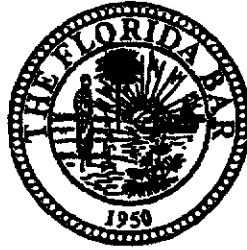


Gummev, Frank Bird  
7th Cir  
MIGS/AV  
Daytona Bch, 6/03 w/m



### JUDICIAL NOMINATING COMMISSION APPLICATION FOR APPOINTMENT

DATE: January 24, 2006

E-mail: fgummev@cityofnsb.com

1. Name: Frank Bird Gummev, III Attorney #: 156128

2. Judicial Nominating Commission(s) requested: 7th Circuit

(Specify whether Supreme Court, District Court of Appeal or Circuit - list all that apply)

3. Are you applying for reappointment? Yes  No

4. Number of years admitted to The Florida Bar: 33 Martindale Hubbell rating: AV

5. Home Location: (list all)	<u>New Smyrna Beach</u>	\	<u>Volusia</u>	\	<u>7th</u>	\	<u>5th</u>
	City		County		Circuit		DCA

6. FL Driver's License #: G500262451320 Social Security #: [REDACTED] Age: 60

7. Have you ever used or been known by another legal name? Yes  No  If "Yes," explain:

\*8. Sex: Male  Female

\*9. Race: White, Non-Hispanic  Native American / Alaskan Native   
 Hispanic American  Asian / Pacific Islander   
 African-American

10. How did you learn of this vacancy? Bar News

11. Can you discharge the responsibilities of this position, with or without accommodation? Yes  No

12. Commissioners are subject to Florida Financial Disclosure Laws. Are you willing to file the appropriate forms? Yes  No  The form can be viewed at [www.ethics.state.fl.us](http://www.ethics.state.fl.us), Form 1 and is required after appointment.

\* This information will be used to provide demographic statistics and is not requested for the purposes of discriminating on any basis.

# QUESTIONNAIRE FOR JNC APPOINTMENT

**PLEASE TYPE OR PRINT  
SUBMIT A SEPARATE QUESTIONNAIRE FOR EACH APPOINTMENT**

\*\*\*\*\*

DATE COMPLETED \_\_\_\_\_

1. Name: Mr. Gummy, Frank Bird, III  
Mr./Mrs./Ms. LAST FIRST MIDDLE / MAIDEN

2. Business Address: 210 Sams Avenue New Smyrna Beach  
STREET SUITE # CITY  
 FL 32168-7040 386-242-2115  
POST OFFICE BOX STATE ZIP CODE AREA CODE / PHONE NUMBER

3. Employer, Firm or Agency: City of New Smyrna Beach

4. Residence Address: 1613 Crescent Ridge Road Daytona Beach Volusia  
STREET CITY COUNTY  
 FL 32118-4907 386-255-7097  
POST OFFICE BOX STATE ZIP CODE AREA CODE / PHONE NUMBER

Specify the preferred mailing address: Business  Residence  Fax#: 386-424-2116

5. A. List all your places of residence during the last five (5) years.  
ADDRESS CITY & STATE FROM TO  
 1613 Crescent Ridge Road Daytona Beach, Florida 1983-Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.  
ADDRESS CITY & STATE FROM TO

None

6. Since what year have you been a continuous resident of Florida: 1970

7. Are you a United States citizen? Yes  No  If "No," explain:

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

8. Date of Birth: April 12, 1945 Place of Birth: Philadelphia, PA

- 9. Social Security Number: [REDACTED]
- 10. Driver's License Number: G500262451320
- 11. Are you a registered Florida voter? Yes  No  County of registration: Volusia
- 12. Education
  - A. High School: Governor Dummer Academy, Byfield, MA Year Graduated: 1963

(NAME AND LOCATION)

B. List all post-secondary educational institutions attended:

<u>NAME &amp; LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES / DEGREES RECEIVED</u>
University of the South Sewanee, TN	1963-68	BA
University of Florida	1970-72	JD

- 13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes," list:
  - A. Dates of service: June 3, 1968-May 15, 1970
  - B. Branch or component: U.S. Army
  - C. Date and type of discharge: Honorable June 1, 1974
- 14. I am presently: Sole  In a 2-10 lawyer office  In a 11-35 lawyer office  In a 35+ lawyer office   
Other  Please explain:

- 15. Admitted to practice before which courts?  
U.S. Supreme Court, 11th U.S. Circuit, Court of Appeal, U.S. District Court, Middle District of Florida, all Florida courts

- 16. I practice predominately in the following fields (if trial, specify plaintiff / prosecution or defense):  
Local government law

- 17. List any area(s) of certification:  
City, County and Local Government Law 1996

- 18. List any Florida Bar appointments presently held or previously held within the past three (3) years:

- 19. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? Yes  No  If "Yes," give details: Exclude traffic violations for which a fine or

civil penalty of \$150 or less was paid.

<u>DATE</u>	<u>PLACE</u>	<u>NATURE/DISPOSITION</u>
1966 (?)	Monteagle/Jasper, TN	Public Intoxication or Disorderly Conduct \$25 Fine

20. Concerning your current employer, and for all your employment during the last five (5) years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME AND ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION / JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>
County of Volusia 123 West Indiana Avenue, DeLand, FL 32720	County Government	Deputy/Assistant County Attorney	7/13/98-11/12/04

City of New Smyrna Beach 210 Sams Avenue, New Smyrna Beach, FL 32168	Municipal Government	City Attorney	11/15/04-Present
---	----------------------	---------------	------------------

21. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes," identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>
City Attorney	City of New Smyrna Beach	Nov. 15, 2004-Present
Deputy/Asst. County Attorney	County of Volusia	July 13, 1998-Nov. 12, 2004
City Attorney	City of Daytona Beach	Oct. 15, 1973-June 27, 1998

22. Do you now, or have you, within the last three (3) years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged, on the basis of race, religion, national origin, or gender? If so, detail the name and the nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you are appointed by the Governor.

No

23. List any memberships in any national or local bar associations (include dates of services and any office held).

<u>ASSOCIATION</u>	<u>DATES OF SERVICE(S)/OFFICE(S) HELD</u>
International Municipal Lawyers Assn.	Bd. of Dir. 1985-1999; President 1997-98
Florida Municipal Atty. Assn.	President 1982-83
Volusia County Bar Assn.	Bd. of Dir. early 1980s
Local Gov. Sect., Fla. Bar	Executive Council 1980s

24. Do you currently hold an office or position (appointive, civil service or other) with the federal or any foreign government?

Yes  No  If "Yes," explain:

City Attorney, City of New Smyrna Beach, Florida

25. A. Have you ever been elected or appointed to any public office in this state? Yes  No   
If "Yes," state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE HELD</u>	<u>DATE OF ELECTION</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>
Florida Ad Valorem Task Force	Gubernatorial Appointment	1997-98	State

- B. If your service was on an appointed board(s), commission(s), committee(s), or council(s):

1. How frequently were meetings scheduled? Monthly

2. If you missed any of the regularly schedule meetings, state the number of meetings you attended, the number you missed, and the reason(s) for your absence(s).

MEETINGS ATTENDED: Approximately 10; MEETINGS MISSED: None; REASON FOR ABSENCE:

26. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes [ ] No [x] If "Yes," give details: DATE: NATURE OF VIOLATION: DISPOSITION:

Presently a complaint is filed. No finding of probable cause at this time. May be acted on by Commission on Ethics January 27, 2006

27. Have you ever been suspended from any office by the Governor of the State of Florida? Yes [ ] No [x] If "Yes," list:

A. Title of office: C. Reason for suspension: B. Date of suspension: D. Result: Reinstated [ ] Removed [ ] Resigned [ ]

28. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes [ ] No [x] If "Yes," list:

A. Title of office: B. Term of appointment: C. Confirmation results:

29. Have you ever been refused a fidelity, surety, performance, or other bond? Yes [ ] No [x] If "Yes," explain:

30. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes [x] No [ ] If "Yes," provide the title and number, original issue date, and issuing authority. If any disciplinary action(fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE / CERTIFICATE TITLE & NUMBER: 156128 Bar Membership; ORIGINAL ISSUE DATE: May 1, 1973; ISSUING AUTHORITY/DISCIPLINARY ACTION/DATE: Florida Supreme Court/None

31. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes [ ] No [x] If "Yes," explain: NAME OF BUSINESS: YOUR RELATIONSHIP TO BUSINESS: BUSINESS RELATIONSHIP TO AGENCY:

32. Have members of your immediate family (spouse, child, parent(s), sibling(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes [ ] No [x] If "Yes," explain:

	<u>FAMILY MEMBER'S</u>	<u>FAMILY MEMBER'S BUSINESS</u>
<u>NAME OF BUSINESS</u>	<u>RELATIONSHIP TO YOU</u>	<u>RELATIONSHIP TO BUSINESS TO AGENCY</u>

33. Have you been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name the agency or entity you lobbied for and the principal(s) represented:  
AGENCY LOBBIED PRINCIPAL REPRESENTED

34. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE / PHONE NUMBER</u>
-------------	------------------------	-----------------	---------------------------------

Judge Randell Rowe	125 East Orange Ave., Daytona Beach, FL	32114	386-257-6091
Daniel Eckert, County Attorney	123 East Indiana Avenue, DeLand, FL	32720	386-736-5990
The Rev. James Taylor	216 Orange Avenue, Daytona Beach, FL	32114	386-255-3669

35. Name any business, professional, occupational, civic, or fraternal organization(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>ADDRESS</u>	<u>OFFICE(S) HELD &amp; TERM DATE(S) OF MEMBERSHIP</u>
-------------	----------------	--

Rotary Club of Daytona Beach	P.O. Box 108, Daytona Beach, FL 32115	President 1998-99 1985-Present
University Club of Volusia	P.O. Box 1586, Daytona Beach, FL 32115	President 1992 (?) 1985-Present
Red Cross Blood Services	Savannah, GA	Southeast US Chairman 1992-2005
Chamber Checkered Flag Committee	Daytona Beach, Florida	1997-Present

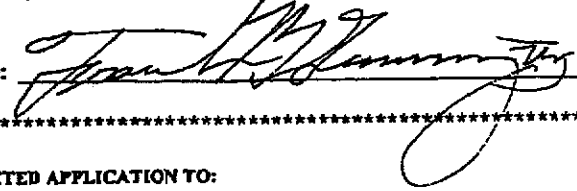
36. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes," explain:

37. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have served the Bar twice with 3-year term on the Grievance Committee. I have a diverse practice which is both transactional and litigation. I have been approached numerous times to support applicants for judgeships and am very familiar with the process from the applicants' and JNC members' perspective. Having over 3 decades of practice in this County in 3 different cities, I have been exposed to a large number of the local practitioners. The quality of our bench is the responsibility of any Bar member who has the chance to help maintain and improve it. The collegial procedures and deliberations of the JNC are of a type for which my work experience makes me well suited. Having litigated complex constitutional issues hopefully helps me recognize the qualities we need in our judges.

\*\*\*\*\*  
Under penalty of perjury, I declare the foregoing facts are true, correct and complete to the best of my knowledge and belief.

Date: 1/24/06

Signature: 

\*\*\*\*\*

RETURN COMPLETED APPLICATION TO:  
EXECUTIVE DIRECTOR, THE FLORIDA BAR  
651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2308  
Fax: 850/561-5826