

Mayor rejects recusal request

Three attorneys believe Mayor Bill Shearon should recuse himself from matters pertaining to Sunshine lawsuit.

BY JOE HENDRICKS

SUN CORRESPONDENT | jhendricks@amisun.com

BRADENTON BEACH – Despite the advice of two attorneys, Mayor Bill Shearon refused to recuse himself from a shade meeting pertaining to a Sunshine Law lawsuit in which his significant other, Tjet Martin, is a defendant.

The shade meeting took place Wednesday, Sept. 6, in the basement conference room inside the police department headquarters. Shade meetings provide City Commissioners and their legal representatives an opportunity to discuss legal strategies outside of a public meeting, but shade meetings are opened in public setting before the session exempt from Florida Sunshine law begins.

Usually the opening segment is a quick and uneventful formality, but that was not the case last week.

The lawsuit initiated by the city and former mayor and city commissioner Jack Clarke alleges Concerned Neighbors of Bradenton Beach (CNOBB) members Reed Mapes, Tjet Martin, John Metz, Patty Shay, Bill Vincent and his wife Rose Vincent violated the Sunshine Law when they discussed potential city board and committee business while serving as Planning and Zoning Board members or Scenic Waves Committee members.

Sarasota Attorney Robert Watrous is representing the city, with assistance provided by City Attorney Ricinda Perry and paralegal and Sunshine Law expert Michael Barfield.

During the shade meeting's public opening, Watrous said he was uncomfortable discussing the city's legal strategies with Shearon present because of his relationship with Martin.

Watrous said he was also concerned about Shearon casting a vote in any case-related decision making that occurred that day, but he said it was up to the commission members, not him, to decide if Shearon participated.

"I have serious concerns about you participating. That's troublesome, to put it mildly," Watrous told Shearon.

When detailing his concerns, Watrous referenced a June 10 email



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Attorney Robert Watrous, left, asks Mayor Bill Shearon, right, to recuse himself from the Shade meeting.

in which Bill Vincent mentioned a telephone conversation he had with Shearon about recruiting Mapes to join CNOBB. Watrous said this amounted to Shearon serving as a "founding force" of CNOBB, even though he's not a member and has not attended any of the group's meeting.

He also suggested CNOBB was acting as a "shadow government."

Watrous and Perry reminded Shearon that he took an oath to protect the city's best interests and they pleaded, to no avail, for him to do the right thing and recuse himself.

Shearon said he would not recuse himself because it was his duty as mayor to participate in the shade meeting.

"It's not acceptable to me," he said.

Shearon said he and all the other commissioners are bound to the same vow of secrecy when it comes to sharing matters discussed in a shade meeting.

"All of us are in the same boat," Shearon said.

Shearon said he had no financial gain or loss at stake in the court case

despite Martin and the other defendants facing the possibility of having to reimburse the city and/or Clarke for the legal fees they incur.

It was also noted that because Shearon is legally blind, Martin assists him in reading his city related e-mails.

"That fact that you would have a defendant in a lawsuit read your e-mail didn't occur to you," Watrous said to Shearon.

Watrous and Perry referenced a memo containing a legal opinion offered by attorney Morgan Bentley. Bentley, who has twice chaired the Florida Commission on Ethics. Bentley also believes Shearon should recuse himself from any shade meetings and decision making pertaining to this case. Watrous told Shearon that refusing to recuse himself could expose him to an ethics charge.

Shearon said he would not recuse himself without speaking to his own attorney first, and after further debate the commission went into their private session that lasted approximately two hours.

I have serious concerns about you participating. That's troublesome, to put it mildly."

Robert Watrous
Attorney

When the meeting was reopened to the public, it was agreed that future case-related e-mails and documents would be printed and hand delivered to Shearon by Police Chief Sam Speciale so Shearon can read the documents on his own using a visual aid.

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