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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

April 5, 2007

Mr. Earnest Stanberry, Jr.
8719 Orange Avenue
Pensacola, FL 32534

Dear Mr. Stanberry:

This office has received several complaints alleging possible violation of the Government in the Sunshine Law by County Commissioner Mike Whitehead and members of the county staff. In response to these complaints, we have conducted an inquiry to determine if further investigation is appropriate and if there is any evidence to believe that a criminal violation has occurred. As a result of this inquiry, we have determined that there is insufficient evidence to establish that a crime has occurred. For this reason, no further action will be taken in this matter.

In conducting this inquiry, each of the complainants were interviewed as well as all five members of the County Commission. Numerous other individuals were also interviewed including the County Administrator, County Attorney and other county staff. Everyone contacted cooperated fully in this inquiry.

This complaint arose out of a desire by Commissioner Whitehead to redistrict the voting boundaries of the various county commissioners. This is a process that is allowed under Florida law and may take place in odd numbered years. Mr. Whitehead began looking into this matter during the summer of 2006 and continued until February 2007. During this time, Mr. Whitehead discussed this matter with George Touart and other county officials.

In late January and early February Mr. Touart, and later Charlie Gonzalez, contacted the various commissioners regarding possible redistricting. With the exception of Mr. Whitehead, none of the commissioners had any interest in redistricting. No action was ever taken on the redistricting issue.

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As a result of our inquiry, we have determined that there is no evidence that Mike Whitehead ever had any direct contact with another commissioner on the issue of redistricting. The process used by George Touart and Charlie Gonzalez was designed to comply with the Sunshine Law and was done in a manner previously described by the County Attorney as allowed under Florida law. In addition, we do not find that there was any interaction between the various commissioners, either directly or by the use of a conduit, that would constitute a criminal violation.

For these reasons, no further action will be taken in this matter.

Sincerely,



Gregory A. Marcille
Assistant State Attorney

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