

**APPLICATION FOR NOMINATION TO THE
SEVENTH JUDICIAL CIRCUIT COURT**

Instructions: *Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.*

Full Name: Richard Kevin Sharbaugh

Social Security No.: [REDACTED]

Florida Bar No.: 86240

Date Admitted to Practice in Florida: 10/10/2010

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

Keyser & Sharbaugh P.A., Partner
501 Atlantic Avenue, Interlachen, Florida 32148, 386-684-4673

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number).

114 Riverview Drive, East Palatka, Putnam County, Florida 32131
Current residence since October 2002 (18 years)
Originally moved to Northeast Florida in 1979, Graduated High School in Jacksonville, US
Navy for six years before returning to Florida (Florida resident for roughly 34 years total)
904-501-8487

3. State your birthdate and place of birth.

4 October 1967; Baton Rouge, Louisiana

4. Are you a registered voter in Florida (Y/N)?

Yes

5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

Florida Bar since 10 October 2010

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

No, although I normally go by my middle name, Kevin.

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

University of Florida Levin College of Law, Gainesville, Florida

Fall 2007 – Spring 2010

Juris Doctor May 2010

GPA: 3.66 Standing: Top 10%

Honors

- *Magna Cum Laude*
- Order of the Coif
- Book Awards (top of class):
 - International & Comparative Environmental Law
 - International Environmental Justice
 - Land Use Planning
 - Conservation Clinic
 - Marine & Coastal Law
 - Agricultural Law & Policy
 - Trial Practice
- Scholarships:
 - Darrey A. Davis Memorial Scholarship
 - Otto Stanfield Memorial Scholarship

Additional Certifications

- Environmental and Land Use Law

Externship

- Innocence Project of Florida, Fall 2008

Projects

- Project developed for UF Law Center for Governmental Responsibility: Conceived and designed a computer based planning tool for evaluation of Florida's Maritime Infrastructure
- Publication: *Take me to the Water: Florida's Shrinking Public Access to the Waterfront and the Steps to Preserve it*. Sea Grant Law and Policy Journal, Vol. 4, No. 1 (Summer 2011)

University of Florida, Gainesville, Florida

Fall 2005 – Spring 2007

Bachelor of Arts in Political Science, Spring 2007

GPA: 4.0

Minor: Anthropology

Honors

- *Cum Laude*

St. Johns River Community College, Palatka, Florida

Fall 2003 - Spring 2005

Associate in Arts Degree, April 2005

GPA: 4.0

Honors

- *Summa Cum Laude*
- Reynolds Scholarship Award and publication of submission to the literary anthology of Phi Theta Kappa International Honor Society, *Nota Bene, 2005*
- Multiple submissions published in the annual St. Johns River Community College annual literary journal, *Kairos, 2005*

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

University of Florida Levin College of Law, 2007 – 2010

- Honor Committee
- Trial Team
- Journal of Law and Public Policy- Executive Articles Editor; Bylaws Chair

St. Johns River Community College, 2004 -2005

- Phi Theta Kappa International Honor Society- Vice President

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.

Partner - Keyser & Sharbaugh, P.A., December 2015 to present

501 Atlantic Ave, Interlachen, FL 32148, 386-684-4673

Associate - Keyser & Woodward, P.A., August 2010 to December 2015

501 Atlantic Ave, Interlachen, FL 32148, 386-684-4673

Intern in City Management, City of Palm Coast, Summer 2006

Palm Coast, FL

- Research into code development for recently incorporated municipality.
- Developed and administered survey instruments to obtain information from other entities regarding options under consideration for various projects.
- Coordinated data compilation and presentation for citizens' working committees.

Professor's Assistant, Contemporary Ethics, SJRCC, Palatka, FL, September 2004 – April 2005

Professor Jorge Milanes (retired)

- Helped coordinate and run a mock court learning format for the Ethics course.
- Advised students on strategy, case development and presentation.

Instructional Design and Quality Assurance, Point & Click, Inc., 2000 – 2005

Company owner Gaye Esperson, 114 Riverview Dr., East Palatka, FL 32131, 904-540-0421

- Designed, created and implemented multi-media computer programs for training and testing CSX railroad personnel on railroad signal systems.
- Designed, created and implemented a multi-media computer program for training CSX railroad personnel on a new train control safety device.
- Tested a variety of multi-media training and testing programs for CSX.

Commercial Boat Delivery Crew, Bayfront Marine, Inc., 1999 – 2004

Company owner Mel Longo, 620 21st St, St. Augustine, FL 32084, 904-824-8970

- Delivered a variety of commercial vessels (tugs, ferries, casino boats, fishing boats, etc.), domestically and internationally.
- Previously held 100-ton Captain License and 4000-Hp Designated Duty Engineer License.

Sailing Instructor/Charter Captain, St. Augustine Sailing, Inc., 1999 – 2004

The company was owned by Jim Royce and was subsequently sold. 3076 Harbor Drive, St. Augustine, FL 32084. 904-829-0648

- Taught two and three day courses in sailing and boat handling to groups of up to four students on 30-ft sailboats.
- Charter Captain for day excursions.

Crew, Tall Ship Bounty, June 1997 – November 1998

The ship was homeported out of Fall River, MA. The ship sank on 29 October 2012 during Hurricane Sandy and Captain Robin Walbridge was lost at sea.

- Obtained position of Second Mate and Chief Navigator.
- Taught square-rigged ship sailing to passengers and crew. Gave ship tours while in various ports along the eastern seaboard and Great Lakes.
- Taught celestial navigation

Hollywood Magic Circus & Piccadilly Circus, Fall 1995 – Spring 1996

- Two tours driving show trucks, set up/ tear down of equipment.
- Character work; assisted in various acts; microphone work.

Nuclear Machinist Mate, Submarines, United States Navy, July 1985 – July 1991

- Obtained position of Second Class Petty Officer. Honorably discharged.
- Medals: Good Conduct; Humanitarian Service; National Defense Service

10. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

- General law practice in the areas of family, dependency, probate, estate planning, real property, contracts, civil litigation, criminal misdemeanor, etc.
- Serve as general counsel for Putnam County Tax Collector.
- Served as counsel for a previous Putnam County Superintendent of Schools.
- Private clients are mostly rural, working class people with limited to moderate means seeking help for everything from domestic violence injunctions to partition of property to quieting title to evictions and ejectment actions to adoptions and dissolutions.

11. What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates) was:

	Court		Area of Practice		
Federal Appellate	<u>0</u>	%	Civil	<u>15</u>	%
Federal Trial	<u>0</u>	%	Criminal	<u>5</u>	%
Federal Other	<u>0</u>	%	Family	<u>60</u>	%
State Appellate	<u>5</u>	%	Probate	<u>15</u>	%
State Trial	<u>95</u>	%	Other	<u>5</u>	%
State Administrative	<u>0</u>	%			

State Other 0 %

TOTAL 100 % TOTAL 100 %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation:

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	0	Non-jury?	60 ¹
Arbitration?	0	Administrative Bodies?	5
Appellate?	2		

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

¹ The answer to this question is somewhat perplexing.

Whether fortunately or unfortunately, the nature of my practice has been such that I have not participated in jury trials. My jury trial experience consists of the Trial Team at UF Law and the programs that I have done with students throughout the years. So, other than appeals and administrative bodies, that leaves non-jury "cases tried to verdict, judgment, or final decision." In my understanding, pleadings lead to judgments and motions lead to orders.

In my practice, I do a lot of hearings on motions and a lot of settlement through negotiation or mediation that results in a final judgment without the need for a contested trial. Additionally, I have done dozens of petitions for adoptions after termination of parental rights through the Department of Children and Families that end up at a pro forma "hearing" and the issuance of a final judgment. I have also done adoptions by family members and third party adoptions; almost all of which involved the consent of the biological parent(s). Similarly, I have done numerous injunction hearings that result in a "final judgment." Some have taken 30 minutes, some have taken several hours, and one encompassed an entire day. My probate work, while at times contentious, has never resulted in an adversarial adjudicatory hearing or trial. As counsel for the Tax Collector I have filed answers and notices in dozens of takings cases by the Florida Department of Transportation. Almost all of these cases result in a "judgment" of some form but my participation is mostly that of a nominal party tracking the status of the litigation and requesting payment of pro rata ad valorem taxes once the taking occurs. Other actions taken on behalf of the Tax Collector include an annual petition for ratification of tax warrants which, again, is rarely contested. Finally, much of my work in dependency court has involved representing the "non-offending" parent, often the biological father who needs to legally establish paternity, deal with support issues, etc.

In sum, the number that I have provided is a good faith accounting of the cases that I believe the JNC would accept as indicating a level of involvement in the hearing/trial context appropriate for being counted.

Vanderbilt Mortgage and Finance, Inc. v. Prentiss K. Gutden, Et al.

Florida 5th DCA, Case: 5D14-4660, Date of Argument: 17 December 2015

Opposing counsel for Appellant: Geddes D. Anderson, ganderson@murphyandersonlaw.com, 904-598-9282

Disposition: PCA

Roger Niehaus v. Dennis E. Dixon and Tina M. Niehaus

Florida 5th DCA, Case: 5D17-470, Date of Argument: 14 December 2017

Opposing counsel for Appellee: Zachary Luca Keller, zkeller@kellerlegal.org, 386-530-2279

Disposition: Reversed

Published Opinion: *Niehaus v. Dixon*, 237 So.3d 478 (Fla. 5th DCA 2018)

14. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended, or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

15. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain fully.

No

16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Bergandi v. Smith, 07-531-FD (Putnam)

Boris Galustov, boris@griglaw.com, 904-738-8396

Thomas and Serena Barr v Mary Easterling and Brandon Virgil Vickers, 17-700-FD (Putnam)

Zachary Lucas Keller, zkeller@kellerlegal.org, 386-530-2279

Adrienne M. Gillis, adrienne@thegillislawfirm.com, 904-429-9779

Hernandez v. Stroud-Essex, 18-1070-FD (Putnam)

pro se

Kilburn v. Kilburn, 16-342-FD (Putnam)

pro se

Huhn v. Leary, 14-710-FD (Putnam)

Amanda Leary, pro se (disbarred 7/16/20), amandaleary2020@gmail.com, 386-546-0181

Smith v. Shields, 11-1501-FD (Putnam)

Kevin Alan Raudt, raudtlaw@aol.com, 904-280-0485

17. For your last six cases, which were either settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Barker v. Barker, 17-1282-FD (Putnam)

Catherine Elizabeth Harris, catherine@hedstromharrislaw.com, 386-385-3101

Cutrer v. McElveen, 15-771-FD (Putnam)

Thomas F. Rosenblum, tfirlawoffice@aol.com, 904-398-7600

Poole v. Poole, 17-78-FD (Putnam)

Lauren A. McCord for DOR, DOR@scwlegal.org, 352-376-5242

Dykes v. Cook, 20-377-FD (Putnam)

Catherine Elizabeth Harris, catherine@hedstromharrislaw.com, 386-385-3101

McNeely v. Linder, 18-1724-DR (St Johns)

Sung Lee, gatorslee03@yahoo.com, 904-829-3035

Valentine v. Whitmore-Royster, 19-999-FD (Putnam)

Richard A. Price, rprice@richpricelaw.com, 386-597-7749

Seal v. McKinney, II, 19-401- FD (Putnam)

Camille R. Martin, camille@martinlaw.org, 386-597-9904

18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

Approximately 10-12 times per month

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel.

Not applicable

20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants?

Not applicable

21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant.

Roger Niehaus v. Dennis E. Dixon and Tina M. Niehaus

Florida 5th DCA, Case: 5D17-470, Panel: Cohen, C.J., Lambert, J., Palmer, J.

Date of Argument: 14 December 2017

Opposing counsel for Appellee: Zachary Luca Keller, zkeller@kellerlegal.org, 386-530-2279

Published Opinion: *Niehaus v. Dixon*, 237 So.3d 478 (Fla. 5th DCA 2018)

Client: Roger Niehaus

Nature of Participation: Fully responsible for appellate action

Significance: The trial court entered an order dismissing client's negligence as a sanction for committing fraud upon the court. The order found eight separate instances where it concluded that client had made "false statements" or committed acts of intentional concealment. The trial court also found that my law partner, Timothy Keyser, had intentionally failed to disclose the client's pertinent medical history. As additional sanctions, the client was reported to the State Attorney, Mr. Keyser was reported to the Florida Bar, and both the client and attorney Keyser were ordered to pay the entire cost of the opposing party's attorney's fees. On appeal, the District Court held that at least two of the findings were not supported by competent substantial evidence (including the finding against Mr. Keyser), reversed the final order and remanded for reconsideration. Subsequently, the trial judge was replaced and the motion to dismiss for fraud upon the court was denied.

Bergandi v. Smith, 07-531-FD (Putnam)

Seventh Judicial Circuit Court, Judge Howard O. McGillin

Date(s) of Trial: 17, 18 and 24 September 2020

Opposing counsel: Boris Galustov, boris@griglaw.com, 904-738-8396

Client: Michael Smith

Nature of Participation: Undertook the representation less than one week from scheduled trial, obtained a one month continuance before conducting two-day's worth of remote trial on eight docketed motions and petitions.

Significance: This highly contentious family law case had gone through multiple attorneys on both sides as well as the recusal of the initial judge and the general magistrate. Opposing party had taken extreme measures against Mr. Smith and his original counsel such that counsel was

forced to withdraw on the eve of the initial trial date. When I undertook the representation there were numerous witnesses listed for both parties as well as voluminous exhibits already provided to the clerk. I was able to review and refine the evidence exhibits, develop a productive professional relationship with opposing counsel, and effectively coordinate the timing of testimony of numerous witnesses in a remote hearing format.

Riverfront Development Group, LLC. Quasi-judicial appeal to City of Palatka City Commission. Planning Board Case No. 16-16 - Denial of Conditional Use

City of Palatka City Commission: Mayor- Terrill Hill, Commissioners- Mary Lawson Brown, Rufus Borom, Justin Campbell, James Norwood, Jr.

Date(s) of Presentation to the City Commission: 26 May 2016

Opposing counsel: Not Applicable

Client: Riverfront Development Group, LLC.

Nature of Participation: Client requested a conditional use for multi-family dwelling units in the 100 Block (aka: Riverfront Square) of downtown Palatka. The staff report recommended granting the request. On 3 May 2016 the Planning Board voted seven to one to deny the request. I reviewed, researched, prepared and presented a successful argument resulting in the Commission overriding the Planning Board and granting the request.

Significance: The 100 Block is a set of four, adjacent, historical buildings located immediately southwest of the Memorial Bridge into Palatka. The buildings had fallen into significant disrepair and were unusable. A non-local developer had obtained the buildings and begun restoration. Local interests were, at times, less than supportive of the developer's efforts. The decision of the Planning Board, against staff recommendation, was indicative of the persuasive effect of the local interests. The success in overturning the Planning Board decision allowed for further progress in the rehabilitation of the buildings.

Barr v Easterling, 17-700-FD; 18-31-FD; 18-474-FD; 18-1150-FD (all in Putnam)

Seventh Judicial Circuit Court, Judge R. Lee Smith II; Judge Christopher Scott Ferebee

Date(s) of Trial: 18-474-FD- 16 May 2018; 17-700-FD- 3 October 2019

Opposing counsel: Zachary Lucas Keller, zkeller@kellerlegal.org, 386-530-2279; Adrienne M. Gillis, adrienne@thegillislawfirm.com, 904-429-9779

Client: Mary Easterling

Nature of Participation: Family law issue(s) started as a temporary custody by extended family member that was consented to by the client (17-700-FD). Shortly after obtaining temporary custody the custodial family member began cutting off the client's connection to the child. A support case (18-31-FD) was initiated followed by a petition for injunction for protection against domestic violence (18-474-FD) filed against the client. A permanent injunction would have solidified the estrangement and parental alienation that was occurring. It was at this point that I was retained and successfully defended against the injunction. In response, the custodial family member brought a private termination of parental rights action (18-1150-FD) against the client. After much effort, I was able to terminate the temporary custody which led to a voluntary dismissal of the termination of parental rights action. Finally, I was able to terminate the support obligation.

Significance: Persistence in dealing with multiple related cases resulted in the client being reunited with her child.

Williams v Moss and Ameris Bank, 18-76-CA (Putnam)

Seventh Judicial Circuit Court, Judge Patti Ann Christensen

Date(s) of Trial: 26 June 2018

Opposing counsel: Russell Castleberry, 386-328-1111

Client: Ann Williams

Nature of Participation: Client and three siblings had inherited the parents' house. Client had obtained seventy-five percent interest, but the twenty-five percent interest holder was in possession of the property. The parties were unable to constructively communicate with each other directly due to the high level of animosity. The partition action that I brought resulted in a stipulated agreement at the hearing for judgment on the pleadings to bring the property to public sale. My client was the successful bidder and obtained possession of the property, which had been significantly damaged and vandalized by the minor son of the opposing party. I was able to recover the cost of the damages from the portion of funds in the registry that would have been paid to the opposing party.

Significance: The personal significance of this case is that it drove home the lesson that the animus between parties should not be reflected in the behavior of counsel or the court. The client and the opposing party were, and likely remain, on unspeaking terms. In contrast, it is my intent to treat each person with dignity and respect without regard as to whose legal interests I represent. In this case, though the legal outcome was overwhelmingly favorable to my client, the opposing party has subsequently referred other clients to me based upon my ability and, I presume, cordiality.

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

Niehaus-5D17-470-Amended Initial Brief

Degree of Involvement: Personally researched and drafted, received editorial assistance from attorney Michael W. Woodward (retired).

Starr Sandy-18-107-CA-Response to D's MOL on Motion to Dismiss Amended Complaint

Degree of Involvement: 100%

Kilburn Jessica-16-342-FD-M's Supp Petition to Modify Timesharing and Support

Degree of Involvement: 100%

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

23. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved, the dates of service or dates of candidacy, and any election results.
No

24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.
No prior submissions

25. List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.
None

26. If you have prior judicial or quasi-judicial experience, please list the following information:
(i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
(ii) the approximate number and nature of the cases you handled during your tenure;
(iii) the citations of any published opinions; and
(iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.
Not applicable

27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.
Not applicable

28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.
Not applicable

29. Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.
Not applicable

30. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.
Not applicable

31. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results.

No

NON-LEGAL BUSINESS INVOLVEMENT

32. If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Not engaged in the management of any business enterprise. I do serve on the board of several local non-profit organizations and would be willing to resign if necessary and appropriate.

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

No

POSSIBLE BIAS OR PREJUDICE

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed.

Publication: *Take me to the Water: Florida's Shrinking Public Access to the Waterfront and the Steps to Preserve it*. Sea Grant Law and Policy Journal, Vol. 4, No. 1 (Summer 2011).

Available at <https://nsglc.olemiss.edu/sglpj/Vol4No1/Sharbaugh.pdf>

Palatka Daily News, Letter to the Editor, 11/4/2010 (Copy attached)

Palatka Daily News, Letter to the Editor, 10/3/2017 (Copy attached)

Palatka Daily News, Letter to the Editor, 1/24/2018 (Copy attached)

36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

None

37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

Remarks made to Putnam County School District Public Meeting, 4/18/2003 (Copy attached)

38. Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

No

39. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

Previously listed under education and employment sections.

40. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

No

41. List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

- Putnam County Bar Association: 2010 to present
- St. Augustine Inns of Court: joined January 2018; serve as Secretary from May 2019 to present

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of

- Putnam County Environmental Council
- All Souls Unitarian Universalist Congregation, March 2005 – Present
 - Founding member - March 2005
 - Trustee - March 2005 - January 2013
 - Chair of the Board - January 2011 - January 2013
 - Secretary - January 2008 - January 2010
 - Nominating Committee - January 2013 - present
 - Member of Worship Committee
- Race Issues Study Circles of Putnam County
 - Founding Member - 2006
 - Trustee - July 2018 - present
- Putnam Blueways & Trails, Inc.
 - Founding member - March 2011
 - Trustee - March 2011 - present
 - Secretary - March 2011 - January 2014
 - Chair of Board - January 2014 - January 2016

43. Do you now or have you ever belonged to a club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No, I have never belonged to such a club or organization nor would I.

44. Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

UF Law Trial Team Tryouts- I was a member of the Trial Team and graduated in 2010. I participate as a judge in the annual Fall tryouts for new members.

St John's Academy Mock Trial at St Johns County Courthouse- 3/15/16; 2017, 2018, 4/9/19
I have participated as a scoring judge providing feedback to the young participants in their annual mock trial.

Trial Presentation to Hartley Elementary School, "State v. Bart Simpson" 3/15/2018

Palatka High School Mock Trial Class, "State of Florida v. Jesse Davis"- 2015-2016 school year
At the request of a local circuit judge, attorney Michael Hines and I put together a proposed trial team course for the Palatka High School. Shortly after the start of the program, attorney Hines

was unable to continue. Local public defender, Sarah Morris, came in as my co-facilitator and we provided twenty-six one-hour, once per week classes that culminated in a three-hour mock trial presided over by Judge Patti Christensen at the Putnam County Courthouse. (Copy of class schedule and order of trial is provided. Course materials provided on flash drive.)

45. Please describe any hobbies or other vocational interests.

- Community Theatre- River City Players - Since 2016, director of six shows, cast member in five
- Recreational Blue Crabbing in the St. Johns River
- Beekeeping
- Cooking
- Kayaking
- Bicycling
- Sailing

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

Yes. July 1985 – July 1991, United States Navy, E-5 (Second Class Petty Officer), Honorable

47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Facebook: <https://www.facebook.com/profile.php?id=2053550>

LinkedIn: <https://www.linkedin.com/in/kevin-sharbaugh-68221815/>

FAMILY BACKGROUND

48. Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

Never married. Twenty-three year committed relationship with Gaye Anastasia Esperson who is retired from a career in computer programming.

49. If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.

No children

CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No felony or misdemeanor. Several related criminal traffic cases detailed as follows:

- Duval County 16-1994-CT-004591-AXXX-MA-OMV While License Suspended or Revoked-Adjudication Withheld-1 March 1994-Fine-Paid
- Duval County 16-1994-CT-003170-AXXX-MA-Using License From Other State While Under Suspension or Revoked- Adjudication Withheld-1 March 1994-Fine-Paid
- Duval County 16-1993-CT-013070-AXXX-MA-OMV or MH With Registration Expired Over 4 MOS-Adjudicated Guilty-Fine-Paid
- Duval County 16-1993-CT-012902-AXXX-MA-OMV or MH With Registration Expired Over 4 MOS-Adjudicated Guilty-Fine-Paid

51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No, see above.

52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No

53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

- 2016CA000470CAAXMX-Putnam County-Petitioner (Trustee of Trust seeking modification)-Successfully obtained modification sought.
- 2007000534TRAXMX- Putnam County-Defendant-Traffic Infraction
- 2004003899TRAXMX- Putnam County-Defendant-Traffic Infraction
- I am listed as a party to numerous probate filings on the Putnam County clerk's website, but these are simply case numbers assigned to wills that were deposited with the court for safekeeping.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No

56. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation.

No

57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No

58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation.

No

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No

60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have fully complied with all legally required tax return filings.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No

63. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania,

Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis.

No

64. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds, defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain.

No

65. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No

66. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, provide full details as to court, date, and circumstances.

No

67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.)

No

68. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

69. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit

to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test.

No

70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

- Competency with technology used for remote filings and hearings.
- Beta user and feedback assistance for E-Portal filing in Putnam County.
<https://www.floridabar.org/the-florida-bar-news/after-10-years-e-filing-transforms-courts-law-practices/> (Copy attached)
- I have developed community ties to Putnam County over the past eighteen years. This is where I live and I expect to stay.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

I believe the diversity of my law practice experience and my ability to communicate in ways that are accessible to individuals of varying backgrounds, educations, and understandings, will allow me to effectively deal with the variety of issues and individuals appearing before the court in Putnam County.

REFERENCES

73. List the names, addresses, e-mail addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission and the Governor.

Judge Howard O. McGillin
515 Reid Street
Palatka, FL 32177
hmegillin@circuit7.org
386-329-0266

Judge Patti Christensen
410 St. Johns Avenue
Palatka, FL 32177
pchristensen@circuit7.org
386-329-0263

Judge Christopher Ferebee
Putnam County Courthouse,
Post Office Box 758
Palatka, FL 32177
cferebee@circuit7.org
386 329-0471

Judge Joe Boatwright
Putnam County Courthouse
Post Office Box 758
Palatka, FL 32177
jboatwright@circuit7.org
386-329-0269

General Magistrate Sharon Feliciano
Putnam County Courthouse
Post Office Box 758
Palatka, FL 32177
sfeliciano@circuit7.org
386-329-9522

Tax Collector Linda Myers
323 St. Johns Avenue
Palatka, FL 32177
linda.myers@putnam-fl.com
386-329-0271

Julie McClain-Supervisor Family Law Clerk
285 W River Road
Palatka, FL 32177
julie.mcclain@putnam-fl.com or jmcclain285@aol.com
(386) 937-6282

Tina Collier-Seventh Judicial Circuit Family Law Mediator
410 St. Johns Avenue
Palatka, FL 32177
386-329-2527
tcollier@circuit7.org

Megan Wall
222 San Marco Avenue
St. Augustine, Florida 32084
megan.wall@jaxlegalaid.org or b-m-a@comcast.net
904-827-9921 ext. 206

Michael Hines
4425 US 1 South, #105
St. Augustine FL 32086
michael@hineslaw.com
904-794-7898

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 19th day of October, 2020.

RICHARD KEVIN SHARBAUGH

Printed Name


Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: 2020- \$51,250 (Salary: \$1,250/week)

Last Three Years: 2019- \$69,768 2018- \$52,155 2017- \$42,994

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: 2020- \$51,250 (Salary: \$1,250/week)

Last Three Years: 2019- \$55,137 2018- \$38,186 2017- \$25,315

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: 2020- \$0

Last Three Years: 2019- \$0 2018- \$0 2017- \$0

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: 2020- \$0

Last Three Years: 2019- \$0 2018- \$0 2017- \$0

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: 2020- \$0

Last Three Years: 2019- \$0 2018- \$0 2017- \$0

FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of 16 October, 2020 was \$ 219,550.

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$30,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
114 Riverview Drive, East Palatka, FL 32131 (JTRS)	\$228,560
507 NW 39 th Road, Unit 117, Gainesville, FL 32607 (JTRS)	\$45,000
Keyser & Sharbaugh, P.A.	\$30,000
Pontoon Boat	\$1,500
Roth IRA (UBS Account)	\$11,500
VyStar Credit Union Checking Account	\$1,000

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
VyStar Primary mortgage (114 Riverview)	\$77,208.89
VyStar HELOC	\$29,517.31
Honda CRV-2018	\$13,757.27
Student Loan	\$1,550.78

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D - INCOME

You may **EITHER** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.

(if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
Keyser & Sharbaugh, P.A.	501 Atlantic Avenue, Interlachen, FL 32148	Salary: \$1,250/week


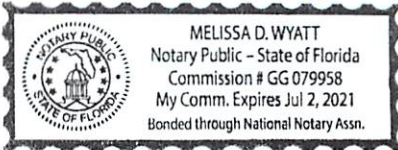
SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY	Keyser & Sharbaugh, P.A.		
ADDRESS OF BUSINESS ENTITY	501 Atlantic Avenue, Interlachen, FL 32148		
PRINCIPAL BUSINESS ACTIVITY	Law Firm		
POSITION HELD WITH ENTITY	Partner		
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	Yes		
NATURE OF MY OWNERSHIP INTEREST	50%		

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

<p align="center">OATH</p> <p>I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.</p>	<p align="center">STATE OF FLORIDA</p> <p>COUNTY OF PUTNAM</p> <p>Sworn to (or affirmed) and subscribed before me this 19th day of October, 2020 by Richard Kevin Sharbaugh who is personally know to me.</p> <p>(Signature of Notary Public—State of Florida)</p> <p align="center"><i>Melissa D. Wyatt</i></p> <p>(Print, Type, or Stamp Commissioned Name of Notary Public)</p>
<p align="center"> SIGNATURE</p>	<p align="center">  </p>

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 19 October 2020

JNC Submitting To: Seventh Judicial Circuit

Name (please print): Richard Kevin Sharbaugh

Current Occupation: Attorney

Telephone Number: 904-501-8487

Attorney No.: 86240

Gender: Male

Ethnic Origin: White, non-Hispanic

County of Residence: Putnam

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR
FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

RICHARD KEVIN SHARBAUGH

Printed Name of Applicant

Signature of Applicant

Date: 10/19/2020