

CHARLOTTE COUNTY AIRPORT AUTHORITY

MINUTES OF EMERGENCY MEETING – JUNE 24, 2020 – 9:15 A.M.

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1. Call to Order

2. Roll Call

10 **Present:** Chair Seay; Commissioners Andrews, Coppola, Hancik and Herston; Attorney Carr; CEO Parish; Ms. Hendren; Mr. Mallard; Mr. Ridenour, and Mrs. Miller. **Others present:** Bob Starr, a member of the press, and others from the private sector.

3. Citizen’s Input

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15 **Bob Starr** – Commented that he is a candidate for the Authority’s District One seat. He commented that he was surprised to see that an Emergency meeting was called to try to nullify a candidate who qualified with the Supervisor of Elections to run for the District One seat. He commented that when the candidate qualified on the 12th that the paperwork was filed, and
20 the Supervisor of Elections certified him. He commented that the Supervisor of Elections is now saying that he is not a qualified Candidate and opined that the Supervisor of Elections does not have that latitude as his job is to certify that the candidate filed the paperwork and that everything is in order. He commented that the Supervisor of Elections is going on a campaign to influence the election. He commented that he personally ordered 12,000 mailers
25 for his campaign to be provided to republicans only and that if the other candidate is disqualified, he is personally in a bad position as there’s an additional 30,000 people that he has to contact. He opined that the other candidate qualifies and is a candidate. He opined that he understands there is a residency requirement and that it should not take effect until after the candidate is elected. He opined that the Authority threatening legal actions and the
30 Supervisor of Elections asking for legal action and other candidates to challenge the candidate is illegal as it is tampering with an election. He commented that he intends to file a complaint with the Attorney General and the Supervisor of State Elections against the Supervisor of Elections. He commented that if the Board decides to challenge the candidate’s candidacy who qualified under state law, he will also challenge that with the Attorney General and the
35 Supervisor of Elections.

4. Martin Dorio – District 1 Election Residency Qualifications – Chair Seay commented that she did hear from Venessa Oliver this morning who apologized as she was unable to attend the meeting due to another obligation. She commented that she does not know Mr. Dorio, nor has she
40 seen or heard from him. Chair Seay commented that she requested the meeting as when she learned of the matter last Thursday, she reviewed Mr. Dorio’s documents and the Authority’s Enabling Legislation that states a person must be a qualified elector from the District for which they are running for six months prior to the date of qualification. She commented that date of qualification would have been the day Mr. Dorio filed his paperwork and that on that day, he was
45 an elector in Sarasota County. She commented that his address is in Sarasota County and that his address is in Englewood, which is not a part of District One, nor Charlotte County. She commented that when Mr. Dorio joined the election, he effectively closed the election to qualified voters in Charlotte County as there were two republicans running against one another and that if there is only one party in the primary election, that all others are allowed to vote in the election.
50 She commented that when Mr. Dorio joined last second with documents that are not in compliance with the qualifications of a candidate for the desired office, it put the entire election in a position to be challengeable later on. She commented that her concern is that the Board is an interested

5 party and if the Board chooses to sit back and do nothing then the Board would be complicit in
closing an election to qualified voters. She commented that she felt the Board should meet to
discuss the matter and the available options. She commented that she's spoken with the Supervisor
of Elections office, the Authority's Attorney, the Florida Elections Commission, and General
10 Counsel for the Department of State Elections Division and that each is saying the candidate is
not qualified but the only ones who can challenge that are those that have an interest and that the
Authority is an interested party. She commented that she would like to discuss what the
ramifications are for the other candidates and the Authority as well as the options available. She
opined that the first option is to do nothing as it is not the job of the Authority to determine if the
15 candidate is qualified. She opined that the second option is to file a lawsuit and that the Florida
Elections Commission and the State Department Division of Elections both said that's the
Authority's only option as a judge or court should make the eligibility determination. She opined
that another option would be to take the matter directly to the ones responsible for oversight of
elections, which would be the General Counsel's Office of the Department of State. She opined
20 another option would be to take the matter back to the Supervisor of Elections. She asked Attorney
Carr for clarification and to provide direction. Attorney Carr that he has been working on the
matter a lot in the past week, that he reviewed the information filed by Mr. Dorio, including his
Statement of Financial Interest that list his address is Sarasota County. He commented that Mr.
Dorio filed his Candidate Oath stating that his legal residence is Sarasota. He commented that the
25 Authority had a previous issue regarding whether the Board was partisan or non-party association
and that at the time it was an NPA. He commented that on June 28, 2013 House Bill 949 was
passed which states that each candidate for the office of Commissioner of the Authority must
reside in the district from which such candidate seeks election for at least six months immediately
before the time of qualification to run for that office. He commented that the question was raised
30 as to whether that is a legal constitutional provision in the Authority's Enabling statute. He
commented that he did research on the issue and that there is a case law that says if the
Constitution of the State of Florida establishes the requirements for a particular office that the
legislator by statute cannot make that any more restrictive. He commented that for example, how
a County Commissioner is elected is established within the Constitution and that there's case law
35 that says a legislator cannot make that more restrictive by qualifications or disqualifications
meaning, for example, a local entity cannot place term limits on a County Commissioner as there's
no term limits within the Constitution. He commented that the case law is also specifically clear
that absent the Constitution of the State of Florida, placing those terms or qualification limitations
on a particular office can be imposed by the legislator. He commented that he would like to note
40 the Authority is unique and has an exact period of time where one must be a resident of that
particular district for a specific period of time prior to the election. He commented that some
requirements in the State are much different as they say you must be a resident at the time of
election or time of the vote however, the Authority's happens to be very specific. He commented
that the situation is a candidate who has prima facia not qualified for the purposes of meeting the
45 Authority's particular statute and that it should be noted that within the candidates oath he says
he is a qualified elector under the Constitution and commented that the candidate would also
qualify under Florida Statute 97.021 subparagraph 15 which says elector means voter. He
commented that the second part of the oath says that the candidate is a qualified elector under the
Constitution and the laws of Florida to hold the office of which he desires to be nominated and
elected. He opined that it has been established that the candidate does meet that requirement. He
opined that the oath on a prima facia basis does not seem to be applicable. He commented that the
next step is to decide who is impacted by the situation which includes three groups. He commented
that the first group is the government itself which is the Authority, the government and the State
of Florida who are impacted as someone is proceeding at least prima facially against the laws of

the state of Florida. He commented that the second group would be the general electorate as the candidate has basically closed the election and forced a republican primary which is estimated by Supervisor Stamoulis that it would preclude approximately 80,000 democratic and independent voters in the County from voting in the particular election. He commented that the third group to be impacted is the candidates themselves which includes Mr. Dorio, Mr. Starr and Mrs. Oliver, which was not announced in any particular order. He commented that he has known Mr. Starr and Mrs. Oliver for an extended period of time but has no preference associated with any candidates or their election, including Mr. Dorio whom he does not know, nor has he ever spoken to. He commented that the purpose of the meeting is not to try to nullify anything, that the decision cannot necessarily be based upon how it impacts a particular candidate, and that the three points that Mr. Starr made should not be part of the Board's decision today. He commented that to his knowledge, none of the candidates have any intention to undertake any action associated with the matter. He commented that as for the electorate itself as both democrats or independents, they are able to challenge the process themselves and noted that the process is one required by the Universal Primary Amendment that was passed in article 5 section 5 in Florida's Constitution. He commented that his effort upon investigation was to review the file information, that he requested all the information that Mr. Stamoulis, who is the Supervisor of Elections, had on all three candidates, that he reviewed all of the information and spoke to Mr. Stamoulis at length associated with the governing statutes of his office and what he felt his responsibilities should be. He commented that he reviewed the statues, Constitution of the State of Florida, the Authority's Enabling Act, and numerous case law and opined that the matter is complicated at the court level. He opined that all three of the effected groups have three options which are to simply doing nothing, to turn the matter over to the Elections Commission, or to file a Cause of Action seeking a writ of quo warranto, declaratory relief, and injunction relief. He opined that the problem with third option is that during his conversation with Mr. Stamoulis, it was indicated that the printed ballot has to go to the printer on Friday due to military ballets. He commented that to get the Cause of Action drafted, filled, served, and in front of the court before Friday to make that determination would be virtually impossible. He opined that if the litigation was initiated that the hearings would have to happen post the ballet being printed and that assuming he is correct that Mr. Dorio is an invalid candidate, the court would only have the option to nullify the election. He commented that he constructed a correspondence email yesterday to Mr. Dorio informing him of everything that he has presented during the meeting today and that a read receipt was received meaning that Mr. Dorio did receive the email. He commented that the email was an inquiry to provide any available information that demonstrates that he satisfies the requirements and that he received no response. He commented that Mr. Stamoulis made a similar inquiry through two emails and two phone calls that went unanswered. He opined that Mr. Dorio understands that he has signed an oath that states he is qualified under the laws of Florida, that he has been informed in writing that he does not qualify, and that should he choose to continue to move forward, that it is his decision and the Elections Commission can do what they feel is appropriate associated with that. He commented that his concern is that the Authority's final lawsuit would have to proceed with the courts post-election and opined that the courts would have to nullify the entire election if Mr. Dorio's application was found not appropriate under law and that the Authority would then have to participate in a special election which would be costly. He commented that the matter can also be referred to Mr. Stamoulis as the Supervisor of Elections, that he was quoted chapter and verse during the conversation he had with Mr. Stamoulis that his function is ministerial and that once he receives the documents he has no further obligation. He commented that he does not agree or disagree with that. Chair Seay thanked Attorney Carr for the information and opined that the information provides the Board the opportunity to decide what needs to be completed to preserve the integrity of an election and whether or not the Authority is allowing the interference of election

by a non-qualified candidate. She opined that it's not the Authority's roll to interfere although the Board is forced into a position where something needs to be done. Commissioner Hancik inquired as to who the enforcement authority is as he does not feel the Board should be in an enforcement position on the matter even though he understands the consequences and that the Authority will likely have to pay the cost of a special election. Attorney Carr commented that he did not use the word enforcement but that there are three impacted groups, that each of which have certain legal rights associated with proceeding, that the candidates themselves have an enforcement right through the courts, the electorate have an enforcement right through the Division of Elections and the courts, and that the government has an enforcement right. He opined that the principle enforcer of the issue would be the State Elections Commission and that any individual has the right to complete the same task that the Board is considering. Commissioner Coppola inquired if by doing nothing the Board is opening up every election afterwards that is held to the same criteria that someone living in Desoto County could run for County Commission. Attorney Carr commented that he isn't sure about the County Commission or any other office as each has different qualifications and that the Authority has one of the strictest requirements that he's found for candidate residency and opined that there is a black hole in electoral laws dealing with the enforcement of the issue. He opined that the Board could implore the legislators, the Florida Elections Office, or the Attorney General to correct the black hole of enforcement issues and opined that it seems incongruent that the Board, as an elected body, should be charged with enforcement of the laws in the state of Florida that someone is, in his opinion, flagrantly violating. Commissioner Coppola opined that it all seems to be opinion and inquired if the candidate is selected on the ballot if the Supervisor of Elections can say he's not qualified and throw the vote out. Attorney Carr commented that the Supervisor of Elections cannot and that there are any number of cases where a Commissioner has been challenged for breaking their residency requirement post-election. Commissioner Herston opined that the Board is governed by the Authority's legislation and that he would like to do nothing while putting the matter back to the State Election Committee and Mr. Stamoulis. Attorney Carr commented that the options are not all mutually exclusive. Commissioner Herston opined that there are more powerful people in the State that can make the decision. Commissioner Andrews opined that setting everything in motion and potentially causing a special election is not a very good option and inquired what can be done to move the matter forward and if nothing should be done now but proceed later. Attorney Carr commented that the four options are not mutually exclusive, that the Board can adopt one or more of them, and that for example, the Board can choose to direct Chair Seay and himself to report the matter to the Elections Commission to see what they'd like to do as well as to Mr. Stamoulis, although Mr. Stamoulis has said he has no authority. He opined that if it is pursued with the Elections Commission that it may start the process to correct the black hole to have the local Elections Supervisor require that an individual prima facially meet the requirements of running for office. He commented that in no way commentary of Mr. Stamoulis, he feels it is incongruent that the Supervisor of Elections Office is established in the State with a statute that says what they do is simply ministerial with no function of reviewing paperwork to see if it prima facia with qualifications to run for office. He opined that statue should be corrected to say whether the person qualifies on a prima facia basis when the documents are reviewed as an Eskimo in Alaska could file to run for the Airport Authority and that Mr. Stamoulis' position would be that he has to accept the paperwork. He commented that his comments are not a criticism of Mr. Stamoulis as the statute says he serves the ministerial act of accepting the paperwork, which is what happened. He opined that if there was a body to enforce the matter that it would be the Florida Elections Commission and that if he were to advocate any activity it would be to get state representatives to fix the problem by having the local supervisor review the prima facia documents to determine if the person meets the qualifications of the office. He commented that none of that should be

5 quoted by anyone as anything related to Mr. Stamoulis relative to whether he feels Mr. Stamoulis is or isn't doing his job, that he's just simply saying what the statute says and what Mr. Stamoulis is indicating his obligations are under that statute. Chair Seay commented that Attorney Carr is echoing exactly what she was told by the General Counsel at the State Department Division of Elections including that it is a matter for the legislator to fix and that it has not come forward as an issue before. Commissioner Hancik suggested that the Board take a poll before taking a vote to see what each Commissioner is thinking of the available options. Chair Seay agreed with Commissioner Hancik as the matter should be discussed prior to making a motion, even though it's not how it is supposed to be done. Commissioner Hancik opined that the Board should do nothing as the matter is someone else's issue and that he doesn't agree with the idea of interfering with the election as a body. Commissioner Coppola inquired if Mr. Starr felt the candidate being out of district was a problem. Mr. Starr commented that he doesn't and opined that the paperwork Mr. Dorio filed was in order, that it was filed as an elector in Sarasota County and feels Mr. Dorio is a candidate as he was certified by the Supervisor of Elections and that should be where it ends. He opined the candidate will not be elected as his name has to be physically written in on the ballot. Commissioner Coppola inquired if Attorney Carr has been told the matter bothers Mrs. Oliver. Attorney Carr commented that the information he received from people close to her was that it doesn't and that he has not spoken with her directly. Commissioner Coppola commented that she finds it interesting that someone can file from somewhere else. Commissioner Hancik opined that it's all politics. Commissioner Coppola commented that she experienced the election closing due to an NPA when she ran the last time and opined that if she were a democrat, she would be upset that she didn't have a chance to express her opinion. She opined that Mr. Dorio should not be running as he doesn't live in Charlotte County nor his district. Commissioner Andrews opined that he would like to do nothing while working at it through other channels as Mrs. Oliver and Mr. Starr have no issue with it and that there are other avenues that can be taken legislatively. Attorney Carr inquired on clarification from Commissioner Andrews regarding if doing nothing means the Authority does not initiate litigation but pursue other alternatives. Commissioner Andrews commented that is what he meant. Attorney Carr opined that it was unclear in Commissioner Hancik's decision as to what do nothing means. Commissioner Hancik commented that he would like to do absolutely nothing and then after the election, the Authority discuss with State representatives to fix the hole. Commissioner Andrews commented that he has said basically the same thing. Commissioner Herston inquired if Commissioner Hancik means to do nothing as in not even send a letter to the appropriate agencies in charge. Commissioner Hancik opined that he doesn't have an issue with sending letters but doesn't feel the Board needs to interfere with the election at this point and should let someone else enforce the matter. Commissioner Herston opined that the situation can only work out for the better, that it also amazes him that there is a hole someone doesn't have the authority to correct, and that the situation is an opportunity to make things better. He commented that he'd like to do nothing meaning the Board write a letter to the Division of Elections and Mr. Stamoulis. Commissioner Coppola inquired as to what the letter would say. Commissioner Herston commented that he would leave that up to Attorney Carr but likely something that says it's their decision, which is why the division exist. He commented that the Board does not have the power to make the decision as the Authority's governing legislation is what it is. Commissioner Hancik opined that he agrees with Commissioner Herston's expansion and that it will most likely not happen before the election as there isn't a lot of time. Attorney Carr opined that he agrees as if the Board were to notify the Division of Elections and Mr. Stamoulis that nothing would happen before the election and doesn't believe that the Division of Elections would attempt to undertake in any way to nullify the election. He opined that they might seek sanctions against Mr. Dorio as he's already been put on notice that his conduct violates the laws of the State of Florida. He commented that the Division

of Elections is there to oversee elections and opined that the Board as a governing body of the Airport should not be overseeing the elections when others are tasked with that duty. He commented that there is nothing that says the Board doesn't have that right however the question is whether the Board, as a body politic, wants to engage in that way. Commissioner Hancik
5 commented that his concern is that as a body politic, it would be hard to enforce. Commissioner Andrews commented that based upon Commissioner Herston's expansion, he agrees that do nothing doesn't necessarily mean stop and that something should be said even if it's a letter to the Elections Commission and Mr. Stamoulis. Commissioner Herston inquired with Attorney Carr if during his conversation with Mr. Stamoulis the cut off time on Friday for the ballot to be sent was
10 mentioned. Attorney Carr commented that Mr. Stamoulis did send him the contract that was signed before the matter came up stating the ballot will be sent to the printer on Friday although he is unsure of what time. He commented that Mr. Stamoulis kept mentioning military ballots and opined that the military ballots may go out earlier. Commissioner Herston inquired if in Attorney Carr's opinion, if the action suggested is taken, what Mr. Stamoulis would do. Attorney Carr
15 opined that based upon his conversation with Mr. Stamoulis, he is going to do nothing except print the ballot based upon those that have turned in their paperwork. He opined that what would happen is the district one election will be on the ballot as there will be a republican primary to exclude democrats and independents. He commented that Mr. Dorio's name will not be on the primary ballot as it will only be Mrs. Oliver and Mr. Starr and then whoever wins the primary will
20 go against Mr. Dorio in the general election. Chair Seay commented that Mr. Dorio's name will not appear on the ballot in November as he is a write-in candidate. Commissioner Herston inquired if there has ever been a write-in winning candidate. Commissioner Coppola opined no and inquired if it's fair to ask if either of the other candidates know Mr. Dorio personally. Attorney Carr commented that during his conversation with Mr. Starr, it was indicated that he doesn't know the gentleman and that although he has not spoken to Mrs. Oliver directly, those close to her have
25 indicated that they do not know Mr. Dorio either. Chair Seay commented that she did speak with Mrs. Oliver directly and was informed Mrs. Oliver did not know Mr. Dorio either. Attorney Carr commented that he would like to note, although it may not be applicable, that there are people who believe that primaries should be closed and as a result, file all over the state to close the primaries. He commented that the group will find individuals that are willing to aid in closing
30 elections as they believe that the Universal Primary Amendment Act is wrong and that there is a huge loop hole that says if you have opposition, you close the primaries. He commented that it is done all over the state and that it should not be an implication that any of the current candidates have anything to do with the matter as it could simply be a group of individuals who want to close the election under the Universal Primary Amendment Act and is willing to face the consequences
35 of doing so. He commented that if it is not reported, there will not be any information about the matter going forward. Commissioner Coppola inquired if the Board could lodge a complaint of some sort. Attorney Carr commented that the Board could file a report with the Elections Commission stating that it is believed that Mr. Dorio's oath that he is qualified under the laws of Florida to hold office to which he seeks is inaccurate. He opined that if a person can swear an oath
40 under a statute that is wrong with no ramifications, it is not necessarily a question for the Board but for the Administrative Office. Commissioner Coppola inquired if the Authority will then be looked at as complicit. Attorney Carr opined that the very fact that the Board has convened, asked for a comprehensive review of the matter, and is fully considering options indicates that the Board is not only not complicit but also taking a considered approach to the problem to ensure the right
45 thing is being done. Chair Seay opined that after listening to the comments and concerns, the Board has managed to agree that filing a lawsuit of any kind is not the best move as it is not going to resolve the issue, is going to take too much time and may not be the right thing. She opined that the Board deciding to close their eyes to what has already happened and is known is also

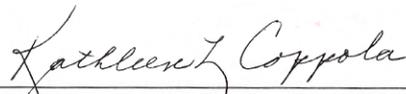
5 something that she feels should not be done. She opined that filing a report with the General
Counsel, State Department Division of Elections, and the Florida Election Commission while
notifying the Supervisor of Elections of the action puts the matter in the proper location for action
if any is or should be taken. She commented that the Authority is an interested party however the
interest should be to get the proper organization to review the matter and decide appropriately.
Commissioner Herston inquired if a motion should be passed for the matter or if there should just
be direction from the Board to Attorney Carr. Attorney Carr commented that he cautioned Mr.
Parish and Staff not to engage in the issue as it is a political decision that is not for the
administration of the Airport. He commented that the silence of Mr. Parish and Staff should not
10 imply in any way that a position has been taken as he has cautioned them not to engage in the
process and that the Board should not direct Mr. Parish or Staff to do anything associated with
the matter. He opined an appropriate direction would be to instruct Chair Seay and legal counsel
to report the matter to the appropriate bodies, not Mr. Parish. Commissioner Andrews commented
that he would like to rescind his comment about doing nothing and that he believes the Board
15 should make the matter known to the Elections Commission and Mr. Stamoulis. Commissioner
Coppola agreed that something should be done and opined that someone running from Sarasota
is wrong as the individual should run within the district they are running for. **Commissioner
Herston motioned that the Board empower Attorney Carr and Chair Seay to write the
appropriate letters to the appropriate oversight organizations and as part of the Board's
20 decision, no action with teeth option.** Chair Seay suggested the motion be to authorize the Chair
and Attorney to compose and send letters to the oversight committees which would include the
General Counsel of the State Department Division of Elections and the Florida Elections
Commission regarding this issue and the Board's concerns with copies to notify the Supervisor
or Elections. Attorney Carr suggested the motion include appropriately notifying instead of
25 sending letters as he doesn't want to be limited to a letter if there are forms to complete.
Commissioner Herston suggested it be to the appropriate organizations. Chair Seay suggest the
motion be to authorize the Chair and Attorney to prepare appropriate notifications to the election
oversight organizations in Florida regarding the matter of Martin Dorio's candidacy.
Commissioner Hancik inquired if an action item should be requested within the communications
30 to the appropriate agencies. Commissioner Herston opined that Commissioner Hancik made a
good point and feels though Attorney Carr would close the letter instead of leaving the matter
open ended. Commissioner Coppola opined that it is not just a question of the discussed candidate
but also where he lives. Attorney Carr opined that it is more a question of the candidate oath that
was filed and feels the gentleman is obviously willing to accept the consequences as he has
35 decided to remain in the race after multiple communication attempts. Commissioner Herston
inquired if fixing the problem in the future is as simple as changing the oath document to reference
the Authority's legislation. Attorney Carr commented that the oath is a state form prescribed by
statute and that it is specifically there as the individual is taking an oath that you are qualified
under the laws of Florida to hold the office to which you desire to be nominated or elected. He
40 commented that Mr. Dorio was not on notice at the time he filed his oath and that he is certainly
on notice now that he and Mr. Stamoulis have attempted to communicate with him to notify him
that he is not fulfilling the oath. Commissioner Herston inquired if the term qualifies is defined
and opined that Mr. Dorio may have thought in his own mind that he was qualified. Attorney Carr
commented that it may have been the case however qualified is under the laws of the state of
45 Florida and that the Authority's Enabling Legislation is a law of the state of Florida. He
commented that Mr. Dorio may be a qualified candidate under the Constitution of the state of
Florida, qualified under statute chapter 95, and that Mr. Dorio is not qualified under the Enabling
Legislation of the Authority. Commissioner Herston inquired as to if Attorney Carr served the
notification to Mr. Dorio that he is not qualified. Attorney Carr commented that he reached out to

Mr. Dorio through email and that he had confirmation that it was received. He commented Mr. Stamoulis reached out to Mr. Dorio twice in writing and two times via phone. He commented that he understands a different administrative body may disagree with his perspective and that he doesn't know how anyone can take a different interpretation of the oath. Chair Seay commented that if Mr. Dorio was aware of the matter at the time and falsely swore under oath that it could be another issue entirely although it's not a matter for the Board to address. She confirmed with Commissioner Herston that she can rephrase the motion. **Chair Seay suggested the motion be that the Board authorize the Chair with the Attorney to appropriately notify the Florida Elections oversight organizations regarding concerns over Martin Dorio's candidacy and qualifications as presented by Attorney Carr. Commissioner Herston accept Chair Seay's suggested motion as his revised motion. Commissioner Andrews seconded.** Commissioner Coppola inquired if the request is to look into Mr. Dorio's candidacy or the law. Chair Seay commented all of the above by putting the matter into the hands of the organization responsible for elections to evaluate, assess and determine the matter. **Motion passed unanimously.**

5. Adjournment

Meeting adjourned at 10:20 a.m.


Pamella A. Seay, Chair


Kathleen Coppola, Secretary/Treasurer