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CITY OF VENICE AGREES TO SETTLE SUNSHINE CASE

Public's Right to Know Vindicated

FOR IMMEDIATE RELEASE

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SARASOTA, FL – On the eve of Sunshine Week celebrations across the nation, and after nine months of contentious litigation, the City of Venice voted today to accept a settlement agreement in a precedent-setting open government case. In the summer of 2008, activist Anthony Lorenzo and Citizens for Sunshine brought a lawsuit centering upon the deletion of e-mails and the alleged use by elected officials of liaisons, in-person meetings, and private e-mail accounts to circumvent Florida's Government-in-the-Sunshine Law. Early in the litigation the trial judge took the unusual step of ordering a forensic examination of the home computers of the Mayor, Vice-Mayor and a Councilmember after plaintiffs' attorneys presented evidence of widespread violations of the Public Records Law. The lawsuit later survived repeated attempts by the defendants to have the claims dismissed prior to trial, which had been scheduled to begin on February 23 before being postponed due to the proposed settlement.

Under the settlement agreement, the City admits to violations of both the Sunshine and the Public Records laws and accepts the imposition of broad remedial requirements to ensure the preservation of public records and uphold the constitutional requirement that public business be conducted in the Sunshine. The settlement also requires the City to pay substantial attorneys fees, as mandated by the Public Records and Sunshine Laws.

Barbara Peterson, President of the First Amendment Foundation in Tallahassee, praised the results of the litigation. "First and foremost, the case highlights the importance of open government and will,

hopefully, encourage citizens to take a more active role in overseeing their government – that their oversight and vigilance can make a significant difference. And it makes it quite clear to government agencies and employees that they can't somehow evade or avoid Florida's open government laws by using personal computers and personal e-mail accounts to conduct the public's business."

Despite a vigorous defense mounted by a dozen attorneys for the City and its elected officials, Citizens for Sunshine prevailed on behalf of the public's right to know. As a result, a cloud has been lifted over the City of Venice and the fight for government accountability and transparency has been vindicated. The settlement agreement reached in this historic case will serve the citizens of Venice in exercising their rights by ensuring the City's compliance with both the spirit and the letter of the Sunshine and Public Records Laws. The agreement provides for specific and substantive measures that will protect the constitutional right to openness in conducting the public's business, including a mandatory annual training program for elected and appointed officials and a ban on the use by such officials of private email accounts to conduct City business.

The Plaintiffs were initially represented by Andrea Flynn Mogensen of Sarasota, who was later joined by First Amendment attorney Matthew Leish and his associate Amy Carstensen of Carlton Fields, PA in Tampa. "I would like to thank my attorneys for their dedication in the face of significant adversity. Andrea Flynn Mogensen worked tirelessly and sacrificed much of her solo law practice over the past 9 months to prevail in this case. Also, we could not have reached this result without the intervention of Matt Leish and Amy Carstensen from Carlton Fields. Their expertise and resources proved instrumental at a critical time during the litigation. Finally, I want to thank Michael Barfield for his keen insights and dogged determination at every stage of this case. Each of them worked as a team to set the standard in this precedent-setting case," said Anthony Lorenzo, President of Citizens for Sunshine, Inc.

Florida's Public Records and Sunshine Laws have come to be regarded as national models for governmental access and citizen participation. This year, Florida will celebrate exactly 100 years of its Public Records Law. Today, citizens can be assured that those laws remain strong tools that allow them to discover what their government is doing.

Read the complaint filed in the Circuit Court of the 12th Judicial Circuit at http://www.sarasotacriminallawyer.com/files/Fourth_Amended_Complaint.pdf

Read the settlement agreement at http://www.sarasotacriminallawyer.com/files/Settlement_Stipulation.pdf

About Citizens for Sunshine

Citizens for Sunshine, Inc., is a not-for-profit which promotes awareness of and compliance with the Florida Public Records and Government-in-the-Sunshine Law. Anthony Lorenzo is the President of Citizens for Sunshine, Inc.