

LEGISTAR NO.

150877

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

JIM KONISH,
DULY QUALIFIED CANDIDATE,
Plaintiff,

CASE NO.: 2016-CA-811
DIVISION: K

v.

ADRIAN HAYES-SANTOS, CITY OF
GAINESVILLE ELECTION CANVASSING
BOARD & PAM CARPENTER, SUPEVISOR
OF ELECTIONS,
Defendants

**PETITION FOR TEMPORARY
INJUNCTION AND COMPLAINT**

The Plaintiff, JIM KONISH, DULY QUALIFIED CANDIDATE FOR GAINESVILLE CITY COMMISSION, DIRSTRIC IV ("KONISH") pursuant to Florida Statutes § 102.168(1),(2)&(3)(b) Petitions this Honorable Court for a Temporary Injunction preventing the certification of Defendant, ADRIAN HAYES-SANTOS ("SANTOS") by Defendants CITY OF GAINESVILLE ELECTION CANVASSING BOARD ("BOARD") and PAM CARPENTER, ALACHUA COUNTY SUPERVISIOR OF ELECTIONS ("CARPENTER"). The Plaintiff offers the following facts in support of his Petition:

STATEMENT OF FACTS

1. SANTOS executed an Affidavit of Residency on December 14, 2015 for the purposes of qualifying for the 2016 Gainesville City Commission District IV Election. Therein, SANTOS swore under penalty of perjury that all facts he wrote were true. Specifically, SANTOS swore that he had lived in District IV of the City of Gainesville for *not less than* six months prior to December 14, 2015. Find attached a copy of SANTOS' Affidavit of Residency as **Exhibit 1**; and a copy of Article II, Section 2.03, Eligibility, of the Gainesville City Charter as **Exhibit 2**.
2. A residential lease that started August 2014 and ran until August 2015 for 214 NW 4th Avenue, Apartment 1, Gainesville, Florida 32601 existed in SANTOS' name, which is in District I. A GRU account for that apartment existed in SANTOS' name. The usage of electricity for the Summer of 2015 indicates that the aforementioned SANTOS residence was occupied. Find attached a copy of a GRU chart depicting the electric consumption at the aforementioned District I SANTOS residence as **Exhibit 3**.
3. SANTOS closed his previously described GRU account at his District I residence on July 6, 2015. Find attached a copy SANTOS' *final* GRU bill at his District I residence as **Exhibit 4**. Thereafter, the GRU account for the SANTOS District I residence was transferred to a Hayley Harmon on July 7, 2015.

Harmon's GRU account remained open only until August 3, 2015. Find attached a copy of the GRU Harmon account that was closed on August 3 as Exhibit 5.

4. Contrary to his sworn Residency Affidavit, outward appearances suggest SANTOS actually moved into the District IV residence claimed at 1125 NE 5th Avenue, Gainesville, Florida 32601 sometime in December of 2015. Neither SANTOS nor his personal automobile, were seen on an overnight basis at the District IV residence at 1125 NE 5th Avenue, Gainesville, Florida 32601 until mid December of 2015.

5. There was a 2015 ad valorem homestead tax exemption for the residence at 1125 NE 5th Avenue, Gainesville, FL 32601 in the name of Zachary Woodruff ("WOODRUFF").

6. WOODRUFF reportedly made an early and maximum amount contribution to SANTOS' campaign on October 28, 2015.

7. SANTOS has publicly stated that he pays rent at 1125 NE 5th Avenue, Gainesville, FL 32601.

WHEREFORE, Plaintiff KONISHI, requests this Court enter a judgment enjoining Defendants BOARD and CARPENTER from certifying Defendant SANTOS as a duly qualified candidate for election as a Gainesville City Commissioner for District IV pursuant to Florida Statutes § 102.168(1),(2)&(3)(b).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed by the State of Florida Efiling Portal this 7th day of March 2015.

/s/ M. Stephen Stanfield
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