

October 26, 2020

Via Electronic Mail and U.S. Mail

The Honorable Jason R. Gabriel
General Counsel
City of Jacksonville
117 W. Duval Street, Suite 480
Jacksonville, FL 32202
jgabriel@coj.net

Re: Objections to Subpoenas Issued by Rules Committee

Dear Jason:

I write regarding the subpoenas *duces tecum* issued by the Rules Committee of the Jacksonville City Council to Timothy Baker, Timothy Baker Consulting LLC, Baker Law Group PLLC, BCSP LLC, Conventus LLC, and Data Targeting Research LLC on October 20, 2020.

Despite Mr. Baker's voluntary appearance for, and provision of, four hours of sworn testimony, and his production of hundreds of pages of relevant documents and private communications, the Rules Committee chose to issue subpoenas not just to Mr. Baker, but also to corporate entities that have never been a part of the subject inquiry.

It is troubling that the Rules Committee has failed to investigate whether the information requested could be obtained from other sources. Had they given this issue even a cursory review they would have found other avenues through which to obtain this information with less intrusive means. This would have included extensive prior testimony by witnesses, documents already obtained in the investigation, and information readily available from other parties. More obviously the Committee could have, with a simple review of the transcript, found that Mr. Baker has already provided full and complete answers addressing subjects in the subpoenas. For example, although Special Counsel told the Rules Committee Mr. Baker had declined to answer questions about Conventus LLC, the transcript shows that this is not so. Mr. Baker gave detailed answers during his voluntary testimony to questions about Conventus. Timothy Baker Depo. at 91:15– 96:8, 150:6–156:5. Another principal of Conventus, Sam Mousa, also testified about these same subjects, and Conventus voluntarily provided documents on these same matters. *Cf.* Sam Mousa Depo. at 180:6–185:16.

By failing to investigate, failing to articulate any legislative need, and failing to even review their own records, the Rules Committee has made clear that any purported legislative purpose is merely a pretext. This was made manifest during the Rules Committee Meeting where personal and

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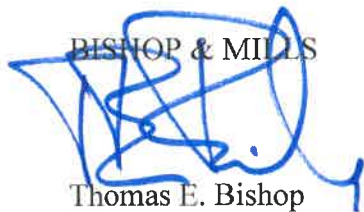
political animosity toward Mr. Baker was a regrettable feature of the discussions. These subpoenas are a blatant and unlawful government intrusion into the affairs of a private citizen.

In addition, Mr. Baker specifically objects to these subpoenas on the grounds that they require disclosure of information protected by his associational privileges secured under the First and Fourteenth Amendments to the Constitution of the United States and the Florida Constitution; that they violate his right to privacy secured by the Florida Constitution; that they were not issued pursuant to a legitimate legislative purpose; that they are impermissibly vague and overbroad, and unduly burdensome; that they seek information not relevant to the Special Counsel investigation; that they require disclosure of protected trade secrets; that they require him to violate contractual confidentiality agreements; and that, by requiring him to violate those confidentiality agreements, they impermissibly impair the obligations of existing contracts in violation of the United States Constitution and the Florida Constitution.

The City Council should either withdraw or decline to enforce these patently unlawful and invalid subpoenas. If the City proceeds with enforcement of these subpoenas, Mr. Baker will be left with no choice but to seek protection from this unconstitutional intrusion in the courts.

Sincerely,

BISHOP & MILLS



Thomas E. Bishop

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