

**From:** Daniel Eckert <[deckert@co.volusia.fl.us](mailto:deckert@co.volusia.fl.us)>  
**To:** VolusiaExposed <[volusiaexposed@cfl.rr.com](mailto:volusiaexposed@cfl.rr.com)>  
**Subject:** Re: Violation of County Charter  
**Date:** Fri, 29 Jun 2012 10:52:30 -0400

Ladies and Gentlemen:

Thank you for your further communication. I hurried my initial analysis to respond promptly to your inquiry. In doing so, I overlooked the particular language in the charter and merit system which is the subject of your concern. My first response to your inquiry therefore is withdrawn.

Mr. Lewis has advised me that he intends to resign from the Volusia Growth Management Commission, an action which I believe resolves your concern. This does not mean that I concur that charter section 1003.2 must be read as you have advocated. My view is that the charter section is not clear on its face and requires construction, a discussion which in consideration of changed circumstances need not be prolonged here.

Rather, I have determined after review of the duties of the personnel board that it does have some final decision making authority when determining whether a position is classified or unclassified. Because of this, I now conclude that the personnel board is an office, a change in my opinion. The resignation of Mr. Lewis from the Volusia Growth Management Commission addresses the constitutional issue of dual office holding which results from this change.

Sincerely,

Daniel D. Eckert  
County Attorney

>>> VolusiaExposed <[volusiaexposed@cfl.rr.com](mailto:volusiaexposed@cfl.rr.com)> 6/28/2012 10:22 AM >>>

Mr. Eckert:

Absent hearing differently from your office by this Friday, June 29, 2012 - VolusiaExposed will assume that you still hold the opinion (as articulated in your attached email) that Mr. Dwight Lewis' dual assignment to the County Personnel Board and as a Commissioner with the Volusia County Growth Management Commission is NOT a violation of the Volusia County Charter, in the particular Article X, Sec. 1003.2 (see below copy)

We anticipate publishing an update to our original article. Within this updated article, we shall publish your attached email to us, in which you defend Mr. Lewis' assignment to the County Personnel Board my misquoting the mandates of the Volusia County Charter.  
<http://volusiaexposed.com/personnelboard/pboardviolation.html>

"a candidate for public office or employment." - Mr. Daniel Eckert - June 18, 2012 email

"...neither HOLD nor be a candidate for ANY public office or employment..." - Volusia County Charter Article X - Section 1003.2

If we are in any way incorrect, please notify us by end of business on Friday, June 29, 2012.

Thank You

VX

<http://www.volusiaexposed.com>

[volusiaexposed@cfl.rr.com](mailto:volusiaexposed@cfl.rr.com)

BCC - several

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VOLUSIA COUNTY CHARTER

ARTICLE X

Sec. 1003.2. - Qualifications

Each member of the personnel board shall be a qualified elector of the county, shall be known to be in sympathy with the merit principle as applied to the merit system, shall neither HOLD nor be a candidate for ANY public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization.

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