

APPLICATION FOR NOMINATION TO THE EIGHTEENTH JUDICIAL CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: April 4, 2019 Florida Bar No.: 0930342

GENERAL: Social Security No.: _____

1. Name Kimberly Bonder Rezanka E-mail: kim@cfglawoffice.com

Date Admitted to Practice in Florida: April 30, 1992

Date Admitted to Practice in other States: Illinois - November 18, 1993

2. State current employer and title, including professional position and any public or judicial office.

Cantwell & Goldman, P.A.

3. Business address: 96 Willard Street, Suite 302

City Cocoa County Brevard State FL ZIP 32922

Telephone (321) 639-1320 FAX (321) 639-9950

4. Residential address:

City County Brevard State FL ZIP

Since October 3, 1998 Telephone

5. Place of birth: Winter Park

Date of birth: Age: 53

6a. Length of residence in State of Florida: 53

6b. Are you a registered voter? [X] Yes [] No

If so, in what county are you registered? Brevard

7. Marital status: Married

If married: Spouse's name

Date of marriage

Spouse's occupation

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

N/A

8. Children

Name(s) Age(s) Occupation(s) Residential address(es)

9. Military Service (including Reserves)

Service	Branch	Highest Rank	Dates
N/A			
Rank at time of discharge _____		Type of discharge _____	
Awards or citations _____			
Service	Branch	Highest Rank	Dates
Rank at time of discharge _____		Type of discharge _____	
Awards or citations _____			

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No

11a. 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?

Yes No

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.

N/A

11b. 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 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered 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

Yes No

If yes, please explain.

12a. 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?

Yes No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

13. 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, give full details as to court, date and circumstances.

No

14. 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 law provisions.)

No

15. 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 use of 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

16. 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

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

No

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Satellite High School	43/438	8/80-5/83	Diploma
University of Florida	unknown	8/83-12/87	B.S.B.A.
University of Florida College of Law	unknown	1/89-12/91	J.D.

18b. List and describe academic scholarships earned, honor societies or other awards.

Florida Academic Scholar, 8/83-5/85
Florida Blue Key Leadership Honor Society, 1986
University of Florida Hall of Fame, 1987
Who's Who Among Students in American Universities and Colleges, 1987

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
2/88-5/88	trainee	American Campaign Academy	Arlington, VA
5/88-10/88	campaign manager	Rod Borum for Congress	Indialantic, FL
10/88-12/88	marketing manager	Canaveral Technographics Co	8660 N. Atlantic Cape Canaveral, FL

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

Florida Bar	4/30/92
U.S. District Court, Middle District of Florida	8/25/92
Illinois Bar	11/18/93

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Of Counsel	Cantwell & Goldman, P.A.	96 Willard St., Ste 302 Cocoa, FL 32922	06/16 - Present
Shareholder	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	7380 Murrell Road Melbourne, FL 32940	7/01-5/16
Associate	Conroy, Simberg & Ganon, P.A.	2 S. Orange Avenue Orlando, FL	12/99-6/01
Associate	High, Stack, Lazenby, Palahach, Platt & Feiler	525 E. Strawbridge Ave. Melbourne, FL	6/98-11/99
Assistant State Attorney	Office of the State Attorney, 18 th Judicial Circuit	2725 Judge Fran Jamieson Way, Bldg. D Viera, FL	8/94-5/98
Trial Court Law Clerk	18 th Judicial Circuit	51 Neiman Ave. Melbourne, FL	1/92-7/94
Law Clerk	Reinman, Harrell, Graham, Mitchell & Wattwood, P.A.	1825 Riverview Dr. Melbourne, FL	5/91-8/91
Law Clerk	University of Florida Office of the General Counsel	207 Tigert Hall Gainesville, FL	1/91-5/91
Law Clerk	Harris Corporation	1025 W. Nasa Blvd Melbourne, FL	5/90-1/91
Law Clerk	Pullum & Pullum, P.A.	1330 Citizens Blvd. Leesburg, FL	8/89-12/90
Law Clerk	Wolfe, Kirschenbaum & Peeples, P.A.	505 Orlando Ave. Cocoa Beach, FL	7/89-8/89
Legal Assistant	Holcomb, Ennis, Theriac, Brinson, Amari & Roberts, P.A.	700 Wickham Rd. Melbourne, FL	5/85-8/85
Legal Assistant	Gary Brinson, Esq.	1924 S. Waverly Pl.	5/83-8/83

22. 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.

I represent business entities and individuals in matters concerning governmental activities and in matters involving contracts. In matters involving governmental activities, my clients' issues include land use zoning amendments, code violations and administrative hearings. In matters involving contracts, I handle cases involving substantial damages, from fraud and civil theft to tortious interference with contracts. Many of my litigation cases include land disputes, contract claims, ownership disputes, easements and leases.

I do not have a "typical litigation client", as most of my cases are and have been uncommonly fact and issue specific. After several years at Dean Mead, the standing joke was, "if it is unusual, Kim is handling it." Litigation clients, including title companies, have sought my services when significant property interests are at stake.

As to my land use clients, most are typically businesses or large land owners that need entitlements to develop their lands. At least three-fourths of these matters require experts such as engineers and land planners to present competent evidence to the quasi-judicial boards, councils and commissions that are charged with approving or disapproving the land entitlements. Most often, these clients face substantial opposition from either the agency staff or from neighbors.

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

	Court		Area of Practice	
Federal Appellate	_____	%	Civil Criminal	_____ 50 %
Federal Trial	_____	%	Family	_____ %
Federal Other	_____	%	Probate	_____ %
State Appellate	_____ 5	%		_____ %
State Trial	_____ 45	%	Other	_____ 50 %
State Administrative	_____	%		
State Other	_____ 50	%		_____
	_____	%		
TOTAL	_____ 100	%	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	_____ 23	Non-jury?	_____ 31
Arbitration?	_____ 1		_____ 186 (approx.)

25. 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

26. 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 in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

- (1) *Gier v. Space Coast Industrial Flight Park*, Brevard County Circuit Court Case No. 05-2002-CA-010378, tried before Judge Lisa Davidson. Plaintiffs' attorney was Justin R. Payne, 96 Willard Street, Suite 204, Cocoa, Florida, (321) 639-1300.
- (2) *Space Coast Oil Equipment & Tank Services, Inc. v. Carver Industrial, LLC*, Brevard County Circuit Court Case No. 05-2012-CA-052710, tried before Senior Judge Charles M. Holcomb. Defendants' attorneys were Jack A. Kirschenbaum and Amanda K. Gibson, GrayRobinson, P.A., 1795 West Nasa Boulevard, Melbourne, Florida, (321) 727-8100.
- (3) *Ellis v. Economic Development Council of Florida's Space Coast, Inc.*, Brevard County Circuit Court Case No. 05-2013-CA-069095. I represented the Economic Development Council of Florida's Space Coast, Inc. Scott Ellis, Brevard County Clerk of Court, was represented by Alec D. Russell and Curt Jacobus, GrayRobinson, P.A., 1795 West Nasa Boulevard, Melbourne, Florida, (321) 727-8100 and Kevin C. McBride, (407) 557-0173, and Rebecca E. Lober, Staff Counsel to the Clerk of the Court, P. O. Box 999, Titusville, Florida, (321) 633-7788.
- (4) *Alexander v. City of New Smyrna Beach*, Volusia County Circuit Court Case No. 2007-20388-CINS, heard by Judge Robert K. Rouse, Jr. Counsel for the City was the City Attorney, Frank B. Gummey, III, 3 Ocean West Boulevard, Apt. 6C5, Daytona Beach Shores, Florida, (386) 717-3745.
- (5) *Close v. Signature Quality Homes*, Brevard County Circuit Court Case No. 05-2004-CA-017177, tried before Judge John D. Moxley, Jr. Counsel for Plaintiffs was Jack Spira, & McGarrell, 5205 Babcock Street NE, Palm Bay, Florida, (321) 725-5000. Appellate Case No. 5D07-1477, Appellants' attorney was James P. Beadle, same address and phone number.
- (6) *Barber Development v. Socci*, Brevard County Case No. 05-CA-2001-009561, tried before Judge Charles M. Holcomb. Defendants were pro se, addresses and phone numbers unknown.

27b. For your last 6 cases, which were 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).

- (1) *Board of County Commissioners of Brevard County v. Owens*, Brevard County Circuit Court Case No. 2018-CA-019771. Mediation was held on December 5, 2018. I represented the Defendant/Cross-claimant, LTM of Florida Holdings. Other counsel involved were: Christine Schverak, Asst County Attorney (*Counsel for Plaintiff*) (321) 633-2090; Irene Fonzi, Esq., (*Counsel for Defendants: Gary Jarek & Lori A. Jarek*) (321) 777-1191; Brennan Grogan, Esq. (*Counsel for Defendant, Palm Shores Estates Homeowners Association*) (561) 627-3585; Kevin Donaldson, Esq. (*Counsel for Defendant, Florida Power & Light*) (561) 304-5661; Karl W. Bohne, Jr., Esq. (*Counsel for Defendant* (321) 255-3737, *Town of Palm Shores, Florida*); Brian E. Smith, Esq., Baker & Hostetter, LLP (*Counsel for Defendant, New Cingular Wireless PCS, LLC & BellSouth Communications, LLC*) (407) 649-4000; Christopher C Martin, Esq. (*Counsel for Defendants, Edward V. Mason and Ralph D. Miller*) (321) 543-4373.
- (2) *Kahama VII, LLC v. Aquarina Community Services Association, Inc.*, Brevard County Circuit Court Case No. 05-2014-CA-017274. Mediation was held on November 20, 2018. I represented the Defendant, Aquarina Community Services Association, Inc. Other counsel involved were: Harris K. Soloman, Esq., Benjamin Sunshine, Esq. and Donald J. Lunny, Esq., Brinkley Morgan (*Counsel for Plaintiff: Kahama VII, LLC*) (954) 522-2436; and Lewis W. Murphy, Jr., Walker & Murphy, P.L. (*Counsel for Intervenor: MAD Associates, LLC*) (772) 231-1900.
- (3) *SR7 Palm Bay, LLC v. Wish Upon A Star Preschool & Daycare, Inc.*, Brevard County Circuit Court Case No. 05-2012-CA-037422. I represented the Plaintiff, SR7 Palm Bay, LLC. Michael Kahn, 482 N. Harbor City Blvd., Melbourne, Florida, (321) 242-2564, represented the Defendants.
- (4) *Banana Riverfront, LLC v. Brevard County Board of County Commissioners*, Brevard County Resolution No. 16-223, No. 16-224 and No. 16-225. This was a mediation of land development permits pursuant to Sec. 163.3181(4), Fla. Stat., and the Bert Harris Act, Sec. 70.51, Fla. Stat. I represented Banana Riverfront, LLC and Scott Knox, the County Attorney at the time, represented Brevard County. Scott Knox has retired from the County but is practicing at Widerman Malek, P.L., 1990 W. New Haven Avenue, Melbourne, Florida, (321) 255-2332.
- (5) *Ellis v. Economic Development Council of Florida's Space Coast*, Brevard County Circuit Court Case No. 05-2013-CA-069095 and Fifth District Court of Appeal, Case No. 5D14-1356. Trial counsel are listed in 27.a.(3), above and appellate counsel are listed in 30., below. This case went to mediation after remand from the Fifth District Court of Appeal.
- (6) *Lathe v. City of West Melbourne*, Brevard County Circuit Court Case No. 05-2015-CA-048555. This was a court-ordered mediation. I represented the Plaintiff, Mr. Lyle Lathe. The City was represented by the City Attorney, Morris Richardson, 2240 Minton Road, West Melbourne, Florida, (321) 837-7772, and Defendant Cumberland Eat Melbourne, LLC (Cumberland Farms) was represented by Scott Glass, Shutts & Bowen, LLP, 300 South Orange Avenue, Orlando, Florida, (407) 423-3200.

27c. During the last five years, how frequently have you appeared at administrative hearings?
4 average times per month.

27d. During the last five years, how frequently have you appeared in Court?
2 average times per month.

- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? _____%
Defendants? _____%
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

As an Assistant State Attorney (August 1994-May 1998) I was in court almost daily. Similarly, when employed by Conroy, Simberg et al. (November 1999-June 2001), practicing insurance defense and PIP litigation, I appeared in court at least weekly. My trials from these time periods are included in #24, above.

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

None in the past five (5) years.

30. List and describe the six most significant cases which you personally litigated giving case style, number 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. Give the name of the court and judge, the date tried and names of other attorneys involved.

- (1) *Gier v. Space Coast Industrial Flight Park, Inc.*, Brevard County Circuit Court Case No. 05-2002-CA-010378, tried October 21 through 24, 2014, before Judge Lisa Davidson. (A portion of the case had been tried in 2006 by attorneys that were no longer involved in the case.) I represented the Defendants/Counterclaimants. Plaintiffs' attorney was Justin R. Payne, 96 Willard Street, Suite 204, Cocoa, Florida. This was an extremely complicated case with a multitude of issues, with many parties, one which participated in the trial pro se and with a good deal of hostility amongst the parties. The various counts pled by the Plaintiffs included declaratory relief, injunctive relief, breach of contract (Declaration of Covenants) and "Wrongful Acts Doctrine" for attorneys' fees. On behalf of the Defendants, I filed ten (10) affirmative defenses and counterclaims for slander of title and injunctive relief.

The case was significant for many reasons, the first being the vast number of issues to be resolved by the court. Second, unique evidentiary issues arose, including felony convictions that were twenty years old, claim of patent and latent ambiguities and judicial notice relevance issues. Third, the case was challenging to try because of the length of time the case had festered and because some relevant facts were over fifteen (15) years old. Judge Davidson remarked that it was one of the most difficult cases for her to decide.

The second writing sample submitted with this application is the draft proposed order requested by Judge Davidson from all parties. She incorporated a substantial amount of my Proposed order into her Final Judgment. See **Tab "6"**.

- (2) *Ellis v. Economic Development Commission of Florida's Space Coast, Inc.*, Brevard County Circuit Court Case No. 05-2013-CA-069095, tried January 29 and 31, 2014 before Judge John D. Moxley, Jr. The client was the Economic Development Council of Florida's Space Coast ("EDC"). The key issue was whether the EDC, a private non-profit organization, was subject to the Florida Public Records Act because of its contract to provide economic development services to Brevard County. The trial court ruled that the County had delegated its responsibility for economic development to Brevard County, thereby causing the EDC to be subject to the public records act. The EDC believed that the court utilized the wrong test for determining whether it was subject to public records and appealed to the Fifth District Court of Appeal. The attorneys that represented the Plaintiff, Mr. Ellis, are listed above in 27.a.(3).

The Fifth District Court of Appeal, Case No. 5D14-1356, reversed and remanded the case to the trial court to utilize the "totality of the factors" test to determine if the EDC was subject to the public records act. I assisted with the appeal, but lead counsel was Edward G. Guedes of Weiss, Serota, Helfman, Cole & Bierman, P.L., 2525 Ponce de Leon Boulevard, Suite 700, West Palm Beach, Florida. The attorneys that represented Mr. Ellis were Curt Jacobus, Alec D. Russell and Charles T. Wells of GrayRobinson, P.A. and Kevin C. McBride, Staff Counsel to the Clerk of the Clerk, Titusville, Florida. Other attorneys were involved for amici curiae, as shown in the reported decision.

The significance of this case was that the parties were able to reach a settlement agreement and abide by the agreement, despite the resulting disagreements over what was to be included in the production of records to Mr. Ellis.

Reported Decision: *Economic Development Com'n v. Ellis*, 178 So.3d 118 (Fla.5th DCA 2015).

- (3) *Alexander v. City of New Smyrna Beach*, Volusia County Circuit Court Case No. 2007-20839-CINS. I represented the Petitioner, Aileen Alexander. The Petition for Writ of Certiorari was heard by a one-judge appellate panel, Judge Robert K. Rouse, Jr., on January 4, 2011. The client was Aileen Alexander. The key issue in the case was whether the City acted properly when it administratively downzoned Ms. Alexander's beachfront property. The Court found that the City engaged in "reverse spot zoning" and quashed the zoning ordinance which rezoned her Property. The attorney for the City was Frank Gummey, III, 3 Ocean West Boulevard, Apt. 6C5, Daytona Beach Shores, Florida. I believe this case to be significant because the court properly found that the City had exceeded its police power without justification and without substantial and competent evidence to support the Town's downzoning.
- (4) *Signature Quality Homes, Inc. v. Close*, Brevard County Circuit Court Case No. 05-2004-CA-017177, was tried before Judge John D. Moxley, Jr., on January 11, 12, 17, 18 and 21, 2007. I represented Signature Quality Homes, Inc. Jack Spira, of Spira, Beadle and McGarrell, P.A., 5205 Babcock Street NE, Palm Bay, Florida represented Mr. and Mrs. Close.

After a five-day trial and lengthy written closing arguments submitted by the parties, the Court found in favor of my client, Signature Quality Homes, ordering the Closes to specifically perform under a sale and purchase contract provision. The specific performance allowed Signature Quality Homes to buy back the real property, as provided in the Purchase Contract executed by the parties. This case is significant because of the use of expert testimony to demonstrate that the Defendants had acted unreasonably in failing to enter into a construction contract, which was required in the Purchase Agreement with Signature Quality Homes, Inc. It is also significant because the trial judge made a specific finding of lack of credibility of one Defendant, which likely was a factor in the Per Curiam Affirmed decision by the Fifth District Court of Appeal.

- (5) *O'Shaughnessy v. Mulvaney's Irish Pub*, Ninth Judicial Circuit Case No. 1998-CA-005032-0. I was co-counsel with attorney John Morrow and we represented the Defendants. The case involved a claim by Plaintiff, Robert O'Shaughnessy, against Mulvaney's Irish Pub and related entities, on Church Street in Orlando. The attorney for the Plaintiff was W. Riley Allen, 429 South Keller Road, Suite 220, Orlando, Florida, (407) 838-2000. The Judge was Walter G. Komanski.

This case was filed by Mr. O'Shaughnessy, an Irish citizen, on June 16, 1998. Mr. O'Shaughnessy claimed that he was shoved against the bar at Mulvaney's Irish Pub, when Ireland scored a goal at the 1994 Soccer World Cup Match, which he was watching on the television at the Pub. Mr. O'Shaughnessy claimed that the collision with the bar caused bruises and "traumatically induced asthma". Mr. O'Shaughnessy received medical treatment once he returned to Ireland, requiring travel to Ireland (by my supervisor) to take depositions of the medical providers.

This case was significant because of the unique medical diagnosis, which mandated the hiring of a pulmonary expert to refute a diagnosis that our expert believed to be highly irregular and unlikely. Additionally, this was the first civil case which I thoroughly prepared for trial, including filing thirteen (13) Motions in Limine and preparing eight (8) witnesses. The case was settled the Friday night before trial was to begin on Monday.

- (6) *State v. Ingledue*, Brevard County Case No. 05-1994-023592-CF, tried May 5 through 7, 1997, before Judge Charles M. Holcomb. I represented the State, and believe the Defendant was represented by the Public Defender's Office. The Defendant, Mr. Ingledue, was charged with beating an elderly gentleman that had offered Mr. Ingledue and his co-defendant a ride in his produce truck. Mr. Ingledue beat the victim unconscious and stole his truck. The victim was unable to identify Mr. Ingledue, but the waitress to whom the victim spoke soon after the battery was able to identify Mr. Ingledue. At trial, Mr. Ingledue was convicted by the jury of Second Degree Robbery and Third Degree Grand Theft Motor Vehicle.

This case was significant for several reasons. First, the key witness, a waitress, initially could not be found because nearly three (3) years had elapsed since the crime and the trial and she had long since moved from Brevard County. The State Attorney's Investigator Ron Clark was able to locate her working in Connecticut as a waitress. Her testimony was key because of the "excited utterance" from the victim, which was admitted to show the identity of Mr. Ingledue. This was a major evidentiary ruling in this case. A second noteworthy evidentiary ruling was that the plea colloquy of the co-defendant was found to be admissible, based upon out-of-jurisdiction case law. In the plea, the female co-defendant acknowledged that Mr. Ingledue had beaten the victim and stolen his truck. Over twenty years later, I can still see the elderly victim's face because of the impact the crime had upon him and the defiance of Mr. Ingledue.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I have attached two writing samples. The first is a Motion for Summary Judgment in a complicated Promissory Note and Guaranty case, **Tab "5"**. The second is a proposed final judgment referenced in #30, above, *Gier v. Space Coast Industrial Flight Park, Inc.*, Brevard County Circuit Court Case No. 05-2002-CA-010378, **Tab "6"**.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

No

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
12/15-Present	Florida Commission on Ethics	Commissioner/Vice-Chair
Types of issues heard:	Probable cause hearings for violations of Chapter 112, Florida Statutes	

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

Linda Bond Edwards, Esq.
Rumberger, Kirk & Caldwell, P.A.
101 North Monroe Street, Suite 120
Tallahassee, Florida 32301
(850) 222-6550

Melody A. Hadley, Assistant Attorney General
Office of the Attorney General
400 S Monroe St # PL-01
Tallahassee, FL 32399-6536
(850) 414-3300

Mark Herron, Esq.
Messer Caparello, P.A.
P.O. Box 15579
Tallahassee, FL 32317
(850) 222-0720

Ronald G. Meyer, Esq.
Meyer, Brooks, Demma and Blohm, P.A.
131 North Gadsden Street
Tallahassee, Florida 32301
(850) 878-5212

Elizabeth A. Miller, Attorney
Office of the Attorney General
400 S Monroe St # PL-01
Tallahassee, FL 32399-6536
(850) 414-3702

Emmett Mitchell, IV, Esq.
Coates Law Firm, PL
115 E. Park Ave., Suite 1
Tallahassee, FL 32301-7701
(850) 681-1029

- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

During my tenure, I have reviewed and taken action upon approximately 510 matters, including probably cause hearings, ethics complaints and Advisory Opinions.

As a Commissioner with the Florida Commission on Ethics, the cases that come before me involve allegations of violations of the Code of Ethics for Public Officers and Employees, found in Chapter 112, Part III, of the Florida Statutes. My duties include reviewing the Complaint, the Report of Investigation, any rebuttal by individuals charged ("Respondents"), the Advocate's Recommendation and Rebuttal by Respondent. At the Commission meetings, held eight (8) times per year, the Commission holds private session hearings to determine if probable cause exists based upon the facts of the investigation. If probable cause is found, the case is generally sent to the Department of Administrative Hearings ("DOAH") for evidentiary hearing. The case will then come back to the Commission for adoption of the recommended order from the Administrative Law Judge ("ALJ"). Either by adoption of the recommended order or by joint stipulation, every case in which probable cause is found is resolved by Final Order of the Commission, usually with penalties recommended as provided by Chapter 112.

Additionally, the Commission is responsible for issuing Advisory Opinions regarding the Code of Ethics. During my tenure, I have heard and voted on approximately 50 Advisory Opinions.

- (iii) List citations of any opinions which have been published.

All Final Orders and Advisory Opinions are published on the Commission on Ethics' website.

List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

- (1) *In re: James L. Manfre*, Complaint No. 14-097, heard April 15, 2016. Attorneys involved were Elizabeth A. Miller, for the Advocate, and Linda Bond Edwards, for the Respondent.

This was a hearing to review the Recommended Order from the Division of Administrative Hearings ("DOAH"). The Commission on Ethics ("Commission") adopted the Recommended Order of the Administrative Law Judge ("ALJ") and

recommended that penalties be imposed. The ALJ had found that Flagler County Sheriff Manfre had violated Sec. 112.313(6), Fla. Stat., by using a credit card issued by the Flagler County Sheriff's Office for personal and improper charges. The ALJ also found that Sheriff Manfre had failed to timely report a gift of lodging valued at more than \$100. The Commission agreed with the ALJ's recommendation of a civil penalty of \$6,200 and public censure and reprimand, which the Commission proposed to the Governor.

I found this case to be significant because the findings of the ALJ varied from the probable cause determinations issued by the Commission in July 2015 (before I was a Commissioner). The Commission had found probable cause on three (3) allegations and forwarded the case to DOAH. However, the ALJ held that the evidence did not prove that Sheriff Manfre violated one of the three (3) allegations, that allegation being that Sheriff Manfre had violated Sec. 112.313(6), Fla. Stat., by using Flagler County Sheriff's Office (the "agency") vehicles for out-of-state personal transportation.

In preparation for the April 15, 2016 Commission Hearing, I reviewed testimony and exhibits from the DOAH Hearing, and struggled with the finding by the ALJ that Sheriff Manfre had not misused his official person to secure a special privilege for himself when he used agency vehicles for personal vacations. Despite Sheriff Manfre's claim that he believed there was no prohibition on the use of agency vehicles for personal trips, there existed two (2) policies that addressed the use of agency vehicles. But as the ALJ explained, the evidence did not prove clearly and convincingly that Sheriff Manfre's use of the agency vehicles was undertaken corruptly since one of the policies did not apply to him as Sheriff. Further, Sheriff Manfre's interpretation of the policies was not unreasonable and the evidence adduced simply was insufficient. This was a firm reminder that simply because an act may appear wrongful, the act may not be unlawful.

- (2) *In re: Milton West*, Complaint No. 16-032, heard July 29, 2016. Attorneys involved were Melody A. Hadley, for the Advocate, and Mark Herron, for the Respondent.

In this probable cause hearing, the Commission found probable cause that Milton West, an Ocoee Planning and Zoning Commissioner, had a conflicting contractual relationship between his private interests and the performance of his public duties that would impede the full and faithful discharge of his public duties. Mr. West allegedly violated Sec. 112.313(7)(a), Fla. Stat., because he sold his real property to a buyer, with a contractual provision that Mr. West would assist the buyer in securing buyer required approvals, including a rezoning. Because Mr. West participated extensively in the discussion of the rezoning of his property, even though he did not vote on the matter, Mr. West's contractual obligation with the buyer encroached on his public duties of independence and impartiality.

This matter was heard at DOAH in December 2016. The ALJ agreed that Mr. West had violated the above-referenced statute and recommended a \$10,000 civil penalty and a public censure and reprimand. The Commission agreed and issued its Final Order recommending the same penalties.

I found this case to be significant because Mr. West was found in violation of the law, even though he refrained from voting on the actual rezoning question. The Florida Code of Ethics, Chapter 112, clearly states that "public office not be used for private gain". The case law related to Chapter 112 is replete with the expression that public officials must avoid even "the appearance of impropriety". Also significant was the amount of the fine, which was the maximum allowed under Sec. 112.317(1), Fla. Stat.

- (3) *In re: Edward B. Braddy*, Complaint No. 15-238 & 16-005, heard December 9, 2016, Attorneys involved were Melody A. Hadley, the Advocate, and Emmett Mitchell, IV, for the Respondent.

In this probable cause hearing, the Commission reviewed six (6) violations of Chapter 112, Fla. Stat., allegedly committed by Mr. Braddy, the former Mayor of Gainesville. The Complaint charged that Mr. Braddy had accepted hotel accommodations, meals, drinks and other items of value from a paid representative of a police officers' union that was in labor negotiations with the City of Gainesville. The Advocate for the Commission recommended findings of no probable cause on five (5) of the six (6) allegations. However, the Commission disagreed with the Advocate and found probable cause on all six (6) allegations: that he accepted a prohibited gift valued at more than \$100 from a lobbyist; that he failed to disclose a reportable gift; that he solicited a gift from a lobbyist; that he accepted things of value that were given to influence a vote or other action; that he solicited or accepted the gifts based upon an understanding that his vote would be influenced; and that he used his position for the special benefit of a person or entity that gave him the gifts.

This case is significant because the facts were so egregious that the Commission could not accept Mr. Braddy's explanations that the lobbyist was his friend and that the acceptance of gifts from the lobbyist was a continuation of a pattern that existed before he was Mayor. The Commission did later accept a Joint Stipulation recommended by the Advocate at the April 21, 2017 Commission Meeting. Mr. Braddy and the Commission agreed that Mr. Braddy would pay a civil penalty of \$4,000, and would accept public censure and reprimand.

- (4) *In re: Clint Johnson*, Complaint No. 16-083, heard October 20, 2017. The only attorney involved was Melody A. Hadley, the Advocate, as Mr. Johnson was not represented. Mr. Johnson was the former Mayor of DeBary, and the complaint against him involved fourteen (14) allegations of violations of Chapter 112, Fla. Stat. All the allegations related to two activities of Mr. Johnson. One was soliciting for and undertaking a bicycle trip from Tallahassee to Key West to bring attention to statewide bike trails. The second activity involved a "State of the City" mailer that Mr. Johnson sent to constituents, with costs paid by advertisements sold by Mr. Johnson. The Commission found that probable cause existed as to only one allegation of the fourteen. The significance of this case is that the Commission determined that it would take no further action on the one allegation of probable cause – meaning the matter would not be sent to DOAH and penalties would not be sought – because the public would not be served by further action against Mr. Johnson.

- (5) *In re: Ricardo Fernandez*, Complaint No. 17-106, heard June 8, 2018. Attorneys involved were Elizabeth A. Miller, the Advocate, and Emmett Mitchell, IV, for the Respondent.

This probable cause hearing included twenty-four (24) allegations against Mr. Fernandez, the former City Manager of Tallahassee. Probable cause was found as to twenty-one (21) of the allegations, finding that sufficient evidence existed to believe that Mr. Fernandez misused his position to obtain a catering discount from a city vendor/lobbyist for his daughter's wedding and to obtain FSU skybox tickets for four football games. The discount and tickets were solicited, with knowledge that his official action would be influenced, and these "gifts" were not reported (if they were allowed at all).

This case is significant because the evidence was so tangible - there even exists a Florida Administrative Code Rule that defines the value of a skybox ticket, of which Mr. Fernandez should have been aware. Likewise, he should have been aware that a 36% discount on the cost of a wedding reception was inappropriate and could be viewed as a "breach of the public trust".

The case had been sent to DOAH, but Mr. Fernandez entered into a settlement agreement with the Commission's Advocate, which was approved by the Commission on March 8, 2019. Mr. Fernandez admitted the facts set forth in the Commission's Report of Investigation as to six (6) allegations, agreed to a fine of \$6,000.00, public censure and reprimand.

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

No

- (v) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No

- (vi) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

BUSINESS INVOLVEMENT:

- 33a. 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.

I am the President of Kimberly Bonder Rezanka, P.A., which manages the income I receive from the practice of law. The corporation will be dissolved if I am appointed to judicial office.

- 33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

No

- 33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

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.

There are no types of cases, groups of entities, or extended relationships or associations which would limit the cases for which I could sit as the presiding judge.

MISCELLANEOUS:

35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

Yes, in Brevard County Circuit Court Case No. 05-2008-CA-025920, *Nannie Lee's Strawberry Mansion v. Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.*

Suit was filed on May 5, 2008, on behalf of Plaintiffs by former attorney, Todd C. Deratany. The essence of the lawsuit was that Dean Mead and its attorneys failed to properly advise the Plaintiffs regarding a Purchase and Sale Agreement (the "Contract"), through which Plaintiffs were to sell their properties to a developer. The developer cancelled the Contract in late 2006. Plaintiffs retained nearly \$400,000 in deposits paid by the developer, as provided for in the Contract. Plaintiffs did not wish to return the funds to sue for specific performance of the Contract. Instead, Plaintiffs sued their lawyers. The case was settled and was dismissed on January 19, 2012.

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

Yes, as described in 36a. above.

- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

Yes, Dean Mead's insurance carrier settled *Nannie Lee's Strawberry Mansion v. Dean Mead*. The amount paid to settle the claim is confidential pursuant to the Settlement Agreement.

- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No

- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Van Dyke v. Needleman, United States District Court (Case No. 6: 12-CV-1918-CEH-36DAB). I, Dean Mead and eleven (11) others were sued by Mr. Van Dyke for deprivation of private property rights. Suit was filed by Mr. Van Dyke, pro se, on December 27, 2012. The federal lawsuit stemmed from a Circuit Court case in which the trial judge held that Mr. Van Dyke had fraudulently obtained real property, then defrauded a mortgagee, PNC Bank, N.A., to obtain a loan on what later became his homestead. The trial court ruled that an equitable lien encumbered the homestead and ordered that the homestead be sold at judicial sale. Mr. Van Dyke filed a lawsuit in the U.S. District Court against me, Dean Mead, all other lawyers involved in the trial court case, the judges involved in the trial court case, the Brevard County Clerk of Court and the Brevard County Tax Collector. The case was dismissed by the court on April 30, 2013.

Estate of Janet Bonder Lovelace, Brevard County Circuit Court Case No. 05-2015-CA-014913 and *Estate of Janet Bonder Lovelace v. Mendolla*, Brevard County Circuit Court Case No. 05-2016-CA-016848. As Personal Representative of my Mother's Estate, I was named as Plaintiff in these medical malpractice lawsuits. My Mother died on May 12, 2013, as the result of the negligence of many parties during heart surgery to repair a heart valve. The cases against all Defendants were settled.

39. 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, give the particulars.

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. 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

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

No

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

As President of the Brevard County Bar Association, I wrote a monthly column regarding issues facing lawyers and recognized lawyers and judges for the activities and professionalism. Two examples of these articles are in **Tab "7"**.

45. List any honors, prizes or awards you have received. Give dates.

Vassar B. Carlton American Inn of Court, Team Mentor Service Award, 2016

Attended Community Leaders' Dinner, Governor's Mansion, Tallahassee, March 30, 2016

American Inns of Court 2015 National Program Award, Third Place, "Evidence: Chain of Custody", Co-Chairman of Winning Team

Space Coast Business Magazine's 2014 "Top Women in Business", February 2014; see **Tab "8"**

Martindale Hubbell: AV Preeminent Rating, 2012 - Present

Junior League of South Brevard - Sustainer of the Year, 2009 - 2010

Junior League of South Brevard - Business Partner Award, 2006 - 2007

Brevard County Bar Association - President's Award for Outstanding Service, 1999

Brevard County Bar Association - Outstanding Young Lawyer, 1995

46. List and describe any speeches or lectures you have given.

Lead Brevard, "Law and Order Day", Facilitator, 2018 and 2019

Brevard County Update: Airways, Waterways & Parkways, Moderator, 2016; see **Tab "8"**

Fiduciary Duties of Directors, Homebuilders & Contractors Association of Brevard, Inc., 2014

Getting Ahead of Change: Space Coast Economy Leaps Ahead, Moderator, 2013; see **Tab "8"**

Lead Brevard Community Stakeholders Summit, 2015 Program Panelist

Identity Theft, Brevard County Paralegal Association, 2003

Contracts, Creditors & Con-Men, Brevard County Public Library Series, 2002

Practicing with Professionalism, Florida Bar CLE Speaker, 1995-1996

As President and President-Elect of the Brevard County Bar Association, I spoke at the Investitures of seven (7) Judges in the 18th Judicial Circuit. I also gave numerous speeches and presentations before members the Brevard County Bar Association.

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? _____ No

AV Preeminent

PROFESSIONAL AND OTHER ACTIVITIES:

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

The Florida Bar

- Board of Governors, Young Lawyers Division, 1993-1999, 18th Judicial Circuit Representative; created the Statewide Emergency Legal Services Response Plan in Fall of 1998; see **Tab "8"**
- 18th Judicial Circuit Unlicensed Practice of Law Committee, 1999-2002
- Member Benefits Committee, 1998-1999
- Annual Meeting Committee, 1997-1998
- 18th Judicial Circuit Pro Bono Committee, 1994-1997

Brevard County Bar Association

- Board of Directors, 2002-2007 and 1995-1999
- President, 2006-2007
- Treasurer, 2004-2005
- Secretary, 2003-2004
- Lawyer Referral Service Chair, 1997-1998
- Law Week Chair, 1997-1998, 1995-1996
- CLE Chair, 1996-1997
- Membership Chair, 1994-1995
- Young Lawyers Division, Founder, President, 1994-1995
- Member, 1992-Present

Brevard County Bar Foundation

- Charter Member
- Board of Directors 2007-2010
- Foundation Life Member, 2007

The Florida Bar Foundation, Fellow, 2007-Present

Vassar B. Carlton American Inn of Court

- Master, 2014-2017; Team Captain, 2014-2015
- Barrister, 2006-2008; Team Captain, 2007-2008
- Associate, 1994-1996

University of Florida Law Alumni Council, Member, 2011-Present

Brevard County Association for Women Lawyers, Member, current and various years

ALFA International Women's Initiative Practice Group, 2008-201

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Friends of the Children's Advocacy Center of Brevard, Board of Directors, 2015-Present

- Vice-President, elected December 2017 and 2018

LEAD Brevard, Board of Directors, 2013-Present and 2002-2006

- Leadership Essentials, Co-Chair, 2015-Present
- Alumni Co-chair, 2014-Present
- 30th Anniversary Task Force, 2014-2015
- Graduate of the 2001-2002 Leadership Brevard Program

Home Builders & Contractors Association of Brevard

- Executive Committee and Board of Directors, 2007-Present

Brevard County Civilian/Military Council, Member, 2014-Present

League of Extraordinary Women, WeVenture, Florida Institute of Technology, Member, 2015-2016

Economic Development Commission of Florida's Space Coast

- Board of Directors, 2003-2008
- Executive Committee, 2003-2008

Rotary Club of Indialatic, Member, 2001 – 2003

Brevard County Gator Club, President, 1993-1995, Vice-President 1993

48c. List your hobbies or other vocational interests.

I enjoy reading, listening to audio books, bicycling, boating, traveling and spending time with my family, including extended family and in-laws. My husband Paul, children, Dylan and Nicole, and I enjoy family game time together and family vacations.

48d. Do you now or have you ever belonged to any 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, national origin or sex? If so, detail 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.

For several years when my daughter was in elementary school, I was a member of and a Troup Leader for a local Girl Scout Troup, which restricted membership based upon gender. Girl Scouts is an international organization that provides opportunities for leadership, friendships and community contributions.

I have not been a member since 2014 and do not plan to renew my membership now or if selected to serve on the bench.

48e. Describe any pro bono legal work you have done. Give dates.

Children's Services Council of Brevard, Legal Counsel, February 2018-Present

St. Stephen's Way, affordable housing project, pro bono legal services, May 2018-January 2019

City of Melbourne Attorney Search Screening Committee, 2014

Home Builders & Contractors Association of Brevard, Legal Counsel, 2007-Present

Daily Bread, Inc. Soup Kitchen, pro bono legal services, 2009-2012

Junior League of South Brevard, Legal Counsel, 2006-2010

Economic Development Commission of Florida's Space Coast, Legal Counsel, 2003-2008

Florida Bar Young Lawyers Division Disaster Response services, 1998-2002, including legal aid stations and "hot line" phone calls

Additionally, I have accepted several pro bono cases from Brevard County Legal Aid when asked. These cases have involved civil matters in which the legal aid recipient had property or mortgage issues.

SUPPLEMENTAL INFORMATION:

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

Up Your Game: Tips on Lawyer Professionalism

Guardianship

The Ethics of Intimate Violence Advocacy

Sunshine Law and Public Records

Land Use 2018

Civility Matters

2017 Survey of Florida Law, included Probate Case Law Update, Recent Developments in Business Litigation, Family Law Update, Tax Liens and Tax Titles, Advanced Topics in Guardianship, Technology and Social Media, and E-Discovery

Trial Evidence and Objections

Applying the Rules of Evidence

Burdens of Proof

Contract Law in the Digital Age

Marketable Record Title Act ("MRTA")

Economic Loss Rule

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

While I have not taught any courses on law or lectured at the stated functions (except Practicing with Professionalism), I have been a Justice Teaching Volunteer since 2007, teaching eighth grade students about the Bill of Rights.

Additionally, I have spoken to local community leaders and local media about legal issues in Brevard County and specific cases in which I have been involved. One of these teaching opportunities was at the Community Stakeholders Summit facilitated by LEAD Brevard, the County's best known leadership training and civic involvement organization. In October of 2015, LEAD Brevard selected me to be on its community panel to discuss my legal issues and perspective on same. The Program is attached to this Application. See **Tab "8"**.

The second teaching opportunity was when I was asked by the Florida Today Public Interest Editor, Matt Reed, to be his guest on his weekly television broadcast. For thirty minutes, Mr. Reed interviewed me as to several of my eclectic and high-profile cases. From that interview, he published the article, "One lawyer, many local controversies". A copy of that article is attached to this Application. See **Tab "8"**.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

First, my extensive experience in land use and zoning law will be valuable to the Circuit Court. It is a confusing and often contradictory area of the law. Most do not recognize that the highest and best use of land is not inconsistent with reasonable regulation. Having obtained land entitlements, or defeated land entitlements, for many clients, I can be a resource for other judges in these matters so the body of law will move toward clarity and consistency.

Second, I have other legal experiences that I believe will prove useful in holding judicial office. These experiences are my service as Commissioner on the Florida Commission on Ethics, my appellate practice, and serving as an expert in attorneys' fees hearings.

As a Commissioner on the Commission on Ethics, in addition to the quasi-judicial responsibilities of probable cause hearings, I deliberate on and approve Advisory Opinions. These Advisory Opinions involve various issues, including voting conflicts, perceived private gain and doing business with one's public entity as a sole source provider. Importantly, because of the lengthy agendas for each meeting, I respect the need to move matters along timely, while still treating every party and attorney fairly.

In my appellate practice, I have represented both appellants/petitioners and appellees/respondents in both civil and criminal cases. In civil matters, my appeals include over twenty (20) petitions or appeals to the Circuit Court and twenty-six (26) appeals of all kinds to the Fifth District Court of Appeal. When I was a Misdemeanor Prosecutor, responsibility fell to me to brief and argue any appeals that resulted from misdemeanor cases I had tried. These cases were heard before the 18th Judicial Circuit Court acting in its appellate capacity. Because of preparing for, briefing and arguing appeals, I appreciate the importance of prompt and correct factual determinations and evidentiary rulings.

Regarding my testimony as an expert at hearings for attorneys' fees, I have been held as an expert in fees by two Judges in Brevard County on behalf of prevailing Plaintiffs. I have also executed numerous affidavits for attorneys as to attorneys's fees, without being called to testify in those matters. Because of my billing knowledge and practices for over twenty (20) years, I understand the necessity of accurate and fair billing and of what the law allows to be charged against the non-prevailing litigant. Understanding attorneys' fees and cost issues in civil litigation cases will be necessary as a Circuit Court Judge, and I have that understanding.

Third, serving as President of the Brevard County Bar Association from July 2006 to July 2007 provided me the opportunity to interact with nearly all the attorneys in Brevard County and with most of the Judges in Brevard and Seminole County. My theme as President was "professionalism and civility in the practice of law". I researched professionalism, wrote articles related to professionalism and created opportunities for attorneys to show and be recognized for their professionalism. My commitment to professionalism will be my guidepost if selected for judicial office.

51. Explain the particular potential contribution you believe your selection would bring to this position.

Being a judge requires proper judicial temperment, substantial legal knowledge and experience, a strong work ethic, the ability to work with people and an appreciation of the impact of the law on its participants. I have all these attributes and abilities. During my legal career, I have exhibited courtesy, civility and wisdom. These abilities and traits are apparent in my work, my service to the legal profession and service to the community. Letters from clients, co-employees, public officials and even a random observer included in this application support my qualities. See **Tab "10"**.

I believe in justice and in the rule of law. As a Prosecutor, I was tough, determined and responsible to the citizens of Brevard County. The unspoken victim of a crime is society, and that victim knows no race, gender or class. The judicial system is complex and sometimes frightening, and all enmeshed in it must be treated with fairness, compassion and respect. The child witness in a criminal case, the victim in a vicious beating, the lawyer with a difficult client, the pro se litigant that only wants to be out of the courtroom - all of whom I have interacted with - have all been treated with kindness and respect by me.

Similarly, as a volunteer for legal organizations, professional societies, charitable organizations and school events, I have been professional, courteous and compassionate. I hardly ever say "no" when asked to assist a worthy cause, such as the Children's Advocacy Center of Brevard. I will bring this demeanor to the bench.

I will also bring my litigation experience, my commitment to hard work, and my capacity to work with and to value my fellow citizens, to the Circuit Court. Socrates described the essential qualities of a good judge: "Four things belong to a judge: to hear courteously; to answer wisely; to consider soberly; and to decide impartially." These are the essential qualities I will demonstrate as a Circuit Court Judge.

My desire is to serve the community by administering justice decisively, efficiently and fairly.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

I have only submitted one application previously and it was to the Eighteenth Circuit Judicial Nominating Committee on September 14, 2018. It is attached at **Tab "4"**.

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

This process required lengthy reflection on my legal career, an examination of past successes and failures and contemplation of characteristics I believe are necessary to a Circuit Court Judge to possess.

First, legal courage is a necessity. If selected, I will do what the law requires. I can make difficult decisions to say what the law is, not what it could be or might be or should be. I will communicate that decision in a clear and concise manner.

Second, treating others courteously is essential. In trials, witnesses expect to be cross-examined and are prepared to be questioned. However, in land use hearings, objecting neighbors exercising their rights to speak are not expecting to be questioned by an attorney at a public hearing. In land use hearings, I have cross-examined hundreds of citizens that oppose my clients' development projects. Because I am aware that most are nervous and unfamiliar with the process, I am sensitive to the citizen's possible discomfort. At all times, my goal is to address individuals considerately.

Third, civic and professional responsibility have always been a part of my life and are important to me. I have helped many people and organizations and seen positive changes in the community through my public service. Helping the Daily Bread soup kitchen expand to serve more families was personally fulfilling. The City of Melbourne refused to allow Daily Bread to build on an adjacent lot; the Circuit Court and the Fifth District Court of Appeal disageded with the City and the Daily Bread was allowed to expand.

Likewise, assisting a legal aid client, Sheila, was gratifying. Sheila had executed a second mortgage to her real estate broker under duress, for a house that had many undisclosed defects. Through demand letters and negotiations, the second mortgage was renegotiated. Through contacts in the community, I arranged a plumber to fix her broken pipe and sink and a contractor to repair her flooring – all at no cost to Sheila.

Finally, and most importantly, my motivation in life is my family. My husband Paul and children, Dylan and Nicole, are why I believe a fair and just society is so necessary. Family is a gift to be appreciated and treasured.

REFERENCES:

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

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(321) 638-2000

CERTIFICATE

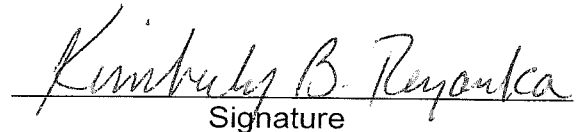
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any 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(I), 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 4th day of April, 2019.

Kimberly Bonder Rezanka

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.