

**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

DR. ERWIN D. JACKSON,)
as an elector of the City of Tallahassee,)
Plaintiff,)
v.)
LEON COUNTY ELECTIONS)
CANVASSING BOARD and SCOTT C.)
MADDOX, as the successful candidate for)
Tallahassee City Commission, Seat 1,)
Defendants.)
Case No.: 2016 CA 002052

COMPLAINT

1. Dr. Erwin D. Jackson (“Jackson” or “Plaintiff”) seeks a judgment declaring the Leon County Elections Canvassing Board’s (“Canvassing Board”) certification of Scott C. Maddox’s (“Maddox” or “Defendant”) election as Tallahassee City Commissioner invalid. Maddox is ineligible for the office because he does not live in the city of Tallahassee. Maddox’s legal residence is the expansive million-dollar estate he owns outside of the city, where he has lived with his family for more than a decade, not the small rented office space he claims as his residence solely for political purposes.

JURISDICTION AND VENUE

2. This is a contest of election, invoking this court's jurisdiction under Florida Statute § 102.168(1), which provides that "the certification of election or nomination of any person to office...may be contested in the circuit court...by any elector qualified to vote in the election related to such candidacy..."

3. Section 102.168(3)(b) of the Florida Statutes establishes “ineligibility of the successful candidate for the nomination or the office in dispute” as grounds for contesting an election.

4. Florida Statutes § 86.011 and 86.021 give this court jurisdiction to issue the declaratory relief sought. Plaintiff is unsure of his rights, status, or other equitable or legal relations affected by the statute at issue, and he is unsure of the interpretation of certain laws as applied to the facts of this case. Plaintiff does not seek damages and only asks for a declaration that the election certification is invalid.

5. Venue is proper under § 47.011 of the Florida Statutes because Defendant resides in Leon County and the cause of action accrued here.

PARTIES

6. Section 102.168(1) of the Florida Statutes states that “any elector qualified to vote in the election related to [the contested] candidacy” may contest an election.

7. Plaintiff was, and still is, an elector qualified to vote in elections for Tallahassee Commission, Seat 1 (“City Commissioner”), which is the candidacy being contested.

8. Section 102.168(4) of the Florida Statutes states that the board responsible for canvassing the election and the successful candidate for office are indispensable party defendants.

9. Defendant Canvassing Board was responsible for canvassing the election for Tallahassee City Commission, Seat 1.

10. Defendant was the successful candidate for City Commissioner.

FACTUAL ALLEGATIONS

Background

11. Maddox was elected City Commissioner on August 30, 2016.
12. The Canvassing Board certified Maddox's election as City Commissioner on September 6, 2016. *See Exhibit A attached.*
13. If eligible to serve, Maddox is scheduled to assume office on November 21, 2016.
14. The Tallahassee City Charter is the paramount law of the city, functioning like a constitution, and it establishes the eligibility requirements to serve as City Commissioner.
15. The Tallahassee City Charter Subpart A, Section 9, states that a person must be an "elector" of Tallahassee to be eligible to serve on the City Commission.
16. To be an elector under the Charter, a person's legal residence must be within the Tallahassee city limits.
17. Florida case law defines a person's a legal residence, or domicile, as the place where a person has fixed an abode with the present intention of making it their permanent home.
18. Under this definition, Maddox is not a resident of Tallahassee because his legal residence is outside the city limits; therefore, Maddox is not an elector of Tallahassee and cannot serve on the City Commission.

Maddox's Actual Legal Residence

19. Maddox's legal residence is at 104 Meadow Wood Court, Tallahassee, Florida 32312 ("Meadow Wood"), which is outside the city limits.
20. Maddox and his wife, Dorothy Desha "Sha" Maddox, have owned Meadow Wood since 2004.
21. Meadow Wood is the legal residence of Maddox's wife.

22. Maddox and his wife have been married for 22 years. They have never been divorced.
23. Maddox and his wife have two sons, Jack Charles Maddox and Denver Trawick Maddox. The couple raised Jack and Denver at Meadow Wood from 2004 until the sons matriculated at Florida State University in 2013 and 2016, respectively.
24. Jack Maddox lists Meadow Wood as his address on his driver's license.
25. Denver Maddox lists Meadow Wood as his address on his driver's license.
26. Jack Maddox provides Meadow Wood as his address on his voter registration. Jack is therefore ineligible to vote in city elections and could not vote for his father for City Commissioner.
27. Denver Maddox provides Meadow Wood as his legal address on his voter registration. Denver is therefore ineligible to vote in city elections and could not vote for his father for City Commissioner.
28. Denver Maddox, Jack Maddox, and Sha Maddox all appeared at campaign events beside Defendant during this election cycle.
29. By Maddox's own account, the family is close. On his campaign website and his official City of Tallahassee biography, he states, "Maddox and his wife Sha are immensely proud of their family, Jack and Denver, who attend Leon County public schools, and their two bulldogs, Lockjaw and Blue."
30. Meadow Wood is a large estate situated on 9.24 acres. The main house is approximately 4,000 square feet, with a guesthouse of approximately 2,300 square feet.
31. The main house at Meadow Wood has five bedrooms, five full bathrooms, and one half-bath. The inside of the main house has, among other features, a foyer, 12-foot ceilings, an eat-in

kitchen with a bar, living room, family room, utility room, bonus room, covered porch, and an office.

32. Outside of the main house at Meadow Wood, in addition to the guesthouse, there is a swimming pool, pond, multi-car garage, and a workshop.

33. Since purchasing Meadow Wood in 2004, Maddox has taken a number of actions to demonstrate that it is his legal residence. For instance:

a. When Maddox and his wife purchased Meadow Wood, they entered into a mortgage contract stating it is their permanent residence.

b. Maddox has made several campaign contributions using his Meadow Wood address. Most recently, on April 28, 2016, Maddox donated \$1,000 to a candidate for the state legislature, using his Meadow Wood address for the donation.

c. Maddox's most recent state-issued fishing license listed Meadow Wood as his address. The license expired in June 2015.

d. Maddox receives mail and other correspondence at Meadow Wood.

e. Maddox entertains friends and hosts events at Meadow Wood. For example, in May 2016, he hosted a wedding ceremony at Meadow Wood. Communications about the ceremony said it would be held at the "Maddox House."

f. Maddox's wife entertains friends and hosts events at Meadow Wood.

g. Maddox keeps the swimming pool at Meadow Wood operating and in usable condition.

h. Meadow Wood is fully decorated with quality pieces of furniture, window coverings, art, and other home furnishings.

i. The lawn, landscaping, and grounds at Meadow Wood are well-manicured.

j. Maddox refers to Meadow Wood as his home on social media.

k. The utility usage at Meadow Wood is significant and consistent with a full-time residence.

l. On a Seller's Property Disclosure Statement dated July 7, 2016, Maddox and his wife both signed the document stating that they occupy the property. They further stated "two" as the "number of people living in property."

m. Maddox and his wife raised their children at Meadow Wood.

34. When Maddox purchased Meadow Wood in 2004, he had recently finished a term as Tallahassee's mayor, having left in office in 2003. Subsequently, he launched two unsuccessful bids for statewide office in which city residency did not matter. During this time, Maddox lived at Meadow Wood and identified it as his legal residence.

35. Two years after his last unsuccessful bid for statewide office, however, this changed. Maddox decided to return to city government by running for the City Commission. He was elected to that office in 2012 and occupies the seat today.

36. This run for the City Commission in 2012 presented a problem: Maddox still lived at Meadow Wood, which is outside the city limits. Thus, Maddox began to make changes that would allow him to keep Meadow Wood but disguise that it is his legal residence. For instance:

a. After claiming Meadow Wood as his residence from 2004-2012, Maddox changed his voter registration to the address of an office he rents in downtown Tallahassee.

b. After claiming Meadow Wood as her residence from 2004-2012, Maddox's wife also changed her voter registration to this same rented office space, although one of the couple's sons—a minor at the time—continued to claim Meadow Wood as his legal address on his driver's license.

c. Maddox also changed the address on his driver's license from Meadow Wood to that same downtown office rental.

d. Maddox's wife did not change the address on her driver's license from Meadow Wood; her driver's license still lists the Meadow Wood address as her residence.

e. Neither of Maddox's sons changed the address on their driver's licenses from Meadow Wood to the rented office space their father was claiming as his legal residence or to any other residence.

f. After claiming a homestead tax exemption on Meadow Wood as his residence from 2004-2012, Maddox removed the exemption and no longer claims it on any property.

g. Maddox listed Meadow Wood for sale during the 2012 and 2016 campaigns for City Commission, but he did so at above-market prices.

Maddox's Purported Legal Residence

37. At the time that the Canvassing Board certified Maddox as the winning candidate for City Commissioner, Maddox continued to claim his legal residence is an office he rents at 510 North Adams Street, Tallahassee, Florida 32301 ("North Adams").

38. North Adams is a residence of convenience used by Maddox for the sole purpose of establishing residency in Tallahassee so he can serve on the City Commission.

39. Maddox does not own North Adams. Governance Services, LLC, owns North Adams.

40. Maddox, through his company Maddox Acquisitions, LLC, did own North Adams from 2007–2012. However, in 2012, he sold the building to Governance Services, LLC, after he had been elected City Commissioner.

41. During a Commission on Ethics investigation in 2014, Maddox claimed to lease North Adams for "around" \$800 per month—although he paid at random intervals and in lump sums

because of his close friendship with the owner of the building. Neither he nor his landlord could produce a lease agreement for the commission's investigators.

42. North Adams is an office building in a commercial area of downtown, whereas Meadow Wood is a house in a quiet, high-end residential area.

43. The utility usage at North Adams is significantly less than Meadow Wood and not consistent with a full-time residence.

44. Maddox's wife lives at Meadow Wood, not North Adams.

45. Maddox raised his sons at Meadow Wood, not North Adams.

46. Maddox keeps his vintage car collection at Meadow Wood, not North Adams.

47. North Adams is not decorated or furnished in a manner comparable to Meadow Wood.

48. Unlike Meadow Wood, North Adams does not have a guesthouse, swimming pool, pond, multi-car garage, or workshop.

49. Maddox, through one of his companies, owned North Adams until two months after he took office as City Commissioner in 2012. He then sold the property and began paying rent, a fact that makes no sense if Maddox intended to make the building his permanent home.

50. Maddox has already filed to run for the Florida Senate, District 3, in 2020. To serve in that office, he does not need to be a city resident and could again claim Meadow Wood as his legal residence.

51. In sum, Maddox's claim that North Adams, rather than Meadow Wood, is his legal residence is simply not credible. Instead, Maddox has since 2004 fixed his abode at Meadow Wood with the present intention of making it his permanent home.

DEMAND FOR DECLARATORY JUDGMENT

Wherefore, Dr. Jackson requests a judgment:

- a. Declaring invalid the Leon County Elections Canvassing Commission's certification of Scott C. Maddox's election to City Commissioner;
- b. Declaring that a vacancy in office will exist for City Commissioner as of November 21, 2016; and
- c. Such other and further relief as the court deems just and proper.

Respectfully submitted,

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