IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR MONROE COUNTY

GENERAL JURISDICTION DIVISION

LISSETTE CUERVO CAREY, in her official capacity as Key West City Commissioner,

Plaintiff,

v.

CITY OF KEY WEST; KERI O'BRIEN, in her official capacity as Key West City Clerk; JAMES STREBEK; and SHERRI HODIES, in her official capacity as Supervisor of Elections of Monroe County,

Defendants.
_____/

Case No.: 25-CA-843-K
Hon. Timothy J. Koenig

DEFENDANT SHERRI HODIES' SUGGESTION OF MOOTNESS

Defendant, SHERRI HODIES (the "Supervisor"), in her official capacity as Supervisor of Elections of Monroe County, Florida, by and through the Monroe County Attorney's Office, files this suggestion of mootness in the above-styled matter, and in support thereof states as follows:

1. The Supervisor is a necessary party to the action because she plays a ministerial role in verifying the signatures on the petitions within the parameters established by F.S. 100.361, the municipal recall statute.

2. The Supervisor made the determination that the recall petitions that are the subject of this action were submitted more than 30 days after the date of the first petition as required by F.S. 100.361(2)(f), and that, even if the petitions were timely

submitted, there was an insufficient number of petitions submitted by that 30th day to meet the threshold number of petitions required to proceed to the next step in the process. *See,* Exhibit 1 (written determination of Supervisor Hodies).

3. Accordingly, the instant matter is moot and subject to dismissal.

Respectfully submitted on August 8, 2025 by:

THE MONROE COUNTY ATTORNEY'S OFFICE
Counsel for Defendant, Sherri Hodies, in her official capacity as Supervisor of Elections for Monroe County
1111 12th Street, Suite 408
Key West, FL 33050
Telephone: (305) 292-3470

By: */s/ Robert B. Shillinger, Jr.*
Robert B. Shillinger, Jr.
Monroe County Attorney
Florida Bar Number: 58262
Shillinger-Bob@monroecounty-fl.gov

/s/ Patricia A. Eables
Patricia A. Eables
Assistant County Attorney
Florida Bar Number: 491012
Eables-Patricia@monroecounty-fl.gov

/s/ Ana Walter
Ana Walter
Assistant County Attorney
Florida Bar Number 118372
Walter-Ana@monroecounty-fl.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has, on this 8th day of August 2025, been filed and served, via the Florida Courts E-Filing Portal, on all parties reflected on the Portal's E-Service List.

/s/ Robert B. Shillinger, Jr.
Robert B. Shillinger, Jr.

SHERRI HODIES

Supervisor of Elections

Monroe County, Florida
www.KeysElections.org

RECEIVED
CITY CLERK'S OFFICE

AUG 8 '25 PM 3:27
CITY OF KEY WEST
KEY WEST, FLORIDA

Date: August 8, 2025

RE: Verification of Signatures on Petitions for Recall of Commissioner Lissette Carey

I, Sherri Hodies, Monroe County Supervisor of Elections, do hereby confirm that a written Memorandum of my determination on the Petitions for the Recall of Commissioner Lissette Carey, along with the original 327 Petitions which I had received from the City Clerk of Key West, on July 24, 2025, are hereby delivered to Keri O'Brien, City Clerk, at City Hall, 1300 White Street, Key West, Florida, on August 8, 2025.

Sherri Hodies Date: 8/8/2025

SHERRI HODIES
Supervisor of Elections

The Supervisor of Elections delivered her Memorandum and 327 original Petitions, to me, Keri O'Brien, as Key West City Clerk, on August 8, 2025.

Date: 8/8/2025

KERI O'BRIEN, MMC
City Clerk

MEMORANDUM

FROM: Sherri Hodies, Monroe County Supervisor of Elections

TO: Keri O'Brien, City Clerk of Key West, Florida

DATE: August 8, 2025

RE: Verification of Signatures on Petitions for Recall of Commissioner Lissette Carey

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On July 24, 2025, I received 327 petitions and a check in the amount of $32.70 from Key West City Clerk, Keri O'Brien for the recall of City Commissioner Lissette Carey, District IV, of Key West, Florida. District IV was comprised of 2731 registered electors as of the preceding municipal election, i.e. November 5, 2024. I had previously advised that the Recall Committee would be required to obtain a minimum of 273 signatures based on the number of registered electors in District IV pursuant to F.S. 100.361.

In accordance with F.S. 100.361 (2)(g), I must review the petitions no more than thirty (30) days after the date on which all petition forms are submitted to me by the Clerk, verify the signatures in accordance with F.S. 99.097, and determine whether the requisite number of valid signatures has been obtained. Under F.S. 99.097 (1)(a)1., I elected to review all of the petitions submitted for verification rather than a random sample as allowed.

According to F.S. 100.361(2)(f), the signed petition forms shall be filed no later than thirty (30) days after the date on which the first signature is obtained on the petition. According to the attached memo (attached as Exhibit 1) submitted to me by the City Clerk, the petition forms were initially filed with the Clerk by Aaron Strebeck, designated Chair of the Recall Committee, on July 23, 2025. A review of the petitions presented that the first date a petition was executed by a registered voter, John O'Hearn, was on June 6, 2025, a copy of which is attached as Exhibit 2. Thus, under the statute, the petitions would have been due to the City Clerk no later than thirty (30) days of obtaining that first signature on the petitions. The signed 327 petitions were not submitted until July 23, 2025, thus failing to meet the 30-day deadline for submission of the petitions.

Setting aside the late submission, an insufficient number of valid petitions were submitted within thirty days of the first signature. Using June 6, 2025, as the initial date, only 157 of the 327 petitions submitted were validly signed within thirty days of that date. Thus, the Recall Committee failed to meet the required 273 valid voter signatures needed to proceed to the next phase of the recall process.

It is, therefore, my determination that the recall petitions were submitted untimely, nor was there the requisite number of verified and valid signatures needed to proceed to the next step under F.S. Sec. 100.361 in the recall process.

EXHIBIT 1

Keri O'Brien, MMC
City Clerk

THE CITY OF KEY WEST
P.O. BOX 1409
KEY WEST, FL 33041-1409
www.cityofkeywest-fl.gov

1300 White Street
Key West, FL 33040
(305) 809-3831
kobrien@cityofkeywest-fl.gov

Date: July 23, 2025

Subject: Municipal Recall Petition of Lissette Carey, City Commissioner District IV, Key West – Filed pursuant to Florida Statutes 100.361 and City Charter 6.06

The City Clerk does hereby confirm that 327 petitions were received on July 23, 2025 at City Hall 1300 White Street, Key West, Florida 33040.

Keri O'Brien, MMC
City Clerk

Date: 7/23/2025

Aaron Strebeck
Filer

Date: 07/23/2025

RECEIVED
SUPERVISOR OF ELECTIONS
2025 JUL 24 PM 3:13
MONROE COUNTY
KEY WEST, FLORIDA

The City Clerk delivered 327 petitions to Sherri Hodies, Supervisor of Elections, on July 24, 2025.

Sherri Hodies
Supervisor of Elections

Date: 7/24/25

Key to the Caribbean – Average yearly temperature 77° F.

MUNICIPAL RECALL PETITION OF LISSETTE CAREY, CITY COMMISSIONER DISTRICT IV, KEY WEST - Filed pursuant to Florida Statutes 100.361 and City Charter 6.06

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Electors of the district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, shall be designated as the recall committee seeking recall of the elected official. Aaron Strebeck shall be designated as chair of the committee, and shall act for the committee.
- If all requested information on this form is not completed, the form will not be valid.
- Only registered voters of District IV, City of Key West, are eligible to sign this petition.

ACCEPTED
30 JUL 2025

Lissette Carey should be recalled from the office of District IV City Commissioner for committing **misfeasance, malfeasance, incompetence, and neglect of duty as a commissioner**.

Lissette Carey's **persistent failures in judgment and responsibility**, documented by the final report of the Monroe County Grand Jury, are clear grounds for recall. Jurors reviewed evidence from the State Attorney's Office and the FBI and heard firsthand witness testimony. We agree with the jurors that Carey's actions and inactions evidence **incompetence and neglect of her duties, poor decision-making, and inability to serve as Commissioner**. We also agree Carey lacks the convictions needed to fulfill her official duties. The Grand Jury recommended Carey resign in the interest of the integrity and betterment of the City. Carey has not challenged the Grand Jury's findings, but has refused to resign. In her official capacity as Commissioner, **Carey has distorted facts, misinformed the public, and insulted key community partners,** damaging the City's ability to serve its citizens.

The public trust is further damaged with each day Carey remains in office.

We, Carey's constituents in District IV, find she wrongfully exercises the power of her office. These transgressions establish grounds for Carey to be **RECALLED** from office.

Voter Information:

Your name PRINT: John O'Hearn

Address PRINT: 1505 George St

City: **Key West** State: **Florida** County: **Monroe** Key West Zip Code: 33040

Voter Registration No: _____ OR Date of Birth: 7/30/1973

Your signature: [redacted] Date: 6/6/25

OATH OF WITNESS CIRCULATOR

I, *(print name)* Aaron Strebeck address 1417 8th St Key West hereby swear and affirm that I personally witnessed the signature on the forgoing petition on the date it was signed and that each signature is the genuine signature of the person, and that the signer had an opportunity to read the full text of this proposed recall petition and any defense (if filed). Under oath, I hereby swear and certify the truthfulness, and the correctness of this statement as set forth herein under penalty of perjury under the laws of the State of Florida on this date 07/06, 2025.

FURTHER AFFIANT CIRCULATOR SAYETH NAUGHT

[redacted]
Signature of Circulator

Aaron Strebeck
Print Name of Circulator

STATE OF FLORIDA – MONROE COUNTY – CITY OF KEY WEST