

Keri O'Brien

From: Loretta DiTocco <lorettamdt@gmail.com>
Sent: Monday, October 6, 2025 8:08 PM
To: Kendal Harden
Cc: City Clerk External E-Mail; Mayor E-Mail
Subject: [EXTERNAL] Resolution

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Kendal Harding, Interim City Attorney
Office of the City Attorney
City of Key West
1300 White Street
Key West, FL 33040

RE: Resolution to Reimburse Commissioner Carey's Legal Fees

Dear Interim City Attorney [Last Name],

I am writing as a concerned citizen regarding the proposed resolution to reimburse Commissioner Lissette Carey for legal expenses incurred during a recent recall petition process.

According to public reporting, the recall effort did not move forward based on a determination of mootness by the Monroe County Supervisor of Elections (SOE). I respectfully ask for clarification as to whether this procedural outcome qualifies as a "successful legal defense" under any existing City indemnification policy or legal precedent. Specifically:

Does the SOE's procedural finding of mootness constitute a legal "win" entitling a commissioner to reimbursement of personal legal expenses from public funds? Or would a substantive legal ruling—such as dismissal with prejudice or a finding on the merits—be necessary to meet the threshold for "successful defense"?

Additionally, I must draw your attention to the findings issued by the Monroe County Grand Jury in its final report concerning Commissioner Carey. As you are aware, the Grand Jury concluded that her actions and inactions evidenced:

"incompetence and neglect of her duties, poor decision-making, and inability to serve as Commissioner."

These findings, based on FBI and State Attorney investigations and firsthand testimony, raise serious concerns about whether public funds should be used to cover legal costs for defending a position that the Grand Jury has explicitly found was carried out with persistent failure in judgment and responsibility.

Therefore, before the City Commission votes to reimburse Commissioner Carey, I believe it is necessary and appropriate that your office address:

Whether the recall defense qualifies as "successful" under applicable law or city policy.

Whether the Grand Jury's findings disqualify the Commissioner from receiving taxpayer-funded reimbursement under any legal or ethical standards for indemnification.
Whether such reimbursement could set a precedent for future cases involving potential misconduct, undermining public trust.

I appreciate the difficult and sensitive nature of your role, and I trust that your office will provide clear and objective legal guidance to the Commission on this matter.

Thank you for your attention. I look forward to your response.

Sincerely,
Loretta M Di Tocco
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