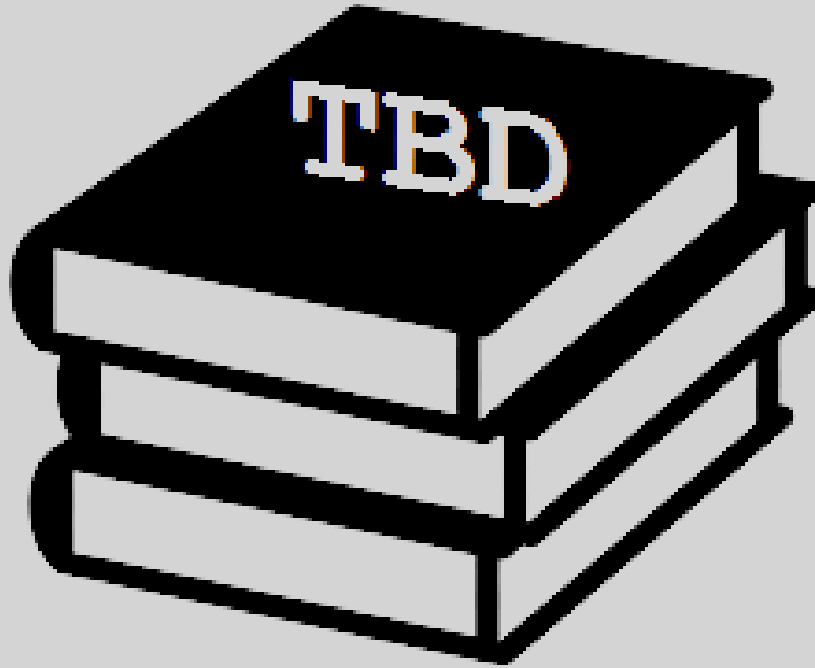


BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get **Booked Up** on Justice!

© TBD Corporation. All Rights Reserved.

07-2655

IN THE SUPREME COURT OF FLORIDA

FILED

2009 JUL -6 A 11:05
DIVISION OF
ADMINISTRATIVE
HEARINGS

**CAROL TUCKER,
PETITIONER,**

CASE NO. _____

vs.

**FLORIDA COMMISSION ON HUMAN RELATIONS (FCHR);
DERICK DANIEL, AS EXECUTIVE DIRECTOR OF FCHR;
CECIL HOWARD, AS FCHR GENERAL COUNSEL;
JAMES MALLUE, LEGAL ADVISOR FOR COMMISSION PANEL;
DIVISION OF ADMINISTRATIVE HEARINGS (DOAH);
CHARLIE CRIST, AS GOVERNOR OF FLORIDA (GOV. CRIST);
MICHAEL MATTIMORE, ALLEN, NORTON & BLUE, PA;
ALLEN, NORTON & BLUE, PA,**

RESPONDENTS.

**PETITION FOR RELIEF, COMPENSATORY, AND PUNITIVE
DAMAGES, WRIT(S) OF QUO WARRANTO, AND/OR WRIT(S) OF
MANDAMUS, AND/OR ALL WRITS NECESSARY TO ENJOIN
RESPONDENTS FROM ENGAGING IN ULTRA VIRES, STATUTORY,
AND/OR PROCEDURAL VIOLATIONS**

Pro Se Petitioner, **CAROL TUCKER**, hereby invokes Original Jurisdiction
of this Court, pursuant to below **LEGAL CITATIONS**, Numbers One (1), Three
(3), Four (4), Five (5), and Ten (10).

LEGAL CITATIONS

1. Florida Constitution, Article I/Declaration of Rights, Section 21/Access to

Courts:

*"The courts shall be open to every person for redress of any injury, and justice
shall be administered without sale, denial or delay;"*

2. Florida Constitution, Article II/General Provisions, Section 8/Ethics in Government:

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the Judicial Qualifications Commission;

3. Florida Constitution, Article V/Judiciary, Section 3/Supreme Court, (b) Jurisdiction, (7):

“May issue Writs of Prohibition to courts and all Writs necessary to the complete exercise of its jurisdiction;”

4. Florida Constitution, Article V/Judiciary, Section 3/Supreme Court, (b) Jurisdiction, (8):

“The Supreme Court may issue Writs of Mandamus and Quo Warranto to State officers and State agencies;”

5. Florida Rules of Appellate Procedure, Rule 9.030/Jurisdiction of Courts, (a) Jurisdiction of Supreme Court, (3) Original Jurisdiction:

“The Supreme Court may issue Writs of Prohibition to courts and all Writs necessary to the complete exercise of its jurisdiction, and may issue Writs of Mandamus and Quo Warranto to State officers and State agencies;”

6. Florida Rules of Appellate Procedure, Rule 9.410/Sanctions:

“... the court may impose sanctions for any violation of these rules... Such sanctions may include reprimand, contempt, striking of Briefs or pleadings, dismissal of proceedings, costs, attorneys’ fees, or other sanctions;”

7. Florida Rules of Judicial Administration, Rule 2.215:

(g) Duty to Expedite Priority Cases. Every judge has a duty to expedite priority cases to the extent reasonably possible. Priority cases are those cases that have been assigned a priority status or assigned an expedited disposition schedule by statute, rule of procedure, case law, or otherwise. Particular attention shall be given to all juvenile dependency and termination of parental rights cases, cases involving families and children in need of services, and challenges involving elections and proposed constitutional amendments;

(h) Neglect of Duty. The failure of any judge, clerk, prosecutor, public defender, attorney, court reporter, or other officer of the court to comply with an Order or directive of the Chief Judge shall be considered neglect of duty and shall be reported by the Chief Judge to the Chief Justice of the Supreme Court. The Chief Justice may report the neglect of duty by a judge to the Judicial Qualifications

Commission, and neglect of duty by other officials to the Governor of Florida or other appropriate person or body;

8. Florida Code of Judicial Conduct, Canon 1, A Judge Shall Uphold the Integrity and Independence of the Judiciary:

An independent and honorable judiciary is indispensable to justice in our society.

A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

COMMENTARY

Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law;

9. Florida Code of Judicial Conduct, Canon 3/A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently:

B. Adjudicative Responsibilities.

(2) A judge shall be faithful to the law and maintain professional competence in it.

A judge shall not be swayed by partisan interests, public clamor, or fear of criticism;

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control;

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge's direction and control to do so. This section does not preclude the consideration of race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors when they are issues in the proceeding.

(6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words, gestures, or other conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or

socioeconomic status, against parties, witnesses, counsel, or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors are issues in the proceeding;

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law;

(8) A judge shall dispose of all judicial matters promptly, efficiently, and fairly;

C. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business;

(2) A judge shall require staff, court officials, and others subject to the Judge's direction and control to observe the standards of fidelity and diligence that apply to the Judge and to refrain from manifesting bias or prejudice in the performance of their official duties;

D. Disciplinary Responsibilities.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action;

COMMENTARY

Canon 3B(8). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. Containing costs while preserving fundamental rights of parties also protects the interests of witnesses and the general public. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts;

10. Florida Supreme Court Internal Operating Procedures, B. The Chief Justice:

“The Chief Justice is the Administrative Officer of the Court, responsible for the dispatch of the Court’s business, and is also the Chief Administrative Officer of the Florida judicial system.”

11. Florida Statutes, Title XLIV/Civil Rights, Chapter 760/ Discrimination in the Treatment of Persons; Minority Representation, Part I/Florida Civil Rights Act, Section 760.05/Functions of the Commission:

The Commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin,

age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups; and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members.

12. Florida Statutes, Title XLIV/Civil Rights, Chapter 760/ Discrimination in the Treatment of Persons; Minority Representation, Part I/Florida Civil Rights Act, Section, Section 760.06/Powers of the Commission:

“Within the limitations provided by law, the Commission shall have the following powers:”

(10) To become a deferral agency for the Federal Government and to comply with the necessary Federal regulations to effect the Florida Civil Rights Act of 1992.

13. Florida Administrative Code, 60Y-2.007/Public Information and Inspection and Copying of Documents:

(1) All public records within the meaning of Chapter 119, F.S., and not otherwise restricted by law, may be inspected upon approval of a written request. Any written request must specifically identify the requested material. Requests for information may be directed to the Office of Customer Service;

(2) All Complaints filed pursuant to Rule 60Y-5.001, F.A.C., and all related records and documents in the custody of the Commission which relate to and identify a person shall be confidential, unless the record or document is made part

of the record of any hearing or court proceeding. Access to confidential records and documents, by the parties to a Complaint or proceeding, is provided in Subsections 60Y-5.001(9), 60Y-5.003(9) and 60Y-5.004(7), F.A.C.

14. Florida Administrative Code, 60Y-5.001/Complaints:

(3) Place and Date of Filing. *A Complaint may be filed at the office of the Commission. The Date of Filing shall be the date of actual receipt of the complaint by the Clerk or other agent of the Commission.*

(5) Form. *The Complaint must be in writing and shall be signed by the Complainant. The Complaint shall be verified.*

(6) Contents.

(a) The Complaint should contain the following information:

- 1. The name, address, and telephone number of the person filing the Complaint;*
- 2. The name, address, and telephone number of the Respondent;*
- 3. A clear and concise statement of the facts, including pertinent dates, constituting the unlawful employment practice;*
- 4. If known, the approximate number of employees of a Respondent employer;*
- 5. If known, a statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a Federal, State or local agency charged with the enforcement of Fair Employment Practice Laws and, if so, the date of such commencement and the name of the agency;*

(b) Notwithstanding the provision of Paragraph (a) of this Subsection, a Complaint is sufficient if it is in writing, signed by the Complainant, verified, and is sufficiently precise to identify the parties and to describe generally the action or practice complained of;

(7) Amendments.

(a) A Complaint may be reasonably and fairly amended within 60 days after filing and, thereafter, for good cause with the consent of the Executive Director.

(b) A Complaint may be amended to cure technical defects, or omissions, including verification, or to clarify and amplify allegations made therein. Such amendments and amendments which describe an additional unlawful employment practice related to or growing out of the subject matter of the original Complaint will relate back to the date the Complaint was first received;

(9) Notice to Respondent. *When it is determined that a complaint is complete and has been timely filed. The Executive Director shall cause notice of the filing and a copy of the complaint to be served upon the respondent. Notice shall be served within five (5) days of the date of filing. An amendment likewise shall be served upon the respondent;*

(10) Maintenance of Records. *Once a Complaint has been served on a Respondent, the Respondent shall preserve all records and other evidence which may pertain to the Complaint until the matter has been finally determined.*

**15. Rules Regulating the Florida Bar, Rules of Professional Conduct, 4-4/
Transactions With Persons Other Than Clients, Rule 4-4.3 Dealing With
Unrepresented Persons:**

(a) In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel.

*(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with **Rule Regulating The Florida Bar 4-1.2** is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, the opposing lawyer is to communicate with the limited representation lawyer as to the subject matter within the limited scope of the representation.*

Comment

An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. In order to avoid a

*misunderstanding, a lawyer will typically need to identify the lawyer's client and, where necessary, explain that the client has interests opposed to those of the unrepresented person. For misunderstandings that sometimes arise when a lawyer for an organization deals with an unrepresented constituent, see **Rule 4-1.13(d)**.*

This rule does not prohibit a lawyer from negotiating the terms of a transaction or settling a dispute with an unrepresented person. So long as the lawyer has explained that the lawyer represents an adverse party and is not representing the person, the lawyer may inform the person of the terms on which the lawyer's client will enter into an agreement or settle a matter, prepare documents that require the person's signature and explain the lawyer's own view of the meaning of the document or the lawyer's view of the underlying legal obligations.

**16. Rules Regulating the Florida Bar, Rules of Professional Conduct, 4-1/
Client-Lawyer Relationship, Rule 4-1.3/Diligence:**

A lawyer shall act with reasonable diligence and promptness in representing a client.

Comment

A lawyer should pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have

*authority to exercise professional discretion in determining the means by which a matter should be pursued. See **Rule 4-1.2**. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.*

17. Florida Statutes, Title X/Public Officers, Employees, and Records, Chapter 120/Administrative Procedure Act, 120.574/Summary Hearing:

5(b) Not later than 5 days prior to the Final Hearing, the parties shall furnish to each other copies of documentary evidence and lists of witnesses who may testify at the Final Hearing.

LEGAL ARGUMENTS/BASIS FOR RELIEF SOUGHT

In accordance with Petition filed May 21st, 2009, Active Case Number SC09-981, in which I indicate on Page 24 that I will “*file a separate Petition invoking Original Jurisdiction of this Court with regard to FCHR’s inappropriate sharing of information with Respondent’s [attorneys], Mattimore/Allen, Norton & Blue, PA, which Mattimore attempted to coerce me into accepting into evidence in DOAH Final Hearing, which I refused,*” instant Petition is submitted herewith, including e-mail trails/correspondence between myself, FCHR, DOAH, and Gov. Crist (Certificate of Indigency and In Forma Pauperis documentation previously submitted and approved).

1. During August 30th, 2007, DOAH Final Hearing, Mattimore/Allen, Norton & Blue, PA, dishonestly attempted to coerce me into accepting into evidence, which I refused, a document he refused to identify or disclose from whence he had received. I did not immediately recognize the document, but after brief perusal, I realized it was a preliminary, seven (7) page rough draft, **NOT** an Official FCHR document, as an actual Official, date-stamped Complaint is the **ONLY** Official FCHR Complaint, and therefore, the **ONLY** document identified **AS** my Official Complaint that Allen, Norton & Blue, PA, were legally entitled to be provided by FCHR. I enclose herewith Pages 52-58 of Final Hearing Transcript, which clearly delineate the relentless badgering perpetrated upon me during Final Hearing by Mattimore **AND** Judge Harrell. Judge Harrell's bias during **Final Hearing** was abundantly clear, as I have testified in previously submitted documentation, as well as to the fact that neither FCHR, DOAH, nor Allen, Norton & Blue, PA, saw fit to inform me prior to Final Hearing that the judge originally scheduled to hear my case, Judge Diane Cleavinger, had been replaced by Judge Susan Harrell, denying me of my right to request rescheduling with Judge Cleavinger, if I so desired; see above **LEGAL CITATIONS** Numbers Eight (**8**) and Nine (**9**). In support hereof, I submit the following documents:

A. July 19th, 2007, Order of Pre-Hearing Instructions signed by Judge Cleavinger, which clearly Orders Respondent to provide Petitioner "*copies of documents which*

that party intends to offer as Exhibits during Final Hearing. Failure to do so may result in exclusion at Final Hearing of Witnesses or Exhibits not previously disclosed.” It is crucial for this Court to consider, as well, that said DOAH Order also states “*Only the Witness List should be filed with the Division of Administrative Hearings,*” especially in light of the fact that not only did Allen, Norton & Blue, PA, fail to provide me with said “*copies of documents [they] intend[ed] to offer as Exhibits during Final Hearing,*” but clearly proves, as well, that Allen, Norton & Blue, PA, FCHR, and DOAH were consentaneously “in cahoots” that Mattimore should attempt in Final Hearing to trick me into accepting into evidence aforementioned preliminary rough draft, and that if their unethical deception were successful, the fact that aforementioned Order instructs “*only the Witness List be filed with DOAH,*” would render moot the fact that Allen, Norton & Blue, PA, failed to comply with providing me “*no later than seven (7) days prior to Final Hearing... copies of documents [they] intend[ed] to offer as Exhibits in Final Hearing.*” It is crucial, as well, therefore, for this Court to consider that the First District Court of Appeal (1st DCA) ignored this violation, along with many others iterated in SC09-981, as evidenced not only by their Per Curiam Affirmation, but due to the fact that 1st DCA **ALSO** refused to grant my Request for Rehearing En Banc and/or to write an Opinion, in which 1st DCA would have had no choice but to address this flagrant legal violation (see above **LEGAL**

CITATIONS, Numbers Eleven (11), Twelve (12), Fourteen (14), and Seventeen (17);

B. August 10th, 2007, e-mails to Claudia Llado/DOAH and Mark Bonfanti/Allen, Norton & Blue, PA, requesting compliance with Judge Cleavinger's July 19th, 2006 [sic] Order of Pre-Hearing Instructions, and provide me with "*copies of documents [they] intend to offer as Exhibits during same Final Hearing,*" as Allen, Norton & Blue, PA, had, thus far, deliberately refused to comply, leaving me no choice but to file Motion For Opposing Counsel to Comply With Order of Pre-Hearing Instructions:

C. August 23rd, 2007, Motion For Opposing Counsel to Comply With Order of Pre-Hearing Instructions, which cites August 21st, 2007, phone conversation with Bonfanti/Allen, Norton & Blue, PA, in which he "*promised to [provide] me via US Mail AND e-mail 'within a couple of days' his list of Witnesses AND Exhibits [he intended to offer at] Final Hearing;*"

D. August 24th, 2007, Defendant's Witness List, which clearly fails to list ANY documents Allen, Norton & Blue, PA, intended to offer at Final Hearing;

E. August 24th, 2007, Notice of Compliance, in which Allen, Norton & Blue, PA, commits deliberate and premeditated perjury by swearing compliance "*with Paragraph Two (2) of Order of Pre-Hearing Instructions,*" in that we "*spoke via telephone on August 21st, 2007, but then submits filing "its Witness List in*

accordance with Order of Pre-Hearing Instructions seven (7) days prior to Final Hearing,” willfully evasively failing to make any mention whatsoever of the Order’s Instructions to ALSO “provide copies of documents Allen, Norton & Blue, PA, intended to offer as Exhibits during Final Hearing.” It is noteworthy for this Court to consider, as well, the fact that during Final Hearing, DOAH Judge Harrell, as evidenced on Pages Fifty-Two (52) through Fifty-Eight (58) of Final Hearing Transcript, proves her complicity in this heinous attempt to dishonestly sneak this document into evidence, “under the radar,” as during Final Hearing she blatantly assisted Allen, Norton & Blue, PA, in this illegal, unethical act, by failing to hold Allen, Norton & Blue, PA, accountable, or even to mention at all, their failure to comply “*no later than seven (7) days prior to Final Hearing, with Order of Pre-Hearing Instructions regarding disclosure of documents Allen, Norton & Blue, PA, intended to offer at Final Hearing, failing in her judicial responsibility to sanction and discipline such perjurious acts on the part of attorneys, particularly as perpetrated upon a pro se, indigent party, in accordance with above LEGAL CITATIONS, Numbers Two (2), Six (6), Eight (8), Nine (9), Fifteen (15), Sixteen (16), and Seventeen (17).*

It is appropriate for this Court to consider, as well, that in approximately 99% of cases such as mine, particularly discrimination cases against State of Florida agencies, Plaintiffs such as myself typically are ruled against by FCHR,

DOAH, and 1st DCA, quite plainly indicative that FCHR, DOAH, and 1st DCA prejudicially act in complicity to protect the State of Florida and its agencies from being held accountable for egregious acts of injustice, particularly injustices involving employment discrimination, such as have been perpetrated on me by State of Florida institutions of higher ed, in this case involving Chipola College and the University of South Florida (USF), in particular. In fact, protecting the State of Florida from “transparency, accountability, and openness,” is clearly the primary purpose these agencies exist, in spite of their purported, “airbrushed” image that they exist to protect the rights of Floridians, when in reality, the opposite is true.

When I realized the document Mattimore and Judge Harrell unsuccessfully attempted to coerce and badger me into accepting into evidence was a preliminary draft, it became clear to me that the reason neither Judge Harrell nor Mattimore disclosed to me the identity of the document or from whence Mattimore had acquired said document, is because Allen, Norton & Blue, PA, had been provided the document illegally by FCHR, deliberately without disclosure to me, and that it was also apparent that Mattimore took a gamble that I would not recognize the document, and that he and Judge Harrell would successfully intimidate and badger me into accepting it into evidence, an insult to my intelligence, as well as a violation of my rights, and disdain for the laws that govern our nation, our state,

the judiciary, and the legal profession, an unwise, arrogant risk at which both Mattimore and Judge Harrell failed miserably. It is appropriate for this Court to consider, as well, that in spite of this failed trickery, FCHR, DOAH, and 1st DCA **STILL** ruled against me, once again, daring me and “calling my bluff,” to “stick to my guns,” and fulfill my promise to appeal this case to the US Supreme Court, if necessary. When I expressed recognition of the document, Chipola College witness, Wendy Pippin, gasped in horror—yes, even Respondent’s own witness gasped in horror at the enormity and blatant injustice of such a manipulative, dishonest act on the part of FCHR, DOAH Judge Harrell, and their own attorney, Michael Mattimore.

2. In my previously filed, active Petition, **Case Number SC09-981**, I state on Page Twenty-One (21), that *“as of the filing of [that] Petition, no action [had] as yet been taken on the part of the Florida Bar.”* Since then, however, I have received, and unfortunately, not surprisingly, yet another letter from the Florida Bar, deliberately, evasively failing to sanction and/or discipline an errant attorney. (In the past two (2) years, I have filed two (2) other Complaints with the Florida Bar for flagrant Statutory, Procedural, and Rules of Professional Conduct violations, one (1) against a Tallahassee personal injury attorney who deliberately lied to me, verbally abused me via telephone and in person, and was involved in scamming my PIP benefits after an auto accident, and the other against the two Tampa

GEICO attorneys who colluded with said personal injury attorney in the filing of an inappropriate, legally-infirmed Interpleader, without providing me with a copy, in spite of repeated written requests, in hopes that I would not discover the Interpleader had been filed until it was too late, and the personal injury attorney would have effectively stolen from me, by default, \$1500.00 of my settlement money, to which he was not entitled.) I wish for this Court to consider, as well, that as a direct result of the personal injury attorney's deceitfulness and false promises as to when and how much would be my GEICO settlement, I was forced into homelessness for nine (9) months, living in a motel, ill and in pain, with insufficient income, no health insurance, and insufficient health care. In support hereof, I submit the following documents:

- A. Florida Bar Complaint Narrative;
- B. Mattimore's Response;
- C. Florida Bar Decision Letter;
- D. Rebuttal to Florida Bar Decision Letter.

The Florida Bar's Decision Letter states:

Your Complaint says Respondent has been rude, treated you with disdain, unprofessional, failed to appear at Mediation and failed to give you a copy of a pleading. The response addresses these issues and denies such

conduct occurred. He did not address failure to attend the Mediation which would be a matter to address with the Tribunal.

Mattimore's Response, as I pointed out in my Rebuttal, is nothing more than a "continu[ation of] the same dishonest, deceitful, manipulative strategy he has employed all along." Rather than professionally addressing the specific issues set forth in my Complaint, Mattimore chose instead to continue the slanderous, libelous tirade he has battered me with for the past three (3) years, denying Chipola College knew of my previous USF employment, when submitted evidence proves otherwise, and undeservedly accusing me of falsifying my employment application, even though the evidence, expertise, and EEOC Federal Case Law I presented proves to the contrary. It is clear that if Mattimore were honest, if he were any kind of an ethical professional whatsoever, when I made it known I had not received a copy of the Motion, there would have been no reason for him to fail to provide me a copy of said Motion as a professional courtesy, which he easily could have done via e-mail attachment, but not only did HE fail to do this, but the Florida Bar and 1st DCA failed to provide me with a copy of the Motion, as well, quite clearly because, as I point out in previous documents, Mattimore perjured himself in each and every Motion to Extend Time that he has filed, deliberately lying about contacting me, as he is Statutorily required to do. Any Petitioner who fails to receive a copy of a Motion, has the legal right to request same from the

Custodian of Record, which I did, who in this case is 1st DCA Chief Judge Paul M. Hawkes, who failed to comply. As well, appropriate action on the part of the Florida Bar would have been to require Allen, Norton & Blue, PA, to provide a copy of said Motion to the Florida Bar upon receipt of my Complaint, and then to immediately provide me with a copy, as well as support a Judicial Qualifications Commission (JQC) investigation into 1st DCA Chief Judge Hawkes' failure to comply with his duties as Custodian of Record.

There has been no response whatsoever from the Florida Bar since the filing of my Rebuttal on May 9th, 2009, which is more than sufficient time for the Florida Bar to have appropriately and professionally responded. It has become necessary, therefore, for this Court to exercise its jurisdiction in this matter with the Florida Bar;

3. After Final Hearing, I sent an e-mail (see enclosed e-mail trails) to Derick Daniel, FCHR Executive Director, and Gov. Crist demanding an explanation. I also copied and pasted into the e-mail trail an e-mail from Andrew Guy verifying that the two (2)-page Official, Date-Stamped Complaint "*meets the purpose of describing the discriminatory actions against [me and that] further detail can be added/given during the enforcement phase,*" and that "*there are no other bases or issues not addressed*" in the two (2)-page Official, Date-Stamped Complaint. This clearly indicates that the two (2)-page Official, Date-Stamped Complaint is the

only, complete, Official, FCHR-acceptable Complaint in this matter, and that any and all previous rough drafts are moot and should have been shredded. Nowhere in Guy's e-mail does it state/disclose that incomplete, rough drafts are provided to opposing counsels—for obvious reasons—because it is illegal and a violation of Complainants' rights to do so, and because FCHR does, in fact, commit this egregious, unethical injustice on a regular basis.

In Daniel's response to Gov. Crist, he lamely attempts to justify this atrocity by citing Florida Statutes, Section 760.11(12), "*All Complaints filed with the Commission and all records and documents in the custody of the Commission which relate to and identify a particular person... shall be confidential and shall not be disclosed by the Commission except to the parties or in the course of a hearing or proceeding under this section.*" Again, and as I point out in Number One (1) above, Allen, Norton & Blue, PA, deliberately failed to comply with Judge Cleavinger's Order of Pre-Hearing Instructions to provide me, no later than seven (7) days prior to Final Hearing, a complete list of documents Allen, Norton & Blue, PA, intended to offer into evidence. It should be clear to this Court, therefore, that the deliberate secrecy and evasiveness regarding this inappropriate sharing of information with opposing counsels—particularly attorneys for State of Florida agencies against whom discrimination Complaints have been filed—is a manipulation of the spirit of the law and the manner in which its use is intended;

RELIEF SOUGHT

Pro Se Petitioner, **CAROL TUCKER**, hereby respectfully requests the following:

1. Entry of Writ(s) of Quo Warranto, and/or Writ(s) of Mandamus, and/or All Writs and/or Order(s) Necessary to Enjoin Respondents from Engaging in Ultra Vires, Statutory, and/or Procedural Violations, i.e.,:

A. Order FCHR to immediately cease and desist from inappropriately sharing preliminary, unofficial rough drafts with opposing counsel(s), as set forth herein;

B. Order FCHR to disclose in writing to **ALL** Complainants **BEFORE** Complainants submit **ANY** documentation to FCHR, exactly what specific items of documentation FCHR intends to share with opposing counsel(s), including e-mail trails between FCHR and Complainants and any and all documentation and notes pertaining to telephone conversations between FCHR and Complainants;

C. Order FCHR to refrain from coercing Complainants who wish to file Complaints based on “**perceived disability**” to inappropriately list a specific disability, which serves no other purpose than to provide Respondents, particularly State of Florida Respondents, with a “smokescreen” argument to draw attention away from the actual Complaint of “**perceived disability**,” this “smokescreen” argument is the inappropriate ammunition and illogical reasoning used by FCHR, DOAH, and 1st DCA for ruling against me, and which is why I invoked this

Court's Discretionary Jurisdiction on Appeal, **Case Number SC09-979**, which was denied, but which I am appealing to the US Supreme Court;

2. Entry of Writ(s) of Quo Warranto, and/or Writ(s) of Mandamus, and/or All Writs and/or Order(s) Necessary to award Petitioner, CAROL TUCKER, compensatory damages from each Respondent named herein, FCHR, DOAH, Gov. Crist, Michael Mattimore/Allen, Norton & Blue, PA, and Allen, Norton & Blue, PA, in the amount of Seven Hundred Seventy-five Thousand Dollars (\$775,000.00.00), and said same amount, from each Respondent, in punitive damages, to be paid immediately and in full, for the violations as set forth herein, totaling Three Million Eight Hundred Seventy-Five Thousand Dollars (\$3,875,000.00) in compensatory damages, and Three Million Eight Hundred Seventy-Five Thousand Dollars (\$3,875,000.00) in punitive damages;

3. Entry of Writ(s) of Quo Warranto, and/or Writ(s) of Mandamus, and/or All Writs and/or Order(s) Necessary to Order, upon Respondents, investigation, enforcement, impeachment, imprisonment, and/or any and/or all other appropriate actions of accountability, by the Florida Bar, Office of Attorney General, Federal Bureau of Investigation (FBI), United States Department of Justice (US DOJ), Judicial Qualifications Commission (JQC), Florida Dept. of Management Services (DOM), Joint Administrative Procedures Committee (JAPC), and/or any and all other appropriate agencies, for the Statutory, Constitutional, Administrative, and

Procedural violations set forth herein, as such enforcement action will better serve the public interest and act to prevent such unbridled, unregulated, unjust indiscretions on the part of FCHR;

4. Entry of Writ(s) of Quo Warranto, and/or Writ(s) of Mandamus, and/or All Writs and/or Order(s) Necessary to Order the Florida Bar to enforce its own **Rules of Professional Conduct**, in accordance with above **LEGAL CITATIONS**, Numbers Fifteen (15), Sixteen (16), and Seventeen (17), and appropriately discipline Michael Mattimore and Allen, Norton & Blue, PA;

5. Entry of Writ(s) of Quo Warranto, and/or Writ(s) of Mandamus, and/or All Writs and/or Order(s) Necessary to Order Respondent, Michael Mattimore/Allen, Norton & Blue, PA, in accordance with above **LEGAL CITATIONS**, Numbers Fifteen (15), Sixteen (16), and Seventeen (17), to disclose the complete name, policy number, and contact information of his malpractice insurance company, as both the Florida Bar and Allen, Norton & Blue, PA, refuse to disclose said malpractice information.

6. **LEGAL CITATIONS** Eleven (11) & Twelve (12) speak to FCHR's Statutory functions/powers, i.e., FCHR as "*a deferral agency for the Federal Government.*" Since FCHR is clearly biased and protects State coffers more than citizens' rights, perhaps, therefore, this Court should consider that FCHR/DOAH no longer handle discrimination cases against the State of Florida, which, as is the case with the

Florida Bar and other so-called “self-regulating” agencies, such is nothing more than “the fox guarding the henhouse.”

CONCLUSION

George Washington said, *“I hope I shall possess firmness and virtue enough to maintain what I consider the most enviable of all titles, the character of an honest man.”* Alas, *“firmness, virtue, and honesty”* are qualities all but lost in twenty-first (21st) century America, and have instead been replaced with cowardice, greed, powermongering, and conscienceless deceit and one-upmanship. The American landscape, once the envy of other nations, once globally respected and admired, is now marred by corruption in every branch of government and government agency, a non-functional, bureaucratic educational system, from pre-K through higher ed, choked to death by politicking and bureaucratic ineptitude, a justice system marred by politicking and dishonest, control-freak attorneys, a legislative branch of government marred by elected officials, so-called “public servants” who are more concerned with obtaining power and campaign dollars and performing political favors to serve their own agendas than they are with responding to the needs of the constituents they are elected to serve (and I have a plethora of Deleted Without Being Read E-Mails to prove it), a “big media” industry that has no respect for the Bill of Rights, and is nothing more than a political propaganda machine, a for-profit healthcare system that murders millions

of American citizens on a daily basis and has become so scared of its own shadow, it turns deaf ears to the voices of American citizens and instead, listens to the fearmongering of so-called “risk managers,” insurance companies, and fee-driven attorneys, and an environment as polluted physically as it is morally bankrupt, drowning in its own greed-driven, power-driven filth, gasping for fresh air through the coal-powered, methane-filled miasma kept earthbound by the very bankrupt moralities that created it.

But in spite of all this, as corny and hackneyed as it may sound, I love my country and my State, and it is the very love of this country, and principles for which Washington expressed such admiration, “*firmness, virtue, and honesty,*” that keeps hope alive in citizens such as myself who have been repeatedly victimized and ridiculed by the very government to which we futilely turn for aid, for change, for a government that will one day, once again embrace “*firmness, virtue, and honesty,*” for it is only through such qualities will America’s gaping wounds be healed and its citizens and government restored to health.

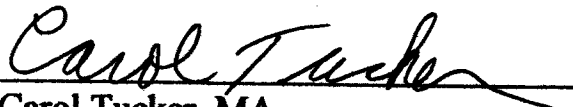
What, you may ask, does all this have to do with my case and this Petition? It has everything to do with it, for this case is the epitome, a mirror image, if you will, of what today ails our justice system, our legislative system, our educational system, our healthcare system, and our housing crisis, as there is no plausible, imaginable excuse for any American woman—and an over-50, highly-educated

woman at that—to be denied her right to work—especially in a right-to-work State, such as Florida, in a career of her choosing, for which she spent years in preparation, her right to decent housing, to a livable wage, to respectful, professional, and compassionate healthcare, and her right to have her grievances redressed in courts of law in an unbiased, respectful manner by all parties concerned, be they attorneys, judges, assistants, or Clerks of Courts.

RESPECTFULLY SUBMITTED this 3rd day of July 2009.

CERTIFICATE OF SERVICE

I hereby certify two (2) originals of the foregoing were mailed to the **Florida Supreme Court**, 500 S. Duval St., Tallahassee, FL 32399, and a copy to **FCHR**, 2009 Apalachee Parkway, Suite 200, Tallahassee, FL 32301, **DOAH**, The DeSoto Bldg., 1230 Apalachee Parkway, Tallahassee, FL 32399-3060, **Gov. Charlie Crist**, State of Florida, The Capitol, 400 S. Monroe St., Tallahassee, FL 32399-0001, and to **Michael Mattimore, Allen, Norton & Blue, PA**, 906 N. Monroe St., Tallahassee, FL 32303, this 3rd day of July 2009.


Carol Tucker, MA
Pro Se Petitioner
154 Ethel Wingate Dr., Unit 403
Pensacola, FL 32507-8186
ctuck622@gmail.com or
ctuck622@cox.net

Carol

FILED

2007 JUL -6 A 11:06

DIVISION OF ADMINISTRATIVE HEARINGS

From: "Carol Tucker" <ctuck622@gmail.com>
To: <Derick.Daniel@fchr.myflorida.com>
Sent: Thursday, August 30, 2007 10:50 AM
Subject: Inappropriate Sharing of Information

Since when is it appropriate for the Florida Commission on Human Relations to share unaccepted drafts of Initial Complaints with opposing counsels? Is this "standard practice." or is this something that was only done in my case? When I attempted to file my Initial Complaint with the Florida Commission on Human Relations last year, my first several drafts were not accepted because they were "too long," yet today at my Administrative Law Hearing, opposing counsel, Michael Mattimore of Allen, Norton & Blue (who was quite inappropriately rude, sarcastic, and manipulative), thrust one of my initial, now over a year old, unaccepted-by-FCHR seven-page drafts at me, refusing to identify the document or where he had obtained it, and expected me to immediately attest to its contents. Please advise via written response to this e-mail.

Carol Tucker, MA
PO Box 378
Mary Esther, FL 32569-0378
ctuck622@gmail.com

Carol

From: "Carol Tucker" <ctuck622@gmail.com>
To: <charlie.crist@eog.myflorida.com>
Cc: <apuhc@comcast.net>
Sent: Thursday, October 11, 2007 4:07 AM
Subject: FCHR/DOAH Inappropriate Legal Machinations
 Governor Crist:

With regard to the e-mail below sent to you this morning (below) from Derek Daniel, Executive Director of the Florida Commission on Human Relations, via Jamila Moran, it is apparent that Mr. Daniel is attempting to avoid accountability for the Commission's egregious action in my case by utilizing what is commonly referred to as a "legal loophole." However, please note the e-mail from September 15, 2006, from Andrew Guy. I have copied and pasted the second paragraph from this e-mail, as it is the only portion of this e-mail which is pertinent to our discussion.

— Original Message —

From: Guy, Andrew
To: Carol Tucker
Sent: Friday, September 15, 2006 1:21 PM
Subject: RE: My Complaint Against Chipola College

Ms. Tucker,

I have also made the numerous changes and/or revisions you had requested in your charge form. At FCHR, we prefer to keep each charge of discrimination as clear and concise as possible. This is why not all of your 7 page letter was included. As long as there are no other bases or issues that we have not addressed, this charge form meets the purpose of describing the discriminatory actions against you. Further detail can be added/given during the enforcement phase. I will include the revised edition of the charge form. Let me know what you think and if there are additional changes which need to be made.

Andrew Guy

At NO time, Governor Crist, was I ever informed by the Commission that drafts are "public" and that opposing counsel would be privy to them. If my drafts are "public," and it was the Commission's intention to share such documents with opposing counsel, then why was it necessary for the Initial Complaint to be pared down to two pages in the first place? And if the Commission intended to consider my draft "public," then why wasn't it put on the Docket "in the sunshine," and labeled as such, for all the world to see and not just for the eyes of opposing counsel?

As well, if the Commission's action was ethical and legitimate, then why did opposing counsel, Michael Mattimore, refuse to identify the document during my Final Hearing when I directly asked him to identify the document and from whence he had obtained it. And because he refused to do so, Judge Harrell handed me the document and asked me to "look it over" to see if I could identify it, which I did.

Governor Crist, it is blatantly obvious, therefore, that Michael Mattimore gambled on my not being able to identify the document, as he tried to trick me into accepting it into evidence, which I, of course, refused. And as I pointed out in my Closing Statement, Governor, Michael Mattimore's behavior during my Final Hearing was rude, disrespectful, unprofessional, and as our discussion makes abundantly clear, he repeatedly underestimates and insults my intelligence, as Mr. Daniel is attempting to do in his e-mail

6/28/2009

to you by manipulating the laws of our state to avoid accountability for his unethical actions. I might be poor and living in poverty, Governor Crist, I may be disabled, ill, ridiculed, and homeless, but I can assure you that one thing I am not, is stupid, and Mr. Daniel's e-mail to you, is not only an insult to me, but it is an insult to you, to the law, and to all Floridians who trust and expect their government agencies, particularly those that are gubernatorially created and appointed, to uphold the law and protect their rights, which as I pointed out to you in my previous e-mail, Governor Crist, is a task at which the Commission and Division of Administrative Hearings fail miserably. Ask any citizen, Governor, take a poll, go out and ask the people about their discriminatory experiences in the Florida workforce, and then ask yourself why only one percent of cases brought before the Commission and Division of Administrative Hearings, are ruled against, and then deny that it is the state's goal to deliberately exhaust Complainants into ceasing to pursue their cases.

Again, Governor Crist, if this document was an official, legitimate part of my file or my Initial Complaint, which it obviously was not, then it is abundantly clear that it was unethically and illegally provided to opposing counsel to offer him unfair advantage in preparing a case against me. And I find it mind-boggling that any state agency would hire this man and this law firm to represent them, unless of course, it is the state's intention to hire attorneys that will resort to any lengths, legal and ethical or not, to win their cases. Is this the kind of representation the State of Florida wants and is proud of? Mercenary street fighters who "go for the jugular," and have no conscience or sense of justice whatsoever? (Perhaps Allen, Norton & Blue should consider representing Blackwater.)

When you send letters, Governor Crist, do you send your drafts, or do you shred the drafts and send only the final original you have approved?

It is clear, then, Governor, from what I have set forth above, that the seven-page draft was NOT part of my Initial Complaint, and therefore, Mr. Daniel's citation of the law is inappropriate and insufficient to justify his actions, in that he quotes, "All complaints filed with the commission and all records and documents in the custody of the commission, which relate to and identify a particular person...shall be confidential and shall not be disclosed by the commission, *except to the parties* or in the course of a hearing or proceeding under this section." Hence, the parties would always have access to the documents in the file." This draft was NOT part of my Initial Complaint, that I signed as my Initial Complaint and which was date-stamped and accepted by the Commission, and if what Mr. Daniel is lamely attempting to justify is common practice, then all complainants would need to be apprised that their drafts, their unaccepted and unsigned drafts, any Post-it note, or piece of paper most intelligent, responsible individuals would consider meant for the paper shredder or nearest dumpster, are "sunshine," and will be privy to opposing counsel. Again, though, Governor, if this was a document that was legitimate to my case, it would have had to be appended as part and parcel of my Initial Complaint.

As well, Mr. Daniel is also attempting to "spin" that my requests for procedural clarification are requests for "legal advice," and he knows quite well that this is completely untrue, and I trust you will see what a "reach" this is, as well as the fact that it is a smokescreen, a "red herring" to attempt to avert attention from his poor administrative judgment calls, and a lame, childish attempt to point yet another inappropriate "finger" of judgment at me. Again, Mr. Daniel, like Mr. Mattimore, insults my intelligence, as most "intelligent" individuals agree that clarification of a deadline does not constitute "legal advice." (Give me a break!)

I trust you will carefully consider the above and hold the Commission and the Division of Administrative Hearings accountable for their unethical, unprofessional legal machinations and tactics.

6/28/2009

Carol Tucker, MA

RE: E-Mails Sent to You on My Behalf

Moran, Jamila <Jamila.Moran@fchr.myflorida.com>

**Thu, Oct 11, 2007 at
12:31 PM**

To: Governor Charlie Crist <Charlie.Crist@eog.myflorida.com>, eogcs@myflorida.com
Cc: ctuck622@gmail.com, "Daniel, Derick" <Derick.Daniel@fchr.myflorida.com>, "Howard, Cecil"
<Cecil.Howard@fchr.myflorida.com>

Dear Governor Crist:

The Florida Commission on Human Relations has engaged Ms. Tucker on many occasions regarding her claim of discrimination. After a thorough investigation, the agency issued a No Cause Determination, after which Ms. Tucker finally filed a Petition for Administrative Hearing after an extension and several requests for additional extensions.

This office relies upon the authority of Section 760.11 (12), Florida Statutes, regarding the public nature of records in its possession. That statutory provision provides that "All complaints filed with the commission and all records and documents in the custody of the commission, which relate to and identify a particular person...shall be confidential and shall not be disclosed by the commission, *except to the parties* or in the course of a hearing or proceeding under this section." Hence, the parties would always have access to the documents in the file.

Once Ms. Tucker filed her complaint with the Commission, it became subject to the state's public records laws, and the Commission would be prohibited from destroying such documents without sufficient processes. The complaint was not "rejected." It was merely reformatted into a clear and concise summary that was designed to elicit a thorough response from the respondent. Ms. Tucker failed to realize that just because the form she filed was not used, that it would still become a part of the file. Once the document became a part of the file, it became subject to limited disclosure. In this instance, it was subject to disclosure to the respondent, pursuant to Section 760.11 (12), Florida Statutes.

Regarding Ms. Tucker's complaint that she was not provided sufficient information pertaining to deadlines, this agency has on several occasions advised Ms. Tucker that it could not provide legal advice for her. All information pertaining to filing deadlines is clearly delineated in the documents provided to Ms. Tucker. When she sought interpretation, the Commission's legal staff suggested she seek out private legal assistance. The documentation provided to Ms. Tucker was the same documentation provided to every person who files a charge of discrimination with the Commission.

Derick Daniel

Executive Director

Florida Commission on Human Relations

2009 Apalachee Parkway

Suite 100, Oakland Building

6/28/2009

Tallahassee, Florida 32301-4857

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution or copying of this message/data is strictly prohibited. If you received this message in error, or are not the intended recipient(s), please notify the sender at either their address or telephone number indicated above.

— Original Message —

From: Carol Tucker
To: charlie.crist@myflorida.com
Cc: apuhc@comcast.net
Sent: Tuesday, October 09, 2007 3:42 PM
Subject: E-Mails Sent to You on My Behalf

Governor Crist:

In spite of the many e-mails that have been sent to you on my behalf, no one has received a response other than Read E-Mail Receipts and automatic responses.

As Governor of the State of Florida, you are responsible for the conduct of state employees, including and especially employees of the Florida Commission on Human Relations and Division of Administrative Hearings, who directly report and are accountable to you, and should be as well to the citizens of this state.

As I have informed you in previous e-mails, the Florida Commission on Human Relations unethically shared inappropriate information with opposing counsel in my Case, Number 07-2655, as I specifically spelled out in my Proposed Recommended Order and Closing Statement, which can be viewed at www.doah.state.fl.us. Only the Initial Complaint that was accepted and date-stamped by the Commission is officially part of my complaint file, and is the only document that should have been, ethically, available and provided to opposing counsel. However, in my Final Hearing on August 30th, 2007, opposing counsel, Michael Mattimore, of Allen, Norton & Blue, produced a seven-page document, was quite reticent to disclose its source, and attempted to coerce me into accepting into evidence, which I most certainly did not, as I recognized it as an early draft of my Complaint that was NOT accepted by the Commission. The Commission refused to accept my Complaint until I had pared it down to only two pages. Therefore, sharing that draft, which because it was a draft, I was not even aware was still in FCHR's possession, was an unethical, immoral, biased, and prejudicial act, and as is plain to see from perusal of FCHR Final Orders, and has been shared with me by more than one civil rights attorney, 99% of the Orders are against Plaintiffs such as myself.

Surely, Governor Crist, you are aware of the many discriminatory practices in the State of Florida, particularly in state and public agencies, and it is, therefore, an insult to the intelligence of the citizens of this state, to expect them to believe that "where there is smoke" in discrimination cases filed, "there is fire," in approximately only one percent of them? Since it is common knowledge, then, that the Florida Commission on Human Relations and Division of Administrative Hearings are nothing more than straw dogs, i.e., "wolves in sheep's clothing," and if you sincerely care for the health and well-being of Florida citizens, particularly native Floridians such as myself, then surely this cannot sit well with you as Governor. Even though you are a Republican, is it more important to you to protect the interests of insurance companies, especially and including "self-insurers," as is the State of Florida, insurance interests who are not-so-subtly anymore, holding businesses, whether public or private, hostage if they do not go along with their illegal "risk management" discrimination tactics?

6/28/2009

Don't you find it interesting, Governor Crist, that in all the e-mails on which I have copied you regarding the unethical biased actions of the Florida Commission on Human Relations and Division of Administrative Hearings, not once has EEOC Judge Clarence Bell responded? The Florida Commission on Human Relations and Division of Administrative Hearings is supposed to uphold and enforce EEOC laws, and if you peruse my Closing Statement, you will see that I cited numerous and appropriate EEOC case laws.

As well, you have also been copied on e-mails I sent to DOAH and Derek Daniel, Executive Director of FCHR, requesting procedural information, as is my legal right, and for which I cited EEOC case law in those e-mails. Derick Daniel has never responded, and I expect you to hold him personally accountable for the unethical practices that he is obviously encouraging in his position with the Commission. No one responded for EIGHT DAYS to e-mails requesting procedural and deadline clarification that I sent to DOAH after my Final Hearing, and when DOAH does respond, it is often with sarcasm and derision. I was specifically informed, when they finally got around to responding to my e-mails, that my Closing Statement and Proposed Recommended Order was due Monday, September 10th, with which I complied, only to discover after 30 days had passed and Judge Harrell had not yet filed her Recommended Order, and I e-mailed DOAH inquiring as to the reason for the delay, her secretary sent me an e-mail informing me otherwise. This was obviously yet another deliberate violation of ethics in which I was tricked into filing my Proposed Recommended Order and Closing Statement earlier than was necessary so that opposing counsel could have yet another unfair advantage. To make this unethical, biased act even more unconscionable, the Commission and DOAH are aware that I am frequently ill and in pain, as well as facing imminent homelessness and possible death, and that it was an extreme hardship for me to prepare my lengthy and detailed Closing Statement and Proposed Recommended Order on such short notice, especially after they ignored my e-mails for eight of those days.

And now to make matters even worse, Judge Harrell has taken it upon herself, without so much as an e-mail to me or any written communication whatsoever, to place my e-mail requesting procedural clarification on the Docket and then filing a Notice of Ex Parte Communication, and of course, my e-mails protesting this action, are once again, unanswered. So in addition to unethically assisting opposing counsel in "preparing/winning" their case, DOAH is deliberately taking unfair advantage of the fact that I am not an attorney, that I am ill and in pain, and in spite of that, have no other choice but to represent myself as best I can. Aren't you "proud" of them, Governor?

I would like to know how all of this makes you feel, Governor Crist. Does it make you proud of the State of Florida to know that its modus operandi is to prevent justice for the individual from being carried out and to dysfunctionally bury the truth about what really goes on in the State of Florida--that State of Florida agencies "spin" how much they're supposedly doing for Floridians, how much they're supposedly watching out for us? And speaking of watching out for us, Governor Crist, that brings me to the subject of Alex Sink, Florida's Chief Financial Officer and supposed "watchdog," who was elected to sniff out treacherous scam artists such as the Tallahassee attorney and chiropractor who scammed my PIP benefits, deliberately lied and deceived me, verbally abused me, leaving me homeless, in pain, and with no medical care and no legal representation? Don't you find it interesting, Governor, that the Florida Bar President never responded to my e-mail last spring and that no attorneys whatsoever in the State of Florida will take any of my cases, not the employment discrimination case, not the auto accident fiasco that is now 15 months old, and not even my claim against Sam's Club, where a case of water fell on my left leg on May 8th, 2007, after which Sam's Club's insurance company, Sedgwick, refuses to pay any claims, nor does Sam's Club even acknowledge liability? And after five months, I still have pain and there is "something wrong" with my leg, but because I am uninsured, and because Social Security Administration is dragging

6/28/2009

its heels on my supposed "Quick Determination," it remains undiagnosed and untreated.

Other than trying to save wealthy Florida homeowners money on their property insurance, what, if anything, is Ms. Sink doing for those of us who live in poverty, can barely afford auto insurance, and who end up fighting "tooth and nail" with greedy insurance companies who only want to pay the equivalent of "nuisance fees" and waste taxpayer dollars in long, drawn out litigations, clogging the courts, for the sole purpose of deliberately exhausting claimants into settling for less than they deserve, such as GEICO and AARP-The Hartford have been doing to me for the past 15 months.

Please answer this, Governor Crist, why is Alex Sink not enforcing existing Florida Statutes with regard to automobile insurers settling claims such as mine on a timely basis. I hope you have read the e-mails regarding how inappropriately, and repeatedly, I have been treated by Vicki Twogood, under Alex Sink's watch, as under Tom Gallagher's watch before her. After I fired Bill Hall as my attorney when I discovered he was in concert with Dr. Jan Jensen in scamming my PIP, and after he cursed and verbally abused me, I began receiving harassing phone calls from both insurance companies. In one such phone call, Philip Rondello, of GEICO's Tallahassee Lake Ella office stated to me that GEICO will never settle this claim for the \$10,000 Bodily Injury because their insured, Yusef Gray, had not yet paid \$10,000 into the policy, making it clear that GEICO considers its auto insurance policies nothing more than bank accounts. When I e-mailed Vicki Twogood regarding this conversation, she inappropriately responded that it must have been a "miscommunication" on my part. This was not the first time Vicki Twogood treated me with such disrespect and disregard. As well, when I requested assistance from Representative Ray Sansom, Vicki Twogood had the nerve to brag to Representative Sansom's assistant, Natalie Simpson, a local attorney's daughter (no nepotism here in Florida, is there), about all the wonderful things she has done for me over the years. In my one appointment with Representative Sansom, I told him exactly how Vicki Twogood treated me, now and in the past, that when I tried to get assistance from Tom Gallagher's office regarding problems with USF student health insurance years ago, they did nothing but waste my time, solved absolutely nothing, and ended up telling me that student health insurance policies are "self-insured" and therefore not under the Florida Department of Insurance/Department of Financial Services purview, meaning, of course, that such "self-insured" policies are a completely unregulated industry, which is something that needs to be corrected, and quickly, as the entire time I was insured with USF's student health insurance, it was a constant, unrelenting battle to get them to pay claims, pay them timely, return phone calls, or put ANYTHING in writing. And student health insurance policies, Governor Crist, do not cover such life-threatening conditions as allergies, nor do they cover other forms of health care such as chiropractic, physical therapy prior to surgery (which would have prevented a shoulder surgery), deviated septums, acne, and have low coverage limits for what they do cover. And for universities that are now requiring students to buy student health insurance if not covered under another policy, as limited as these policies are, who does this benefit but, yet again, the corporate "godfathers," the insurance companies, and of course, the state just "steps and fetches" when the insurance companies say "jump." How does it feel to be Governor of a "robber baron" state?

This state, and this country for that matter, need to pass laws requiring ALL state and Federal agencies and representatives to communicate in writing, via e-mail if requested, to immediately acknowledge requests as soon as they are received, and to timely and periodically provide status reports as to the issue(s) at hand.

And speaking of our illustrious elected officials, Governor, Representative Sansom, like all the others I asked for help before him, proved to be yet another disappointment. After one appointment in which he promised to address the unresolved auto accident issues, he did nothing, and in short order, stopped responding to e-mails, phone calls, and told his scheduler, Dort Baltes,

6/28/2009

not to make any more appointments for me. (Ah, government in the sunshine, Governor, "ain't it grand?") And he didn't take too kindly to being confronted with the fact that the women he's hired to work in his office are not the sharpest pencils in the box. He did rather grudgingly admit this about young Natalie Simpson, but Samantha Sullivan, his other assistant, soon proved herself as well, as after receiving a letter of support on my behalf from an APUHC supporter (American Patients for Universal Health Care), she sent the President of APUHC, Donna Smith, who appeared in Michael Moore's movie, *Sicko*, an e-mail asking for the contact information of my supporter, rather than e-mailing the supporter herself, making the act appear suspicious and clandestine.

This, however, is not quite as insulting as what Senator Bill Nelson's office did to me in 2005, Governor. One of his caseworkers, Lisa Marshall, helped me with a food stamp issue, after which I sent the Senator a thank-you letter. After that, Lisa was helping me with a student health insurance matter (surprise, surprise), as well as addressing unethical billing and collection practices on the part of Capitol Regional Medical Center, and acquiring for me a list of their Board of Directors, which should appear on their website "in the sunshine," but does not, nor did I ever receive it. Her assistant, Juan, began being extremely rude to me when I would call, and though I made it clear these were time sensitive matters, it would be weeks or longer before I would receive acknowledgment or response. Apparently someone in Bill Nelson's entourage decided my issues should just be dropped cold, and since this was decided unbeknownst to me, my attempts to call and e-mail were met with rudeness and disrespect. Then one day I received an e-mail informing me that if I ever contacted his office again, I would be reported to Capitol Police. That, Governor Crist, is when I stopped voting, for the first time in my life. And to think that I voted for him. Never again, and I think that many politicians, seriously underestimate the power of "word of mouth," in their attitudes of arrogance and entitlement.

Senator Al Lawson helped somewhat, but he, as well, suddenly stopped returning my calls when certain issues he'd promised to address, conflicted with his "special interests."

But the "piece de resistance" is when the Florida Department of Education, Division of Vocational Rehab, held my shoulder surgery hostage, even though they knew I was in excruciating pain and had been for many months. Are you aware, Governor Crist, that Voc Rehab caseworkers are unlicensed? My assigned caseworker, Cheryl Dice, repeatedly stood me up for appointments, then claim she'd never made them, or that she didn't remember making them. When she wasn't complaining to me in phone conversations about her migraines (if she wants to know what a migraine is really like, she should be in my shoes now), she would "zone out" to the point where I was no longer sure she was even still on the line. I was told by her supervisors, who were also rude and inappropriate (and one of them was downright "weird"), that I had the legal right to another caseworker, but each time I would ask for one, I was consistently repeatedly refused. It got so bad, I finally called their Pensacola supervisor, and encountered a woman even ruder and insensitive than Cheryl and her supervisors, and no matter what I said or did, I couldn't make them understand how much pain I was in. I couldn't move my left arm at all; I couldn't sleep on my left side; it was the most excruciating pain I ever experienced, and it increased daily--and they knew it. The next thing I knew, my surgery had been canceled, and I was informed that it would not be rescheduled until I went to a "psych exam," which I refused, because it was not only unnecessary, but an obviously retaliatory act, and the fact that it was Christmastime meant absolutely nothing to them either. There was nothing in my IPE that ever mentioned a "psych exam;" the whole thing was done to "punish" me for complaining and requesting another caseworker, which is my legal right. In spite of letters sent on my behalf by my pastor and other friends, Voc Rehab would not reschedule my surgery, and having that surgery was an obvious priority. And since when should a citizen be forced to jump through hoops at the behest of someone who "gets off" on abusing their power in such a sadistic manner? As if that wasn't bad enough, Bill Palmer called me and was

6/28/2009

rude, arrogant, and sarcastic. I had no choice but to seek surgical relief some other way. I called Shands, Mayo Clinic, Georgetown, Emory, Sacred Heart, and others, yet none of them would perform the surgery because I didn't have the co-pay. I finally contacted my former orthopedist in Bradenton, and he agreed to do it. I had to drive to Bradenton on three different occasions with the use of one arm; I could have been killed. I had to borrow money from my pastor and friends to make the trips. Never in a million years would I ever have imagined that my home state would allow such injustices, as I wasn't brought up to believe that.

Governor Crist, I think I have been through just about enough, don't you, and what you read above, is just the tip of a rather large iceberg. I was born in Florida; it is my home, and this is where I will live out my life, and I would rather not live it out in my car or homeless on the streets. but if I don't receive some form of justice and resolution in these cases soon, that is exactly what will happen. I immediately need and deserve the following, Governor Crist, and respectfully request that you attend to these issues quickly:

- For GEICO to immediately pay out to me the \$10,000 Bodily Injury, or I will be homeless within short order;
- For AARP-The Hartford to then immediately pay out the policy limits on my Uninsured Motorists;
- For Social Security Administration to "stop fooling around" and approve my Social Security Disability/SSI/Medicaid so that I can get at least some halfway decent medical care (and I did not appreciate the SSA doctor further aggravating my injuries, nor do I appreciate James McHargue's sudden decision to cease communicating with me via e-mail even though that had been acceptable up until then, for no apparent reason other than to deliberately drag out my application process and to cause me further stress and aggravation, even though they are in full knowledge of my physical and living situation);
- For Alex Sink to start doing her job and enforcing insurance companies to comply with Florida Statutes rather than kow-towing to them;
- For you to hold Derek Daniel, Executive Director of the Florida Commission on Human Relations accountable for his unethical actions, and to exercise your authority over the Division of Administrative Hearings, and intervene appropriately so that justice may be served (it seems a serious "housecleaning" of these agencies is in order);

I would appreciate acknowledgment and response to this e-mail, Governor Crist, other than a Read E-Mail Receipt and Automatic Response. Thank you.

Carol Tucker, MA
ctuck622@gmail.com

cc: R. Lawrence Siegel, MD, PhD

Carol

From: "Governor Charlie Crist" <Charlie.Crist@eog.myflorida.com>
Sent: Monday, December 31, 2007 9:07 AM
Attach: ATT02830.txt
Subject: Not read: 6th Request for Response
Your message

To: jpratt@geico.com
Cc: aohern@geico.com; micely@geico.com; cshelton@geico.com;
communications@geico.com; berkshire@berkshirehathaway.com
Subject: 6th Request for Response
Sent: Wed, 26 Dec 2007 20:50:17 -0500

was deleted without being read on Mon, 31 Dec 2007 09:07:19 -0500

FILED

2009 JUL -6 A 11:06

DIVISION OF
ADMINISTRATIVE
HEARINGS

Carol

From: "Governor Charlie Crist" <Charlie.Crist@eog.myflorida.com>**Sent:** Monday, December 31, 2007 9:07 AM**Attach:** ATT02824.bt**Subject:** Not read: Please Respond in Writing**Your message****To:** FL.FO.Ft.Walton.Beach@ssa.gov; paul.barnes@ssa.gov;
james.mchargue@ssa.gov; press.office@ssa.gov**Cc:** **Governor Charlie Crist**; apuhc@comcast.net;
mike@michaelmoore.com; **Ralph Nader**; CongRel@gao.gov;
help_comments@help.senate.gov; contact@gao.gov; LINDAPEENO@aol.com;
2020@abcnews.go.com**Subject:** Please Respond in Writing**Sent:** Wed, 26 Dec 2007 20:26:21 -0500

was deleted without being read on Mon, 31 Dec 2007 09:07:18 -0500

6/29/2009

Carol

From: "Governor Charlie Crist" <Charlie.Crist@eog.myflorida.com>
Sent: Monday, December 31, 2007 9:07 AM
Attach: ATT02818.txd
Subject: Not read: GEICO Attorneys Protect Shyster Attorneys

Your message

To: micely@geico.com; dloranger@geico.com; cshelton@geico.com; communications@geico.com; berkshire@berkshirehathaway.com
Cc: apuhc@comcast.net; mike@michaelmoore.com; **Ralph Nader**, help_comments@help.senate.gov; CongRel@gao.gov; contact@gao.gov; LINDAPEENO@aol.com; 2020@abnews.go.com; **Governor Charlie Crist**, **Alex**

Sink

Subject: GEICO Attorneys Protect Shyster Attorneys
Sent: Fri, 28 Dec 2007 11:30:49 -0500

was deleted without being read on Mon, 31 Dec 2007 09:07:15 -0500

6/29/2009

1 employment. And you state as one of the reasons that you
2 did not give that information to Chipola in their
3 application is that you were advised by an employment
4 agency not to because of a concern that USF had a history
5 of giving employees inappropriate bad references.

6 A. Because it was for medical reasons, but I'm
7 going to say that one more -- I'm not going to say
8 anything else. That's the reason I did not put it on the
9 application. It's a violation of my privacy.

10 THE COURT: Okay. What he's trying to say --

11 THE WITNESS: I know what he's trying to get me
12 to say and you have the only answer that I'm going
13 to give you. I did not put it on the application
14 because it was a violation of my privacy.

15 THE COURT: Okay, but did you make the
16 statement that he just read?

17 THE WITNESS: No. The statement that I made is
18 that I did not put USF on the application because I
19 was terminated for medical reasons. If I had worked
20 for the yogurt shop and I had been terminated for
21 medical reasons, I wouldn't have put that one on
22 there because that's personal. That is private.
23 That is no one's business.

24 THE COURT: Okay. Then her answer is no.

25 MR. MATTIMORE: Okay. If I may, Your Honor, I

FILED

2009 JUL 6 A 11:06

DIVISION OF
ADMINISTRATIVE
HEARINGS

1 would like to introduce as our -- as Respondent's
2 Exhibit 1, the narrative that Ms. Tucker provided to
3 the Florida Commission on Human Relations, which
4 she --

5 THE COURT: Okay. You're going to have to get
6 her to identify it.

7 MR. MATTIMORE: Yeah, I'll do that right now,
8 Your Honor.

9 Q. (By Mr. Mattimore) Ms. Tucker, I'm going to
10 show you a document that has been marked for exhibit,
11 Respondent's 1. It's Carol Tucker dated August 29th,
12 2006. Look that over and tell me if that's your --

13 A. This is the one I just read. Is this what I
14 just read? This is my --

15 Q. Ms. Tucker --

16 A. This is my narrative for my initial complaint.

17 Q. The question is: Is that what you submitted to
18 the Florida Commission on Human Relations?

19 A. This is not -- what is -- okay. Which document
20 is this? There were several documents. There was my
21 rebuttal. There was my initial -- which document is
22 this?

23 THE COURT: It doesn't make any difference
24 which one it is. He wants to know whether or not
25 you submitted it.

1 THE WITNESS: I submitted several documents.
2 Is this one document or is this different pages from
3 different documents?

4 Q. (By Mr. Mattimore) I'm asking you to look at
5 that document and advise me whether that's what you
6 submitted to the Florida Commission on Human Relations.

7 A. I just asked you which document it was. You
8 don't have copies of my documents?

9 THE COURT: Okay. He's giving you the
10 document. He's asking you do you recognize this
11 document?

12 THE WITNESS: I would like to identify it
13 first. I want to make sure which document it is.

14 THE COURT: Well, take a look and you can
15 compare it to the documents that you have.

16 THE WITNESS: Okay. This doesn't exactly match
17 what I just read, so I have to ask what it is. Is
18 this stuff pulled out or what is it?

19 THE COURT: Okay. We've got -- it looks like
20 there is --

21 THE WITNESS: There are pages -- but what I
22 read was directly from my complaint and some of the
23 sentences are the same, so the document needs to be
24 identified because anybody can pull out different
25 things. I would have to read all of this and

1 compare this to all of the documents I submitted to
2 try to figure out which document is this?

3 THE COURT: Apparently, this document is dated
4 August 29th.

5 THE WITNESS: I know what date it says, but
6 that's not the point. This doesn't match anything I
7 have exactly, okay, and that doesn't make any sense.
8 Okay. In what form -- where did this come from as
9 opposed to my...

10 THE COURT: Okay. I don't know. All he's
11 asking you is do you recognize it and if you don't
12 recognize it, then that's --

13 THE WITNESS: This is not my initial complaint
14 that I just read because I read to you what's on the
15 docket.

16 THE COURT: I understand that.

17 THE WITNESS: Okay.

18 THE COURT: But did you ever send anything
19 else -- did you ever send --

20 THE WITNESS: That's what I'm saying. I sent
21 rebuttal. There were several documents.

22 THE COURT: Well, why don't you look through
23 your documents and see if you can find something
24 that's dated August --

25 THE WITNESS: Well, where did you get this?

1 Why don't you tell me?

2 THE COURT: He doesn't have to answer your
3 questions. If you want to --

4 THE WITNESS: He doesn't have to answer my
5 questions? Why is that?

6 THE COURT: It's his turn to ask you questions,
7 okay?

8 THE WITNESS: Okay. I cannot identify this in
9 the form. I'm not saying I didn't, but until I'm
10 able to identify it -- I need to know because it
11 appears to be taken from different sources.

12 THE COURT: Okay. Why don't you take a few --

13 THE WITNESS: It appears to be manipulated.
14 I'm not going to answer to anything unless I know
15 what document it came from.

16 THE COURT: Well, why don't we take a few
17 minutes and you can see if it's in your file.

18 THE WITNESS: There were versions of my
19 original complaint that the Commission rejected that
20 they would not accept because there were too many
21 pages. I do recall that. I think that's what this
22 might be from, so I don't know if that's what this
23 is, if that's acceptable. I don't think it is
24 because if the Commission didn't accept it as my
25 complaint, then it's not a legal document.

1 THE COURT: It doesn't have to be a legal
2 document for him to impeach you with it. What he's
3 trying to find out is if you did write this
4 document.

5 THE WITNESS: I'd have to go through my e-mail
6 and find it. I think this might -- that's what I
7 think that this might be from because I did several
8 versions. The Commission kept giving it back to me
9 to redo and redo and redo until I got it down to two
10 pages, so I'm thinking that this might be one of the
11 earlier versions that I gave them that they
12 rejected, so my question is --

13 THE COURT: It doesn't make a difference
14 whether they rejected it or not. What he's trying
15 to say is --

16 THE WITNESS: I'd have to go back and look.

17 THE COURT: Okay.

18 THE WITNESS: Okay. I mean, you're talking
19 about a document that was done a year ago, so if
20 this is an earlier version, I'd have to go back in
21 my computer and I'd have to compare it to see which
22 version it is.

23 THE COURT: I think her answer is she doesn't
24 know.

25 THE WITNESS: Not without verifying it, not

1 without verifying it.

2 Q. (By Mr. Mattimore) Sitting here today, can you
3 say absolutely that is not a document that you prepared
4 and submitted to the Florida Commission on Human
5 Relations?

6 A. I can't say it's not, but I'm not going to say
7 yes without verifying it.

8 Q. Ms. Tucker, did you ever advise anyone that
9 prior to filling out your application at Chipola College
10 that you spoke with people at employment agencies?

11 A. Yes, I did.

12 Q. And did you ever tell anyone that the
13 employment agency advised you not to use the University
14 of South Florida -- or not to identify the University of
15 South Florida as one of the places of your employment?

16 A. But you're trying to make it sound as though I
17 used to --

18 THE COURT: You have to answer the question,
19 okay? When it come to your rebuttal, you can bring
20 out -- you can explain your answer and whatever, but
21 he's asking you a question and you have to answer
22 it.

23 THE WITNESS: I'm answering it to the best of
24 my ability.

25 THE COURT: No, it's pretty much a yes or no

This complaint is against Michael Mattimore and Mark Bonfanti, attorneys for Chipola College.

In August 2006, Michael Mattimore "advised" Chipola College "not to hire me." I filed the enclosed Complaint with the Florida Commission on Human Relations in October 2006.

A mediation was scheduled for January 9th, 2007. Mattimore unprofessionally and unethically cancelled the mediation at the last minute.

In the Final Hearing held on August 30th, 2007, Mattimore treated me disrespectfully during the Hearing, which was deliberately and illegally omitted from the Final Transcript, which neither the Florida Commission on Human Relations nor the Division of Administrative Hearings would provide me with a copy. I was not provided a copy of the Final Transcript until after I appealed the matter with the First District Court of Appeal, and filed a Motion to Compel, at which time I discovered the omissions (as well as other errors).

In addition, during the Final Hearing, Mattimore attempted unsuccessfully to manipulate me into agreeing to accept into evidence a document he refused to identify nor reveal from whence he had acquired it. Upon examination of the document, I recognized it as an unofficial initial draft of my complaint to FCHR. FCHR refused to accept my complaint until it was pared down to two pages. FCHR illegally provided this document to opposing counsel. FCHR, in a letter to the Governor's office, lamely tried to claim that this draft was part of the official file, which is blatantly untrue. Both FCHR and DOAH have acted in a grossly biased manner, for which I intend to hold all parties legally accountable.

As well, in spite of the fact that it was abundantly clear that I am in poor health as a direct result of the many injustices, particularly this one, that I have suffered, Mattimore, without any sanction by Judge Harrell whatsoever, badgered me and attempted to manipulate the proceedings at every turn.

Mattimore has, once again, blatantly lied to the First District Court of Appeal, in that he requested, on the date it was due, no less, an extension of time to file his Answer Brief. In his request he claims to have attempted to contact me in advance, which is a blatant lie. As is evident from the Read E-Mail Receipts enclosed, Mattimore has my current e-mail address, as well as my current mailing address. (Title XLVI/Crimes, Chapter 837/Perjury, 837.06/False official statements: Whoever knowingly makes a false statement in writing with the intent to mislead a

public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 75.082 or s. 775.083)

According to the Florida Bar Rules of Professional Conduct:

Rule 4-4.1/Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of material fact or law to a third person; or
- (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by rule 4-1.6.

As well:

Rule 4-8.4/Misconduct

A lawyer shall not:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule;
- (d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not

limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

And furthermore:

Rule 4-4.4/Respect for Rights of Third Persons

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person.

Mattimore is only interested, as is FCHR and DOAH, in protecting the interests of the State of Florida. Mattimore had no business, nor valid reason whatsoever, "advising" Chipola College "not to hire me." In doing so, he created legal liability not only for Chipola College, but for himself, as well.

By providing such ill-founded, self-serving "advice" to Chipola College, Mattimore created "job security" for himself, by ensuring that he would be paid exorbitant attorneys fees by the State of Florida and wasting taxpayers dollars by dragging out the case and refusing to settle, as long as possible.

I lost money, opportunities, potential income and benefits, etc., as a direct result of Mattimore's "advice" to Chipola College, and I intend to file a lawsuit against him, FCHR, and DOAH, if he continues to refuse to settle this case.

I am in pain and in extremely ill health, and I almost died last week due to a severe allergic reaction to the treatment I must receive every four weeks for the rest of my life, for a condition that was caused as a direct result of the inordinate stress and abuses I have suffered.

Mattimore's actions, attitudes, and behaviors are not only self-serving, but unprofessional, abuse, and unethical, as well.



THE FLORIDA BAR

FILED

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300

2009 JUL -6 A 11:06

850/561-5600
WWW.FLABAR.ORG

April 27, 2009

DIVISION OF
ADMINISTRATIVE
HEARINGS

Ms. Carol L. Tucker
154 Ethel Wingate Dr., Unit 403
Pensacola, FL 32507

Re: Michael Mattimore; The Florida Bar File No. 2009-00,796 (2B)

Dear Ms. Tucker:

Enclosed you will find Mr. Michael Mattimore's response to your complaint, which does not reflect a copy being mailed to you.

If you wish to file a rebuttal to the response, please do so in writing by **May 8, 2009**.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707
Enclosure

cc: Mr. Michael Mattimore

LAW OFFICES
ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

CORAL GABLES / MIAMI OFFICE
121 MAJORCA AVE
SUITE 300
CORAL GABLES, FL 33134-4508
305-445-7801
FACSIMILE 305-442-1578

JACKSONVILLE OFFICE
800 WEST MONROE STREET
SUITE 100
JACKSONVILLE, FL 32202
904-562-4480
FACSIMILE 904-562-4499

ORLANDO OFFICE
1477 WEST FAIRBANKS AVE
SUITE 100
WINTER PARK, FL 32789-7113
407-571-2152
FACSIMILE 407-571-1496

TALLAHASSEE OFFICE
906 NORTH MONROE STREET
SUITE 100
TALLAHASSEE, FL 32303-6143
850-561-3503
FACSIMILE 850-561-0332

TAMPA OFFICE
324 SOUTH HYDE PARK AVE
HYDE PARK PLAZA, SUITE 225
TAMPA, FL 33606-4127
813-251-1210
FACSIMILE 813-253-2006

REPLY TO: Tallahassee

April 21, 2009

VIA UNITED STATES MAIL

William W. Wilhelm
Bar Counsel
Attorney Consumer Assistance Program
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

2009 JUL -6 A 11:06
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

Re: **Florida Bar File No. 2009-00, 796 (2B)**

Dear Mr. Wilhelm:

Thank you for this opportunity to respond to the above referenced submission. Firstly, I have never represented the complainant, provided her legal advice or communicated with her except in my capacity as the legal representative for Chipola College. I cannot recall any communication with the complainant except at a formal evidentiary hearing in the presence of an administrative law judge or through the submission of documents filed with an administrative agency or Court. No judge or court has ever observed any impropriety in my actions or pleadings.

The instant complainant sought employment as an adjunct instructor at Chipola College in Marianna, Florida. An adjunct instructor is a temporary hire to teach one or two specific courses with no benefits or promise of continuing employment. As required, the complainant filled out an employment application. The College's application document reflects, and the College's practice is, that a falsified or incomplete application will result in the applicant's disqualification from consideration for employment and/or termination if currently employed.

The instant complainant misinformed or falsified the application in two ways. She intentionally omitted identifying the University of South Florida as an employer; even though it was her primary past employer (she worked there several years). She also answered the application question as to whether she was terminated from employment by checking the "No" box. Actually she was terminated from employment at the University of South Florida. Her application was disqualified.

April 21, 2009
Page 2

She later told the College that she did not list the University of South Florida as a former employer because she believed it would provide a negative job reference. She has stated that she believes the University of South Florida is unethical and provides dishonest job references. Her misrepresentations and omissions are admittedly intentional.

Since her disqualification she has pursued an employment discrimination claim against Chipola College. An Investigation Specialist with the Florida Commission on Human Relations determined that there was no merit in the claim. She petitioned for a formal hearing. Judge Harrell of the Division of Administrative Hearings conducted an evidentiary hearing and recommended the dismissal of the complaint. The Florida Commission on Human Relations issued a final order dismissing the complaint. She appealed that decision to the First District Court of Appeals for the State of Florida. The Court per curium affirmed the Order. She now seeks a rehearing en banc.

At no time have I initiated a legal action or proceeding. The unnecessarily protracted nature of these proceedings is due to the meritless pursuit of the claim by the instant complainant. I am enclosing one of her most recent filings with the Court to provide an indication of the manner in which the complainant has prosecuted the litigation.

I have been a professional advocate for my client and I have not denigrated anyone nor treated anyone with disrespect. I have taken no action to prolong the litigation involving the complainant and Chipola College and I am not in "cahoots" with either the Florida Commission on Human Relations or the Division of Administrative Hearings. The allegations in the instant complaint are wholly lacking any merit.

I have not withheld or delayed the service of any pleading. The complainant has received any document that I have filed with any administrative body or court in a timely manner. The Florida Bar has my complete cooperation in this matter. I will gladly provide any documentation that would be helpful including copies of pleadings or transcripts in the above referenced hearing. Again, thank you for your attention to this matter.

Sincerely,


Michael Mattimore

Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by April 22, 2009. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this 9th day of April, 2009, a true copy of the foregoing disclosure was furnished to all attorneys, a member of my present law firm of Allen, Norton and Blue, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2009-00,796 (2B).

Michael Mattimore
Michael Mattimore

**CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)**

I HEREBY CERTIFY that on this _____ day of _____, 200____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2009-00,796 (2B).

Michael Mattimore

**CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)**

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 200____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2009-00,796 (2B).

Michael Mattimore

Rebuttal to Mattimore's Response to Florida Bar Complaint

I received Mattimore's Response on April 29th, 2009, via UPS Next Day Air, as I indicated in e-mail to wwilhelm@flabar.org, William H. Wilhelm, Florida Bar Counsel, Attorney Consumer Assistance Program (ACAP) attorney handling the Complaint.

Mattimore's Response fails to even address the issues set forth in my Complaint, to wit:

1. The abusive, "tit-for-tat," bullying, "badger-the-witness" manner in which Mattimore has treated me for the past three years (Paragraph 2, Page 1 of Complaint);
2. The unprofessional manner in which Mattimore, at the last minute, stood us up (me and the attorney who was to attend the Mediation with me) for a scheduled January 2007 Mediation, with no intention of mediating in the first place, and with no offer to reschedule mediation in the future (Paragraph 3, Page 1 of Complaint);
3. The fact that Mattimore deliberately failed to provide me with a copy of his Motion to Extend Time, as he is fully aware Florida Statutes and Rules of Civil and Appellate Procedure require him to do, as is evident from the Docket, 1D-08-620, on 07-17-08 (attached): *"Upon consideration of appellant's response, filed July 11, 2008, Appellee's Motion for Extension of Time, filed July 7, 2008, is granted. Time for service of the Answer Brief is extended up to and including July*

18, 2008. No further extensions of time will be granted except upon a showing of emergency circumstances. Mattimore had already requested two such Extensions of Time to file his Answer Brief, and in his Motion for a third request, lied and said it was his first request, and each time, lied about having contacted me as he is required to certify. To date, I have still not been provided with a copy of Mattimore's latest Motion to Extend Time, by Mattimore or First District Court of Appeal Custodian of Record, Chief Judge Paul M. Hawkes, who should have required Mattimore's immediate compliance (Paragraphs 3, 4, and 9, Pages 1-3 of Complaint);

4. Mattimore also failed to address in his Response how he managed to arrange to reschedule Final Hearing with Judge Harrell rather than Judge Cleavinger, and for DOAH to not notify me in advance, robbing me of the opportunity to reschedule with Judge Cleavinger (Paragraph 5, Page 2);

5. As well, the Florida Commission on Human Relations (FCHR), Division of Administrative Hearings (DOAH) and Mattimore are "in cahoots," as during Final Hearing, Mattimore attempted (and failed) to coerce me into accepting into evidence (and when I questioned him outright as to where he acquired this document, he refused to answer) an unofficial draft of my initial Complaint to the Commission that was NOT accepted by the Commission as my Official Complaint, and is NOT, therefore, covered under Sunshine Laws, but in any case, the

Commission had no business whatsoever sharing inappropriate, unofficial documentation with opposing counsel, which was not disclosed to me at any time prior to Final Hearing. A draft is just that—a draft, “a preliminary sketch, outline, or version,” from which an author makes corrections, fine-tunes, and eliminates errors, and which, therefore, is most inappropriate and ILLEGAL for FCHR to have shared with Mattimore (Paragraph 6, Page 2);

The ONLY issue Mattimore addressed—and he really didn’t even do that—in his Response is the bad advice he gave his client, Chipola College, “advis[ing them] not to hire [me].” In other words, he’s only concerned about his own liability. He’s not concerned about me OR the State of Florida. Mattimore and Allen, Norton & Blue are ONLY concerned about covering up their own violations and avoiding payment of restitution.

All Mattimore did in his Response is continue with the same dishonest, deceitful manipulative strategy he has employed all along. He does EXACTLY as he did in all documentation he filed in this case, i.e., he deliberately hides the fact, as is established practice in higher ed, and in particular, as is the case in all State of Florida institutions of higher ed, that there are COMPLETELY DIFFERENT EMPLOYMENT APPLICATIONS IN HIGHER ED. STAFF Applications and FACULTY Applications are COMPLETELY DIFFERENT, as is most appropriate, and are “vetted” completely differently. As I’ve stated repeatedly,

STAFF Applications, which are the lowest level positions, require applicants to list in chronological order every job they've ever had. FACULTY applications, however, require applicants to ONLY list three education and three non-education employments. I completed the FACULTY application most appropriately, and in accordance with Society for Human Resource Management (SHRM) expertise, as I indicated in all documentation I have filed in this case, and as I quote from Page Four (4) of my Motion for Rehearing En Banc and Written Opinion (enclosed):

The Faculty Application I submitted asked specifically for three education and three non-education employment listings. It did NOT ask for a chronological listing of all jobs the Faculty Applicant ever had, nor is it appropriate or common practice for Faculty Applications to do so, and I provided pertinent and current expertise in support of this by the Society for Human Resource Management (SHRM), the acknowledged experts in the field of Human Resources, an organization often cited and sought out for their expertise. Karan Davis, again at the behest of attorney, Michael Mattimore, perjured herself again by testifying under oath that though she has been in her position for 21 years, she could not remember in the Final Hearing what the difference is between the Staff and Faculty Applications, but that she thinks Faculty Applications should provide the same

information as Staff Applications, which is completely absurd. This is also evident in Final Hearing Transcript.

It is important to note also, as I've repeatedly pointed out, that Chipola College, in their feigned concern about my previous, years-earlier USF Staff employment (as is noteworthy also that they were completely unconcerned about any of the many OTHER non-faculty, non-education jobs I'd held in my life), never checked my references, even though one of them is a USF Religious Studies Professor (MAJOR RED FLAG). I have said it before, and I'm going to keep saying it until the courts pay attention and the State of Florida stops lying about it, that the State of Florida has been blackballing me from full-time employment since 2001, due to my medical history and past health insurance claims filed when I was covered under the Blue Cross/Blue Shield State of Florida Self-Insured health insurance plan, and most especially after I was issued a Special Notice of Insurance Waiver by the Office of Attorney General, Division of Victim Compensation, after being a victim of crime in 1998, which entitles the victim to have all claims filed resulting from the crime to be paid at 100% for the remainder of the victim's life, regardless of whatever health insurance policy under which the victim may be covered. It is for this reason, "perceived disability," as I've repeatedly set forth in all documentation filed in this case, and for which I've provided a plethora of EEOC case law and documentation, that Chipola College

removed me from the teaching schedule, in spite of the fact that all Chipola Faculty to whom I'd been introduced were warm, welcoming, and eager to have me on board, particularly Dr. Spires, who had shared with Ms. Gina Stuart, a member of the Chipola College Board of Trustees, how happy and excited he was that someone as enthusiastic as I was about teaching would be employed there (see original FCHR Complaint narrative, which I will provide you via e-mail).

Mattimore, in addition to repeatedly, in all documentation he's filed in this case, of refusing to admit that the Chipola College FACULTY Application is completely different from the STAFF Application, by referring to a generic "employment application" that does NOT exist, also continues to accuse me of lying on the application regarding a 2002 medical termination from USF, even though, as I repeatedly point out in SHRM expertise (of which Mark Bonfanti with Allen, Norton & Blue is an active member), that it is NOT appropriate, and in fact is a HIPAA violation, to disclose medical information on ANY applications. In fact, the block of questions at issue is a commonly-used block of questions designed quite clearly to determine if an applicant has ever been arrested and/or terminated for wrongdoing. Medical terminations most certainly do NOT fall into that category.

These are lame excuses Chipola College and Michael Mattimore conjured to cover up the fact that they discriminated against me based on "perceived

disability,” which the US Supreme Court and EEOC have ruled in favor of time and time again.

And of course, Mattimore completely fails to disclose to the Florida Bar in his Response the fact that Chipola College DID, in fact, know of my former USF Staff employment, as I sent Karan Davis an e-mail in August 2005 with my 2005 resume/curriculum vitae attached (enclosed), which clearly indicates my USF Staff employment, an e-mail to which she responded, and to which said response would not even make sense had she not received the resume/curriculum vitae.

Karan Davis lied under oath at Final Hearing, at Michael Mattimore’s behest. Both Wendy Pippin and Karan Davis looked terrified in Final Hearing, and during their entire testimony, wouldn’t take their eyes off Mattimore, who kept “coaching” them how to answer my questions with nods or shakes of his head.

In fact, Mattimore goes so far as to claim that Chipola never received any resume from me at all, not in 2005 or 2006, which is completely ridiculous, as both Drs. Spires and Clemmons not only had my resume/curriculum vitae in their possession during my interview, but interviewing a prospective Faculty member without a resume/curriculum vitae ever being submitted is absurd and just isn’t done.

The Florida Commission on Human Relations (FCHR) and Division of Administrative Hearings are clearly biased in such cases against State of Florida

agencies, as is evidenced upon perusal of their Final Orders and Decisions, and as any disability employment discrimination attorneys who represent Plaintiffs in such matters against the State of Florida are fully aware. As well, it is “interesting,” to say the very least, that the FCHR is completely unconcerned that a major State of Florida university regularly blackballs and provides bad references for former employees. Again, and as I specifically and repeatedly state in all documentation I’ve filed in this case, my termination from USF in 2002 was MEDICAL, and is a HIPAA violation to expect job applicants, whether Faculty, Staff, or Administrative & Professional, to provide medical terminations on job applications, again, in accordance with SHRM expertise.

I have incurred devastating and irreversible losses in this case (see enclosed letter from Mrs. Natalie Alday of Tallavana Christian School, as well as letter of character reference from Father Kevin Johnson)—and all because—rather than advise Chipola College and the State of Florida against deliberately committing EEOC violations, Allen, Norton & Blue chose instead—counting on the fact that at some point in these proceedings, I would give up and go away—to add further insult to injury and cover up the State of Florida’s lies and deceit, and at the same time line their own coffers by charging the State of Florida for attorneys’ fees for the past three years.

This case has been a travesty of justice from the very beginning. I spent many years of my life preparing for a college teaching career, at great financial aid expense, only to discover it was all for naught, and the stress of which, has completely and irreversibly destroyed my health to the point where I am on Social Security Disability and forced to subsist monthly on \$916 SSDI and \$138.22 from Florida Retirement System (FRS), as I was denied future years of teaching, during which I would have contributed more into the Social Security and FRS systems, which would have provided at retirement a much more livable income, rather than the grossly insufficient amount of money on which I am now forced to live, especially considering my specific housing and environmental needs due to the ravages the stress has wreaked on my immune system.

It is also appropriate to point out, as I did in Motion Requesting Sanction and Clarification of Admission and/or Withdrawal of Attorneys (provided via e-mail), and as is also evident from the enclosed Docket, Mark Bonfanti was the Attorney of Record in this case, but without any notification or Motion Relating to Admission or Withdrawal of Attorneys filed, only Michael Mattimore began appearing as Attorney of Record, and now, two additional attorneys, Robert E. Larkin, II, and Jason E. Vail now appear on documentation, as well.

Again, as I point out in the last two Paragraphs of Page 3 of my Complaint:

It is the Florida Bar's responsibility to police itself and dishonest,

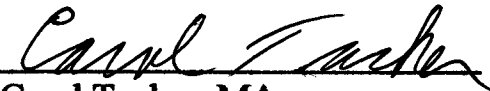
manipulative attorneys such as Michael Mattimore, and if you fail to do so, then you are also legally liable for negligence. This case, and Mattimore's unconscionable behavior has caused unnecessary stress which exacerbates my medical conditions.

Please communicate with me regarding this matter via e-mail:

ctuck622@gmail.com, and please provide me with the contact information for Mattimore's malpractice insurance company.

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing Rebuttal was provided via US Mail to Michael Mattimore, Allen, Norton & Blue, 906 N. Monroe St. Tallahassee, FL 32303, this 8th day of May, 2009.


Carol Tucker, MA
154 Ethel Wingate Dr., Unit 403
Pensacola, FL 32507-8186



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

FILED

2009 JUL -6 A 11:07

850/561-5600
WWW.FLORIDABAR.ORG

May 21, 2009

DIVISION OF
ADMINISTRATIVE
HEARINGS

Ms. Caroll L. Tucker
154 Ethel Wingate Dr., Unit 403
Pensacola, FL 32507

Re: Michael Mattimore; The Florida Bar File No. 2009-00,796 (2B)

Dear Ms. Tucker:

All correspondence and documents submitted in this matter have been carefully reviewed.

Your complaint says the respondent has been rude, treated you with disdain, unprofessional, failed to appear at a mediation, and failed to give you a copy of a pleading. The response addresses these issues and denies such conduct occurred. He did not address the failure to attend the mediation which would be a matter to address with the tribunal.

When The Florida Bar initiates disciplinary action against one of its members it does so by first obtaining a probable cause determination by a grievance committee, following which a formal complaint is filed in the Florida Supreme Court and served upon the respondent lawyer. A Referee (Judge) is appointed by the Court to try the case and report to the Court with recommendations as to whether or not the respondent lawyer has violated one or more of the Rules Regulating The Florida Bar, and if so, the nature of the discipline that should be imposed. The Bar's role is similar to that of the prosecutor in a criminal proceeding. The Court then adopts or modifies the recommendations of the Referee and enters its disciplinary order. As you can see from the foregoing description, Bar counsel must analyze the complaint and the supporting evidence from the standpoint of whether or not, as a prosecutorial agency, the case stands a reasonable chance of being won if litigated. One of the considerations Bar Counsel must weigh in deciding whether to close a file or proceed further to seek disciplinary measures is the weight of the available evidence. If the Bar seeks to discipline the lawyer, it is required by Supreme Court ruling to show, by "clear and convincing" evidence that there has been a violation of one or more of the Rules Regulating The Florida Bar. Clear and convincing evidence has been defined as "evidence so clear, direct and weighty and convincing as to enable [the fact finder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." This burden of proof is heavier than the burden of proof required in an ordinary civil trial.

There is insufficient evidence from the materials provided that Mr. Mattimore has violated any of the rules adopted by the Supreme Court of Florida which govern attorney discipline. Accordingly, continued disciplinary proceedings in this matter are inappropriate and our file has

been closed. The computer record will be purged and the file destroyed one year from the date of closing.

You have asked that the bar provide you with information of the respondent's insurance carrier. We do not maintain such information.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Wilhelm". The signature is fluid and cursive, with a large loop at the end.

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Mr. Michael Mattimore

Case No. 07-2655 Discovery Request

Ms. Llado:

Would you please add this e-mail document to the docket. Thank you.

Carol Tucker, MA
PO Box 378
Mary Esther, FL 32569-0378

FILED
2009 JUL -6 A 11:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

----- Original Message -----

From: Carol Tucker

To: MBonfanti@anblaw.com

Cc: Claudia Llado@doah.state.fl.us ; MaryAnn Smith@doah.state.fl.us

Sent: Friday, August 10, 2007 12:55 PM

Subject: Case No. 07-2655 Discovery Request

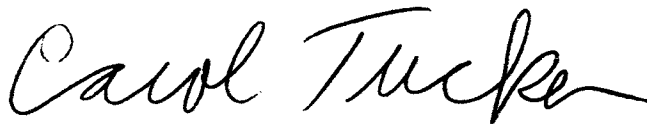
Mr. Bonfanti:

In accordance with Order of Pre-Hearing Instructions dated July 19, 2006, signed by Administrative Law Judge Diane Cleavinger, I am requesting that you provide me with a list of the names and addresses of parties whom you intend to call as witnesses during the Final Hearing in this cause, as well as copies of documents which you intend to offer as exhibits during same Final Hearing, which has been scheduled for Thursday, August 30, 2007, at 10:30 a.m., in Shalimar, Okaloosa County, Florida. This request is also in accordance with <http://www.doah.state.fl.us/internet/yourself1.cfm>, "...you can receive most of the information you need simply by requesting the attorney for the involved state agency to provide you with relevant documents concerning your case."

In addition, and also in accordance with Order of Pre-Hearing Instructions dated July 19, 2006, signed by Administrative Law Judge Diane Cleavinger, I am requesting written, via e-mail, "...confer[ence]...to determine if this matter may be amicably resolved."

Please acknowledge and respond via e-mail reply. Thank you.

Carol Tucker, MA
PO Box 378
Mary Esther, FL 32569-0378



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

2009 JUL -6 A 11:07

DIVISION OF
ADMINISTRATIVE
HEARINGS

CAROL TUCKER,)
)
 Petitioner,)
)
 vs.) Case No. 07-2655
)
 CHIPOLA COLLEGE,)
)
 Respondent.)
 _____)

ORDER OF PRE-HEARING INSTRUCTIONS

This cause having been scheduled for final hearing, it is, therefore,

ORDERED that:

1. No later than 7 days prior to the final hearing Petitioner and Respondent shall provide each other with a list of the names and addresses of those persons which that party intends to call as witnesses during the final hearing in this cause and shall provide to each other copies of the documents which that party intends to offer as exhibits during the final hearing. Failure to do so may result in the exclusion at the final hearing of witnesses or exhibits not previously disclosed. Only the witness list should be filed with the Division of Administrative Hearings.

2. No later than 7 days prior to the final hearing in this cause, the parties shall confer with each other to determine whether this cause can be amicably resolved.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
2009 JUL -6 A 11:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

CAROL TUCKER,)
)
 Petitioner(s),)
)
 vs.)
)
 CHIPOLA COLLEGE,)
)
 Respondent(s).)
)
 _____)

Case No. 07-2655
2006-02307,
15D200700074

MOTION FOR OPPOSING COUNSEL TO COMPLY WITH ORDER OF PRE-HEARING

INSTRUCTIONS

In accordance with Order of Pre-Hearing Instructions dated July 19, 2006, signed by Administrative Law Judge Diane Cleavinger, I hereby request that opposing counsel for Respondent, Mark Bonfanti, Attorney, of law firm Allen, Norton & Blue, PA, 906 North Monroe Street, Tallahassee, FL 32303, Telephone Number: (850) 561-3503, Facsimile Number: (850) 561-0332, E-Mail: MBonfanti@anblaw.com, provide Plaintiff in this cause, Carol Tucker, PO Box 378, Mary Esther, FL 32569-0378, Facsimile Number: (850) 244-6682, E-Mail: ctuck622@gmail.com, with a list of names and addresses of parties opposing counsel intends to call as witnesses during the Final Hearing in this cause, which has been scheduled for Thursday, August 30th, 2007, at 10:30 a.m., in Shalimar, Okaloosa County, Florida, as well as copies of documents which opposing counsel intends to offer as exhibits during same Final Hearing. This request is also in accordance with instructions posted on the Division of Administrative Hearing's website, http://www.doah.state.fl.us/internet/yourself1.cfm, "...you can receive most of the information you need simply by requesting the attorney for the involved state agency to provide you with relevant documents concerning your case."

In addition, and also in accordance with Order of Pre-Hearing Instructions dated July 19th, 2006, signed by Administrative Law Judge Diane Cleavinger, I request written, via e-mail and/or facsimile, "...confer[ence]...to determine if this matter may be amicably resolved."

Opposing counsel has not complied. Opposing counsel, Mark Bonfanti, called my cell phone on the morning of Tuesday, August 21, 2007, for verbal "confer[ence]," rather than contacting me via fax and/or facsimile, as requested. He waffled and was vague and unclear and would only say that he was "not in a position" to settle. I had to come out and specifically ask him if that was what he is saying, yet that is all he would say. He stated he would file a Notice regarding our conversation, yet no such Notice has been filed.

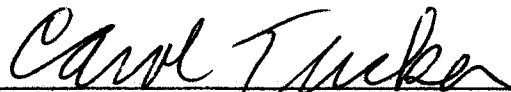
In addition, opposing counsel, Mark Bonfanti, in said conversation, promised he would US Mail and e-mail to me "within a couple of days" his list of witnesses and exhibits for Final Hearing scheduled on Thursday, August 30, 2007, one week from today, in Okaloosa County, Shalimar, Florida. Opposing counsel has had more than sufficient time since receiving the Order of Pre-Hearing Instructions to prepare his case. Opposing counsel's lack of compliance is in accordance with Allen, Norton & Blue's reputation of "dragging out cases as long as possible," and "filing documentation at the last possible moment," as communicated to me by James Garrity of Mattox Law Firm, as I indicate in my Motion for Discovery and Opposing Counsel's Compliance with Pre-Hearing Instructions, dated August 16, 2007, after which no Ruling or Order has been filed.

I, therefore, respectfully request that the Administrative Law Judge to which this case has been assigned, Diane Cleavinger, file an Order compelling opposing counsel to immediately comply and/or be found in contempt, especially in light of the fact that the stress of Chipola

College's act of discrimination, compounded by opposing counsel's reputed manipulative legal tactics, has had and continues to have a deleterious effect on my health and welfare.

Respectfully submitted this 23rd day of August, 2007.

CAROL TUCKER, MA
PO Box 378
Mary Esther, FL 32569-0378
Telephone: (941) 914-6313
Facsimile: (850) 244-6682
E-Mail: ctuck622@gmail.com



Carol Tucker
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via facsimile, (850) 561-0332, and via e-mail, MBonfanti@anblaw.com, this 23rd day of August, 2007, to:

Mark Bonfanti, Counsel for Respondent
Florida Bar No. 0010185
Allen, Norton & Blue, PA
Facsimile: (850) 561-0332
E-Mail: MBonfanti@anblaw.com



Carol Tucker, Plaintiff

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

FILED
2009 JUL -6 A 11:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

CAROL TUCKER,

Petitioner,

vs.

Case No.

07-2655

2006-02307

15D200700074

CHIPOLA COLLEGE,

Respondent.

DEFENDANT'S WITNESS LIST

Defendant, Chipola College, by and through undersigned counsel, hereby serves its Witness List as follows:

1. Carol Tucker, Petitioner
2. Karan Davis, Associate Vice President of Human Resources, Chipola College
3. Wendy Pippin, Human Resources, Chipola College
4. Any witnesses named in Plaintiff's Witness list.
5. Plaintiff's former and subsequent employers.
6. Rebuttal witnesses as may be necessary.
7. Further discovery may reveal other/additional witnesses which may be used by Defendant at trial and Defendant expressly reserves the right to add these additional witnesses to this list.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

2009 JUL -6 A 11:07

DIVISION OF
ADMINISTRATIVE
HEARINGS

CAROL TUCKER,

Petitioner,

vs.

Case No.

07-2655

2006-02307

15D200700074

CHIPOLA COLLEGE,

Respondent.

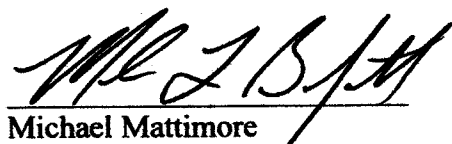
DEFENDANT'S WITNESS LIST

Defendant, Chipola College, by and through undersigned counsel, hereby serves
its Witness List as follows:

1. Carol Tucker, Petitioner
2. Karan Davis, Associate Vice President of Human Resources,
Chipola College
3. Wendy Pippin, Human Resources, Chipola College
4. Any witnesses named in Plaintiff's Witness list.
5. Plaintiff's former and subsequent employers.
6. Rebuttal witnesses as may be necessary.
7. Further discovery may reveal other/additional witnesses which
may be used by Defendant at trial and Defendant expressly
reserves the right to add these additional witnesses to this list.

Respectfully submitted,

ALLEN, NORTON & BLUE, P.A.
906 North Monroe Street
Tallahassee, Florida 32303
Tel: (850) 561-3503
Fax: (850) 561-0332
Attorneys for Defendant

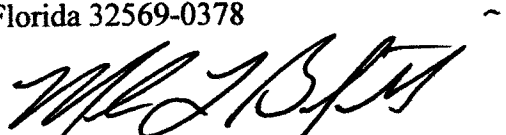


Michael Mattimore
Florida Bar ID No. 0335071
Mark L. Bonfanti
Florida Bar ID No. 0010185

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's
Witness List, has been provided via United States Mail this 27th day of August, 2007 to:

Carol Tucker
PO Box 378
Mary Esther, Florida 32569-0378



Attorney

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
2009 JUL -6 A 11:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

CAROL TUCKER,

Petitioner,

vs.

Case No. 07-2655

2006-02307

15D200700074

CHIPOLA COLLEGE,

Respondent.


NOTICE OF COMPLIANCE

COMES NOW, the Respondent, CHIPOLA COLLEGE, by and through undersigned counsel, and submits this notice that the parties spoke via telephone on August 21, 2007, to comply with paragraph 2 of the Order of Pre-Hearing Instructions previously entered in this case.

Additionally, Respondent properly filed its Witness List in accordance with the Order of Pre-Hearing Instructions seven days prior to the final hearing in this cause.

Respectfully submitted this 24TH day of August, 2007.

ALLEN, NORTON & BLUE, P.A.
906 North Monroe Street
Tallahassee, Florida 32303
Telephone: 850-561-3503
Facsimile: 850-561-0332




Michael Mattimore
Florida Bar No. 0335071
Mark L. Bonfanti
Florida Bar No. 0010185

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via U.S. Mail this 24th day of August, 2007, to:

Carol Tucker
PO Box 378
Mary Esther, Florida 32569-0378

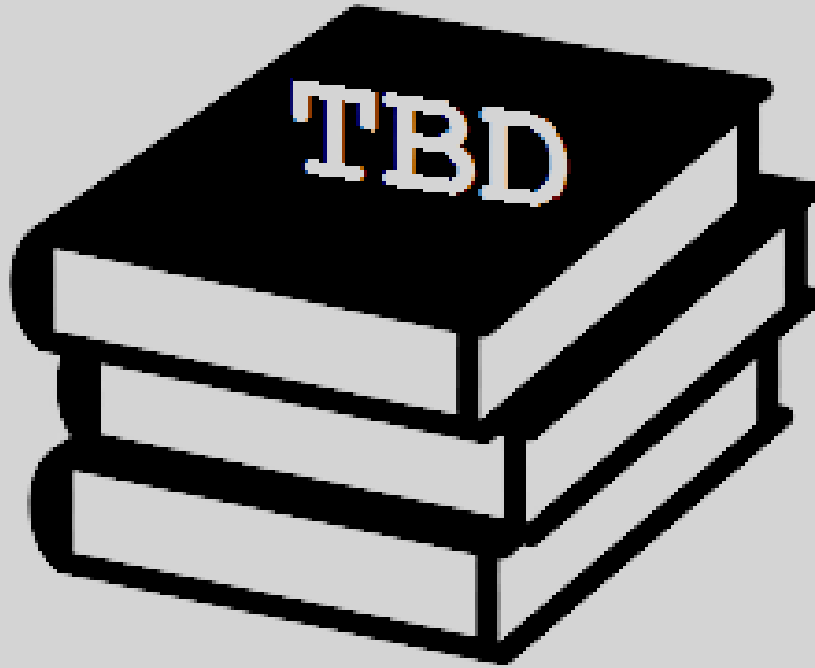


Attorney

BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get **Booked Up** on Justice!

© TBD Corporation. All Rights Reserved.