

IN THE SUPREME COURT OF FLORIDA

GREGG LERMAN,

Petitioner,

v.

Case No. SC16-783

RICK SCOTT, as Governor of the State
of Florida and **KEN DETZNER**, as
Secretary of State of the State of Florida,

Respondents.

**MOTION OF THOMAS R. BAKER FOR LEAVE
TO INTERVENE AS PETITIONER**

THOMAS R. BAKER (hereinafter “Intervenor”) moves the Court for leave to intervene as a Petitioner in this action, with the right to litigate all matters arising therein. In support of this motion, Intervenor states as follows:

Facts Supporting Intervention

1. The instant proceeding is an original proceeding instituted in this Court. The outcome of the proceeding will determine the right of both the Petitioner and the Intervenor to seek election to the Palm Beach County Court seat being vacated by the Honorable Laura S. Johnson as opposed to the seat being filled through the appointment process.

2. As acknowledged in the original Petition filed herein (page 7 of Petition), the Intervenor timely fulfilled each of the steps required by Section

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99.061, Florida Statutes, to qualify as a candidate for election to the County Court seat. (See Appendix hereto).

3. The decision of this Court in the above-referenced proceeding will directly and immediately impact the interests of the Intervenor by determining his ability to seek election to the Palm Beach County Court. The Intervenor's interest in the outcome of these proceedings is the same as the interest of the Petitioner. The Intervenor adopts the arguments set forth in the Petition filed herein.

4. Counsel for the Petitioner has advised undersigned counsel that the Petitioner does not oppose the requested intervention. The Respondent Governor Scott's counsel advises that the Governor takes no position on the Motion for Leave to Intervene. However, the Governor requests that if intervention is permitted that such relief not extend the existing briefing deadlines or in any way delay the expeditious resolution of this matter. Counsel for the Secretary of State on behalf of the Secretary contends that he is not properly a party in this original proceeding. Nonetheless, he takes no position regarding the motion to intervene. If the Court does permit Mr. Baker to intervene, the Secretary requests that the intervention not extend the existing briefing deadlines or otherwise delay the expeditious disposition of this case.

Standards for Granting the Motion to Intervene

5. The right to intervene should be liberally construed. As this Court has previously stated:

It has generally been held that the interest which will entitle a person to intervene under this provision must be in the matter in litigation, and of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment. In other words, the interest must be that created by a claim to the demand in the suit or some part thereof, or a claim to, or lien upon the property or some part thereof, which is the subject matter of the litigation.

Miracle House Corporation v. Haige, 96 So. 2d 417, 418 (Fla. 1957) (citations and internal quotes omitted). The Intervenor's interest is exactly of the type addressed; the Intervenor's rights will be adjudicated in the instant proceeding.

6. Although intervention at the Supreme Court level of proceedings is sometimes disfavored, that is not the case when, as in the instant proceeding, the matter before the Court is brought as an original proceeding. It has long been held, as noted in the early case of *Orlando Transit Co. v. Florida R.R. & Public Utilities Com'n*, 160 Fla. 795, 810 (Fla. 1948), that intervention in an original proceeding is permissible:

This court has repeatedly held that no intervention will be allowed here. It is conceivable that an exception to this rule might arise in a proceeding originally instituted in this court, because the one seeking to be heard would not have theretofore had that opportunity. *Id* (underlining added for emphasis).

7. The Intervenor clearly would have the right to file a separate petition and then move to consolidate such action with the above-styled matter. *Tallahassee Democrat, Inc. v. O'Grady*, 421 So. 2d 58 (Fla. 1st DCA 1982). However, in the interest of judicial economy, since the legal issues and facts presented by the Intervenor are essentially identical to those presented in the Petition, the Court should grant the requested intervention.

Prayer

WHEREFORE, Intervenor, Thomas R. Baker, respectfully asks this Court to enter an order granting this motion for leave to intervene as a Petitioner in this action with the right to litigate all matters arising therein.

Respectfully submitted on this 18th day of May, 2016.

/s/
Ronald G. Meyer, Esquire
Florida Bar Number: 0148248
Email: RMeyer@meyerbrookslaw.com
Meyer, Brooks, Demma and Blohm, PA
Post Office Box 1547
Tallahassee, Florida 32302
Telephone: (850) 878-5212
Facsimile: (850) 656-6750

ATTORNEY FOR INTERVENOR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy has been provided to the following by electronic mail on this 18th day of May, 2016:

Leonard Feuer, Esquire
lfeuer@feuerlawfirm.com
1601 Forum Place, Suite 610
West Palm Beach, Florida 33401
Telephone: (561) 659-1360

Adam S. Tanenbaum, Esquire
General Counsel
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Florida Department of State
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Jason Gonzalez, Esquire
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DNordby@shutts.com
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215 South Monroe Street, Suite 804
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William Spicola, Esquire
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Ben Gibson, Esquire
Ben.Gibson@eog.myflorida.com
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001
Telephone: (850) 717-9418

/s/
RONALD G. MEYER

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion complies with the font requirements of Rule 9.210(a)(2), Florida Rules of Appellate Procedure.

/s/
RONALD G. MEYER

APPENDIX OF INTERVENOR

JUDICIAL OFFICE
CANDIDATE OATH

SUPERVISOR OF ELECTION:

2016 MAY OFFICE USE ONLY

OATH OF CANDIDATE (Section 105.031, Florida Statutes) PALM BEACH COUNTY, FL

I, Tom Baker

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT * - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the judicial office of County Court Judge, 4th 15th
(office) (district #) (circuit #)

11; my legal residence is Palm Beach County, Florida; I am a qualified elector
(group #)

of the state and of the territorial jurisdiction of the court to which I seek election; I am qualified under the Constitution and the Laws of Florida to hold the judicial office to which I desire to be elected or in which I desire to be retained; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Section 876.05, Florida Statutes, oath (only applicable if elected and when term of office begins): I, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the court system and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

X [Signature]

Signature of Candidate

(561)346-9397

Telephone Number

trileybaker3@gmail.com

Email Address

P.O. Box 1674

Address

Jupiter

City

FL

State

33468

ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): 112186233

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

Tahm Baikuhr

STATE OF FLORIDA

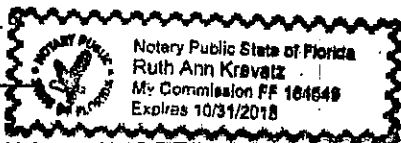
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this 4 day of May, 20 16.

Personally Known:

Produced Identification:

Type of Identification Produced:



[Signature]

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

FORM 6**FULL AND PUBLIC DISCLOSURE****2015**

Please print or type your name, mailing address, agency name, and position below:

OF FINANCIAL INTERESTS**FOR OFFICE USE ONLY:**

LAST NAME — FIRST NAME — MIDDLE NAME:

Baker, Thomas R.

MAILING ADDRESS:

P.O. Box 1674

CITY:

Jupiter

ZIP:

33468

COUNTY:

Palm Brach

NAME OF AGENCY:

State of Florida

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

County Court Judge

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

SUPERVISOR OF ELECTIONS

2016 MAY -5 PM 4:19

PALM BEACH COUNTY, FL

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2015 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of December 31, 20 15 was \$ 92,4483**PART B -- ASSETS****HOUSEHOLD GOODS AND PERSONAL EFFECTS:**

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 58,890**ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:**

| DESCRIPTION OF ASSET (specific description is required - see instructions p.4) | VALUE OF ASSET |
|--|----------------|
| Real property, residence in Jupiter | \$297,000 |
| Bank Accounts (PNC Bank) | 5,705 |
| Florida Prepaid College Program | 7,759 |
| Investment Account (Select Funds) | 2,457 |

PART C -- LIABILITIES**LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):**

| NAME AND ADDRESS OF CREDITOR | AMOUNT OF LIABILITY |
|---|---------------------|
| PNC Mortgage, P.O. Box 6534, Carol Stream, IL 60197 | \$237,765 |
| PNC Bank, P.O. Box 747066, Pittsburgh, PA 15274 | 14,147 |
| | |
| | |

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

| NAME AND ADDRESS OF CREDITOR | AMOUNT OF LIABILITY |
|------------------------------|---------------------|
| | |
| | |
| | |

PART D -- INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2015 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

- ☐ I elect to file a copy of my 2015 federal income tax return and all W2's, schedules, and attachments. [If you check this box and attach a copy of your 2015 tax return, you need not complete the remainder of Part D.]

2016 MAY -5 PM 4:19
SUPERVISOR OF ELECTIONS

PRIMARY SOURCES OF INCOME (See instructions on page 5):

| NAME OF SOURCE OF INCOME EXCEEDING \$1,000 | ADDRESS OF SOURCE OF INCOME | QUANTITY AMOUNT |
|--|--|-----------------|
| State of Florida | 200 E. Gaines St., Tallahassee, FL 32399 | \$80,490 |

SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5):

| NAME OF BUSINESS ENTITY | NAME OF MAJOR SOURCES OF BUSINESS' INCOME | ADDRESS OF SOURCE | PRINCIPAL BUSINESS ACTIVITY OF SOURCE |
|-------------------------|---|-------------------|---------------------------------------|
| N/A | | | |

PART E -- INTERESTS IN SPECIFIED BUSINESSES (Instructions on page 6)

| | BUSINESS ENTITY # 1 | BUSINESS ENTITY # 2 | BUSINESS ENTITY # 3 |
|---|---------------------|---------------------|---------------------|
| NAME OF BUSINESS ENTITY | N/A | | |
| ADDRESS OF BUSINESS ENTITY | | | |
| PRINCIPAL BUSINESS ACTIVITY | | | |
| POSITION HELD WITH ENTITY | | | |
| I OWN MORE THAN A 5% INTEREST IN THE BUSINESS | | | |
| NATURE OF MY OWNERSHIP INTEREST | | | |

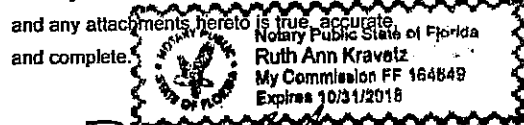
PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

- ☐ I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate and complete.



SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF

PALM BEACH

Sworn to (or affirmed) and subscribed before me this 4 day of

May 20 16 by Thomas R. Baker

(Signature of Notary Public--State of Florida)

RUTH ANN KRAVETZ
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

**STATEMENT OF
CANDIDATE
FOR JUDICIAL OFFICE**

(Section 105.031(5), F.S.)

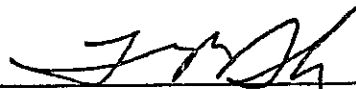
(Please Type)

OFFICE USE ONLY
SUPERVISOR OF ELECTIONS

2016 APR 20 PM 1:21

PALM BEACH COUNTY.

I, Thomas R. Baker,
a judicial candidate, have received, read, and understand the requirements
of the Florida Code of Judicial Conduct.



(Signature of candidate)

April 20, 2016

(Date)

Each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the Appointment of Campaign Treasurer and Designation of Campaign Depository.

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

SUPERVISOR OF ELECTIONS

2016 APR 20 PM 1:21

PALM BEACH COUNTY, FL

I, Thomas R. Baker

candidate for the office of County Court Judge

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X Thomas R. Baker
Signature of Candidate

April 20, 2016
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

SUPERVISOR OF ELECTIONS

2016 APR 20 PM 1:21

PALM BEACH COUNTY, FL

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☒ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)

Thomas R. Baker

3. Address (include post office box or street, city, state, zip code)

P.O. Box 1674
Jupiter, FL 33458

4. Telephone

(561) 346-9397

5. E-mail address

trileybaker3@gmail.com

6. Office sought (include district, circuit, group number)

County Court Judge, 15th Circuit, Group 11

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☐ Campaign Treasurer ☒ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Thomas R. Baker

11. Mailing Address

P.O. Box 1674

12. Telephone

(561) 346-9397

13. City

Jupiter

14. County

Palm Beach

15. State

FL

16. Zip Code

33458

17. E-mail address

trileybaker3@gmail.com

18. I have designated the following bank as my

☒ Primary Depository ☐ Secondary Depository

19. Name of Bank

PNC Bank

20. Address

10058 W. Indiantown Road

21. City

Jupiter

22. County

Palm Beach

23. State

FL

24. Zip Code

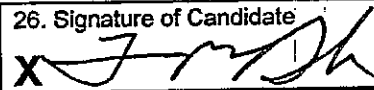
33478

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

April 20, 2016

26. Signature of Candidate

X 

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Thomas R. Baker, do hereby accept the appointment
(Please Print or Type Name)

designated above as:

☐ Campaign Treasurer ☒ Deputy Treasurer.

April 20, 2016
Date

X


Signature of Campaign Treasurer or Deputy Treasurer

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

SUPERVISOR OF ELECTION:

2016 APR 20 PM 1:21

PALM BEACH COUNTY, FL

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☒ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)

Thomas R. Baker

3. Address (include post office box or street, city, state, zip code)

P.O. Box 1674
Jupiter, FL 33468

4. Telephone

(561) 346-9397

5. E-mail address

trileybaker3@gmail.com

6. Office sought (include district, circuit, group number)

County Court Judge, 15th Circuit, Group 11

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☒ Campaign Treasurer ☐ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Carole A. Baker

11. Mailing Address

P.O. Box 1674

12. Telephone

(561) 371-3866

13. City

Jupiter

14. County

Palm Beach

15. State

FL

16. Zip Code

33468

17. E-mail address

cabjupiter@gmail.com

18. I have designated the following bank as my

☒ Primary Depository

☐ Secondary Depository

19. Name of Bank

PNC Bank

20. Address

10058 W. Indiantown Road

21. City

Jupiter

22. County

Palm Beach

23. State

FL

24. Zip Code

33478

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

April 20, 2016

26. Signature of Candidate

X 

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Carole A. Baker, do hereby accept the appointment
(Please Print or Type Name)

designated above as:

☒ Campaign Treasurer

☐ Deputy Treasurer

April 20, 2016

Date

X 

Signature of Campaign Treasurer or Deputy Treasurer