

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION

IN RE:

Application to Merge Community  
Bank & Co., Lakewood Ranch, Florida  
With First Community Bank of America,  
Pinellas Park, Florida

Admin. File No. 0828-FI-03/11

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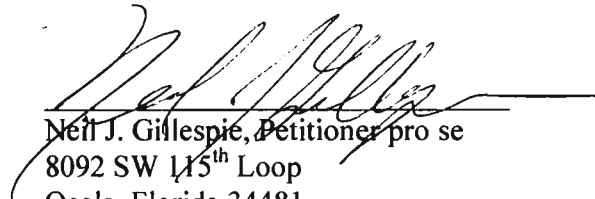
**NOTICE OF NON-COOPERATION BY JANET MASSIN ANDERSON, OFR COUNSEL**

1. Janet Massin Anderson, Fla. Bar No. 054821, counsel for Office of Financial Regulation (OFR) instructed Petitioner by email April 11, 2011 “Going forward, please direct any and all correspondence regarding the proposed merger to me as I am representing the OFR in this matter.” (Exhibit A).
2. Petitioner served Notice of Withdrawal of Petition for Public Hearing (“Notice”) Pursuant to Fla. Admin. Code r. 69U-105.104(4), to Ms. Anderson April 14, 2011 by email, fax and US Postal Service. Petitioner’s email to Ms. Anderson requested her to “Kindly advise the undersigned that you received and accept service and that the public hearing is canceled.” (Exhibit B). Copies of the email and Notice were provided to Charles L. Stutts, Counsel for Community Bank & Co., and Gregory Yadley, Counsel for Community First Bank of America.
3. Ms. Anderson failed to acknowledge receipt of the Notice, and failed to advise Petitioner if the public hearing was canceled. Pursuant to Fla. Admin. Code r. 69U-105.104(4), the petitioner(s) may withdraw its petition for public hearing at any time by filing a notice of withdrawal on the record. Withdrawal of all petitions filed shall nullify the need for a public hearing. Petitioner is not aware of any other petitions.

4. Petitioner notes that Mr. Stutts and Mr. Yadley each acknowledged receipt of the Notice, see attached Exhibit C and Exhibit D.

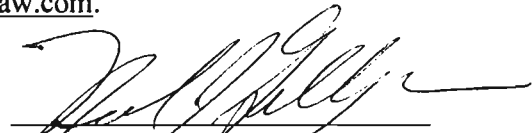
5. Ms. Anderson's failure to respond is a violation of the public trust, reflects discredit upon OFR, suggests partiality in the way OFR conducts business, and undermines the public's confidence in government. The lapses are ongoing. Petitioner received the Order Granting Petition For Public Hearing And Denying Motion For Designation Of Neil Gillespie As Party by US Postal Service only, and not by electronic mail as certified in the Certificate of Service signed by Ms. Anderson. OFR has also failed to answer questions related to the hearing.

RESPECTFULLY SUBMITTED this 15th day of April, 2011.

  
Neil J. Gillespie, Petitioner pro se  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481  
Telephone: (352) 854-7807  
Email: neilgillespie@mfi.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the NOTICE OF NON-COOPERATION BY JANET MASSIN ANDERSON, OFR COUNSEL was served April 15, 2011 by U.S. mail and electronic mail to counsel for the Office of Financial Regulation, Janet Massin Anderson, Assistant General Counsel, Division of Financial Institutions, 200 East Gaines Street, Fletcher Building, Suite 624, Tallahassee, Florida 32399-0371 and [Janet.Anderson@flofr.com](mailto:Janet.Anderson@flofr.com); Counsel for Community Bank & Co., Charles L. Stutts, Esquire, Holland & Knight, 100 North Tampa Street, Suite 4100, Tampa FL 33602 and [charles.stutts@hklaw.com](mailto:charles.stutts@hklaw.com); and Counsel for Community First Bank of America, Gregory Yadley, Esquire, Shumaker, Loop & Kendrick, 101 East Kennedy Boulevard, Suite 2800, Tampa, Florida 33602 and [gyadley@slk-law.com](mailto:gyadley@slk-law.com).

  
Neil J. Gillespie

## Neil Gillespie

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**From:** "Janet Anderson" <Janet.Anderson@flofr.com>  
**To:** <neilgillespie@mfi.net>  
**Sent:** Monday, April 11, 2011 3:50 PM  
**Subject:** Public Hearing  
Dear Mr. Gillespie:

Your recent e-mail to Linda Charity was referred to me for response. Please be advised that the public hearing in the matter of the proposed merger of Community Bank & Co. and First Community Bank of America is being handled in accordance with Florida Statutes and the rules promulgated thereunder.

Your public records request regarding the attorneys at the Office of Financial Regulation is being researched. We will get back to you with an estimate for fulfilling your request.

Going forward, please direct any and all correspondence regarding the proposed merger to me as I am representing the OFR in this matter.

Sincerely,

Janet Massin Anderson  
Assistant General Counsel  
Division of Financial Institutions  
200 East Gaines Street  
Fletcher Building, Suite 624  
Tallahassee, Florida 32399-0371  
(850) 410-9880



**Neil Gillespie**

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**From:** "Neil Gillespie" <neilgillespie@mfi.net>  
**To:** "Janet Massin Anderson" <Janet.Anderson@flofr.com>  
**Cc:** "Charles L. Stutts" <charles.stutts@hklaw.com>; "Gregory Charles Yadley" <gyadley@slk-law.com>; "Margie Manning" <mmmanning@bizjournals.com>  
**Sent:** Thursday, April 14, 2011 11:01 AM  
**Attach:** 2011, 04-14-11, Notice of Withdrawal, Admin File #0828-FI-03 11, amended cert. serv..pdf  
**Subject:** Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company

Janet Massin Anderson  
Assistant General Counsel  
Division of Financial Institutions  
200 East Gaines Street  
Fletcher Building, Suite 624  
Tallahassee, Florida 32399-0371  
(850) 410-9880  
[Janet.Anderson@flofr.com](mailto:Janet.Anderson@flofr.com)

Dear Ms. Anderson:

Please find attached for service upon OFR Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company.

Earlier today this notice was inadvertently sent to your email address listed on the Florida Bar directory. An Amended Certificate of Service is enclosed showing service to your email address at OFR, [Janet.Anderson@flofr.com](mailto:Janet.Anderson@flofr.com), and Fax service to the Agency Clerk, Mary Howell, (850) 410-9663. I regret any inconvenience. Also attached is a receipt for US Postal Service mailing today at 9:00am.

Kindly advise the undersigned that you received and accept service and that the public hearing is canceled.

Sincerely,

Neil J. Gillespie, Petitioner  
8092 SW 115th Loop  
Ocala, Florida 34481  
(352) 854-7807  
[neilgillespie@mfi.net](mailto:neilgillespie@mfi.net)

cc: Counsel for Community Bank & Co.,  
Charles L. Stutts, Esquire  
Holland & Knight  
100 North Tampa Street, Suite 4100  
Tampa FL 33602 and [charles.stutts@hklaw.com](mailto:charles.stutts@hklaw.com)

Counsel for Community First Bank of America  
Gregory Yadley, Esquire  
Shumaker, Loop & Kendrick  
101 East Kennedy Boulevard, Suite 2800,  
Tampa, Florida 33602 and [gyadley@slk-law.com](mailto:gyadley@slk-law.com)



**Neil Gillespie**

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**From:** "Yadley, Gregory C." <gyadley@slk-law.com>  
**To:** "Neil Gillespie" <neilgillespie@mfi.net>  
**Sent:** Thursday, April 14, 2011 11:15 AM  
**Attach:** ATT00017.txt  
**Subject:** Read: Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company

Your message

To: Janet Massin Anderson  
Cc: Charles L. Stutts; Yadley, Gregory C.; Margie Manning  
Subject: Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company  
Sent: Thu, 14 Apr 2011 11:01:50 -0400

was read on Thu, 14 Apr 2011 11:15:17 -0400

Gregory C. Yadley  
Attorney at Law  
Shumaker, Loop & Kendrick, LLP  
Bank of America Plaza  
101 East Kennedy Boulevard  
Suite 2800  
Tampa, FL 33602  
813.229.7600  
813.227.2238 direct  
813.229.1660 fax  
[gyadley@slk-law.com](mailto:gyadley@slk-law.com)  
<http://www.slk-law.com/>

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Confidentiality Statement: This electronic message contains information from the law firm of Shumaker, Loop & Kendrick, LLP, and may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify the sender immediately by reply e-mail or telephone 800.444.6659.



**Neil Gillespie**

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**From:** <charles.stutts@hklaw.com>  
**To:** <neilgillespie@mfi.net>  
**Sent:** Thursday, April 14, 2011 12:16 PM  
**Attach:** ATT00010.txt  
**Subject:** Read: Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company

Your message

To: Stutts, Charles L (TPA - X36466)  
Subject: Petitioner's Notice of Withdrawal of Petition for Public Hearing in the merger of Community Bank & Company  
Sent: Thursday, April 14, 2011 11:01:50 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, April 14, 2011 12:15:57 PM (UTC-05:00) Eastern Time (US & Canada).

