

# Florida Board of Bar Examiners

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TALLAHASSEE, FL 32399-1750

(850) 487-1292  
FAX (850) 414-6822  
WWW.FLORIDABAREXAM.ORG

MICHELE A. GAVAGNI  
EXECUTIVE DIRECTOR

ROBERT G. BLYTHE  
GENERAL COUNSEL

TARA L. NEWMAN  
DIRECTOR OF ADMINISTRATION

August 26, 2014

Mr. Neil Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Dear Mr. Gillespie:

The Florida Board of Bar Examiners received your letter dated August 14, 2014. The board's executive director has referred your letter to me for response.

Regarding your request for a record of public records available from the board, records of the board are not subject to rule 2.20 and Chapter 119 of the Florida Statutes regarding public access to Judicial Branch records. Under rule 1-60 of the Rules of the Supreme Court Relating to Admissions to The Florida Bar, all information maintained by the board is confidential with a very few, specific exceptions as noted in the rules. The rules are available on the board's website at: [www.floridabarexam.org/](http://www.floridabarexam.org/). Your request for documents does not fall under any of the provisions of rule 1-60 *et seq.* of the rules wherein the Florida Supreme Court authorized the board to release information to the public. The board is not authorized to provide you with the requested information absent authorization from the Supreme Court of Florida.

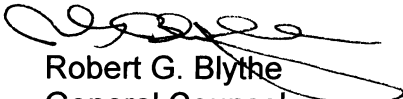
Regarding whether the board maintains the Oath of Attorney for admitted applicants, the board's letter to you dated June 30, 2014 was inaccurate in that the board does initially maintain executed Oaths of Attorney, but they are destroyed in accordance with the board's retention schedule as set forth by the Supreme Court of Florida. They are not part of the bar application, though I note that bar applications are also destroyed in accordance with the board's retention schedule as set forth by the Supreme Court of Florida. Again, the confidentiality of any records not yet destroyed in accordance with the retention schedule is governed by rule 1-60 *et seq.* of the Rules of the Supreme Court Relating to Admissions to The Florida Bar.

Mr. Neil Gillespie  
August 26, 2014  
Page 2

The board is not funded by tax revenue from the State of Florida, and its employees are not required to execute loyalty oaths.

I trust this letter addresses the reasoning for the board's inability to comply with your request.

Sincerely yours,



Robert G. Blythe  
General Counsel

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FLORIDA BOARD OF BAR EXAMINERS

1891 EIDER COURT

TALLAHASSEE, FLORIDA 32399-1750

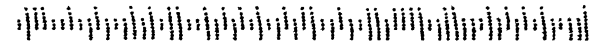
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Mr. Neil Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

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Michele A. Gavagni, Executive Director  
Florida Board of Bar Examiners  
1891 Eider Court  
Tallahassee, FL 32399-1750

RE: Access to public records, Article I, Section 24, of the Florida Constitution  
Public records request pursuant to Rule 2.420, Public Access to Judicial Branch  
Records, Fla. R. Jud. Admin; and Chapter 119 et seq. of the Florida Statutes.

Dear Ms. Gavagni:

Thank you for your enclosed letter of June 30, 2014, which states in essence,

The Florida Board of Bar Examiners received your letter dated June 25, 2014, requesting the Oaths of Attorney for a list of members of The Florida Bar. The board does not have the information you are requesting. Once the person's Oath of Attorney has been processed, they are discarded. The date the oath was executed is reflected on The Florida Bar website on the page for each individual attorney.

The Florida Board of Bar Examiners does not correspond by email.

A learned person who read your response opined that the Oath of Admission, or Oath of Attorney (are those the same?) is actually part of the Bar Application, and thus not destroyed. (do discarded and destroyed have the same meaning as used in your June 30, 2014 letter?).

Enclosed please find The Florida Bar directory page for John William Gardner. I cannot see where "The date the oath was executed is reflected". More problematic may be the fact that "Once the person's Oath of Attorney has been processed, they are discarded." Therefore, there is no objective evidence that any Florida lawyer actually took the Oath of Admission.

Provide a record of the Bar Application for the following members of The Florida Bar. If there are no responsive records, provide a record showing where the records may be found. Or you can tell me where the records are kept, or who has custody of the Bar Application records.

- Robert W. Bauer, Bar ID 11058
- Eugene P. Castagliuolo, Bar ID 104360
- Ryan Christopher Rodems, Bar ID 947652
- William John Cook, Bar ID 986194
- Chris A Barker, Bar ID 885568
- Matthew Guy Minter, Bar ID 298719
- Danielle Nicole Parsons, Bar ID 29364

This is a request for records of your executed loyalty oath that you support the Constitution of the United States, and of the State of Florida, whether under F.S. § 876.05, or Article II, Section 5(b), of the Florida Constitution, or any other legal authority, *see* below.

876.05 Public employees; oath.—

(1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, [Michele A. Gavagni], a citizen of the State of Florida and of the United States of America, and being employed by or an officer of [Florida Board of Bar Examiners] and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval of any voucher for the payment of salary, expenses, or other compensation.

876.06 Discharge for refusal to execute.—If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to be immediately discharged, and his or her name removed from the payroll, and such person shall not be permitted to receive any payment as an employee or as an officer where he or she was serving.

876.08 Penalty for not discharging.—Any governing authority or person, under whom any employee is serving or by whom employed who shall knowingly or carelessly permit any such employee to continue in employment after failing to comply with the provisions of ss. 876.05-876.10, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

876.09 Scope of law.—

(1) The provisions of ss. 876.05-876.10 shall apply to all employees and elected officers of the state, including the Governor and constitutional officers and all employees and elected officers of all cities, towns, counties, and political subdivisions, including the educational system.

(2) This act shall take precedence over all laws relating to merit, and of civil service law.

876.10 False oath; penalty.—If any person required by the provisions of ss. 876.05-876.10 to execute the oath herein required executes such oath, and it is subsequently proven that at the time of the execution of said oath said individual was guilty of making a false statement in said oath, he or she shall be guilty of perjury.

Article II, Section 5(b), Florida Constitution, Public officers.—

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”,

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

Provide for employees and/or officers of the Florida Board of Bar Examiners records of executed loyalty oaths as recipients of public funds from the state of Florida that each of them supports the Constitution of the United States, and the State of Florida.

Previously I requested, but did not get a response from you, to “Provide a record of public records available from the Florida Board of Bar Examiners”. For example, does the Florida Board of Bar Examiners keep any records for The Florida Bar, such as Bar Applications, or loyalty oaths for employees and/or officials of The Florida Bar as recipients of public funds that such employee or officer supports the Constitution of the United States and of State of Florida?

Thank you in advance for the courtesy of a response.

Sincerely,



Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, Florida 34481

Telephone: (352) 854-7807  
Email: neilgillespie@mfi.net

Enclosures: Letter June 30, 2014 of Michele A. Gavagni, Executive Director  
The Florida Bar directory page for John William Gardner

# Florida Board of Bar Examiners

ADMINISTRATIVE BOARD OF THE SUPREME COURT OF FLORIDA  
1891 Eider Court, Tallahassee, FL 32399-1750  
www.floridabarexam.org

Michele A. Gavagni  
Executive Director



June 30, 2014

Mr. Neil J. Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

## In Re: Public Access

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Sincerely yours,

MICHELE A. GAVAGNI  
Executive Director

MAG:srh

# THE FLORIDA BAR



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## John William Gardner

**Member in Good Standing**

**Eligible to Practice Law in Florida**

**Bar Number:** 745219

**Address:**  
221 E Robertson St  
Brandon, FL 33511-5234  
United States

**Phone:** 813-651-0055

**Fax:** 813-651-1874

**Email:** tampahokie@aol.com

**vCard:** ?

**County:** Hillsborough

**Circuit:** 13

**Admitted:** 04/21/1988

**10-Year Discipline History:** None

**Law School:** Stetson University College of Law

**Firm:** John W Gardner Pa



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