

WILLIAM "BILL" EDDINS
STATE ATTORNEY



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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

August 12, 2009

Gregory D. Smith
Attorney at Law
201 S. Baylen Street, Ste. A
Pensacola, FL 32502

RE: Gene Valentino

Dear Greg:

This office has completed its review into your complaint alleging that Commissioner Gene Valentino violated the Florida Public Records Law. Based upon our review, we have determined that sufficient facts exist to believe that a violation has occurred and as a result we have charged Commissioner Valentino with a noncriminal violation of the Florida Public Records Law.

As part of our review, we have examined Commissioner Valentino's personal computer and located additional emails that may have been covered by your request. We have forwarded these emails to County Attorney Alison Rogers and asked her to review these emails and provide you with any that meet your request.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "GAM", with a long horizontal stroke extending to the right.

Gregory A. Marcille
Chief Assistant State Attorney

GAM/klm
Enclosures

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August 12, 2009

Ms. Alison Rogers, County Attorney
County Governmental Complex
221 Palafox Place
Room 100
Pensacola, Florida 32502

Dear Alison:

As you are aware, this office has received a complaint from Greg Smith alleging that Commissioner Gene Valentino has failed to properly respond to a public records request. As part of our review, we have examined Mr. Valentino's personal computer to determine if public emails were stored on that computer. During the course of that review, we have discovered approximately forty (40) emails which we believe may fall under Mr. Smith's request. These emails, either in whole or in part, were not provided to Mr. Smith.

We are providing a copy of these emails to you for your review. Please review these emails and provide Mr. Smith with a copy of any email that you believe should be provided to him pursuant to his previous request.

If you have any questions regarding this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G Marcille".

Gregory A. Marcille
Chief Assistant State Attorney

GAM/klm

Enclosures

cc: Greg Smith (w/o encl.)
Gene Valentino (w/o encl.)

Case Number _____ Arrest Date _____ Agency Report # _____

RACE: W SEX: M DOB: UNKNOWN SS#: UNKNOWN

1) **VIOLATION OF PUBLIC RECORDS LAW**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA
IN THE COUNTY COURT OF ESCAMBIA COUNTY, FLORIDA

STATE OF FLORIDA

vs.

GENE M. VALENTINO

WILLIAM EDDINS, State Attorney for the First Circuit of Florida, prosecuting for the STATE OF FLORIDA, charges that **GENE M. VALENTINO, on, during, or between March 25, 2009 and June 10, 2009**, at and in Escambia County, Florida, being the public officer having custody of certain public records belonging to the Board of County Commissioners of Escambia County, Florida, and/or records belonging to Commissioner Gene M. Valentino, and/or records belonging to District II of the Escambia County Commission, did unlawfully fail to completely or within a reasonable period of time, respond to a request to inspect or copy certain public records which were in his custody or control in violation of Section 119.07(1)(a), Florida Statutes. Said violation being a noncriminal infraction pursuant to Section 119.10(1), Florida Statutes.

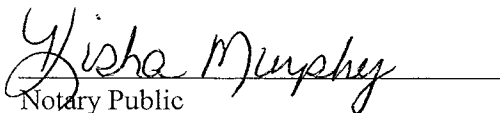
STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before me personally appeared the undersigned State Attorney for the First Judicial Circuit of Florida, being personally known to me, and who first being duly sworn, says that the allegations set forth in the foregoing information are based on facts that have been sworn as true, and which if true, would constitute the offense there charged, that the Office of the State Attorney has received testimony under oath from a material witness or witnesses for the offense and that this prosecution is instituted in good faith.



William Eddins
State Attorney for the First Judicial Circuit

Sworn to and subscribed before me this 12th day of August, 2009.



Notary Public

