

November 10, 2009

Daniel Nordby, Esq.
General Counsel
Republican Party of Florida
227 South Calhoun Street
Tallahassee, Florida 32301

**RE: Jason Steele
Reimbursement of Attorney's Fees and other issues**

Dear Dan:

I have the privilege of continuing to represent Brevard Republican Executive Committee Chairman Jason Steele. I write this letter on his behalf and at his instruction.

First of all, it was good to see you, Dan, although under unfortunate circumstances, at the grievance hearing for Jason Steele, Chairman of the Brevard Republican Executive Committee, which was held on July 24, 2009. The purpose of this letter is to ask for a reimbursement of attorney's fees that he has thus far expended in defending himself against a grievance that was problematic by its very nature due to facts that I will further elucidate. The amount that I am requesting which includes recent conferences with Chairman Steele and others is seven thousand five hundred dollars (\$7,500.00). I am also requesting that the result of his grievance be revisited, that his probationary status be removed and that he be fully reinstated as the Chairman of the Brevard Republican Executive Committee without limitation for the duration of his tenure. I have a further request that I set forth later in this letter.

The facts that have come to light are these. There was a false Twitter account established in the name of Jason Steele. In this Twitter account there were fabricated messages that were placed in the account both ostensibly coming from Jason Steele and being received by him. I will not dignify the libelous Twitter account by even inferring any of its content but it is an understatement to say that its postings impugn my client's character. In my opinion the Twitter account constitutes liable *per se* against any person or entity under whose auspices this account originated. Further, in this age of the Internet

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with its concomitant threats of identity theft, this sort of action should be met with retribution and rectification immediately.

After an investigation by the Brevard County Sheriff's Department, I understand that a Republican Party of Florida employee, Tim Nungesser, has confessed to setting up the false Twitter account and to fabricating all of its postings. I have also been told that Tim Nungesser has also admitted that Mr. Delmar Johnson, also a Republican Party of Florida employee, was aware and had seen the Twitter account. Chairman Steele has also spoken with Travis Clinger, the former Secretary of the Brevard Republican Executive Committee, who filed the grievance against Chairman Steele. Mr. Clinger has stated that Mr. Nungesser encouraged and helped Mr. Clinger to file the grievance against Chairman Steele. Chairman Steele has spoken with Mr. Clinger who has agreed to talk to anyone interested and give his account of the encouragement and help that Tim Nungesser gave to him when Mr. Clinger filed his complaint against Chairman Steele.

At all material times hereto, at least regarding the filing of the grievance against Chairman Steele, Tim Nungesser was, as I understand it, both the Director of Field Operations for Brevard County and the Youth Coordinator for "Drive the Discussion" for the State of Florida. I have been told that soon after the Twitter account was established, Tim Nungesser was promoted to Director of Field Operations for the entire State of Florida.

Dan, you and I have spoken amicably over the years on several different election law issues. I have proudly touted you as my source on questions regarding election law when I was General Counsel to Brevard Republican Executive Committee from approximately 2002 to earlier this year when I resigned. Being an experienced attorney, you know how much work was entailed in defending Chairman Steele against the grievance filed by Travis Clinger. I had to interview significant witnesses. I had to obtain written statements from both our State Committeewoman, Carlie Rogers, and our State Committeeman, Mike Thomas. I had to interview Chairman Steele and get his version of events. I had to review Travis Clinger's exhibits as well as his grievance. I had to help coordinate Chairman Steele in the formulation of his response and exhibits. Then, of course, I had to attend the grievance hearing. So my attorney's fees request which I extended to Chairman Steele at a discounted hourly rate are certainly reasonable.

Further, however, since it appears that a Republican Party of Florida employee, Tim Nungesser encouraged Travis Clinger to file the grievance against Chairman Steele and helped him file it, I strongly believe that an apology from the Republican Party of Florida is due to the entire Brevard Republican Executive Committee for the frustration, humiliation and concern for our Chairman that they endured. For example, our State Committeewoman, Carlie Rogers, and State Committeeman, Mike Thomas, had to inconvenience themselves and travel to Orlando to the site of the grievance hearing and

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take time out of their busy schedules and home lives to give statements on behalf of Chairman Steele, which they did. Furthermore, one of our Brevard County Commissioners, Andy Anderson, and local political talk show host, Bill Mick, also had to make the trip to Orlando on a weekend night in order to give sworn testimony in support of Chairman Steele, which they did. Many members of the Brevard Republican Executive Committee actually took some of their own valuable work and family time and traveled to Orlando to support the defense of Chairman Steele.

Whether or not Travis Clinger without the encouragement or help of Tim Nungesser would have ever filed the grievance against Chairman Steele is problematic at best. I know that Chairman Steele told me personally that Travis Clinger assured him that Mr. Clinger would not file a grievance against him in retaliation because the Brevard Republican Executive Board voted to request Mr. Clinger's formal resignation as Secretary of the Committee. Besides the legal expense, if Tim Nungesser, an employee of the Republican Party of Florida, encouraged and helped Mr. Clinger to file a grievance against the Chairman of the Brevard Republican Executive Committee, I cannot over emphasize the embarrassment, frustration and concern for its freedom of speech and well being of its Chairman that the filing of the grievance caused the entire Brevard Republican Executive Committee.

Therefore, permit me to summarize my requests. First, Chairman Steele would like his attorney's fees reimbursed including the attorney's fees that he has incurred recently in furthering the investigation that has uncovered the originator of the Twitter account, as well as the aid and encouragement that Mr. Clinger received from a Republican Party of Florida employee, Tim Nungesser, in the filing of the grievance against Chairman Steele. Second, Chairman Steele requests a public apology from the Republican Party of Florida, not only to himself but also to the entire Brevard Republican Executive Committee, and its Board, for the inconvenience and anxiety this grievance caused all parties concerned. Third, Chairman Steele also requests that the punishment levied by the grievance committee be abrogated; that is, that Chairman Steele not be any longer on probation but be fully reinstated to his rightful position as Chairman of the Brevard Republican Executive Committee, without any limitation, cloud or taint during his remaining tenure.

Dan, the foregoing requests seem like fair resolutions to the pending matter. I know that all of us in Brevard County whether on the Brevard Republican Executive Committee or not are outraged at the fact that a Republican Party of Florida employee encouraged and helped the former Secretary of the Brevard Republican Executive Committee to file a grievance against Chairman Steele. The foregoing feeling of outrage is only extremely exacerbated when the very same Republican Party of Florida employee, Tim Nungesser, established a libelous Twitter account, the contents of which would shock the conscience

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of any person that read it while aware it was entirely fabricated. As I stated earlier, I will not dignify the contents of that Twitter account of which I am sure you are fully aware (or should be, in your position) by setting forth any of its contents in this letter.

Please call me upon receipt of this correspondence if you have any further questions. It was once again nice to see you, albeit under such trying circumstances, at the July 24, 2009 hearing. You have been a valuable resource to me while I was General Counsel of the Brevard Republican Executive Committee.

Very truly yours,

Michael Kahn

MK/js
cc: Governor Charlie Crist
Attorney General Bill McCollum