox. What is the location of any such documents and who has custody? Have you read or otherwise come into contact with any such letters, notes, and other documents?

7. Have you read or otherwise come into contact with the missing surveys from the Mayor's Mailbox?

TeamClint.com / Bicycle Trip

Please answer the following questions with as much detail as possible:

1. The TeamClint.com website describes one of the purposes of the bicycle trip as raising awareness regarding attempts to connect local bicycle trails, including those in DeBary. Do you know whether this issue has ever come before the City Council? Do you intend to bring any matter related to this issue before the City Council?

2. Do you solicit or have you solicited input from the public via the TeamClint.com website? If so, on what topics?

3. Are members of the public able to post comments discussing City issues on TeamClint.com?

4. From which organization or individual did you receive the "Certificate of Appreciation" during your bicycle trip? What was its purpose?

5. During the bicycle trip, were you the recipient of any other certificates, awards, or documents of any kind related to your role as mayor?

II. RECORDS REQUESTED

"State of the City" Flier

Please provide copies of the following records. If you are not able to obtain any particular record, please identify the location of such record and who has custody.

1. Records evidencing agreements, receipts, and any other records evidencing payment by businesses for ad space in mayor's newsletter.

2. Records evidencing agreements, receipts, and any other records evidencing payment to MDI for developing, producing, printing and mailing of mayor's newsletter.

3. Records evidencing number of fliers mailed including invoice, receipt, contract or any other document that would show number of fliers mailed.
4. Records evidencing any contract or agreement, payment for and description of services provided in the amount of \$3,500 for Invoice from Eastwood Marketing to Clint Johnson.

Internet Posts and Electronic Messages

Please provide copies of the following:

1. Any posts made by you to your Twitter account between the dates of 1-1-15 and 1-8-16, including “likes,” retweets, and hashtags, which relate to issues facing the City or your position as mayor.
2. Any posts made by you to the TeamClint.com website between the dates of 1-1-15 and 1-8-16, including “likes,” which relate to issues facing the City or your position as mayor.
3. Any posts made by you to the Facebook group “You Live in DeBary IF” between the dates of 1-1-15 and 1-8-16, including “likes,” which relate to issues facing the City or your position as mayor, and reposts to any website.
4. Any posts made to your Facebook page between the dates of 1-1-15 and 1-8-16, including “likes,” which relate to issues facing the City or your position as mayor, and reposts to any website.
5. Any electronic messages or internet posts sent out during the City Council meeting of Wednesday, February 3, 2016.

Donations

Please provide copies of the following. If you are not able to obtain any particular record, identify the location of such record and who has custody.

1. Any records evidencing donations in any form received in relation to the bicycle trip.
2. Any cancelled check or receipt received for any donation to the Friends of Volusia Trails.

3. Any record indicating the identity of donors for No Shave November.
4. Any record indicating amounts donated for No Shave November.
5. Any cancelled check in the amount of \$1,035 written to the St. Jude's Children Research Hospital.

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Dan Parrott

From: Kurt Ardaman <ardaman@fishbacklaw.com>
Sent: Friday, March 04, 2016 10:34 AM
To: Clint Johnson
Cc: Lance D. King; Dan Parrott; Sonia Cifuentes
Subject: RE: Public Records Determination and Compliance

Clint

Neither the City Manager nor I have received a response from you regarding our questions and requests for records contained in the memorandum sent to you on Thursday, February 25th. We request that you provide a response by Friday, March 11th to each of the questions and requests.

Dan Parrott and I remain available to meet if you wish.

Kurt

A. Kurt Ardaman
Fishback, Dominick, Bennett,
Ardaman, Ahlers, Langley & Geller LLP
1947 Lee Road
Winter Park, Florida 32789
ardaman@fishbacklaw.com
Phone: (407) 425-2786
Fax: (407) 425-2863
Board Certified in City, County and Local Government Law



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ATTORNEYS AND COUNSELORS AT LAW

From: Sonia Cifuentes
Sent: Thursday, February 25, 2016 1:43 PM
To: cjohnson@debary.org
Cc: Kurt Ardaman; Lance D. King; 'dparrott@debary.org'
Subject: Public Records Determination and Compliance

Mayor Johnson,

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