

To: thudson@gbmmlaw.com
From:
Subject: Article about All for Transportation's petition drive
Cc: FarrisM@HillsboroughCounty.ORG
Bcc:
Attached:

Mr. Hudson (copy Ms. Farris),

You didn't respond to my e-mail last Friday, so I'll just go ahead and send you the questions for All for Transportation (AFT) for our article. I have copied Mary Helen Farris, General Counsel for Hillsborough County on this e-mail, so that she is also aware of the legal issues raised below.

Please provide you answers along with comments for publication (if any) no later than 5 P.M. on Friday July 6th.

Our best articles are the ones where all viewpoints are heard. I think and hope that e.g. Ed Turanchik will tell you that our [coverage of the Cross Bay Ferry](#) was fair. Other such examples of fair coverage may be provided upon request. So we hope you will answer our few questions below.

1/ There may be legal problems with the petition, problems that AFT has yet to address (as listed below).

My question is: did AFT obtain a legal opinion on [its petition](#) before it started gathering signatures? If yes, please provide a copy of that opinion.

Here are the potential legal issues with your petition (there may be others):

i/ Your charter amendment violates [FS 212.055\(1\)\(d\)](#), which states that "*proceeds from the surtax shall be applied in....whatever combination the county commission deems appropriate.*" In other words, your petition's specification of what the funds are to be used for is unlawful because the charter cannot constrain the county commission in this fashion.

ii/ AFT's ballot summary calls for a "one-cent sales surtax levied for 30 years." However, FS 212.055(1)(b) authorizes a rate "up to 1 percent." In other words, a levy of a one cent tax is simply not authorized by the statute.

iii/ Failure to comply with [Hillsborough County Charter sec. 8.05](#), which requires a financial impact statement after the "ballot question."

2/ Who wrote the ballot language?

3/ It seems that Kevin Thurman is heavily involved in the AFT effort. Mr. Thurman was the executive director of the now dissolved Connect Tampa Bay, which [failed to file required IRS tax returns](#) for all three years of its existence.

Given Mr. Thurman's documented past failure to comply with clear legal requirements, and his involvement in this effort, is AFT at all concerned how it will look if this petition is voided by a court of law?

4/ Has anyone at SPP told you that passage of this referendum will help the Water Street project? If yes, who was that person, and how did they say it would help.

5/ [AFT's website](#) says it's "a community led effort," which is not the same as a volunteer effort. It has been reported that AFT will be using paid signature gatherers (Revolution Strategies.)

Therefore, I ask: are you (Tyler Hudson), or anybody acting as an agent on behalf of yourself or a family member, receiving compensation for this petition effort? If yes, please provide details.

6/ FS 212.055(1) authorizes a rate of "up to 1 percent." Setting aside the cent vs. percent issue above and assuming you meant "one percent", by what calculation did AFT conclude that the rate needed to be the maximum?

Thanks.

Regards,