

CLEARWATER CAY
COMMUNITY DEVELOPMENT DISTRICT
12051 Corporate Boulevard, Orlando, Florida 32817
Phone: 407-382-3256; Fax: 407-382-3254

PROCEEDINGS: BOARD OF SUPERVISORS MEETING
BEFORE: The Board of Supervisors of the
Clearwater Cay Community Development
District
DATE: August 15, 2018
TIME: 5:00 p.m. to 7:18 p.m.
LOCATION: Clearwater Main Library
100 North Osceola Avenue
Conference Room A-B
Clearwater, Florida 33755
REPORTED BY: Courtney N. Verhagen, RMR, CRR
Notary Public
State of Florida at Large

REGENCY REPORTING SERVICE, INC. (813)224-0224

- 1 APPEARANCES (CONTINUED):
- 2 JOSEPH GORMAN, UNIT OWNER
- 3 JOHN ARATA, UNIT OWNER
- 4 PAT O'MALLEY, UNIT OWNER
- 5 DANIEL TSINOKAS, UNIT OWNER (Via Telephone)
- 6 BILL BAILEY, UNIT OWNER
- 7 DANNY SETTLES, UNIT OWNER
- 8 JEREMY DOMANICH, CBRE APPRAISER
- 9 DR. CHRIS JONES, FLORIDA ECONOMIC ADVISORS
- 10 RONALD SCHULTE, UNIT OWNER
- 11 PHYLLIS SCHULTE, UNIT OWNER
- 12 JOHN GOASKA, UNIT OWNER
- 13 DAVID McCOMAS, UNIT OWNER
- 14 COLLEEN TUTTLE, UNIT OWNER
- 15 WAYNE CHASE, UNIT OWNER
- 16 JEFF WILSON, UNIT OWNER

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- 1 APPEARANCES:
- 2 DR. HANK FISHKIND, ACTING CHAIRMAN
- 3 BOARD OF SUPERVISORS:
- 4 TREVOR DAVISON, CHAIRMAN/FORMER CHAIRMAN
- 5 JEFF WILSON, NEWLY ELECTED CHAIRMAN
- 6 ALAN GLIDDEN, VICE-CHAIR
- 7 JOEL MIES, ASSISTANT SECRETARY
- 8 GERALD "JERRY" LANCASTER, ASSISTANT SECRETARY
- 9 NINO ACCETTA (Via Telephone)
- 10 DAVID L. SMITH, ESQUIRE
- 11 ROBERT E. JOHNSON, ESQUIRE (Via Telephone)
- 12 GrayRobinson, P.A.
- 13 401 East Jackson Street
- 14 Suite 2700
- 15 Tampa, Florida 33602
- 16 Attorney for the District
- 17 AUDIENCE COMMENTS FROM:
- 18 BRUCE W. BARNES, ESQUIRE
- 19 Bruce W. Barnes, P.A.
- 20 100 Main Street
- 21 Suite 204
- 22 Safety Harbor, Florida 34695
- 23 Attorneys for the Grand Venezia Condominium Association
- 24 BRIAN A. CRUMBAKER, ESQUIRE
- 25 GARY V. PERKO, ESQUIRE
- Hopping Green & Sams
- 119 South Monroe Street
- Suite 300
- Tallahassee, Florida 32314
- Attorneys for OppenheimerFunds
- DEBBIE TAYLOR, BRUCE W. BARNES, P.A.
- DON DWYER, UNIT OWNER
- MICHAEL HERD, UNIT OWNER
- NANCY THIBODEAU, UNIT OWNER

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05:00 **1** P R O C E E D I N G S

05:00 **2** DR. FISHKIND: Ladies and gentlemen, I'd like to

05:00 **3** call this meeting of the Clearwater Cay Community

05:00 **4** Development District to order. It is Wednesday,

05:00 **5** August 15th. It's 5:00 p.m., and I've called the roll

05:01 **6** for the record.

05:01 **7** Mr. Davison.

8 CHAIRMAN DAVISON: Here.

05:01 **9** DR. FISHKIND: Mr. Lancaster.

10 SUPERVISOR LANCASTER: Here.

05:01 **11** DR. FISHKIND: Mr. Mies.

12 SUPERVISOR MIES: Here.

13 DR. FISHKIND: Mr. Glidden.

14 VICE-CHAIR GLIDDEN: Here.

05:01 **15** DR. FISHKIND: And I know that Mr. Accetta is on

05:01 **16** the phone. So we have a forum.

05:01 **17** Trevor, would you like me to lead the meeting?

05:01 **18** CHAIRMAN DAVISON: Yes, please. Do it.

05:01 **19** DR. FISHKIND: All righty. The first thing we

05:01 **20** have is public --

05:01 **21** (Telephonic interruption from the speakerphone.)

05:01 **22** DR. FISHKIND: Whoever's on the phone, you've got

23 to --

24 UNIDENTIFIED MALE TELEPHONIC SPEAKER: We're

25 getting a lot of feedback.

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05:01 **1** DR. FISHKIND: Yes. So somebody needs to put

05:01 **2** their phone on mute, please.

05:01 **3** First item of business is public comment. If you

05:01 **4** have any public comment, we'd be pleased to hear it.

05:01 **5** MR. BARNES: I do.

05:01 **6** DR. FISHKIND: Sure.

05:01 **7** MR. BARNES: You all know -- most of you I

05:01 **8** know -- I don't know who this gentleman is here -- I'm

05:01 **9** Bruce Barnes, representing Grand Venezia COA, and I

05:01 **10** know one of the matters that you'll be addressing are

05:01 **11** invoices from Fishkind & Associates, as well as

05:01 **12** GrayRobinson, which are quite substantial and don't

05:01 **13** relate to any contract in particular that I know of.

05:01 **14** But in any event, are you CCD board members aware

05:02 **15** of the act that this CCD is in default under the

05:02 **16** Florida statute that requires that the annual audit be

05:02 **17** prepared and filed with the Auditor General by June 30?

05:02 **18** DR. FISHKIND: Just make your statement. It's

05:02 **19** not -- it's not questioning. Just -- just --

05:02 **20** MR. BARNES: Are you aware of that? Is

05:02 **21** anybody aware --

05:02 **22** MR. SMITH: They don't have to answer questions.

05:02 **23** DR. FISHKIND: Well, please, make your

05:02 **24** statements, Mr. Barnes, and then we'll move on. So --

05:02 **25** MR. BARNES: I think the public has a right to

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05:02 **1** know whether they're aware of it. If you're going to

05:02 **2** instruct them not to answer it, then that's fine.

05:02 **3** We'll move on.

05:02 **4** UNIDENTIFIED MALE SPEAKER: I'd like to hear it.

05:02 **5** DR. FISHKIND: We'll be happy to answer at the

05:02 **6** right time.

7 UNIDENTIFIED MALE SPEAKER: Okay.

05:02 **8** DR. FISHKIND: This isn't the right time.

05:02 **9** UNIDENTIFIED MALE SPEAKER: Okay.

05:02 **10** DR. FISHKIND: Don't worry. Everything will be

05:02 **11** taken care of. Just --

05:02 **12** MR. BARNES: Okay. On top of that, we'll also be

05:02 **13** talking about assessments, and I have for your review

05:02 **14** an assessment methodology report prepared by a

05:02 **15** different financial advisor for a different community

05:02 **16** development district that's up in Pasco County, and

05:02 **17** it's called "Asturia."

05:02 **18** MR. SMITH: Bruce --

05:02 **19** MR. BARNES: Yes.

05:02 **20** MR. SMITH: -- you're going to want to do that at

05:02 **21** the public hearing.

05:02 **22** MR. BARNES: Okay.

05:02 **23** MR. SMITH: There will be a time to make your

05:02 **24** entire presentation at the public hearing.

05:03 **25** MR. BARNES: I just want to hand this out.

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1 MR. SMITH: Okay.

05:03 **2** MR. BARNES: That's all.

05:03 **3** MR. SMITH: That's fine.

05:03 **4** MR. BARNES: And just for the record, the

05:03 **5** Asturia Community Development District is represented

05:03 **6** by Hopping Green, counsel for Oppenheimer in this --

05:03 **7** that case.

05:03 **8** So if you'll go ahead and hand those out to

05:03 **9** the --

05:03 **10** MS. TAYLOR: I did.

05:03 **11** MR. BARNES: You did? Okay. That's it.

05:03 **12** DR. FISHKIND: Thank you. Any --

05:03 **13** MR. SMITH: You handed those to the board members

05:03 **14** directly?

15 MS. TAYLOR: Yes.

16 DR. FISHKIND: Dan (sic)?

17 MR. DWYER: Thank you. Don Dwyer representing

05:03 **18** Ann Cameron, sitting beside me but has to leave the

05:03 **19** meeting early to go save people's lives tonight.

05:03 **20** Why was the July 18th meeting canceled? Who

05:03 **21** canceled it? Because that meeting was canceled, in

05:03 **22** essence, you realize that we were denied the

05:03 **23** opportunity as a community to have direct input on the

05:03 **24** methodology process that you undertook that we're here

05:03 **25** to essentially have voted on tonight.

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05:03 **1** Why didn't you publish the notice of tonight's
 05:03 **2** meeting? Why didn't the published notice of tonight's
 05:03 **3** meeting talk about anything other than the appraisal in
 05:04 **4** terms of why the 2015 assessments and subsequent
 05:04 **5** assessments were deemed unlawful?
 05:04 **6** So those are my comments. I would hope that you
 05:04 **7** would answer some of them. I'm not sure that you will,
 05:04 **8** but we'll save the rest for later. Thanks.
 05:04 **9** DR. FISHKIND: Don, I'll always answer your
 05:04 **10** questions. Sorry.
 05:04 **11** Other comments, questions from the audience?
 05:04 **12** Yes, sir, please.
 05:04 **13** MR. HERD: Michael Herd. Thank you.
 05:04 **14** In the notice of --
 05:04 **15** THE COURT REPORTER: Michael what? I'm sorry.
 05:04 **16** I need your name. Michael?
 05:04 **17** MR. HERD: Michael Herd, H-e-r-d.
 05:04 **18** MR. SMITH: Thank you.
 05:04 **19** MR. HERD: In the notice that was mailed to the
 05:04 **20** unit owners, at the bottom of Page 3, owners were told
 05:04 **21** that if they wanted the documents referred to in the
 05:04 **22** letter, we should contact the district manager in
 05:04 **23** Orlando.
 05:04 **24** Isn't it a requirement of law that you maintain
 05:04 **25** the records here in Clearwater? Thank you.
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05:04 **1** DR. FISHKIND: Any other comments, questions?
 05:04 **2** MS. THIBODEAU: I'd like to comment.
 05:04 **3** DR. FISHKIND: Yes. Please tell us your name.
 05:04 **4** MR. GORMAN: Joseph Gorman, and I have a
 05:04 **5** question. I'm new to this, a new homeowner as of --
 05:04 **6** effective June 1.
 05:04 **7** So my question is -- I just got handed this
 05:05 **8** community development adopted physical operations
 05:05 **9** budget. I'm assuming that this is what I pay into.
 05:05 **10** DR. FISHKIND: Yeah.
 05:05 **11** MR. GORMAN: And my question is, who approved
 05:05 **12** this budget and when was it approved? Because I didn't
 05:05 **13** get any notice, and I sure as hell wouldn't have
 05:05 **14** paid -- approved all these legal fees.
 05:05 **15** So who did that? That -- that's my question.
 05:05 **16** And -- and then I have another question in
 05:05 **17** reference to the notice sent to homeowners about the
 05:05 **18** district continuing to honor its financial commitments.
 05:05 **19** Do you--all agree that the financial commitments to the
 05:05 **20** bondholders should be reduced if the debt service,
 05:05 **21** you know, can't be justified?
 05:05 **22** So that's another question for whoever.
 05:05 **23** Thank you.
 05:05 **24** DR. FISHKIND: Yes.
 05:05 **25** MS. THIBODEAU: I'd like to make --
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05:05 **1** DR. FISHKIND: Yes, ma'am.
 05:05 **2** MS. THIBODEAU: Yes. I had a couple questions
 05:05 **3** that I'd like to ask.
 05:05 **4** DR. FISHKIND: State your name, please, for the
 05:05 **5** record.
 05:05 **6** MS. THIBODEAU: Nancy Thibodeau.
 05:05 **7** DR. FISHKIND: Thanks, Ms. Thibodeau.
 05:05 **8** MS. THIBODEAU: Okay. I wanted to ask the board
 05:05 **9** members why they continue to work with Oppenheimer and
 05:05 **10** against the Grand Venezia interest, Grand Venezia
 05:06 **11** landowners' interests. That's one of my questions.
 05:06 **12** Another one is, why didn't the CDD ever take
 05:06 **13** Mr. Barnes' multiple offers to hold a workshop so that
 05:06 **14** we could have a full and frank discussion about the
 05:06 **15** assessments and the pertinent law and facts?
 05:06 **16** DR. FISHKIND: Thank you.
 05:06 **17** MS. THIBODEAU: Thank you.
 05:06 **18** DR. FISHKIND: Yes.
 05:06 **19** MR. ARATA: What about the fact, Dr. Fishkind,
 05:06 **20** that --
 05:06 **21** MR. DWYER: You've got to state your name first.
 05:06 **22** DR. FISHKIND: State your name.
 05:06 **23** MR. ARATA: Oh, I'm sorry.
 05:06 **24** DR. FISHKIND: Yes.
 05:06 **25** MR. ARATA: John Arata, Grand Venezia.
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05:06 **1** DR. FISHKIND: Thank you.
 05:06 **2** THE COURT REPORTER: I'm sorry. You've got to
 05:06 **3** say that again.
 05:06 **4** MR. ARATA: John Arata.
 05:06 **5** THE COURT REPORTER: Thank you.
 05:06 **6** DR. FISHKIND: Thanks, John.
 05:06 **7** MR. ARATA: Dr. Fishkind, you testified that the
 05:06 **8** land and infrastructure allocations in the 2008 report
 05:06 **9** related to lands and infrastructure outside the gates
 05:06 **10** of Grand Venezia.
 05:06 **11** So how did that affect -- what benefit are the
 05:07 **12** people, us inside the Grand Venezia, getting if it's
 05:07 **13** outside the gate?
 05:07 **14** DR. FISHKIND: Yeah. We're going to talk all
 05:07 **15** about that at the assessment hearing. So I'll delay
 05:07 **16** the answer to that till then.
 05:07 **17** Anything else, John? John, anything else?
 05:07 **18** MR. ARATA: Excuse me?
 05:07 **19** DR. FISHKIND: Any other issues, John?
 05:07 **20** MR. ARATA: No, that's it for now.
 05:07 **21** DR. FISHKIND: Okay. Thank you, sir.
 05:07 **22** Yes.
 05:07 **23** MR. O'MALLEY: Yes. My name is Pat O'Malley.
 05:07 **24** And do the board members understand that both
 05:07 **25** GrayRobinson and Fishkind & Associates helped to
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05:07 **1** establish the CDD where not one penny of infrastructure
 05:07 **2** was ever construction -- constructed? Pardon me.
 05:07 **3** And does it not concern you that GrayRobinson and
 05:07 **4** Fishkind & Associates have profited handsomely on the
 05:07 **5** backs of the owners by the monthly fees that both
 05:07 **6** organizations are charging each month to each owner?
 05:08 **7** DR. FISHKIND: Yes, sir. Anything else?
 05:08 **8** MR. O'MALLEY: That's all.
 05:08 **9** DR. FISHKIND: Okay. Thank you.
 05:08 **10** MR. O'MALLEY: And that will be answered?
 05:08 **11** DR. FISHKIND: We'll take care of it, sir.
 05:08 **12** MR. O'MALLEY: This evening?
 05:08 **13** DR. FISHKIND: We'll take care of it, sir.
 05:08 **14** MR. O'MALLEY: I can't hear you.
 05:08 **15** DR. FISHKIND: Yes, sir.
 05:08 **16** MR. O'MALLEY: Thank you.
 05:08 **17** DR. FISHKIND: Yes, sir. Anything else?
 05:08 **18** (No response.)
 05:08 **19** DR. FISHKIND: Okay. So we've done the public
 05:08 **20** comment.
 05:08 **21** Would the board like to respond briefly to that?
 05:08 **22** MR. TSINOKAS: Well, hold on. Can --
 05:08 **23** DR. FISHKIND: Oh, I'm sorry.
 05:08 **24** MR. TSINOKAS: Can I make --
 05:08 **25** DR. FISHKIND: I'm sorry, sir.
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05:08 **1** MR. TSINOKAS: Can I make a comment?
 05:08 **2** DR. FISHKIND: Of course you can. I'm sorry.
 05:08 **3** I forgot you on the phone.
 05:08 **4** MR. TSINOKAS: Okay.
 05:08 **5** DR. FISHKIND: My apologies. Please go ahead.
 05:08 **6** MR. TSINOKAS: That's okay. And I appreciate --
 05:08 **7** this is coming in loud and clear, and I appreciate the
 05:08 **8** owners and individuals there making comments to the --
 05:08 **9** to the board supervisors. And so my comment is really
 05:08 **10** a reflection of what's been going on for seven or six
 05:08 **11** months.
 05:08 **12** Obviously you're hearing some of the feedback
 05:08 **13** that the owners and the community and our attorney,
 05:08 **14** Bruce Barnes, has been saying to the GVCOA, the CCD
 05:09 **15** board, for a long time now. And so -- and so I've had
 05:09 **16** personal communications with the board members, not
 05:09 **17** Joel, but certainly Trevor, Nino, and Alan.
 05:09 **18** And in talking about the creation -- we talked
 05:09 **19** about the creation and -- and the serious flaws in the
 05:09 **20** CCD and not receiving any benefits and, you know, these
 05:09 **21** fear tactics that have gone on to some personal CCD
 05:09 **22** board members and personal lawsuits. So, you know, we
 05:09 **23** all know now that this was not a frivolous lawsuit, and
 05:09 **24** Judge Jirotko kind of ruled on that.
 05:09 **25** We've got an assessment coming up, and there is a
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05:09 **1** number of other issues as well, and then I'm very
 05:09 **2** disappointed at a previous meeting that Jerry Lancaster
 05:09 **3** invited us to be able to participate in a reassessment,
 05:09 **4** and that -- that did not happen.
 05:09 **5** And so for me and the rest of this community, we
 05:10 **6** continue to feel frustration at being not properly
 05:10 **7** represented and certainly not being properly looked
 05:10 **8** after. And so for me, I know that, you know, in the --
 05:10 **9** in the next hour or so, that the individuals that
 05:10 **10** represent the CCD -- and I'm talking about the board
 05:10 **11** members -- are making an important decision.
 05:10 **12** This is not a game anymore, and they'll be
 05:10 **13** hold -- they'll be held accountable for their
 05:10 **14** decisions, and I hope that they'll give serious
 05:10 **15** consideration to what's been said earlier today and
 05:10 **16** that when the time comes, that -- you know, that
 05:10 **17** they -- that they have the courage and that they're not
 05:10 **18** afraid to make the right decisions. I think they know
 05:10 **19** what the right decision is, and that is not to approve
 05:10 **20** this reassessment.
 05:10 **21** We need to have a workshop session and do what's
 05:10 **22** proper. So as I said, they will be held accountable.
 05:10 **23** It will not end today if they decide to pass this on,
 05:10 **24** and I want it to be on the record that they've been --
 05:10 **25** they've been made aware of the seriousness of what is
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05:11 **1** going to happen if they approve this reassessment that
 05:11 **2** has lots of flaws in it.
 05:11 **3** DR. FISHKIND: And would you --
 05:11 **4** MR. TSINOKAS: Thank you very much.
 05:11 **5** DR. FISHKIND: And would you state your name?
 05:11 **6** I didn't get it at the beginning.
 05:11 **7** MR. TSINOKAS: My first name is Dan --
 05:11 **8** DR. FISHKIND: Yeah.
 05:11 **9** MR. TSINOKAS: -- and my last name is Tsinokas --
 05:11 **10** DR. FISHKIND: Thanks, Dan.
 05:11 **11** MR. TSINOKAS: -- T for Tom, S for Sam,
 05:11 **12** i-n-o-k-a-s.
 05:11 **13** DR. FISHKIND: Thank you.
 05:11 **14** Any other comments from anybody?
 05:11 **15** MR. BAILEY: I'd like to make a statement.
 05:11 **16** DR. FISHKIND: Yes, sir.
 05:11 **17** MR. BAILEY: My name's Bill Bailey. I'm new to
 05:11 **18** the Grand Venezia.
 05:11 **19** DR. FISHKIND: Yes, sir.
 05:11 **20** MR. BAILEY: I'm actually confused about this
 05:11 **21** board a little bit. I would like to address the legal
 05:11 **22** fees. I really don't understand how it works. I would
 05:11 **23** like to know if any of these legal fees are paying for
 05:11 **24** any of this litigation that's going back and forth and,
 05:11 **25** if so, why.
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05:11 **1** As a -- as an owner, I don't want to pay for
 05:11 **2** their lawyer fees when they should be fighting their
 05:11 **3** own battle, and we're fighting our own. So I'd like to
 05:11 **4** have that addressed.
 05:11 **5** DR. FISHKIND: Thank you, sir.
 05:11 **6** Yes, sir.
 05:11 **7** MR. SETTLES: Excuse me. Danny Settles,
 05:11 **8** Grand Venezia landowner.
9 THE COURT REPORTER: I'm sorry. Could you say
10 that again?
11 MR. DWYER: Danny Settles.
12 MR. SETTLES: Danny Settles, Grand Venezia
13 landowner.
 05:12 **14** I would just like to know how you, as a board,
 05:12 **15** can sit and justify the so-called "benefits" that we
 05:12 **16** receive from assessments that we pay.
 05:12 **17** DR. FISHKIND: Well, we're going to talk about
 05:12 **18** that at the assessment hearing, if I could ask you to
 05:12 **19** hold off on that issue.
 05:12 **20** Do you have another one that you want us to --
 05:12 **21** MR. SETTLES: No.
 05:12 **22** DR. FISHKIND: Okay. Thank you.
 05:12 **23** MR. SETTLES: Uh-huh.
 05:12 **24** DR. FISHKIND: Anybody else?
25 (No response.)
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05:12 **1** DR. FISHKIND: Okay. Done with public comment.
 05:12 **2** Would the board like me to respond to some of
 05:12 **3** those questions?
4 CHAIRMAN DAVISON: Yes, please.
 05:12 **5** DR. FISHKIND: All right. Let me try to do that.
 05:12 **6** Let me start with the audit. The audit has been
 05:12 **7** delayed because of the litigation and the need to wait
 05:12 **8** for the assessments, and we've notified the appropriate
 05:12 **9** authorities. We have an update from our auditor. So
 05:12 **10** that's the audit.
 05:12 **11** In terms of why we canceled the July meeting, we
 05:12 **12** didn't have any business to conduct. So that's why we
 05:12 **13** didn't have the July meeting. There was no business to
 05:12 **14** be conducted. We needed to have this meeting in order
 05:13 **15** to be able to deal with the assessments.
 05:13 **16** The published notice was published exactly
 05:13 **17** according to what is required, vetted by the attorneys
 05:13 **18** properly with the statute.
 05:13 **19** Yes, we do keep the records in Clearwater. Alan
 05:13 **20** keeps them and puts them in a public place so anybody
 05:13 **21** can have access to them.
 05:13 **22** In terms of the budget, budgets are approved in
 05:13 **23** Florida based on statutory regulations in a two-step
 05:13 **24** process. This board passed a preliminary budget at its
 05:13 **25** June meeting, and we scheduled a public hearing to pass
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05:13 **1** the final budget today. So that's what happens with
 05:13 **2** the budget.
 05:13 **3** The legal fees are incurred, yes, in part, to
 05:13 **4** defend against the litigation. The district is
 05:13 **5** informed that it is required by its bond documents to
 05:13 **6** defend.
 05:13 **7** In terms of Oppenheimer and the owners and us,
 05:14 **8** yes, we were involved in the initial assessments, and
 05:14 **9** we are still here today conducting them.
 05:14 **10** Why no workshop? Because this public hearing is
 05:14 **11** the workshop. That's what a workshop is.
 05:14 **12** MR. BARNES: No, it's not.
 05:14 **13** DR. FISHKIND: That's what this public hearing is
 05:14 **14** for. So I think that is -- I'm looking to Trevor.
 05:14 **15** CHAIRMAN DAVISON: I think there's --
16 DR. FISHKIND: Yes, sir.
17 CHAIRMAN DAVISON: -- just one other thing you
 05:14 **18** might want to mention, too.
19 THE COURT REPORTER: I'm sorry. I can't hear.
20 CHAIRMAN DAVISON: I just want to -- you might
21 want to mention the -- splitting the fees, only
22 20 percent is paid by Venezia.
23 MR. SMITH: She can't hear you.
24 THE COURT REPORTER: I can't hear anything.
25 MR. DWYER: Would the reporter be able to sit up
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05:14 **1** next to you?
 05:14 **2** DR. FISHKIND: It's -- what Trevor was asking is
 05:14 **3** to point out that a percentage of the fees are paid by
 05:14 **4** Grand Venezia, approximately 20 percent. The
 05:14 **5** preponderance of the fees are actually paid by
 05:14 **6** the whole -- by the apartment parcel that's under
 05:14 **7** development.
8 I think that's the point Trevor was making.
 05:14 **9** CHAIRMAN DAVISON: Yeah. The apartment parcel
 05:15 **10** and the --
 05:15 **11** DR. FISHKIND: Yeah, that's right.
 05:15 **12** CHAIRMAN DAVISON: -- and the --
 05:15 **13** DR. FISHKIND: Office.
 05:15 **14** CHAIRMAN DAVISON: -- office.
15 DR. FISHKIND: And the office parcel. Right.
 05:15 **16** Okay. So we're done with public comments. We're
 05:15 **17** on to consideration of the minutes, June 20th, 2018,
 05:15 **18** under Tab 1. Let me get my document here. Just give
 05:15 **19** me a second.
 05:15 **20** Okay. So comments, questions? Anything on the
 05:15 **21** minutes of your last meeting?
22 CHAIRMAN DAVISON: Yes, Page --
23 MR. DWYER: I do.
24 CHAIRMAN DAVISON: -- Page 11.
25 DR. FISHKIND: Trevor?
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05:15 1 MR. DWYER: Don Dwyer again.
 05:15 2 CHAIRMAN DAVISON: Oh, Page 11. It said --
 05:15 3 MR. SMITH: Public comment's over.
 4 DR. FISHKIND: What page are you on?
 5 CHAIRMAN DAVISON: Page 11, the last paragraph.
 6 It says --
 7 THE COURT REPORTER: Okay. I'm going to have to
 8 move because I can't hear him at all.
 9 MR. SMITH: And while she's doing that, if I
 10 could ask everybody to use your outdoor voice. We've
 11 already known because we've been threatened with a
 12 lawsuit almost irrespective of what we do.
 13 So we need a complete transcript. So it's
 14 important that you make an effort to speak up so she
 15 can get the record correct because it will be read at
 16 some point in time. So while we're waiting for her to
 17 shift -- let's just wait for a while, but keep that in
 18 mind, please.
 19 And if you need to come forward a little bit in
 20 order to be heard, that's okay. If you need to stand
 21 up to be heard, that's okay. We would like to get
 22 everything in the record, and you would like to get
 23 everything in the record.
 24 THE COURT REPORTER: And everyone says their name
 25 because I'm not going to be able to remember just
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1 because you said it once.
 2 MR. SMITH: Yes. Each time you speak, for
 3 example, "David Smith. I'd like to respond to that
 4 question." So please use your name so we know who you
 5 are when you speak.
 6 (Whereupon, the court reporter repositioned.)
 05:16 7 UNIDENTIFIED MALE SPEAKER: I would ask the same
 05:16 8 thing of the board because, frankly, I mean, I'm
 05:16 9 obviously an old guy, hard of hearing, but I had
 05:16 10 difficulty hearing --
 11 DR. FISHKIND: I understand.
 05:16 12 UNIDENTIFIED MALE SPEAKER: -- and his voice is
 05:16 13 soft.
 05:16 14 DR. FISHKIND: I will try to speak up.
 05:16 15 MR. SMITH: And that was intended for my board
 05:16 16 members, as well as the public.
 05:16 17 Absolutely. I can relate.
 05:16 18 DR. FISHKIND: All right. So minutes.
 05:16 19 CHAIRMAN DAVISON: Okay. So the last
 05:16 20 paragraph -- Page 11, last paragraph.
 05:16 21 DR. FISHKIND: Page 11, last paragraph.
 05:16 22 All right.
 05:16 23 CHAIRMAN DAVISON: "Mr. Davison stated that the
 24 value of the CDD received a 2.65 percentage." That
 05:16 25 should be \$2.65 million.
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05:16 1 DR. FISHKIND: Yeah. Okay.
 05:17 2 CHAIRMAN DAVISON: The next line is \$1.5 million;
 05:17 3 then the next line is \$2.65 million.
 4 DR. FISHKIND: Right.
 05:17 5 MS. THIBODEAU: We still can't hear you.
 05:17 6 DR. FISHKIND: What Mr. Davison was mentioning is
 05:17 7 on Page 11 of the minutes, that instead of percents, we
 05:17 8 should have had millions. We have the right number; we
 05:17 9 just had percent instead of million.
 05:17 10 Thank you, Trevor.
 05:17 11 Anything else to correct the minutes?
 12 (No response.)
 05:17 13 DR. FISHKIND: Then a motion to approve the
 05:17 14 minutes, as amended, will be in order.
 05:17 15 UNIDENTIFIED MALE SPEAKER: Hold on, hold on.
 05:17 16 DR. FISHKIND: You're out of order.
 05:17 17 Trevor, could I have a motion to approve this?
 05:17 18 CHAIRMAN DAVISON: Yeah, I'll make a motion to
 05:17 19 approve the minutes.
 05:17 20 SUPERVISOR LANCASTER: I'll second it. Jerry.
 05:17 21 SUPERVISOR ACCETTA: I'll second the motion.
 05:17 22 CHAIRMAN DAVISON: That's Nino.
 05:17 23 DR. FISHKIND: Nino, thank you.
 05:17 24 All those in favor --
 25 SUPERVISOR ACCETTA: I second the motion.
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05:17 1 DR. FISHKIND: All those in favor please signify
 05:17 2 by saying "aye."
 3 BOARD OF SUPERVISORS: Aye.
 4 DR. FISHKIND: All the same sign. Thank you.
 5 SUPERVISOR ACCETTA: Aye.
 6 DR. FISHKIND: Thank you, Nino.
 05:17 7 Thank you, sir.
 05:17 8 MR. SMITH: And, Hank, before you move forward,
 05:17 9 let me clarify the process.
 05:17 10 The way meetings are set up, just like they are
 05:17 11 for municipalities, it's really not a colloquy. There
 05:17 12 are periods of time in which you have input, which was
 05:17 13 the public comment up front, and you're going to have
 05:18 14 an opportunity to be heard during the public hearing,
 05:18 15 when these issues --
 05:18 16 MR. DWYER: But there's an error, and you're --
 05:18 17 you've just recorded and passed an error because this
 05:18 18 gentleman sitting down here was at the last meeting,
 05:18 19 and according to your minutes, unless you've changed
 05:18 20 them, he was on the telephone. That's what I wanted to
 05:18 21 tell you.
 05:18 22 MR. SMITH: Who was on the telephone?
 05:18 23 MR. DWYER: Chris Jones.
 05:18 24 MR. SMITH: So you're saying the minutes -- the
 05:18 25 minutes did not reflect his presence on the phone.
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05:18 **1** MR. DWYER: No. It reflected him on the phone.
 05:18 **2** He was in the meeting personally.
 05:18 **3** MR. SMITH: Okay. So you have an erratum.
 05:18 **4** DR. FISHKIND: Thank you.
 05:18 **5** MR. SMITH: Thank you.
 05:18 **6** DR. FISHKIND: All right. So, David, go ahead.
 05:18 **7** You were going to introduce the next item, which is our
 05:18 **8** assessment proceedings.
 05:18 **9** MR. SMITH: Well, actually, I think you're going
 05:18 **10** to consider the resolution to approve an annual meeting
 05:18 **11** schedule.
 05:18 **12** DR. FISHKIND: Oh, I'm sorry.
 05:18 **13** MR. SMITH: That's all right.
 05:18 **14** DR. FISHKIND: Yeah. Item 2 is the resolution
 05:18 **15** 2018 annual meeting schedule, the third Wednesday of
 05:18 **16** each month except for November. We'll make it the
 05:19 **17** second Wednesday to avoid Thanksgiving. The reason we
 05:19 **18** set the meeting schedule once is so that we can just
 05:19 **19** conduct one advertisement.
 05:19 **20** So questions, comments?
 05:19 **21** Otherwise, a motion to approve the 2018 meeting
 05:19 **22** schedule would be in order.
 05:19 **23** CHAIRMAN DAVISON: Mine would be December the
 05:19 **24** 19th. You might want to bring that earlier in case
 05:19 **25** people are going on vacation.
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05:19 **1** VICE-CHAIR GLIDDEN: Yeah. I won't be here then.
 05:19 **2** DR. FISHKIND: All right. We can do that. We'll
 05:19 **3** make it the week before --
 05:19 **4** CHAIRMAN DAVISON: Do it the week before.
 05:19 **5** DR. FISHKIND: -- which would be the 12th.
 05:19 **6** I'm sorry. It'd be the -- right, yeah -- 12th.
 05:19 **7** Okay. With that change, 2018-09, do I have a
 05:19 **8** motion to approve as amended?
 05:19 **9** CHAIRMAN DAVISON: I'll make a motion to approve.
 05:19 **10** DR. FISHKIND: Moved by Trevor.
 05:19 **11** VICE-CHAIR GLIDDEN: I second the motion.
 05:19 **12** DR. FISHKIND: Second by Alan.
 05:19 **13** All those in favor please signify by saying
 05:19 **14** "aye."
 05:19 **15** BOARD OF SUPERVISORS: Aye.
 05:19 **16** DR. FISHKIND: All right. All the same sign.
 05:19 **17** Motion passes.
 05:19 **18** Now, David --
 05:19 **19** SUPERVISOR ACCETTA: Aye.
 05:19 **20** DR. FISHKIND: Thank you, Nino.
 05:19 **21** David, now --
 05:20 **22** MR. SMITH: Okay. The next item is the
 05:20 **23** discussion of the status of the district litigation.
 05:20 **24** I think the only thing that has happened since our last
 05:20 **25** meeting was we had a hearing in front of Judge Jirotko
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05:20 **1** in order to go over the proposed orders.
 05:20 **2** To back up what happened, Judge Jirotko had ruled
 05:20 **3** in certain fashions in favor of the district and
 05:20 **4** Oppenheimer, and he ruled in certain fashions and in
 05:20 **5** favor of the COA. He asked the district to prepare
 05:20 **6** those portions of the order that were favorable to the
 05:20 **7** district, and he asked Mr. Barnes to prepare a portion
 05:20 **8** of the order that dealt with the ruling that was
 05:20 **9** favorable to the COA.
 05:20 **10** We both provided orders to the judge; did not
 05:20 **11** accept the orders of the other. So we had to have a
 05:20 **12** hearing to discuss those orders.
 05:20 **13** What Judge Jirotko did at that hearing was --
 05:20 **14** essentially he said -- and I will just adopt my
 05:21 **15** transcript.
 05:21 **16** On April 26th, he called all of the lawyers to a
 05:21 **17** meeting in the courtroom, and he went through --
 05:21 **18** I believe we have something like 15, 16 -- 16 pages of
 05:21 **19** rulings that the judge went through. So that is now
 05:21 **20** the order, and that was the outcome of the only hearing
 05:21 **21** we've had since we last met.
 05:21 **22** Not surprisingly, we have various understandings
 05:21 **23** of what that order says, just like there's various
 05:21 **24** understandings of what the law is and what the facts
 05:21 **25** are.
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05:21 **1** Many of you have not heard the other side of this
 05:21 **2** story, and I'm not going to give it to you tonight
 05:21 **3** because we don't have time, but I would caution you.
 05:21 **4** Lawyers tend to believe the theories they assert.
 05:21 **5** Sometimes they're right; sometimes they're wrong.
 05:21 **6** If you've only heard one side of the story,
 05:21 **7** chances are you only have half the truth. I'll leave
 05:21 **8** it at that. I'm not going to convince anybody of
 05:21 **9** anything tonight. I'm just going to advise you that
 05:22 **10** your board has been acting pursuant to advice of
 05:22 **11** counsel, doing what they understand to be the correct
 05:22 **12** and legally obligated thing to do.
 05:22 **13** And I heard from Mr. Tsinokas that somehow we've
 05:22 **14** been involved in threats. The only threats I'm aware
 05:22 **15** of are the threats the board receives at the pool and
 05:22 **16** elsewhere when they deign to use the common amenities
 05:22 **17** that they pay for.
 05:22 **18** In addition to that, the only action that was
 05:22 **19** brought was an action for mandamus by your counsel to
 05:22 **20** try to get access to a closed proceeding. Another
 05:22 **21** action was brought filing an ethic complaint that was
 05:22 **22** dismissed for failure to state a cause of action.
 05:22 **23** So this board and this law firm have not brought
 05:22 **24** efforts or actions to intimidate anyone. I did hear
 05:22 **25** Mr. Tsinokas, however, say during his points that this
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05:22 **1** board will be held accountable.
 05:22 **2** Now, that's not a very veiled threat. So I'm not
 05:22 **3** going to continue to talk about that, but I feel
 05:22 **4** compelled to protect my board. But I know it's going
 05:23 **5** to be counterproductive, and we need to focus on the
 05:23 **6** matter at hand, which is --
 05:23 **7** Let's talk about the order. Let's talk about the
 05:23 **8** reassessment procedure. Let's apply the law, as it
 05:23 **9** exists, not as we torture it to mean, and let's come
 05:23 **10** out with a process that's fair and that's correct in
 05:23 **11** accordance with the law.
 05:23 **12** So that is an update and a little bit of
 05:23 **13** editorializing. I realize that, and I will refrain
 05:23 **14** from doing that because that's probably to be
 05:23 **15** counterproductive. That is the update on the district
 05:23 **16** litigation.
 05:23 **17** Bob Johnson, are you on the phone? Do you have
 05:23 **18** anything to add to that?
 05:23 **19** MR. JOHNSON: Yes, I am. One point to follow
 05:23 **20** through because we did not have a meeting in July, and
 05:23 **21** we had advised the board of the actions of
 05:23 **22** Judge Jirotko denying the writ of mandamus that was
 05:23 **23** sought by the Grand Venezia.
 05:23 **24** So the Grand Venezia forced the district to spend
 05:24 **25** substantial amounts of money defending against
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05:24 **1** the case, another case, a separate case, which it lost,
 05:24 **2** and that case is over with. So that has happened
 05:24 **3** between our June meeting and this one.
 05:24 **4** MR. SMITH: Thank you.
 05:24 **5** DR. FISHKIND: Thank you, Robert.
 05:24 **6** MR. SMITH: Thank you, Bob. I forgot about that.
 05:24 **7** DR. FISHKIND: All right. We're good for
 05:24 **8** litigation. We're on to now the main topic.
 05:24 **9** MR. SMITH: I believe so. The next topic it
 05:24 **10** lists is consideration of acceptance of the appraisal,
 05:24 **11** but I think that's just receipt and file, essentially.
 05:24 **12** DR. FISHKIND: Yes, yes. And then Jeremy's here
 05:24 **13** to talk about it when we open up the public hearing.
 05:24 **14** MR. SMITH: All right.
 05:24 **15** DR. FISHKIND: So I think what we should do now
 05:24 **16** is open up the public hearing.
 05:24 **17** And do you want to provide the introduction,
 05:24 **18** David?
 05:24 **19** MR. SMITH: I do, if I can find my introduction.
 05:24 **20** I tried to say I'd stay on track and not editorialize
 05:24 **21** on this. It is probably right here.
 05:25 **22** Okay. We are now opening the public hearing with
 05:25 **23** respect to the reassessment proceeding required by the
 05:25 **24** Court's order. The board will hear from affected
 05:25 **25** parties and will make a final decision on whether to
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05:25 **1** levy a special assessment and, if so, in what amount.
 05:25 **2** The determination of whether to levy a special
 05:25 **3** assessment and what amount is a legislative decision.
 05:25 **4** The process we will file -- follow, the board will hear
 05:25 **5** first a presentation from Dr. Hank Fishkind.
 05:25 **6** Dr. Fishkind is the financial advisor for the
 05:25 **7** district. He will provide his analysis and
 05:25 **8** recommendation based on what the Court decided and
 05:25 **9** based on the applicable law, and then we will come back
 05:25 **10** and hear from parties in the audience that have other
 05:25 **11** issues they wish to describe and any other evidence
 05:25 **12** they wish to provide.
 05:25 **13** After that is done, the board will deliberate.
 05:25 **14** So now we'll start first with Dr. Fishkind's
 05:25 **15** presentation.
 05:25 **16** DR. FISHKIND: Well, I think, if we could, if --
 05:25 **17** we have Jeremy Domanich with us, and he could provide
 05:26 **18** just a quick summary of his appraisal.
 05:26 **19** MR. SMITH: Perfect.
 05:26 **20** DR. FISHKIND: And then we could let him go and
 05:26 **21** then continue with the balance of the comments and the
 05:26 **22** matters.
 05:26 **23** MR. SMITH: Perfect.
 05:26 **24** DR. FISHKIND: The board retained CBRE.
 05:26 **25** Jeremy Domanich is here. We published his appraisal.
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05:26 **1** Jeremy, do you want to give a quick summary for
 05:26 **2** the board?
 05:26 **3** MR. DOMANICH: Sure. My name's Jeremy Domanich.
 05:26 **4** I work with CBRE here in Tampa. We were hired by the
 05:26 **5** CDD in June of this year to conduct a retrospective
 05:26 **6** appraisal of the market value of the track owned by the
 05:26 **7** CDD.
 05:26 **8** The date of value was April -- April 15th, 2015.
 05:26 **9** In order to complete the appraisal, we analyzed the
 05:26 **10** property, the market, the local and the regional data,
 05:26 **11** and comparable sales of land we deemed similar that
 05:26 **12** would give us a good value for the subject property.
 05:27 **13** We used six comparable sales. They gave us an --
 05:27 **14** we concluded to a value indication of \$1.57 million for
 05:27 **15** the 6.07-acre tract.
 05:27 **16** That's --
 05:27 **17** DR. FISHKIND: Questions for Jeremy from the
 05:27 **18** board?
 05:27 **19** (No response.)
 05:27 **20** DR. FISHKIND: Okay. Thank you, Jeremy.
 05:27 **21** MR. DOMANICH: Thank you.
 05:27 **22** MR. BARNES: If -- if this gentleman's going to
 05:27 **23** be dismissed, I'd like to ask him questions, and I'd be
 05:27 **24** happy to accommodate him.
 05:27 **25** MR. SMITH: You actually don't have a right to
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05:27 **1** cross-examination in a legislative proceeding, but if
 05:27 **2** you'll ask me what you want to know, I think we can
 05:27 **3** probably get there a different way.
 05:27 **4** MR. BARNES: Well, I don't think that -- I think
 05:27 **5** due process requires that when somebody puts in
 05:27 **6** evidence, that the public, at a public hearing, has a
 05:27 **7** right to ask about that.
 05:27 **8** MR. SMITH: You have a right to comment on it.
 05:27 **9** You have a right to put in contrary evidence. You do
 05:27 **10** not have a right to cross-examine in a legislative
 05:27 **11** proceeding.
 05:27 **12** MR. BARNES: Okay.
 05:27 **13** MR. SMITH: There's case law on point.
 05:27 **14** MR. BARNES: Okay. Well, I'll just make my
 05:27 **15** comments then.
 05:27 **16** MR. SMITH: Do you want to make them now, or do
 05:27 **17** you want to wait till you hear all the evidence?
 05:28 **18** MR. BARNES: I want to make them now. Okay?
 05:28 **19** MR. SMITH: Okay.
 05:28 **20** MR. BARNES: First of all, there's a falsehood in
 05:28 **21** your report, sir, about the developer filing bankruptcy
 05:28 **22** because of the Great Recession. The developer was
 05:28 **23** DC703, made up of Dave Clark and Dave Schwartz, who are
 05:28 **24** serving 40-year prison sentences for pulling off one of
 05:28 **25** the biggest real estate scams in the country.
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05:28 **1** That's number one; number two, your price per
 05:28 **2** acre comes out to \$258,000 and change, which is
 05:28 **3** generally far less than your comparables. On top of
 05:28 **4** that, you didn't use one comparable of any commercial
 05:28 **5** property that fronts U.S. 19.
 05:28 **6** And, also, I'd like to know at some point what
 05:28 **7** kind of communications there were with this appraisal
 05:28 **8** firm leading up to the preparation of this appraisal.
 05:28 **9** That's it.
 05:28 **10** DR. FISHKIND: Thank you.
 05:28 **11** Jeremy, thank you, sir.
 05:28 **12** MR. DWYER: I have one.
 05:28 **13** MR. DOMANICH: Thank you.
 05:28 **14** MR. DWYER: I have one.
 05:28 **15** DR. FISHKIND: Do you want to wait till the
 05:28 **16** comment period, Dan (sic), or do you want to ask now?
 05:28 **17** MR. DWYER: I'd like to ask it now.
 05:28 **18** DR. FISHKIND: All right. One --
 05:28 **19** MR. DWYER: And it's Don.
 05:28 **20** DR. FISHKIND: One more. One more, and then
 05:28 **21** we'll move on.
 05:28 **22** MR. DWYER: Don Dwyer.
 05:28 **23** DR. FISHKIND: Go ahead.
 05:28 **24** MR. DWYER: And I appreciate the courtesy of
 05:28 **25** that.
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05:28 **1** DR. FISHKIND: Absolutely. Go ahead.
 05:28 **2** MR. DWYER: Did you-all solicit RFQs --
 05:28 **3** DR. FISHKIND: Yes, we did.
 05:29 **4** MR. DWYER: -- from the gentleman that supplied
 05:29 **5** the appraisal?
 05:29 **6** DR. FISHKIND: Yes, we did.
 05:29 **7** MR. DWYER: So you had multiple companies --
 05:29 **8** DR. FISHKIND: Yes, we did.
 05:29 **9** MR. DWYER: -- that were involved in the bidding
 05:29 **10** process --
 05:29 **11** DR. FISHKIND: Yes, we did.
 05:29 **12** MR. DWYER: -- and you selected him?
 05:29 **13** DR. FISHKIND: Yes, sir. The board selected him.
 05:29 **14** MR. DWYER: Are those documents available for
 05:29 **15** review?
 05:29 **16** DR. FISHKIND: Of course.
 05:29 **17** MR. DWYER: Thank you.
 05:29 **18** DR. FISHKIND: All the documents are in the
 05:29 **19** public -- yes, sir.
 05:29 **20** MR. DWYER: Thank you very much.
 05:29 **21** DR. FISHKIND: Okay.
 05:29 **22** Jeremy, thank you, sir.
 05:29 **23** MR. DOMANICH: Thank you.
 05:29 **24** DR. FISHKIND: You'll have plenty of time to
 05:29 **25** comment during the right time.
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05:29 **1** All right. On to my assessment report. The
 05:29 **2** assessment report was provided to the board pursuant to
 05:29 **3** the first phase of our 170 process in which the board
 05:29 **4** found reason to move forward. You made the finding
 05:29 **5** that there were special benefits and that the benefits
 05:29 **6** exceeded the costs imposed based on my report.
 05:29 **7** Just briefly, since this has been in the public
 05:29 **8** record for some time, as you know, Judge Jirotko found
 05:29 **9** that the assessments in '05, '06, and '08 were all
 05:30 **10** valid. I think it's important to point out that by
 05:30 **11** finding that the '08 assessments were valid,
 05:30 **12** essentially the judge said the project was complete and
 05:30 **13** that there were benefits from that completed project in
 05:30 **14** '08.
 05:30 **15** None of that has changed since then. The only
 05:30 **16** thing that happened that was material is a piece of
 05:30 **17** property got sold, and our appraiser indicates that the
 05:30 **18** district got more in value than the property was worth.
 05:30 **19** So, if anything, the situation relative to the
 05:30 **20** assessments improved by dint of the same, and that's
 05:30 **21** the only thing material that happened.
 05:30 **22** So in essence, that could be the end of the
 05:30 **23** story. I did take this another step forward because
 05:30 **24** there's been so much controversy about benefits, and I
 05:30 **25** provided market research to indicate that property
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05:30 1 values increased in the assessment area faster than the
05:30 2 county, as a whole, for similar properties.
05:31 3 The reason I believe that happened was, in part,
05:31 4 because of the capital improvement plan which,
05:31 5 in essence, got rid of the blighted shopping center in
05:31 6 the front of the property. So, in a nutshell, those
05:31 7 were my findings, and on that basis, we move forward
05:31 8 with the preliminary assessments and publish same, and
05:31 9 that brings us to where we are today.
05:31 10 So I think now is testimony, and then the board
05:31 11 will decide if they wish to move these assessments
05:31 12 forward, correct?
05:31 13 MR. SMITH: We can open it up for --
05:31 14 DR. FISHKIND: Yeah.
05:31 15 MR. SMITH: -- additional comments from the
05:31 16 public.
05:31 17 DR. FISHKIND: Sure, absolutely.
05:31 18 So now is the time to provide all of your
05:31 19 comments. We'll take all of your testimony, and the
05:31 20 board --
05:31 21 MR. SMITH: Bruce, you can still talk now.
05:31 22 DR. FISHKIND: Yeah -- then the board will
05:31 23 conduct its analysis and decide if it wishes to move
05:31 24 forward. If that's the case, then the next part would
05:31 25 be an equalization process. So it's a two-step
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05:32 1 process.
05:32 2 Now we're going to be open to the public. And
05:32 3 let's hear what you have for us, and we will take your
05:32 4 testimony.
05:32 5 MR. BAILEY: Point of order, sir.
05:32 6 When will our questions be answered?
05:32 7 DR. FISHKIND: I -- sorry. You didn't
05:32 8 understand.
05:32 9 MR. BAILEY: Okay.
05:32 10 DR. FISHKIND: I said we'll take all your
05:32 11 testimony.
05:32 12 MR. BAILEY: I know.
05:32 13 DR. FISHKIND: Then the board will take all of
05:32 14 this under advisement. The board will decide what they
05:32 15 wish to respond to or have us respond to, exactly the
05:32 16 same as we did at the public comment period.
05:32 17 MR. BAILEY: Yes, sir.
05:32 18 DR. FISHKIND: Now, Mr. Dwyer, I think you were
05:32 19 first.
05:32 20 MR. DWYER: Thank you, yes. Again, Don Dwyer.
05:32 21 My comment is -- and I have quite a few of them.
05:32 22 DR. FISHKIND: Sure.
05:32 23 MR. DWYER: I'll try to make them as brief as I
05:32 24 can, but it appears that the CDD paid
05:32 25 Fishkind & Associates, in Payment Authorization 123, a
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05:32 1 sum of \$17,600 for the methodology report that you are
05:32 2 about to pass. Mr. Davison is who I'd like to direct
05:32 3 my question to, if he will answer it, as the chair of
05:33 4 the board.
05:33 5 Were RFQs solicited for those proposals and that
05:33 6 reassessment methodology and, if not, why not; and,
05:33 7 if so, would you please provide me with documentation
05:33 8 at some point in the near future so that I can review
05:33 9 that that truly did happen? I would be grateful for
05:33 10 that.
05:33 11 MR. SMITH: Just to be clear, we do not have
05:33 12 cross-examination, but your inquiry --
05:33 13 MR. DWYER: I'm making a statement.
05:33 14 MR. SMITH: Well, I understand that, and I think
05:33 15 there may very well be a response. I'm just trying to
05:33 16 be clear.
05:33 17 I think there's a desire on the board's part --
05:33 18 MR. DWYER: I -- I get the process.
05:33 19 MR. SMITH: Excuse me. I listened to you.
05:33 20 Would you listen to me, as a courtesy?
05:33 21 MR. DWYER: Sure.
05:33 22 MR. SMITH: So I'm going to try to make sure we
05:33 23 do what we can to respond to the inquiries and the
05:33 24 concerns that are articulated. I think that's an
05:33 25 appropriate thing to do, and it --
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05:33 1 MR. DWYER: I agree.
05:33 2 MR. SMITH: But it will not necessarily be a
05:33 3 colloquy.
05:33 4 MR. DWYER: No, I agree.
05:33 5 Next comment, Dr. Fishkind testified in court
05:33 6 that the land and the infrastructure allocations in the
05:33 7 2000 report related to lands and infrastructure outside
05:33 8 of the gates of the Grand Venezia community.
05:34 9 Page 8 of the report refers to the demolition of
05:34 10 the blighted strip center, but that demolition, if I'm
05:34 11 not mistaken, took place in 2006. Those demolition
05:34 12 costs were also assessed back then.
05:34 13 Why today is the reassess- -- or is the
05:34 14 demolition relevant in the cause of the new
05:34 15 reassessment?
05:34 16 Next question, comment, where in Chapter 170 of
05:34 17 the Florida Statutes is there any authorization to
05:34 18 specially assess landowners for alleged appreciation in
05:34 19 value because of the demolition of a building?
05:34 20 There is also a reference to a \$70,000 per year
05:34 21 tax savings. Again, where in Chapter 170 is there any
05:34 22 authorization for assessments because of alleged tax
05:34 23 savings?
05:34 24 Comment, don't you understand that you are only
05:34 25 legally allowed -- we are only legally allowed to be
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05:34 **1** assessed for capital improvements according to the
 05:35 **2** code?
 05:35 **3** End of comments. Thank you very much.
 05:35 **4** DR. FISHKIND: Thanks, Dan (sic).
 05:35 **5** CHAIRMAN DAVISON: It's Don.
 05:35 **6** DR. FISHKIND: Do you want to go next, Dr. Jones?
 05:35 **7** DR. JONES: Yes. Thank you, Dr. Fishkind.
 05:35 **8** I appreciate it.
 05:35 **9** DR. FISHKIND: Speak up, too --
 05:35 **10** DR. JONES: Oh, I'm sorry.
 05:35 **11** DR. FISHKIND: -- because you and I both --
 05:35 **12** DR. JONES: I'm sorry.
 05:35 **13** DR. FISHKIND: You and I both have soft voices.
 05:35 **14** DR. JONES: Thank you, Dr. Fishkind.
 05:35 **15** Yeah. My name's Chris Jones. I'm the president
 05:35 **16** of Florida Economic Advisors. I've been advising and
 05:35 **17** helping the property owners within Grand Venezia with
 05:35 **18** regards to -- sorry -- with regards to this -- with
 05:35 **19** regards to this conversation, is the way I want to put
 05:35 **20** it, that we're having.
 05:35 **21** I apologize for all of us that it's degraded to
 05:35 **22** the point that it's become as contentious as it has.
 05:35 **23** I really think, at the end of the day -- I mean, my --
 05:35 **24** I am an economist. And, in fact, Dr. Fishkind was one
 05:35 **25** of the first people to train me professionally.
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05:36 **1** I find it unfortunate that we sit at this point
 05:36 **2** where, again, there's -- there's such a level of
 05:36 **3** hostility with regards to just an understanding, for
 05:36 **4** everybody to get an understanding of where the
 05:36 **5** assessments relate to the benefits for the various
 05:36 **6** owners within the district.
 05:36 **7** A few weeks ago, as you all know, we were -- we
 05:36 **8** were party to a conference call where I had put forward
 05:36 **9** an analysis -- actually, two versions of an analysis --
 05:36 **10** that had shown a variation in the potential assessments
 05:37 **11** from where they were calculated by Dr. Fishkind's firm.
 05:37 **12** And, again, I don't get into this as a discussion
 05:37 **13** of personal or professional dispute, ethics. It's
 05:37 **14** looking at the scenario as interpreted from the various
 05:37 **15** chapters of the Florida Statutes, Chapter 190 and
 05:37 **16** Chapter 170, that relate to special assessments.
 05:37 **17** There was a very relevant question that was asked
 05:37 **18** of me in that particular hearing that -- I was curious.
 05:37 **19** Maybe it can't be answered today, but at some point in
 05:37 **20** time, hopefully it can. We got into the debate of the
 05:38 **21** value of the assessments for the individual owners
 05:38 **22** within the Grand Venezia related to the amount of debt
 05:38 **23** service that's remaining and that's been issued on the
 05:38 **24** bonds outstanding.
 05:38 **25** I want to make one thing very clear, and I've
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05:38 **1** heard this a couple of times before. You don't have to
 05:38 **2** pay the bonds simply because they're outstanding.
 05:38 **3** There has to be an associated benefit related to the
 05:38 **4** burden that is undertaken.
 05:38 **5** To say that we have to protect the bondholders
 05:38 **6** and the investors is basically like saying every
 05:39 **7** municipal bond is triple-A rated. That's not the case.
 05:39 **8** Some bonds are speculative debt, which is why they have
 05:39 **9** higher yields.
 05:39 **10** CDD bonds are speculative debt. Sometimes CDDs
 05:39 **11** don't perform in the way that they were intended; many
 05:39 **12** times they do. Let me fast-forward to the end here.
 05:39 **13** Okay?
 05:39 **14** In the methodologies that we proposed, the
 05:39 **15** question that was asked by one of the -- one of the
 05:39 **16** attorneys from -- yeah, representing the district and
 05:39 **17** the bondholders. Our debate centered on the fact that
 05:39 **18** the assessments were based on improvements that were
 05:40 **19** outside of the gates of the Grand Venezia.
 05:40 **20** The question that was asked was, but what about
 05:40 **21** the improvements that are within the gates?
 05:40 **22** The clarification that I'm not sure that is out
 05:40 **23** there at this point that, I think, all of us would like
 05:40 **24** to have an enhanced understanding of is, what are those
 05:40 **25** improvements that should be levied to the property
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05:40 **1** owners inside the gates of the Grand Venezia for
 05:40 **2** improvements that actually occurred within the gates of
 05:40 **3** the Grand Venezia?
 05:40 **4** I've been told it exists. I have yet to see it.
 05:40 **5** I'll leave my comments at that.
 05:40 **6** DR. FISHKIND: Thank you, Dr. Jones.
 05:41 **7** MR. SMITH: Dr. Jones, if I could just clarify,
 05:41 **8** you said you had this discussion at a hearing. You
 05:41 **9** meant the phone call we had.
 05:41 **10** DR. JONES: The phone call, yes, sir.
 05:41 **11** MR. SMITH: That's right.
 05:41 **12** DR. JONES: Yes, sir.
 05:41 **13** MR. SMITH: That's fine.
 05:41 **14** DR. JONES: I apologize.
 05:41 **15** MR. SMITH: Not a problem.
 05:41 **16** DR. JONES: It was, yeah, the phone call. Yes.
 05:41 **17** DR. FISHKIND: Yes, sir. Please state your name.
 05:41 **18** MR. HERD: Mike Herd.
 05:41 **19** DR. FISHKIND: Yeah, Mike. Thanks.
 05:41 **20** MR. HERD: Michael Herd.
 05:41 **21** Because the meeting last month was canceled, I
 05:41 **22** also have a few questions. You mentioned earlier that
 05:41 **23** these are used for workshops, a discussion, yet
 05:41 **24** meetings are consistently canceled. So I'd like you to
 05:41 **25** elaborate on that, if you can.
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05:41 **1** Prior to the time of June 20th, 2018, the
 05:41 **2** supplemental assessment methodology report was
 05:41 **3** disseminated.
 05:41 **4** Has anyone from the CDD, any attorneys from
 05:41 **5** GrayRobinson, Dr. Fishkind, or anyone else from
 05:41 **6** Fishkind & Associates have any communications with
 05:41 **7** Oppenheimer or its attorneys regarding this report?
 05:41 **8** If so, what were those communications? Were any
 05:41 **9** of those communications in writing? Do you have any of
 05:41 **10** those writings with you now? Will you provide them to
 05:41 **11** us?
 05:41 **12** Did anyone on behalf of the CDD ever talk to any
 05:41 **13** of the financial advisors who do assess methodology
 05:42 **14** work before hiring Fishkind & Associates to do this
 05:42 **15** report? If no, why not?
 05:42 **16** Judge Jirotko found the recent assessments to be
 05:42 **17** unlawful. So why didn't you contact any of the
 05:42 **18** financial advisors regarding the Court-ordered
 05:42 **19** reassessment process?
 05:42 **20** In the 2018 supplemental assessment methodology
 05:42 **21** report, at the bottom of Page 5, don't you agree that
 05:42 **22** what you wrote regarding why the 2015 assessments were
 05:42 **23** struck down was incomplete and misleading?
 05:42 **24** Where is there any mention of the fact that
 05:42 **25** Judge Jirotko specifically mentioned that the
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05:42 **1** Commonwealth or Levitz parcel sold for \$6 million
 05:42 **2** without any allocation of values?
 05:42 **3** On Page 6 of the assessment re- -- reassessment
 05:42 **4** report, you reference that Judge Jirotko determined to
 05:42 **5** issue his own final order. When did he do that?
 05:42 **6** On Page 7, it reads, "The only thing left is to
 05:42 **7** determine the appraisal value of the district parcel
 05:42 **8** conveyed." Where is Judge Jirotko's ruling saying
 05:43 **9** that?
 05:43 **10** Thank you.
 05:43 **11** DR. FISHKIND: Thank you.
 05:43 **12** Next? Anybody else?
 05:43 **13** MR. BARNES: I -- I've --
 05:43 **14** Oh, I'm sorry. Yes, sir.
 05:43 **15** MR. SCHULTE: So --
 05:43 **16** DR. FISHKIND: State your name for the record.
 05:43 **17** MR. SCHULTE: -- I am Ron Schulte. My wife and I
 05:43 **18** live in Grand Venezia.
 05:43 **19** DR. FISHKIND: Thank you, sir.
 05:43 **20** MR. SCHULTE: I thought this matter was already
 05:43 **21** litigated. Why is everybody arguing about this now?
 05:43 **22** And then the point to this is -- we live there.
 05:43 **23** We can't afford to buy anywhere else. It was a good
 05:43 **24** buy for us, and now it's being impacted by this.
 05:43 **25** And I'm not sure some of the things, what you
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05:43 **1** guys are supposed to be doing. For instance, you have
 05:43 **2** the vacant lot on the corner. You have the apartment
 05:43 **3** building that's being built. You have the old office
 05:43 **4** building there. They're not maintaining their -- their
 05:43 **5** properties.
 05:43 **6** So I've worked intensively with the County, and
 05:43 **7** we got everything mowed. We're trying to get the trash
 05:43 **8** done. I think there's an overlap. I can't quite
 05:44 **9** understand the tax ID map. It looked like the CDD owns
 05:44 **10** that section of parallel road to the guardhouse; is
 05:44 **11** that correct?
 05:44 **12** DR. FISHKIND: Well, we're here to talk about the
 05:44 **13** assessments. I think you're raising --
 05:44 **14** MR. SCHULTE: That's all --
 05:44 **15** DR. FISHKIND: I think you're raising interesting
 05:44 **16** issues, but --
 05:44 **17** MR. SCHULTE: I thought this was what you guys
 05:44 **18** were supposed to be about, is trying to manage the CDD
 05:44 **19** and take care of the properties.
 05:44 **20** DR. FISHKIND: Yes, sir. Yes, sir. But we're in
 05:44 **21** a public hearing now about the assessments. If I could
 05:44 **22** ask you --
 05:44 **23** MR. SCHULTE: Well, what time could I come to do
 05:44 **24** that?
 05:44 **25** DR. FISHKIND: You'll get a chance at the end of
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05:44 **1** the meeting --
2 MR. SCHULTE: Oh, okay.
 05:44 **3** DR. FISHKIND: -- another one, yes, sir. So I'm
4 sorry.
5 MR. SCHULTE: Okay.
 05:44 **6** DR. FISHKIND: I'm sorry to interrupt you.
 05:44 **7** You'll have a chance at the end of the meeting, but
8 we're on to a different --
 05:44 **9** MRS. SCHULTE: At the end of this meeting?
 05:44 **10** DR. FISHKIND: We're on to a slightly different
11 topic now.
 05:44 **12** Yes, sir.
 05:44 **13** MR. O'MALLEY: Yes. Patrick O'Malley again.
 05:44 **14** Do you CDD board members understand that this is
 05:44 **15** not a condominium association; this is a unit of
 05:45 **16** government, and you that are on the board are public
 05:45 **17** officials?
 05:45 **18** Do you understand you have an obligation to get
 05:45 **19** up to speed on the law and the facts before you assess
 05:45 **20** property owners, and do you have any data to show that
 05:45 **21** there are direct and special benefits concurred (sic)
 05:45 **22** on the unit owners because of the demolition of the
 05:45 **23** strip center?
 05:45 **24** It appears also that you conveniently did not use
 05:45 **25** original purchase prices when calculating the alleged
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05:45 **1** appreciation in value; is that correct?
05:45 **2** And at the top of Page 12 of the report --
05:45 **3** MR. SMITH: Actually, no.
05:45 **4** MR. O'MALLEY: -- you wrote that, "It is expected
05:46 **5** that the appraisal of the district parcel will show
05:46 **6** that the value of the parcel was less than the amount
05:46 **7** the district received when it conveyed the parcel to
05:46 **8** the SPE."
05:46 **9** I have a few questions. Who signed the
05:46 **10** conveyance and when, and can we see a copy of that
05:46 **11** signing of the conveyance, who it was and when it was?
05:46 **12** What communications did anyone connected with the
05:46 **13** CDD have with the appraiser prior to the finalization
05:46 **14** of that appraisal report? And I'm sorry that gentleman
05:46 **15** is gone because I wanted to ask him that question
05:46 **16** before he left.
05:46 **17** And isn't it important, the most important thing
05:46 **18** now, the fact that all developable land is gone because
05:46 **19** it was sold?
05:46 **20** And the corner property, I think, that
05:47 **21** this was -- that this gentleman was just asking about,
05:47 **22** when was that conveyed or sold, or what is the
05:47 **23** disposition of that property right now?
05:47 **24** SUPERVISOR LANCASTER: It's not in the CDD.
05:47 **25** DR. FISHKIND: Shh.
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05:47 **1** MR. O'MALLEY: And, finally, based upon the new
05:47 **2** reassessment, would you please disclose to me the
05:47 **3** benefit, as required by law, gentlemen, that the owners
05:47 **4** of the Grand Venezia are to receive as a result of the
05:47 **5** reassessment?
05:47 **6** Please respond.
05:47 **7** DR. FISHKIND: Thank you, sir.
05:47 **8** Additional comments from anybody?
05:47 **9** Yes, sir. Please state your name.
05:47 **10** MR. ARATA: Yes. John Arata.
05:47 **11** DR. FISHKIND: Yeah. Thank you.
05:47 **12** THE COURT REPORTER: Can you say it again?
05:47 **13** MR. ARATA: John Arata.
05:47 **14** THE COURT REPORTER: Thank you.
05:47 **15** MR. ARATA: Where in your report did you take
05:47 **16** into consideration the millions of dollars that were
05:47 **17** pumped into Grand Venezia to remediate the water
05:47 **18** intrusion damage? Where did your report take that into
05:48 **19** account regarding the alleged appreciation in value?
05:48 **20** And, secondly, why did you not just take the 2008
05:48 **21** report and update it to reflect the Commonwealth lands
05:48 **22** that are now gone and the Harbourside parking lot?
05:48 **23** It's not going to be developed into a water park
05:48 **24** anymore.
05:48 **25** DR. FISHKIND: Thank you, sir.
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05:48 **1** Additional questions?
05:48 **2** Oh, yes, sir.
05:48 **3** MR. BAILEY: Bill Bailey.
05:48 **4** There's a reference on Page 6 about, "The
05:48 **5** following procedures outlined in Chapter" --
05:48 **6** DR. FISHKIND: Would you raise your voice just a
05:48 **7** little?
05:48 **8** MR. BAILEY: Yes.
05:48 **9** DR. FISHKIND: I'm having trouble hearing you.
05:48 **10** MR. BAILEY: There's a reference on Page 6 about,
05:48 **11** "The following procedures outlined in
05:48 **12** Chapter 190-3632 (sic) and Chapter 170."
05:48 **13** Did you know there is no such Florida statute?
05:48 **14** In Section 7 of the report, there is a reference
05:48 **15** to the allocation of benefits among the parcels
05:48 **16** benefitted by the improvements as set forth in the 2018
05:48 **17** supplemental assessment report. Please give us where
05:49 **18** in the report there are improvements that benefit the
05:49 **19** Grand Venezia unit -- unit owners.
05:49 **20** DR. FISHKIND: Thank you, sir.
05:49 **21** Anything else?
05:49 **22** Yes, sir, please.
05:49 **23** MR. GOASKA: John Goaska.
05:49 **24** DR. FISHKIND: Yes, sir.
05:49 **25** MR. GOASKA: Why didn't you address the
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05:49 **1** demolition of the strip center when it took place back
05:49 **2** in 2006 and have the cost associated with the
05:49 **3** demolition reflected in your 2008 assessment
05:49 **4** methodology report?
05:49 **5** Also, what is the legal authority to levy
05:49 **6** non-ad valorem debt service special assessments for
05:49 **7** capital improvements --
05:49 **8** (Reporter interruption for clarification.)
05:49 **9** MR. GOASKA: What is the legal authority to levy
05:49 **10** non-ad valorem debt service special assessments for
05:49 **11** capital improvements based on some alleged appreciation
05:49 **12** in value because of the demolition of the strip center?
05:49 **13** DR. FISHKIND: Anything else, sir?
05:50 **14** MR. GOASKA: Yeah. One last comment.
05:50 **15** DR. FISHKIND: Sure.
05:50 **16** MR. GOASKA: How many of you CDD board members
05:50 **17** have read Section 170.01 of the Florida Statutes to
05:50 **18** educate yourselves about what kind of assessments are
05:50 **19** allowed, by law, for capital improvements?
05:50 **20** That's it.
05:50 **21** DR. FISHKIND: Thank you, sir.
05:50 **22** Comments from anybody else?
05:50 **23** MR. BARNES: Yes.
05:50 **24** DR. FISHKIND: Mr. Barnes.
05:50 **25** MR. BARNES: Bruce Barnes. I have some comments.
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05:50 **1** First of all, this is not a workshop. If we
05:50 **2** would have been given the opportunity to have a
05:50 **3** workshop, we could have had a full and fair discussion
05:50 **4** about all of this with questions being answered.
05:50 **5** Now, with that said, Mr. Lancaster, you have
05:50 **6** stated before -- and I understand why you've said it
05:50 **7** based on comments that have been made to you -- money's
05:50 **8** been borrowed. It has to get repaid.
05:50 **9** You heard Dr. Jones say --
05:50 **10** SUPERVISOR LANCASTER: I have a comment.
05:50 **11** DR. FISHKIND: Oh, no, no, Jerry, not now.
05:50 **12** SUPERVISOR LANCASTER: Okay.
05:50 **13** MR. BARNES: Okay. These are bonds. Oppenheimer
05:50 **14** didn't loan money; Oppenheimer bought unrated junk
05:50 **15** bonds. They didn't even fund the initial wave of where
05:50 **16** these dollars were disbursed.
05:51 **17** The Oppenheimer bondholders bear the risk of a
05:51 **18** reassessment procedure. It's in the statutes. It's in
05:51 **19** the indenture. It's in the bond offering document
05:51 **20** itself. I didn't make this up. That's why we had this
05:51 **21** trial about the reassessments.
05:51 **22** It is not the landowners who have to continue
05:51 **23** paying assessments that are unlawful. Where there's no
05:51 **24** direct special benefit, assessments are unlawful and
05:51 **25** constitute a violation of due process.
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05:51 **1** Dr. Fishkind knows that this 2018 report prepared
05:51 **2** by his firm cannot and will not withstand judicial
05:51 **3** scrutiny. There is absolutely no legal support
05:51 **4** whatsoever for the proposition that landowners should
05:51 **5** be specially assessed based on some alleged
05:51 **6** appreciation in value because of a strip cent- -- a
05:51 **7** strip center was demolished back in 2006.
05:52 **8** These are capital improvement assessments.
05:52 **9** They're supposed to relate directly to capital
05:52 **10** expenditures where those expenditures benefit the
05:52 **11** landowners. There absolutely must be a direct special,
05:52 **12** identifiable, quantifiable benefit, not some amorphous,
05:52 **13** "We mowed down a strip center, and your units went up
05:52 **14** in value as a result."
05:52 **15** And you will see nothing in the Fishkind report
05:52 **16** that supports -- there's no empirical data to say,
05:52 **17** "Because the strip center was torn down in 2006, that
05:52 **18** created some special benefit."
05:52 **19** Regardless, as other people have pointed out,
05:52 **20** that took place in 2006, was already subsumed by the
05:52 **21** 2008 report. That dog has already hunted.
05:52 **22** This CDD, together with Oppenheimer, had
05:52 **23** Judge Jirotko uphold the 2008 report. We're talking
05:52 **24** about what happened from 2008 forward, and what
05:53 **25** happened is -- this is not just a situation where this
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05:53 **1** parcel was conveyed in 2015 with no appraisal, which,
05:53 **2** by the way, is deeply flawed.
05:53 **3** This is a situation where the CDD board, in
05:53 **4** conjunction with Oppenheimer, Fishkind & Associates,
05:53 **5** and GrayRobinson, picked the number out of the air,
05:53 **6** said, "We're going to make an offset of the
05:53 **7** assessments," even though there was no written notice
05:53 **8** to the landowners, et cetera.
05:53 **9** We had that issue in 2015, but also, in 2016, as
05:53 **10** Judge Jirotko pointed out, the developable land is
05:53 **11** gone. The Commonwealth property is gone. It is an
05:53 **12** apartment complex. It was sold for \$6.45 million to
05:53 **13** the -- to the Flournoy developer, and there was no
05:53 **14** subsequent allocation, reassessment, adjustment to the
05:53 **15** assessments.
05:53 **16** That's all in Judge Jirotko's ruling. I didn't
05:53 **17** make any of that up. Dr. Fishkind knows that this
05:54 **18** report -- there's not -- he has in his -- in his
05:54 **19** invoices that he -- he talked to attorneys about case
05:54 **20** law. He does not have any case law to support the
05:54 **21** proposition that any of these people here should be
05:54 **22** paying non-ad valorem debt service assessments because
05:54 **23** the strip center was torn down.
05:54 **24** The Grand Venezia owners and -- with help pumped
05:54 **25** \$12 million into these buildings. Some of you
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56

05:54 **1** gentlemen know about that. There was -- there was
05:54 **2** water intrusion problems. Dave Clark and
05:54 **3** David Schwartz knew about that back in 2005, the people
05:54 **4** who helped create the CDD, who were represented by
05:54 **5** these same professionals.
05:54 **6** You have an absolute obligation as board members
05:54 **7** to verify that there are direct, quantifiable,
05:54 **8** identifiable benefits relating to capital improvements.
05:54 **9** That's what this is all about, nothing more.
05:54 **10** Dr. Fishkind has zero case law to support that.
05:55 **11** Chapter 170.01 makes clear what kind of assessments are
05:55 **12** allowed. Those aren't in his report. I promise you
05:55 **13** this report is deeply flawed. If you -- if you
05:55 **14** rubber-stamp these assessments, they will be unlawful,
05:55 **15** in my opinion, and I'm confident that the court system
05:55 **16** would agree with me.
05:55 **17** There will be another challenge, but you can
05:55 **18** circumvent that by not adopting that flawed report.
05:55 **19** Dr. Jones presented you -- should have presented -- you
05:55 **20** should have seen his alternative report, two reports,
05:55 **21** actually, where he has the Grand Venezia owners still
05:55 **22** owing approximately \$900,000 and then another
05:55 **23** alternative where the unit owners are actually owed
05:55 **24** money by the CDD.
05:55 **25** You certainly have the right to adopt Dr. Jones'
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05:55 **1** more conservative report with the Grand Venezia owners
 05:55 **2** owing approximately \$900,000 rather than the
 05:55 **3** \$4.3 million that nobody can tell us why we should pay
 05:56 **4** for that. As Dr. Jones correctly noted, assessments
 05:56 **5** are not based on what the bondholder claims the debt
 05:56 **6** is; assessments are based on direct, quantifiable
 05:56 **7** benefits.
 05:56 **8** Thank you.
 05:56 **9** DR. FISHKIND: Any other comments?
 05:56 **10** Yes, ma'am.
 05:56 **11** MS. THIBODEAU: Nancy Thibodeau.
 05:56 **12** DR. FISHKIND: Yes, Nancy.
 05:56 **13** MS. THIBODEAU: I am a landowner here at the
 05:56 **14** Venezia, and I just want to state for the record --
 05:56 **15** SUPERVISOR LANCASTER: Speak up. Speak up.
 05:56 **16** I can't hear you.
 05:56 **17** MS. THIBODEAU: I just want to state for the
 05:56 **18** record that I feel stifled because I believe this board
 05:56 **19** is supposed to be here for me, as a landowner, and I've
 05:56 **20** heard multiple questions from just about everybody in
 05:56 **21** this room tonight, none of them being answered.
 05:56 **22** And I'd like to know if they can be like posted
 05:56 **23** somewhere, all the answers to these questions, because
 05:56 **24** I feel they're all pertinent. And I myself, as a
 05:56 **25** landowner, would like to share in on the answers to all
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05:56 **1** of those from my board.
 05:56 **2** Thank you.
 05:56 **3** DR. FISHKIND: We'll be responding in due course,
 05:56 **4** and everything is published, ma'am.
 05:56 **5** Yes, sir.
 05:56 **6** MR. GORMAN: So I have a comment and a question.
 05:56 **7** DR. FISHKIND: Sure.
 05:56 **8** MR. GORMAN: I'm coming into this --
 05:56 **9** THE COURT REPORTER: Name, please.
 05:56 **10** DR. FISHKIND: Name.
 05:56 **11** MR. GORMAN: I'm Gorman.
 05:56 **12** DR. FISHKIND: Yes. Thank you.
 05:57 **13** MR. GORMAN: And I'm coming into this very new,
 05:57 **14** since June, but as a business -- long-term business
 05:57 **15** guy, every time I had a dispute in an issue, in any
 05:57 **16** type of issue, and I thought the other side had some
 05:57 **17** merit, we negotiated some type of settlement. And I
 05:57 **18** came away thinking they got a better deal; they came
 05:57 **19** away thinking they got a better deal, and that was
 05:57 **20** that, and we got on.
 05:57 **21** So the first thing I wondered was, did we do
 05:57 **22** that, or have we tried, or is that history, number one?
 05:57 **23** And to further, I would say, in fairness, the only time
 05:57 **24** I never did that, which was very few, was when, one, I
 05:57 **25** thought I had a position that was 100 percent right;
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05:57 **1** and, two, and more importantly, I didn't care about the
 05:57 **2** outcome.
 05:57 **3** Because in all the other instances I always cared
 05:57 **4** about the outcome, either my reputation or doing -- or
 05:57 **5** a wheel coming around or whatever the case may be,
 05:58 **6** but -- so as I sit here observing this and I see this
 05:58 **7** stark contrast between -- an us and them kind of
 05:58 **8** situation, either you don't care about the outcome, you
 05:58 **9** think that you've got a slam dunk, and maybe those two
 05:58 **10** things.
 05:58 **11** And if we are, then we've got to figure out what
 05:58 **12** we can do; or you do care about the outcome, we put all
 05:58 **13** the bullshit aside, and come to some deal.
 05:58 **14** DR. FISHKIND: Thank you, sir.
 05:58 **15** Anything else?
 05:58 **16** MR. GORMAN: Sorry for the language.
 05:58 **17** DR. FISHKIND: No, that's all right. You felt
 05:58 **18** strongly.
 05:58 **19** Brian?
 05:58 **20** MR. CRUMBAKER: I'm grossly outnumbered in --
 05:58 **21** MR. TSINOKAS: Dr. Fishkind, can I comment?
 05:58 **22** DR. FISHKIND: Not yet. But Mr. Crumbaker has
 05:58 **23** the floor. We'll get you next. I'm sorry.
 05:58 **24** Yes, you will get a chance to comment, sir --
 05:58 **25** MR. TSINOKAS: Okay. Thank you.
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1 DR. FISHKIND: -- if you could wait one more
2 second.
 05:58 **3** MR. TSINOKAS: Thank you.
4 DR. FISHKIND: Thanks for reminding me that
 05:58 **5** you're on the phone, too.
 05:58 **6** MR. CRUMBAKER: Whoever it is can go ahead and
 05:58 **7** comment.
 05:58 **8** DR. FISHKIND: Go ahead, Brian.
 05:58 **9** MR. TSINOKAS: Yep.
 05:58 **10** MR. CRUMBAKER: There's a lot to unpack with the
 05:58 **11** comments and whatnot. So I think the best way,
 05:58 **12** especially for those folks that haven't -- that just
 05:58 **13** purchased within the project --
 05:59 **14** And my name is Brian Crumbaker. I represent
 05:59 **15** Oppenheimer.
16 DR. FISHKIND: Brian --
 05:59 **17** MR. CRUMBAKER: It might be ideal to --
 05:59 **18** DR. FISHKIND: Brian, you need to -- you need to
 05:59 **19** address the board.
 05:59 **20** MR. CRUMBAKER: Okay.
 05:59 **21** MR. SMITH: With a fortissimo.
 05:59 **22** MR. CRUMBAKER: Okay. I'm just trying to rotate
 05:59 **23** here.
 05:59 **24** DR. FISHKIND: I understand. But your comments
 05:59 **25** need to be addressed to the board, sir, please.
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05:59 1 MR. CRUMBAKER: So I feel like it -- because the
05:59 2 narrative has been one-sided, especially certainly
05:59 3 during this hearing, that maybe it'd be helpful to go
05:59 4 back through history a little bit and maybe start with
05:59 5 the timeline.

05:59 6 The original community declaration in this
05:59 7 project was recorded back in 2004, December of 2004,
05:59 8 and I'm guessing that not a single person in this room
05:59 9 owned a unit in 2004, guessing.

05:59 10 At that time, the community declaration -- and
05:59 11 I'll quote a couple sections -- was very clear, very
05:59 12 clear, with respect to the district being established,
05:59 13 that the district was going to own the common areas,
05:59 14 that the district was going to -- that it was going to
06:00 15 be established. The taxes and assessments would likely
06:00 16 be charged or levied, including for capital
06:00 17 improvements, maintenance, assessments, et cetera.

06:00 18 It was very clear that there were going to be
06:00 19 bonds that were going to need to be issued for the
06:00 20 purchase of those improvements. It was clear that the
06:00 21 CDD property was going to be a common area, and it was
06:00 22 clear that the common areas were going to be CDD
06:00 23 property. That was as of December of 2004, recorded
06:00 24 against the property, including all of the units within
06:00 25 the -- the GVCOA.

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06:00 1 In 2005, the declaration for the Grand Venezia
06:00 2 was then recorded, and in the declaration itself, first
06:00 3 of all, when a purchase -- or when a person buys in a
06:00 4 condominium association and what an individual
06:01 5 purchases whenever they purchased the unit --

6 (Telephonic interruption from the speakerphone.)

7 THE COURT REPORTER: I'm sorry.

8 MR. SMITH: Can whoever's juggling papers --

9 DR. FISHKIND: Hey, whoever's on the phone
10 juggling papers, put your stuff on mute, please, or I'm
11 going to have to cut you off. Thank you.

12 MR. CRUMBAKER: What an individual purchased when
06:01 13 they purchased the unit were a pro rata share or a
06:01 14 portion of the air rights associated with that. The
06:01 15 property of the COA --

16 (Telephonic interruption from the speakerphone.)

17 MR. SMITH: I'd cut them off.

18 THE COURT REPORTER: This is ridiculous, yeah.

19 MR. SMITH: Who is that with the paper?

06:01 20 DR. FISHKIND: If you don't stop with the papers
06:01 21 and you're disrupting the meeting, we're going to have
06:01 22 to cut you off. Please put your phones on mute.
06:01 23 Thank you.

24 Sorry, Brian.

06:01 25 MR. CRUMBAKER: No worries.

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06:01 1 So the -- what an individual unit owner has
06:01 2 purchased is a portion of the condominium association
06:01 3 and the air rights associated with the buildings and
06:01 4 the fee title to the land underlying those buildings,
06:01 5 and that's it.

06:01 6 So the footprint of that ownership and the rights
06:01 7 and -- rights that that person has secured, a purchaser
06:01 8 has secured, is just associated with the building and
06:01 9 the condo association.

06:01 10 And in 2000- -- and in that same Grand Venezia
06:01 11 declaration -- which, for some reason, the GVCOA seems
06:01 12 to ignore -- is that there's a statement in there that
06:02 13 the reserve property, the reserve property meaning the
06:02 14 property that was going to be sold to the district, is
06:02 15 being reserved by the declarant, which was the original
06:02 16 developer, for purpose of selling all or a portion
06:02 17 thereof to the district to be sold.

06:02 18 And to -- in order to purchase that, the district
06:02 19 then, in 2005, issued a Series 2005 BAN, a bond
06:02 20 anticipation note. And the proceeds from that, the
06:02 21 sale of those notes -- and, again, in 2005 -- was used
06:02 22 to purchase the existing improvements which were
06:02 23 identified in Table 1 of the master engineer's report
06:02 24 and the lands that were identified, about 22 acres --
06:02 25 and I can tell you definitively -- 21.84 acres of land
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06:02 1 that was located within the district.
06:02 2 And that totaled approximately \$20 million --
06:02 3 \$20.5 million which was reflected in
06:02 4 Requisition Number 1, and that purchase occurred in
06:02 5 2000- -- in December of 2005.

06:03 6 Since that time, in addition to the two
06:03 7 declarations, there is a notice of establishment of the
06:03 8 district that's been recorded against the C -- the COA
06:03 9 units, a notice of imposition of special assessment
06:03 10 recorded against those units, a declaration of consent
06:03 11 to the imposition of special assessment recorded
06:03 12 against those units.

06:03 13 Subsequently in 2006, when the bonds were issued
06:03 14 again, there was a notice of imposition of special
06:03 15 assessment and a declaration recorded against those
06:03 16 units, making it very clear exactly what the district
06:03 17 had purchased, its intent to purchase, what it
06:03 18 purchased, and that is all circa 2004 and 2005 -- or
06:03 19 2005 and 2006.

06:03 20 At the same time, the Court then -- what the COA
06:03 21 ignores is the Court in 2005, for the district -- in
06:03 22 order to issue bonds, it has -- in excess -- with a
06:03 23 maturity in excess of five years, it has to go through
06:03 24 what's called a bond validation proceeding of
06:04 25 Chapter 75.

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06:04 1 And in 2005, the district -- or '06 the district
 06:04 2 pursued the bond validation. And in that order, it
 06:04 3 stated, "The district's authority to issue the bonds to
 06:04 4 finance the construction and/or acquisition of real
 06:04 5 property improvements described in the master
 06:04 6 engineer's report is valid, and the public purpose is
 06:04 7 valid; that the authority to execute the master
 06:04 8 indenture is valid and in accordance with the bond
 06:04 9 resolution; and the master indenture, in connection
 06:04 10 with the issuance and payment of the bonds, is valid;
 06:04 11 "The validity of the special assessments was at
 06:04 12 that point in time encapsulated in the master
 06:04 13 assessment report dated from December of 2005, and the
 06:04 14 validity of the bonds is a binding special revenue
 06:04 15 obligation of the district secured by the pledge and
 06:04 16 payable from the master assessments and the validity of
 06:04 17 the indenture."
 06:04 18 That's important because those master assessments
 06:04 19 ultimately -- there have been several subsequent
 06:05 20 steps in contracting the project. You go from the
 06:05 21 master improvement plan, which was approximately
 06:05 22 \$70 million -- or \$56 million to yield \$70 million.
 06:05 23 It then went down to -- I have it here. So the
 06:05 24 series 2005 BAN was to fund approximately \$20 -- no --
 06:05 25 \$30 million in existing infrastructure, land
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06:05 1 acquisitions, and proposed infrastructure, all
 06:05 2 described in the master engineer's report.
 06:05 3 Requisition Number 1, which was the principal
 06:05 4 requisition for the acquisition, was \$20,316,321 and
 06:05 5 paid for existing infrastructure of \$6,737,305, and
 06:05 6 land acquisitions of \$13,579,016.
 06:05 7 In 2008 -- and in 2008, it was mentioned
 06:05 8 regarding project completion. The project was
 06:06 9 certified complete. The economy had -- there was a
 06:06 10 downturn. The project was going to be completed.
 06:06 11 The district smartly, at the time -- and, in
 06:06 12 fact, the judge even reiterated this at the hearing --
 06:06 13 smartly then reduced the scope of the master
 06:06 14 improvement -- or the capital improvement program
 06:06 15 outlined in the master engineer's report, and the
 06:06 16 resultant series project that had been completed as of
 06:06 17 2008 was \$20,675,775.
 06:06 18 Now, so that's a little bit of background. So
 06:06 19 when people talk about the benefit associated with what
 06:06 20 the assessments are paying for, first of all, within --
 06:06 21 within Grand Venezia itself, the real property that was
 06:06 22 acquired totaled 9.4 acres.
 06:06 23 So as soon as you walk out of the building, you
 06:06 24 are stepping on district property acquired with
 06:06 25 proceeds from the sale of the bonds. If you walk the
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06:07 1 promenade, the promenade was purchased using proceeds
 06:07 2 from the sale of the bonds. The seawall. The
 06:07 3 promenade was an improvement. Water/sewer was
 06:07 4 acquired. Stormwater was acquired.
 06:07 5 Those are all improvements that were reserved,
 06:07 6 specifically reserved, by the declarant or the
 06:07 7 developer at the time in order to sell it to the
 06:07 8 district, and that's been disclosed for 13 years now,
 06:07 9 14 years here. And so to --
 06:07 10 First of all, to walk in and say, "didn't know,"
 06:07 11 there's plenty of record that would indicate that.
 06:07 12 Again, with respect to the benefit itself, there were
 06:07 13 20- -- 21.84 acres total purchased at that time, 9.84
 06:07 14 within Grand Venezia.
 06:07 15 As of today, as a result of the 6.07 acres or
 06:07 16 6.068 acres, is what I've been calling it, now the
 06:07 17 district has approximately 15.44 acres. So 9.84 acres
 06:08 18 of that 15.44 lies within the gates that the district
 06:08 19 owns.
 06:08 20 So to say that there's no benefit from
 06:08 21 stormwater, no benefit from water/sewer, no benefit
 06:08 22 from the parking areas, no benefit from the bay
 06:08 23 promenade, et cetera, I -- we just -- Oppenheimer and
 06:08 24 myself just -- we just don't understand it.
 06:08 25 So at the end of the day, the COA owners got what
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06:08 1 they bargained for, which is they got the air rights to
 06:08 2 it and an assessment to the property that they were --
 06:08 3 they expected.
 06:08 4 Now, in 2015 -- I agree with Dr. -- with
 06:08 5 Dr. Fishkind -- the only action that has been taken
 06:08 6 since 2008 that changed anything was the transfer of
 06:08 7 the 6.07 acres to an SPE grade for the benefit of
 06:08 8 Oppenheimer; that at the time, we canceled
 06:08 9 \$2.675 million worth of bonds.
 06:09 10 At that time, the reason, the basis, for the
 06:09 11 \$2.675 million was a reasonable basis because at one
 06:09 12 point in time, we had an LOI or a letter of intent that
 06:09 13 if you pur- -- if you -- understanding that we combined
 06:09 14 the 6.7 (sic) acres -- I'm going to say .07 acres, just
 06:09 15 to round up -- we combined that with an additional 9 --
 06:09 16 I apologize. Bear with me for one -- 9.812 acres that
 06:09 17 we had acquired, that Oppenheimer had acquired, from
 06:09 18 IBERIABANK.
 06:09 19 So at the end of the day, what we sold to
 06:09 20 Flournoy was approximately 15 acres, and it was the
 06:09 21 combination of our acquisition of 9.812 acres from
 06:09 22 IBERIABANK, who was the lender for the prior developer
 06:09 23 that had foreclosed on the property, and the 6.07 acres
 06:09 24 that we acquired from the district.
 06:09 25 With respect to the appraisal and why it ended up
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06:10 **1** being \$1.5 million -- and Joel could probably speak to
 06:10 **2** this, although you probably don't want to speak, but
 06:10 **3** the property, back in April of 2015, had significant
 06:10 **4** cross access easements and limitations to it,
 06:10 **5** significant, and we had to clear off in order to create
 06:10 **6** any value associated with the property.
 06:10 **7** So the appraisal itself, the reason why there was
 06:10 **8** a significant deviation there is because what we paid
 06:10 **9** was based upon an original LOI we had that came out to
 06:10 **10** about \$2.675 million, and we canceled \$2.675 million
 06:10 **11** because that was a pro rata piece of that LOI, and that
 06:10 **12** LOI went away.
 06:10 **13** And we ultimately sold to Flournoy, and we sold
 06:10 **14** to Flournoy -- if you break it down pro rata between
 06:10 **15** the 6.07 acres and the 9.812 acres, it actually equates
 06:10 **16** to \$2.464 million. So we were still a little high,
 06:10 **17** certainly higher than the appraisal.
 06:11 **18** Again, the difference being the state of --
 06:11 **19** the state of the property at the time, but at the end
 06:11 **20** of the day, that was -- and I've yet to understand why
 06:11 **21** there's any justification for an adjustment based upon
 06:11 **22** our sale price of 6.45 when, at the end of the day, the
 06:11 **23** district, using Oppenheimer's investment or the
 06:11 **24** proceeds from the bonds, purchased the property. We
 06:11 **25** then canceled bonds associated in order to get the
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06:11 **1** property back and then turned it around and sold it.
 06:11 **2** So I don't understand why the 6.45 should somehow
 06:11 **3** be the result of savings across the board. At the end
 06:11 **4** of the day, what happened is, with respect to
 06:11 **5** Oppenheimer and its investment, it did, in fact, lose
 06:11 **6** money. It had to write down \$11 -- \$11 million at the
 06:11 **7** point in time in which we sold to Flournoy or
 06:11 **8** Oppenheimer -- the property was sold to Flournoy. And
 06:11 **9** at the end of the day, there's probably another
 06:11 **10** \$7 million or \$8 million.
 06:11 **11** These are special assessment bonds. So the --
 06:11 **12** what Oppenheimer bargained for, yes, they're -- they're
 06:11 **13** high yield, they're high risk, but what they bargained
 06:12 **14** for is, at the end of the day, the assessments
 06:12 **15** associated with each property will be paid.
 06:12 **16** If Property Owner A fails to pay, that's their
 06:12 **17** risk. The risk is not that the district is going to
 06:12 **18** decide, "We don't have to pay our debts." Otherwise,
 06:12 **19** every city, county, school board, 600 community
 06:12 **20** development districts in Florida, et cetera, would be
 06:12 **21** doing the same thing. I'd be doing the same thing with
 06:12 **22** my mortgage.
 06:12 **23** At the end of the day, it is a debt obligation of
 06:12 **24** the district, and what the expectation of Oppenheimer
 06:12 **25** is with respect to the assessments, it is going to be
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06:12 **1** levied, allocated, and collected in accordance with the
 06:12 **2** methodology. And that methodology has bled through to
 06:12 **3** the actions in 2005, '6, '8, and '15.
 06:12 **4** And so at the end of the day -- and Dr. Fishkind
 06:12 **5** can confirm this -- what the district is assessing for
 06:12 **6** is what it owns today, nothing more. It's not paying
 06:12 **7** for any water park. It's not paying for whatever.
 06:13 **8** What it is paying for is the land and existing
 06:13 **9** improvements the district has today, period, plus
 06:13 **10** financials.
 06:13 **11** DR. FISHKIND: Is that it, Brian?
 06:13 **12** MR. CRUMBAKER: Huh? Remember, I'm dealing with
 06:13 **13** quite a few comments here. So let me -- with respect
 06:13 **14** to the orders itself, I want to clarify with respect to
 06:13 **15** the orders.
 06:13 **16** First of all, there are two, two orders that are
 06:13 **17** relevant for the purpose of this proceeding. One is we
 06:13 **18** had filed a motion for partial summary judgment
 06:13 **19** relative to the applicability of the validation final
 06:13 **20** judgment back in 2006, and the Court granted it.
 06:13 **21** And I'm not going to go back through what that
 06:13 **22** means, but at the end of the day, the improvements were
 06:13 **23** proper, the improvements are for a public purpose; the
 06:13 **24** assessments, the methodology, the allocation was
 06:13 **25** proper, and that has been affirmed by the Court for
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06:13 **1** purposes of validation.
 06:13 **2** With respect to the second order that we've
 06:13 **3** received, Mr. Barnes is omitting -- is omitting the
 06:14 **4** fact that the complaint actually -- and he took this
 06:14 **5** all the way to trial -- included dissolution of the
 06:14 **6** district, turnover of the real property and existing
 06:14 **7** improvements within or behind the gate, which is ironic
 06:14 **8** considering that the money to purchase those
 06:14 **9** improvements and lands were funded through the bonds,
 06:14 **10** the proceeds of the bonds.
 06:14 **11** And so there was much more in that litigation
 06:14 **12** than just the assessment allocation. At the end of the
 06:14 **13** day, the fact that the Court blessed the allocation all
 06:14 **14** the way through to 2015 and only cited to the one
 06:14 **15** event, which is not getting an appraisal in conjunction
 06:14 **16** with a transfer, is telling.
 06:14 **17** So from our perspective, it was a near clean
 06:14 **18** sweep with respect to one minor detail, and that detail
 06:14 **19** is being dealt with today. And --
 06:14 **20** (Telephonic interruption from the speakerphone.)
 06:14 **21** DR. FISHKIND: Hey, look, you've got to mute your
 06:14 **22** phones, or I'm going to have to cut you off. Please be
 06:14 **23** prudent and respectful of the meeting.
 06:15 **24** SUPERVISOR LANCASTER: He might think you're
 06:15 **25** talking to the other phone. You might want to address
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06:15 1 him.

06:15 2 DR. FISHKIND: Brian, are you almost -- anything

06:15 3 more?

06:15 4 MR. CRUMBAKER: Two seconds.

06:15 5 DR. FISHKIND: Okay. Let's wrap it up soon.

06:15 6 MR. CRUMBAKER: Mr. Dwyer's comment regarding,

06:15 7 "The district can only assess capital improvements,"

06:15 8 that's correct. That is the purpose of 170.08, but

06:15 9 real property is included within that capital

06:15 10 improvement definition.

06:15 11 So, therefore, the ability to assess for the

06:15 12 existing improvements that the district currently owns

06:15 13 in the real property is valid and justified.

06:15 14 And then I've already addressed Mr. Jones'

06:15 15 comment regarding speculative debt. It is correct. It

06:15 16 is -- it's not speculative; it is debt. It is debt

06:15 17 based upon -- it is a security instrument of the

06:15 18 district governed by the SCC, et cetera, and it is an

06:15 19 obligation to the extent that, if Assessment Payer A,

06:15 20 going back to my example, doesn't pay,

06:15 21 Assessment Payer B doesn't pay for A.

06:15 22 It's not a general obligation. It is just

06:15 23 whatever -- whatever you collect from those owners

06:16 24 based upon the methodology that was disclosed as part

06:16 25 of that securities doc- -- securities document is
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06:16 1 what's due.

06:16 2 DR. FISHKIND: Thank you, Brian.

06:16 3 MR. CRUMBAKER: That's what I have.

06:16 4 DR. FISHKIND: There's a gentleman on the phone

06:16 5 who wanted to speak. This would be the time. If you

06:16 6 would, state your name and please give us your

06:16 7 comments.

06:16 8 MR. TSINOKAS: Okay. Thank you, Dr. Fishkind.

06:16 9 So, once again, Dan Tsinokas.

06:16 10 DR. FISHKIND: Thank you, Dan.

06:16 11 MR. TSINOKAS: And so -- yep, yep. And then I

06:16 12 appreciate you giving me the opportunity to speak.

06:16 13 So first of all, I just want to take exceptions

06:16 14 to -- exception to, you know, David Smith. I think he

06:16 15 was the attorney that talked about some sort of threat.

06:16 16 This was not about some sort of threat.

06:16 17 We're hearing today, you know, about, you know,

06:16 18 why we think that the assessments are unlawful.

06:16 19 Chris Jones talked about it. Bruce Barnes talked about

06:16 20 it. You're hearing from the owners a tremendous amount

06:16 21 of information being provided.

06:16 22 And so this is about gross negligence, and I

06:16 23 don't think that the CDD board of supervisors can turn

06:16 24 a blind eye and not listen to the facts, and that's

06:17 25 where this was going. It had nothing to do with trying
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06:17 1 to threaten them.

06:17 2 And I -- like I said, I take exception to

06:17 3 David Smith's comment. Once again, you know, the

06:17 4 lawyers for the CDD are twisting things and putting

06:17 5 words in people's mouths, and that's not a fact. So I

06:17 6 resent it. I just want to set the record straight that

06:17 7 this is about providing from our side.

06:17 8 As we know, the law firm, you know, that --

06:17 9 GrayRobinson had created the CDD, has a vested interest

06:17 10 to keep this alive, and they're doing anything they

06:17 11 possibly can.

06:17 12 And so for the board of supervisors to turn a

06:17 13 blind eye and not look at all the information that's

06:17 14 being provided -- talking about testimony. We're

06:17 15 talking about public comments. It is impossible for

06:17 16 these guys to listen to this and absorb all this

06:17 17 without having questions and concerns.

06:17 18 So for them to vote in favor of a reassessment,

06:17 19 I think they're acting grossly negligent, and that's my

06:17 20 comment. Okay?

06:17 21 DR. FISHKIND: Thank you.

06:18 22 MR. TSINOKAS: And I appreciate the opportunity

06:18 23 to share with them that.

06:18 24 DR. FISHKIND: Sure. Thank you.

06:18 25 Anybody else on the phone --
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1 CHAIRMAN DAVISON: Dr. Fish --

06:18 2 DR. FISHKIND: Wait a minute, wait a minute, wait

06:18 3 a minute.

4 CHAIRMAN DAVISON: Okay. Sorry.

06:18 5 DR. FISHKIND: Anybody else on the phone who

06:18 6 wishes to speak?

7 (No response.)

06:18 8 DR. FISHKIND: Thank you.

06:18 9 Now, other comments from --

06:18 10 MR. DWYER: I just have a question.

06:18 11 DR. FISHKIND: Yes, sir. Sure.

06:18 12 MR. DWYER: This comment period is for the

06:18 13 reassessment?

06:18 14 DR. FISHKIND: Yes.

06:18 15 MR. DWYER: That's all.

06:18 16 DR. FISHKIND: And then once the board hears all

06:18 17 the comments, then the staff will respond and talk with

06:18 18 the board.

06:18 19 MR. DWYER: Okay.

06:18 20 DR. FISHKIND: Then the board will -- wait, no.

06:18 21 I'm just going to tell you.

06:18 22 Then the board will decide if they are moving

06:18 23 forward with the assessments. If they say "yes," then

06:18 24 we will open up what's called an "equalization panel,"

06:18 25 and anybody who wants to have their particular
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06:18 **1** assessments adjusted, for some reason, would then have
 06:18 **2** the opportunity to do that deed.
 06:18 **3** MR. SMITH: But that's unique to the property.
 06:18 **4** That's not a general concept. It's not a special
 06:18 **5** benefit argument. The special benefit argument you
 06:18 **6** make now because this is where the board acts in its
 06:19 **7** legislative capacity.
 06:19 **8** Just -- and it'd just be --
 06:19 **9** DR. FISHKIND: Yeah.
 06:19 **10** MR. DWYER: No, no. I just --
 06:19 **11** MR. SMITH: -- "My property isn't really
 06:19 **12** 100 feet; it's 10 feet."
 06:19 **13** MR. DWYER: I just want to make sure
 06:19 **14** procedurally --
 06:19 **15** DR. FISHKIND: Yes.
 06:19 **16** MR. DWYER: -- we're on the same page.
 06:19 **17** DR. FISHKIND: Absolutely. That's why we wanted
 06:19 **18** to make sure you knew.
 06:19 **19** MR. DWYER: Because I still have comments
 06:19 **20** regarding the budget, and then I still have closing
 06:19 **21** comments at the end of the meeting.
 06:19 **22** DR. FISHKIND: Okay.
 06:19 **23** MR. DWYER: So we're going to have those two
 06:19 **24** comment periods?
 06:19 **25** DR. FISHKIND: Bud- -- yeah. Budgets -- budgets
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06:19 **1** will come. We have another public hearing for that
 06:19 **2** afterward.
 06:19 **3** MR. DWYER: I just want to make sure we're clear
 06:19 **4** on where we're going for the record.
 06:19 **5** DR. FISHKIND: Yeah. Yeah, absolutely.
 06:19 **6** Any other comments about assessments?
 06:19 **7** Yes, ma'am.
 06:19 **8** MS. TAYLOR: I'm Debbie Taylor. It's not
 06:19 **9** Property Owner A's responsibility to pay where reasons
 06:19 **10** for the initial assessments are gone.
 06:19 **11** There's no water park, there's no convention
 06:19 **12** center, and the event isn't minor. It's not a minor
 06:19 **13** detail that the Commonwealth property is gone. There
 06:19 **14** is no developable land left within the district.
 06:19 **15** DR. FISHKIND: Anything else?
 06:19 **16** MS. TAYLOR: No. I'm done.
 06:19 **17** DR. FISHKIND: Thank you.
 06:19 **18** Any other comment from anybody in the audience?
 06:20 **19** MR. SETTLES: Yes.
 06:20 **20** DR. FISHKIND: Yes, sir.
 06:20 **21** MR. SETTLES: Danny Settles.
 06:20 **22** DR. FISHKIND: Yes, sir.
 06:20 **23** (Telephonic interruption from the speakerphone.)
 06:20 **24** DR. FISHKIND: Please, whoever's on the --
 06:20 **25** One sec.
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06:20 **1** If you guys don't stop rustling stuff around on
 06:20 **2** the damn phone, I am going to hang up on you.
 06:20 **3** MR. SMITH: Yep.
 06:20 **4** DR. FISHKIND: Now, one more time, and you're
 06:20 **5** gone. Now mute your phones and be polite.
 06:20 **6** Excuse me for interrupting you, sir.
 06:20 **7** MR. SETTLES: No problem.
 06:20 **8** Since the judge found that the assessments
 06:20 **9** after -- I think it's 2008 had been unlawful, I mean,
 06:20 **10** how can the -- how can the board justify the benefits
 06:20 **11** or any benefits that we had received since 2008?
 06:20 **12** If any, I would like to know what they are --
 06:20 **13** DR. FISHKIND: Thank you.
 06:20 **14** MR. SETTLES: -- because I haven't seen any.
 06:20 **15** DR. FISHKIND: Sure. Thank you, sir.
 06:20 **16** Other comments from anybody in the audience?
 06:20 **17** Okay. We're going to close the public comment
 06:20 **18** period now. We're going to address the issues. The
 06:20 **19** board is going to discuss and then decide what it
 06:20 **20** wishes to do.
 06:20 **21** David, did you want to say something before I
 06:21 **22** start?
 06:21 **23** MR. SMITH: Well, I thought it might be helpful
 06:21 **24** to at least read to you some of the provisions that the
 06:21 **25** judge decided. I'm not going to editorialize because
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06:21 **1** that would be unfair, but let me just read right out of
 06:21 **2** the transcript what the judge said.
 06:21 **3** This is after he ruled --
 06:21 **4** DR. FISHKIND: But, David -- David, with all due
 06:21 **5** respect, address it to the board.
 06:21 **6** MR. SMITH: Okay. Well, you guys, I sent you --
 06:21 **7** (Telephonic interruption from the speakerphone.)
 06:21 **8** DR. FISHKIND: Sorry, folks.
 06:21 **9** MR. SMITH: Just hang up.
 06:21 **10** DR. FISHKIND: That's it.
 06:21 **11** MR. SMITH: That's stupid.
 06:21 **12** THE COURT REPORTER: Thank you.
 06:21 **13** DR. FISHKIND: I'm so sorry.
 06:21 **14** MR. SMITH: We sent you the copy of the order
 06:21 **15** before, yeah. I don't know that Bob walked you through
 06:21 **16** it because we didn't -- thought we were going to have a
 06:21 **17** different order. So let me make sure you understand
 06:21 **18** what happened.
 06:21 **19** As you know and as you heard said, the effort to
 06:21 **20** dissolve the district, which was the initial attitude
 06:21 **21** of the GVCOA, "You guys have to dissolve the district
 06:21 **22** and give up the debt," it wasn't a reassessment. That
 06:21 **23** theory was stumbled on much later.
 06:21 **24** The judge ruled that the district cannot be
 06:21 **25** dissolved. So that was a final ruling. Then he gets
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06:22 1 into the issue of the assessments. So I want to
 06:22 2 refresh your recollection on what the judge said
 06:22 3 because it's his order we're trying to apply here.
 06:22 4 MR. BARNES: I object, unless you publish the
 06:22 5 entire transcript.
 06:22 6 DR. FISHKIND: Stop.
 06:22 7 MR. SMITH: It's been published.
 06:22 8 DR. FISHKIND: Stop.
 06:22 9 MR. SMITH: It's a public record.
 06:22 10 DR. FISHKIND: Stop.
 06:22 11 MR. BARNES: I'm hearing --
 06:22 12 DR. FISHKIND: Stop.
 06:22 13 MR. BARNES: He's out of order.
 06:22 14 DR. FISHKIND: Mr. Barnes, if you just stop, he's
 06:22 15 addressing the board. Let it go, sir.
 06:22 16 UNIDENTIFIED MALE SPEAKER: Did the board not go
 06:22 17 to the meeting, to that?
 06:22 18 DR. FISHKIND: Please --
 06:22 19 UNIDENTIFIED MALE SPEAKER: Did the board --
 06:22 20 MR. BARNES: I want the record to reflect --
 06:22 21 DR. FISHKIND: -- gentlemen.
 06:22 22 MR. BARNES: -- that the entire transcript
 06:22 23 regarding the reassessments should be published. It
 06:22 24 should not be read out of context.
 06:22 25 DR. FISHKIND: Thank you. Thank you.
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06:22 1 MR. BARNES: He is not testifying.
 06:22 2 DR. FISHKIND: Thank you.
 06:22 3 MR. BARNES: He is arguing.
 06:22 4 DR. FISHKIND: Thank you.
 06:22 5 MR. SMITH: No, I'm reading.
 06:22 6 DR. FISHKIND: David, address the board, please.
 06:22 7 That's -- no more.
 06:22 8 MR. SMITH: I will read to you what the text
 06:22 9 says. This is the judge speaking.
 06:22 10 "We now tackle the validity of two assessments.
 06:22 11 One is commonly referred to as the 'bond collapse
 06:22 12 assessment,' which had set assessment in 2008 at \$1,212
 06:23 13 per unit. There, after careful review of the evidence,
 06:23 14 argument of counsel, testimony of witnesses, I find
 06:23 15 that, again, two-fold: I think the statute of
 06:23 16 limitations applies to the 2008 assessment.
 06:23 17 "In any event, even if it didn't apply, I think
 06:23 18 that under Florida law, my review of Florida case law,
 06:23 19 et cetera, that assessment of \$1,212 was proper, was
 06:23 20 applied properly, and should have and will remain for
 06:23 21 the time period -- time period that was applied."
 06:23 22 I will note in dicta, without blaspheming, thank
 06:23 23 God there was no further borrowing or development that
 06:23 24 took place, or we'd have another empty shell shopping
 06:23 25 center with the annual assessments on these homeowners
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06:23 1 possibly as high as \$3,850. So I'm not setting that
 06:23 2 aside.
 06:23 3 "Next and finally comes what I will refer to as
 06:23 4 the 'current assessment' of \$1,032 per unit annually,
 06:23 5 and this was set up in the 2015 time frame. This
 06:24 6 assessment resulted from a \$2.6 million adjustment to
 06:24 7 the outstanding amount due to the transfer of the
 06:24 8 shopping center parcel to a special-purpose entity.
 06:24 9 "And then next year, 2016, conveyance by the
 06:24 10 special-purpose entity to the shopping center parcel,
 06:24 11 along with some additional property to the apartment
 06:24 12 developer." You heard Mr. Crumbaker describing that.
 06:24 13 "I note in reaching these conclusions, reaching
 06:24 14 the conclusion that the shopping center parcel, the
 06:24 15 Levitz's parcel, whatever it's called, is now gone from
 06:24 16 ownership by the CDD. There's no more developable land
 06:24 17 in the CDD.
 06:24 18 "There was testimony from Mr. Crumbaker, among
 06:24 19 others, that there was a credit to Grand Venezia of
 06:24 20 50 percent of some figure, and that apparently was
 06:24 21 50 percent calculated by what the value of the
 06:24 22 property, the shopping center property, was when it
 06:24 23 went in to the CDD.
 06:24 24 "There was no appraisal done. Upon questioning
 06:24 25 by both counsel and myself of Mr. Crumbaker, there is,
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06:25 1 as Mr. Crumbaker correctly pointed out, no legal
 06:25 2 requirement that there be an appraisal.
 06:25 3 "However, in totality, in review of the evidence,
 06:25 4 I believe that what happened at that point was that the
 06:25 5 adjustments that resulted in the current assessment of
 06:25 6 \$1,032 was not done in a nonarbitrary fashion. In
 06:25 7 other words, it was arbitrary."
 06:25 8 He did not say it was unlawful; it was arbitrary.
 06:25 9 It has to come back to you for reassessment. And as
 06:25 10 was mentioned to you before, the part of the law of the
 06:25 11 case which is the partial summary judgment says,
 06:25 12 "Plaintiff is barred from challenging matters
 06:25 13 adjudicated in the bond validation judgment enacted on
 06:25 14 September 6th, 2006."
 06:25 15 That bond validation -- thank you.
 06:25 16 That bond validation was the primary reason why
 06:25 17 district counsel advised the district they cannot
 06:26 18 arbitrarily decide the judge is full of it, and then
 06:26 19 you just do what you want to in terms of what's fair.
 06:26 20 You're stuck with the bond validation proceeding.
 06:26 21 The case law is overwhelming. And yes, I'm familiar
 06:26 22 with it. Yes, I've been a city attorney for
 06:26 23 four-and-a-half years. I know these processes. I know
 06:26 24 these proceedings, and we do know what we're talking
 06:26 25 about.
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06:26 **1** You have been advised on all of these issues.
 06:26 **2** You know we have provided you copies of the statutes.
 06:26 **3** We provided you copies of the summaries. It's not like
 06:26 **4** you're ignorant, and it's not like you're negligent.
 06:26 **5** So the accusation that you're engaged in gross
 06:26 **6** negligence is a gross mischaracterization of the facts
 06:26 **7** and the law. And I'm sorry, but I felt like I had to
 06:26 **8** at least say that because it's irritating that you have
 06:26 **9** people that are only partially informed making
 06:26 **10** statements like that. They're absolutely
 06:26 **11** irresponsible.
 06:26 **12** Now I'll shut up because I shouldn't be doing
 06:26 **13** this, but if you have any questions about the history,
 06:26 **14** I'd be happy to fill you in. We're the ones that
 06:26 **15** advised you. Until a court tells you otherwise, you've
 06:26 **16** got to defend the validated bonds. I would have
 06:26 **17** committed malpractice if I had told you anything but
 06:26 **18** that.
 06:26 **19** So the idea that we wanted to run up the fees is
 06:27 **20** ridiculous. We didn't -- we wanted to get them
 06:27 **21** resolved. So we'll get to that issue probably later in
 06:27 **22** the hearing.
 06:27 **23** DR. FISHKIND: Let me -- do you want to take
 06:27 **24** additional testimony?
25 SUPERVISOR LANCASTER: (Indicates affirmatively.)
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06:27 **1** DR. FISHKIND: Okay, Jerry.
 06:27 **2** Yes, sir.
3 MR. McCOMAS: Just --
 06:27 **4** DR. FISHKIND: Yes, sir, please.
 06:27 **5** MR. McCOMAS: David McComas,
 06:27 **6** 18167 U.S. Highway 19 --
7 DR. FISHKIND: Yes.
 06:27 **8** MR. McCOMAS: -- at Harbourside.
9 DR. FISHKIND: Yes.
 06:27 **10** MR. McCOMAS: Just a quick question, and I'm just
 06:27 **11** trying to connect the dots. I've come into this,
 06:27 **12** again, at the end of you guys kind of all going back
 06:27 **13** and forth, but, I mean, I live in a debt-laden world.
 06:27 **14** I build projects, build them, finance them, and
 06:27 **15** stand behind them, and then during that process,
 06:27 **16** you know, have to defend myself in the event that I
 06:27 **17** don't perform or there's an issue or -- with a lender.
 06:27 **18** And I guess the connection that I'm having a difficult
 06:27 **19** time dealing with --
 06:27 **20** I appreciate, you know, Oppenheimer laying their
 06:27 **21** case out and your laying out rebuttal, you know, more
 06:27 **22** cases and counsel over here, everybody's, you know, in
 06:27 **23** a frenzy, but obviously we're -- there's a dispute here
 06:27 **24** amongst the parties, and I just don't understand.
 06:28 **25** I mean, typically, if I borrow capital and I
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06:28 **1** build a project, as an LLC, and I've got a lender that
 06:28 **2** is not happy with the performance of my -- of the note
 06:28 **3** that -- that instrument that they've put on this, they
 06:28 **4** have -- they have recourse.
 06:28 **5** I mean, they have recourse. They have prevailing
 06:28 **6** party language fees in their -- in their documents.
 06:28 **7** They have all these elements that provide them with
 06:28 **8** leverage.
 06:28 **9** The disconnect that I'm having, the part that I'm
 06:28 **10** having a hard time understanding is -- is that, why is
 06:28 **11** it the board's direction? Why would they --
 06:28 **12** Why wouldn't Oppenheimer be leading the fight on
 06:28 **13** defending the bond and supporting it? And if they win,
 06:28 **14** I'm sure somewhere, buried on Page 487 of their debt
 06:28 **15** instrument, provides them the latitude to levy the CDD,
 06:28 **16** you know, for legal fees through that process, but I --
 06:28 **17** This self-funded process where you're irritating
 06:29 **18** all these homeowners, you know, by going through and
 06:29 **19** funding the litigation costs to defend a bond that's
 06:29 **20** being represented by a bondholder, I'm having a hard
 06:29 **21** time connecting that Oppenheimer doesn't have the
 06:29 **22** wherewithal to defend themselves.
 06:29 **23** Because their debt instrument -- their -- they
 06:29 **24** defend themselves for a living. I mean, that's what
 06:29 **25** bondholders do. That's what --
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1 MR. DWYER: True.
 06:29 **2** MR. McCOMAS: -- you know, that's what -- that's
 06:29 **3** what financial institutions do, and they have recourse,
 06:29 **4** tons of it. Like he said, from 2005, '6, '7, you know,
 06:29 **5** every instrument out there.
 06:29 **6** So I just feel like -- I feel -- I feel bad for
 06:29 **7** the board members, to be honest with you, because
 06:29 **8** they're put in this position where people are not,
 06:29 **9** you know -- you know, we either like you, or we hate
 06:29 **10** you, or we like you, or we hate you.
 06:29 **11** And it's like, you know, I mean, this is way
 06:29 **12** outside of their level of expertise, to interpret the
 06:29 **13** law. When, I mean, I've got guys with juris doctrine
 06:29 **14** degrees that are spitting on each other because they
 06:29 **15** can't interpret the law because we can't get a judge to
 06:30 **16** give us the right interpretation of what he's ruled on
 06:30 **17** yet.
 06:30 **18** I mean, so I'm just sitting here baffled by
 06:30 **19** why -- why couldn't -- why isn't Oppenheimer -- I mean,
 06:30 **20** why such -- because, I mean, ultimately I think the
 06:30 **21** landscape --
 06:30 **22** I mean, being objective, I mean, you know, what
 06:30 **23** happens when everybody up there gets tired and they
 06:30 **24** don't want to do this anymore? Are you really going to
 06:30 **25** find five more people or four more people that are
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06:30 **1** going to say, "Wow, we're all for this
06:30 **2** funding-the-litigation cause."
06:30 **3** I mean, at a certain point, you guys are going to
06:30 **4** get outvoted, and then there's going to be a board of
06:30 **5** members up there who are going to say, "Hold on a
06:30 **6** minute. Oppenheimer, defend yourself," you know. And
06:30 **7** if you win and Jirotko or XYZ Judge rules, you know, I
06:30 **8** would be more concerned with, "Hey, how much do we need
06:30 **9** to reserve for legal fees if we lose."
06:30 **10** But I just -- the disconnect I'm having with the
06:30 **11** whole process that I'm looking at objectively is, why
06:30 **12** is Oppenheimer not defending their position relative
06:30 **13** to -- and that's just for the -- you guys to think
06:30 **14** about internally, you know --
06:30 **15** DR. FISHKIND: Well, we'll --
06:30 **16** MR. McCOMAS: -- when you look at the macro
06:31 **17** elements that we're dealing --
06:31 **18** DR. FISHKIND: Well, we'll respond in a minute.
19 MR. McCOMAS: Okay.
06:31 **20** DR. FISHKIND: With all due respect, you're
06:31 **21** repeating yourself.
06:31 **22** MR. McCOMAS: No problem. But that -- that was
06:31 **23** my -- that's not --
24 DR. FISHKIND: Sure.
06:31 **25** MR. McCOMAS: I'm not here to argue the validity
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06:31 **1** of either side.
2 DR. FISHKIND: Okay.
06:31 **3** MR. McCOMAS: I'm not here to tell you that
06:31 **4** they're wrong or they're right. And, you know, to me,
06:31 **5** it just -- obviously there's a dispute.
06:31 **6** You know, I mean, in the real world, where I
06:31 **7** would -- outside of the CDD, I mean, I would be -- if I
06:31 **8** was a board member, I mean -- and I don't know what
06:31 **9** latitude I would have. I would be like, "Look, let's
10 just write this money" --
06:31 **11** THE COURT REPORTER: Can you please slow down?
06:31 **12** DR. FISHKIND: David -- David --
13 MR. McCOMAS: -- "let's just put the money to the
14 right" --
15 THE COURT REPORTER: I don't know what --
06:31 **16** DR. FISHKIND: -- slow down and wrap it up.
17 MR. McCOMAS: Not a problem. I'll slow down.
06:31 **18** DR. FISHKIND: Because with all due respect,
06:31 **19** you're truly repeating yourself.
06:31 **20** MR. McCOMAS: Okay. Well, I'm sorry that I'm
06:31 **21** repeating myself --
06:31 **22** DR. FISHKIND: That's okay.
23 MR. McCOMAS: -- you know, but --
06:31 **24** DR. FISHKIND: It's okay.
06:31 **25** MR. McCOMAS: -- you know, I just feel like
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06:31 **1** there's got to be a better solution than what is being
06:31 **2** currently placed in front of us.
06:31 **3** DR. FISHKIND: And we'll respond to your
06:31 **4** question.
5 MR. McCOMAS: So that's all.
6 DR. FISHKIND: Thank you.
7 MR. McCOMAS: So just --
06:31 **8** DR. FISHKIND: Does the board want to take
06:31 **9** additional public comment?
06:31 **10** SUPERVISOR LANCASTER: And I would like Dave to
06:31 **11** respond to that.
06:31 **12** DR. FISHKIND: Well, we'll -- yeah, we'll do
06:31 **13** that.
14 MR. SMITH: Yeah.
06:31 **15** DR. FISHKIND: Let's make sure that -- if you
06:31 **16** want to hear any additional public comment so we can do
06:31 **17** this in an orderly fashion.
06:31 **18** MR. DAVISON: I don't want to take any more.
06:31 **19** DR. FISHKIND: Okay. All right.
06:31 **20** So we're done with public comment on this issue.
06:31 **21** MR. SMITH: I believe you would like me to
06:32 **22** respond to why the district was involved in litigation.
23 CHAIRMAN DAVISON: Yes, we would.
06:32 **24** DR. FISHKIND: Sure. Sure, David.
06:32 **25** SUPERVISOR LANCASTER: And there's two reasons to
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06:32 **1** that. One is there's an indenture which was validated
06:32 **2** in the bond validation proceedings as a valid contract
06:32 **3** binding on the district. In the indenture, the
06:32 **4** district has an obligation to defend the bonds and
06:32 **5** enforce the liens.
06:32 **6** In addition, the initial cause of action was to
06:32 **7** dissolve the district. That is uniquely a district
06:32 **8** issue. The other portion was to disgorge all funds
06:32 **9** that had been received to date.
06:32 **10** So we were recommended and we also got a demand
06:32 **11** letter from the bond trustee saying, "You better follow
06:32 **12** your contractual obligations, or we'll take appropriate
06:32 **13** action."
06:32 **14** So we, as your counsel, in light of all those
06:32 **15** circumstances and the strength of the case law, on the
06:32 **16** enforceability and the unavailability of an attack on
06:32 **17** an unvalidated bond, recommended you defend the
06:32 **18** lawsuit.
06:32 **19** Thank you.
06:32 **20** DR. FISHKIND: Any other questions on that issue
06:32 **21** for David?
06:33 **22** SUPERVISOR LANCASTER: No.
06:33 **23** DR. FISHKIND: Okay. There were two categories
06:33 **24** of issues, I think, that were raised that I might
06:33 **25** respond to, and then we could talk about them, board
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06:33 **1** members. One related to the assessments and the
 06:33 **2** assessment report and the benefits, and the other
 06:33 **3** related to the process by which things happened.
 06:33 **4** Let me do the process and get it out of the way.
 06:33 **5** MS. TUTTLE: Mr. Fishkind, Mr. Tsinokas is trying
 06:33 **6** to get back through the line. You know, the board --
 06:33 **7** MR. SMITH: I don't have my phone.
 06:33 **8** DR. FISHKIND: Oh, that's all right.
 06:33 **9** There's too much noise, and we can't allow it.
 06:33 **10** Thank you, Ms. Tuttle.
 06:33 **11** So process. As I said, we went off our RFPs for
 06:33 **12** the appraisal. We had ranking. The board picked the
 06:33 **13** appraisal they wanted to have. All of our records are
 06:33 **14** public records.
 06:33 **15** With respect to, why did I write the assessment
 06:33 **16** report? Because I'm the financial advisor to the
 06:33 **17** district. So it'd be natural for me to write the
 06:33 **18** report.
 06:34 **19** As long as I'm district manager and financial
 06:34 **20** advisor, you don't go off on an RFP. You already have
 06:34 **21** your staff. So that's the short answer to the process
 06:34 **22** questions.
 06:34 **23** Did we have any discussion with Oppenheimer?
 06:34 **24** None whatsoever.
 06:34 **25** What discussion did we have with the appraiser?
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06:34 **1** We said, "We pick you. Give us an appraisal."
 06:34 **2** The end.
 06:34 **3** SUPERVISOR LANCASTER: And we had three --
 06:34 **4** DR. FISHKIND: Yes, sir, we did.
 06:34 **5** SUPERVISOR LANCASTER: We looked at three
 06:34 **6** different ones.
 06:34 **7** DR. FISHKIND: Yes, sir. Yes, sir. You did,
 06:34 **8** Jerry. So that's the process stuff.
 06:34 **9** Now let's get to the assessment report. I feel
 06:34 **10** strongly that the report is right, correct, and valid.
 06:34 **11** I have produced hundreds of assessment reports. I've
 06:34 **12** appeared as an expert witness many times on special
 06:34 **13** assessments.
 06:34 **14** Relative to benefit, the lead case is
 06:34 **15** South Trail Fire District, and that established the
 06:34 **16** proposition that special benefits in Florida are
 06:34 **17** measured by three things: An increase in market value,
 06:35 **18** a reduction in insurance rates, and improved and
 06:35 **19** enhanced use and enjoyment of the property. Those are
 06:35 **20** the three things.
 06:35 **21** So the district conducted its capital improvement
 06:35 **22** plan. The plan was declared complete before everything
 06:35 **23** was completed, but it provided for a certain
 06:35 **24** acquisition and for the demolition of the shopping
 06:35 **25** center, among other things.
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06:35 **1** The assessment, the special benefit, I believe,
 06:35 **2** came from the improvement in property values, the
 06:35 **3** significant outperformance.
 06:35 **4** Do things happen other than just the demolition
 06:35 **5** of a shopping center? Of course they happen, and they
 06:35 **6** happened all over Pinellas County as well.
 06:35 **7** So I think it is a very reasonable and valid
 06:35 **8** comparison to demonstrate special benefit. It is
 06:35 **9** completely within the ambit of the case law in the
 06:35 **10** State of Florida.
 06:35 **11** SUPERVISOR LANCASTER: But I have a question
 06:36 **12** about that.
 06:36 **13** DR. FISHKIND: Certainly, Jerry.
 06:36 **14** SUPERVISOR LANCASTER: Isn't it a moot point at
 06:36 **15** this point in time because the judge has ruled that the
 06:36 **16** methodology is valid?
 06:36 **17** DR. FISHKIND: Yes.
 06:36 **18** SUPERVISOR LANCASTER: So --
 06:36 **19** DR. FISHKIND: Yes. I believe that --
 06:36 **20** SUPERVISOR LANCASTER: -- whether they like it or
 06:36 **21** not, the judge has said it is, and --
 06:36 **22** DR. FISHKIND: Yes. And he said --
 06:36 **23** Importantly, to your point, Jerry, he said in
 06:36 **24** 2008, when the project was declared complete and the
 06:36 **25** assessments were, in fact, higher than they are today,
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06:36 **1** that there was special benefit.
 06:36 **2** SUPERVISOR LANCASTER: All right.
 06:36 **3** DR. FISHKIND: Because they couldn't have
 06:36 **4** declared that everything was okay in 2008, unless he
 06:36 **5** also validated, by his ruling, special benefit in 2008.
 06:36 **6** The only thing that happened since then --
 06:36 **7** SUPERVISOR LANCASTER: Sold a parcel.
 06:36 **8** DR. FISHKIND: -- was a parcel was sold and debt
 06:36 **9** was reduced.
 06:36 **10** SUPERVISOR LANCASTER: Right.
 06:36 **11** DR. FISHKIND: And it turns out that the parcel
 06:36 **12** was sold, and we got more value than the thing was
 06:36 **13** worth.
 06:36 **14** SUPERVISOR LANCASTER: Than it was worth. Right.
 06:36 **15** DR. FISHKIND: So I think you are in a very
 06:36 **16** strong position, if you so desire, to continue with the
 06:36 **17** assessments. The process was legal, and the special
 06:36 **18** benefit and the special analysis that's in the report,
 06:36 **19** I think, is strong and valid.
 06:37 **20** I'm happy to answer any questions that you might
 06:37 **21** have.
 06:37 **22** (No response.)
 06:37 **23** DR. FISHKIND: Hearing none, then a vote to move
 06:37 **24** forward with the assessments. A simple motion would be
 06:37 **25** in order, and then we can equal- --
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06:37 **1** CHAIRMAN DAVISON: Can I just make a com- --
 06:37 **2** DR. FISHKIND: -- and then we can equalize.
 06:37 **3** Sure. You can make as many comments as you want.
 06:37 **4** CHAIRMAN DAVISON: Can I? I just want to make a
 06:37 **5** different comment.
 06:37 **6** DR. FISHKIND: I don't mean to -- I don't mean to
 06:37 **7** shut down your comments.
 06:37 **8** CHAIRMAN DAVISON: Yeah, yeah. Okay.
 06:37 **9** DR. FISHKIND: It's up to you guys.
 06:37 **10** CHAIRMAN DAVISON: Okay. It's just there's so
 06:37 **11** much misinformation that is out there, you know. And
 06:37 **12** we heard some gentlemen saying, why didn't we mediate?
 06:37 **13** Well, we have mediated twice, and both times the
 06:37 **14** parties couldn't agree. You know, so it's not from
 06:37 **15** want of trying. It's been done twice in a court --
 06:37 **16** SUPERVISOR LANCASTER: In two years.
 06:37 **17** CHAIRMAN DAVISON: Yes. We hear that we own the
 06:37 **18** corner lots. We don't own the corner lot. It's
 06:37 **19** Sam Seltzer's lot. Whoever took the bankrupt
 06:37 **20** Sam Seltzer owns that lot.
 06:37 **21** It's got nothing to do with the CDD. It's
 06:37 **22** outside the CDD, and this is the problem. There is so
 06:37 **23** much misinformation given, and we keep on hearing about
 06:37 **24** the big piece of parcel that the CDD owned that they
 06:38 **25** sold.
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06:38 **1** We didn't own it. We only owned the little roads
 06:38 **2** connecting it, and this is where it carries on and on
 06:38 **3** and on. And it actually, frankly, gets very, very
 06:38 **4** tiring because some new people come in.
 06:38 **5** And I understand everybody buys and it's new, but
 06:38 **6** new people have come in, and they listen to all the BS
 06:38 **7** that goes on, and they don't bother to find what the
 06:38 **8** real truth is.
 06:38 **9** And it gets tiring. And, you know, some guy made
 06:38 **10** a comment about, you know, "It's going to be a problem
 06:38 **11** with finding new board members." You're absolutely
 06:38 **12** right. You are absolutely right.
 06:38 **13** Why did nobody bother except, you know, two
 06:38 **14** people bother to apply on the electoral hearings?
 06:38 **15** Nobody wants to be there. It's a thankless job.
 06:38 **16** Sorry.
 06:38 **17** DR. FISHKIND: That's okay. Let's stick to, now,
 06:38 **18** assessments.
 06:38 **19** There were other questions.
 06:38 **20** VICE-CHAIR GLIDDEN: Well, I had one comment,
 06:38 **21** too, on --
 06:38 **22** DR. FISHKIND: Alan, yes.
 06:38 **23** VICE-CHAIR GLIDDEN: Yeah. Here are -- here are
 06:38 **24** all these people talking about the water park was never
 06:38 **25** built, this wasn't done.
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06:38 **1** Yeah, but the money was never borrowed for that
 06:38 **2** either.
 06:38 **3** DR. FISHKIND: Correct.
 06:38 **4** VICE-CHAIR GLIDDEN: You know, the money that was
 06:39 **5** borrowed --
 06:39 **6** DR. FISHKIND: Yes, yes.
 06:39 **7** VICE-CHAIR GLIDDEN: Excuse me?
 06:39 **8** CHAIRMAN DAVISON: Just ignore him.
 06:39 **9** DR. FISHKIND: Yeah. Just -- just --
 06:39 **10** VICE-CHAIR GLIDDEN: I know Mr. Barnes is here to
 06:39 **11** win a check that's --
 06:39 **12** DR. FISHKIND: That's okay.
 06:39 **13** CHAIRMAN DAVISON: He hasn't got a check yet.
 06:39 **14** VICE-CHAIR GLIDDEN: No.
 06:39 **15** DR. FISHKIND: Please, stick to the assessments.
 06:39 **16** Let's not get into that, but -- I know everybody's
 06:39 **17** emotions are high, you know --
 06:39 **18** VICE-CHAIR GLIDDEN: Yeah.
 06:39 **19** CHAIRMAN DAVISON: No. I'm --
 06:39 **20** DR. FISHKIND: -- but please, let's -- let's --
 06:39 **21** CHAIRMAN DAVISON: Should I make a motion, or
 06:39 **22** should we --
 06:39 **23** DR. FISHKIND: No.
 06:39 **24** SUPERVISOR LANCASTER: There's so much
 06:39 **25** misinformation that goes around.
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1 THE COURT REPORTER: One at a -- okay. One at a
2 time.
3 DR. FISHKIND: Stop. Stop.
 06:39 **4** No, Brian.
 06:39 **5** MR. CRUMBAKER: He should be able to participate.
 06:39 **6** That's all I'm asking.
 06:39 **7** DR. FISHKIND: Thank you.
 06:39 **8** SUPERVISOR LANCASTER: I said I'll make a motion
 06:39 **9** that we pass it.
10 DR. FISHKIND: Okay. What about you?
 06:39 **11** CHAIRMAN DAVISON: I second the motion.
 06:39 **12** DR. FISHKIND: Second by Trevor.
 06:39 **13** Further discussion?
 06:39 **14** (No response.)
 06:39 **15** DR. FISHKIND: All those in favor?
 06:39 **16** BOARD OF SUPERVISORS: Aye.
 06:39 **17** DR. FISHKIND: All right. Now we're to
 06:39 **18** Resolution 2018-10, which is our equalization
 06:39 **19** resolution.
 06:39 **20** We are going to hear from anybody who has a
 06:39 **21** particular interest about their individual property,
 06:39 **22** not some overarching question about the assessments
 06:39 **23** because we just dealt with that.
 06:39 **24** So a particular question about anybody's
 06:39 **25** property, this is the time for you to come before the
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06:39 **1** board and explain why, on an equalization basis, you
 06:40 **2** should be treated differently for some special
 06:40 **3** something that is particular to your property.
 06:40 **4** Would there be anybody who wishes to be heard?
 06:40 **5** Yes, sir. Please state your name for the record.
 06:40 **6** MR. CHASE: Wayne Chase.
 06:40 **7** DR. FISHKIND: Yes.
 06:40 **8** MR. CHASE: I have a question here about the
 06:40 **9** equalization.
 06:40 **10** DR. FISHKIND: Yes.
 06:40 **11** MR. CHASE: Currently we're assessed in our
 06:40 **12** condominium association based upon the square footage
 06:40 **13** of the property where each unit is a different size.
 06:40 **14** So we're --
 06:40 **15** DR. FISHKIND: That's not for the condominiums.
 06:40 **16** MR. CHASE: But --
 06:40 **17** DR. FISHKIND: This is not a condominium.
 06:40 **18** MR. CHASE: I understand that.
 06:40 **19** DR. FISHKIND: Oh, oh, I misunderstood the
 06:40 **20** question.
 06:40 **21** MR. CHASE: I understand that.
 06:40 **22** DR. FISHKIND: I'm so sorry.
 06:40 **23** MR. CHASE: And the reason why I'm asking the
 06:40 **24** question is --
 06:40 **25** DR. FISHKIND: Yes.
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06:40 **1** MR. CHASE: -- why wouldn't that square footage
 06:40 **2** be applicable in this particular case as opposed to
 06:40 **3** whether you got --
 06:40 **4** DR. FISHKIND: Yeah.
 06:40 **5** MR. CHASE: -- 800 square feet --
 06:40 **6** DR. FISHKIND: Sure.
 06:40 **7** MR. CHASE: -- or 3,000 square feet in the same.
 06:40 **8** DR. FISHKIND: Sure. The short answer is that
 06:40 **9** we're allowed to do it by category, and I think the
 06:40 **10** benefit accrues to the units, not to the square feet of
 06:40 **11** the unit, sir.
 06:40 **12** MR. CHASE: Explain --
 06:40 **13** DR. FISHKIND: So this is a valid method.
 06:40 **14** MR. CHASE: Explain that, please. The benefits
 06:40 **15** to the unit, but not to the --
 06:40 **16** DR. FISHKIND: Occurs to each unit. And I don't
 06:41 **17** think that there is a significant difference in the
 06:41 **18** benefit that the units get by the square feet.
 06:41 **19** There are many different ways that it could be
 06:41 **20** done. Square feet is one, but it's not dispositive of
 06:41 **21** the only method. So this is the method this board has
 06:41 **22** used since 2005, sir.
 06:41 **23** MR. CHASE: Okay.
 06:41 **24** DR. FISHKIND: Questions about individual
 06:41 **25** properties would be in order now.
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06:41 **1** Anybody else with an individual property owner
 06:41 **2** question?
 06:41 **3** (No response.)
 06:41 **4** DR. FISHKIND: Hearing none, then it would be
 06:41 **5** time to address 2018-10, which is the final motion that
 06:41 **6** would approve these assessments.
 06:41 **7** Questions or comments from the board?
 06:41 **8** (No response.)
 06:41 **9** DR. FISHKIND: A motion to approve would be in
 06:41 **10** order.
 06:41 **11** CHAIRMAN DAVISON: I'll make a motion to approve
 06:41 **12** the assessments.
 06:41 **13** DR. FISHKIND: Moved by Trevor.
 06:41 **14** VICE-CHAIR GLIDDEN: I'll second it.
 06:41 **15** DR. FISHKIND: Second by Alan.
 06:41 **16** Further discussion?
 06:41 **17** (No response.)
 06:41 **18** DR. FISHKIND: All those in favor please signify
 06:41 **19** by saying "aye."
 06:41 **20** BOARD OF SUPERVISORS: Aye.
 06:41 **21** DR. FISHKIND: All the same sign.
 06:41 **22** Very good, gentlemen. We're done with the
 06:41 **23** assessments.
 06:41 **24** (At this time, Mr. Dwyer began to exit the room.)
 06:41 **25** MR. SMITH: Don, we're going to the budget.
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06:42 **1** DR. FISHKIND: Don, we're going to do the budget
 06:42 **2** now.
 06:42 **3** MR. SMITH: We're doing the budget next.
 06:42 **4** MR. DWYER: Go ahead. I'll be right back.
 06:42 **5** DR. FISHKIND: Okay.
 06:42 **6** MR. DWYER: Go ahead.
 06:42 **7** (At this time, Mr. Dwyer exited the room.)
 06:42 **8** DR. FISHKIND: All right. Now we're going to
 06:42 **9** move on to the public hearing for the district's annual
 06:42 **10** budget. I'd like to open that public hearing. Under
 06:42 **11** Tab 5 is the budget, and we have extra copies if
 06:42 **12** anybody needs the budget.
 06:42 **13** So we had passed a preliminary budget. The
 06:42 **14** adjustments that you made were to reduce the amount for
 06:42 **15** roadway expenditure, increase the legal portion.
 06:42 **16** Otherwise, there's been no additional questions or
 06:42 **17** comments, and --
 06:42 **18** Yes, certainly.
 06:42 **19** UNIDENTIFIED FEMALE SPEAKER: Thank you.
 06:42 **20** DR. FISHKIND: And you can pass them out, if you
 06:42 **21** want to.
 06:42 **22** UNIDENTIFIED FEMALE SPEAKER: Okay.
 06:42 **23** DR. FISHKIND: Thank you so much.
 06:42 **24** So there's been no further adjustments. I've
 06:42 **25** gotten no comments or questions.
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1 (No response.)
06:42 2 DR. FISHKIND: Would there be any further
06:42 3 comments or questions from the board?
4 (No response.)
06:42 5 DR. FISHKIND: Then we're in the public hearing.
06:42 6 Public questions, comments about the proposed
06:43 7 budget for 2018-19 that will start October 1st?
06:43 8 Questions or comments, this would be the time.
06:43 9 Yes, sir.
06:43 10 MR. GORMAN: I want to make sure that I'm reading
06:43 11 this. Are we being charged this \$100 --
06:43 12 THE COURT REPORTER: Name, please.
06:43 13 MR. GORMAN: Gorman, last name is Gorman.
14 THE COURT REPORTER: Thank you.
06:43 15 MR. GORMAN: I mean, are we being charged these
06:43 16 legal fees?
06:43 17 DR. FISHKIND: Yes, you are.
06:43 18 SUPERVISOR LANCASTER: You're paying roughly
06:43 19 20 percent of it.
06:43 20 DR. FISHKIND: That's okay. Ah, ah. Let me --
21 let me --
06:43 22 MR. GORMAN: So I think I heard somebody say in
06:43 23 the beginning that we essentially paid about
06:43 24 20 percent, roughly.
06:43 25 DR. FISHKIND: That's correct, sir.
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06:43 1 MR. GORMAN: So I'm not, you know, the sharpest
06:43 2 knife with the math, but I still think that that
06:43 3 represents better than 50 percent our share of the fees
06:43 4 of our total expense of this budget.
06:43 5 So isn't that a conflict? Isn't -- aren't --
06:43 6 isn't this a conflict, that we're paying to litigate
06:43 7 ourselves? Isn't there a conflict there?
06:43 8 DR. FISHKIND: No. Unfortunately it's the
06:43 9 situation you find yourself in. There is no conflict.
10 MR. GORMAN: Well, I heard -- I heard --
11 DR. FISHKIND: Ah, next.
06:44 12 MR. GORMAN: -- I heard that you've got an
06:44 13 obligation to --
06:44 14 DR. FISHKIND: Sir --
06:44 15 MR. GORMAN: -- to defend yourself. I didn't
06:44 16 hear that the obligation was to charge us for it.
06:44 17 DR. FISHKIND: Thank you.
06:44 18 Further comment on the budget?
06:44 19 Yes, ma'am.
06:44 20 MS. THIBODEAU: Mine's not quite budget, but I
06:44 21 just want to know about the board. And I don't know
06:44 22 like because I'm new to this. I'm a -- I'm a new
06:44 23 owner, also.
06:44 24 DR. FISHKIND: Could we -- could we talk about
25 the budget?
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1 MS. THIBODEAU: Well, like I just don't know like
2 how you're --
3 DR. FISHKIND: You're going to have time to talk
4 about other things.
06:44 5 MS. THIBODEAU: How come you are managing the
06:44 6 meeting and not our board?
06:44 7 DR. FISHKIND: Because Trevor asked me to.
06:44 8 MS. THIBODEAU: Interesting.
06:44 9 DR. FISHKIND: And he can -- he can ask me to run
06:44 10 the meeting. Thank you.
06:44 11 Yes, sir.
06:44 12 MR. HERD: Michael Herd.
06:44 13 It's my understanding that Oppenheimer's been
06:44 14 part of this since 2005. Has the board done their due
06:44 15 diligence on saving money on the budget by receiving
06:44 16 any proposals from cheaper -- cheaper counsel or
06:44 17 litigators in the last decade?
06:44 18 It's my understanding that Mr. Davison has been
06:44 19 part of the board since 2010. Has any due diligence
06:44 20 been done to save money on the budget by using
06:45 21 different counsel?
06:45 22 Thank you.
06:45 23 DR. FISHKIND: Thank you. We'll address
06:45 24 everything at the end. Thank you, Mike.
06:45 25 Mike? Mike?
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06:45 1 MR. HERD: Yes, sir.
2 DR. FISHKIND: Yes. Thank you.
06:45 3 Dan (sic).
06:45 4 MR. DWYER: Don Dwyer.
06:45 5 DR. FISHKIND: Don, I'm sorry.
6 MR. DWYER: Yeah.
06:45 7 DR. FISHKIND: A long night already, Don.
06:45 8 MR. DWYER: That's okay.
06:45 9 In your proposed budget, there are charges for
06:45 10 the -- for supervisors fees and maintenance --
06:45 11 manag- -- I mean management fees. Two different
06:45 12 categories: Supervisor fees and management fees.
06:45 13 What is the difference between two of those --
06:45 14 those two fees, and who is getting paid the supervisor
06:45 15 fees, the name of the person who is the supervisor?
06:45 16 DR. FISHKIND: Sure. We'll do that.
06:45 17 Any other questions?
06:45 18 MR. DWYER: No, that's it for now.
06:45 19 DR. FISHKIND: Additional comments or questions
20 from anybody on the budget?
21 Yes, sir.
06:45 22 MR. BAILEY: I've got a question about the
06:45 23 roadway and other capital repair preserve.
24 DR. FISHKIND: Yes, sir.
25 THE COURT REPORTER: Name?
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06:45 **1** MR. BAILEY: Bill Bailey.
 06:45 **2** The board members that live there, as you drive
 06:45 **3** down our street after ten minutes of rain, cars flood.
 06:45 **4** Is that going to -- is that in there?
 06:46 **5** MS. THIBODEAU: Yeah.
 06:46 **6** DR. FISHKIND: Well, we'll answer your questions.
 06:46 **7** Just let me know all your -- all of your questions, and
 06:46 **8** we'll get them all at once, if I could.
 06:46 **9** MR. BAILEY: That's it.
 06:46 **10** DR. FISHKIND: So the drainage issue on the --
 06:46 **11** MR. BAILEY: Yes.
 06:46 **12** DR. FISHKIND: The drainage issue on the roads is
 06:46 **13** the question?
 06:46 **14** MR. BAILEY: Yes.
 06:46 **15** DR. FISHKIND: Okay. Thank you.
 06:46 **16** CHAIRMAN DAVISON: On which road?
 06:46 **17** DR. FISHKIND: Ah.
 06:46 **18** CHAIRMAN DAVISON: I just -- I want to know
 06:46 **19** which road he's talking about. It's fine.
 06:46 **20** Valencia Road or for Ven- --
 06:46 **21** MR. BAILEY: Valencia.
 06:46 **22** CHAIRMAN DAVISON: Oh, yeah. Valencia Road.
 06:46 **23** DR. FISHKIND: Other comments, questions?
 06:46 **24** (No response.)
 06:46 **25** DR. FISHKIND: Okay. Then I'm going to close the
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06:46 **1** public hearing.
 06:46 **2** Board members, a quick response. The difference
 06:46 **3** between the supervisors fees, by law, supervisors get
 06:46 **4** paid \$200 per meeting. So that's the supervisor fees.
 06:46 **5** The management fee is what our company gets paid to
 06:46 **6** manage the district.
 06:46 **7** MR. DWYER: Thank you very much.
 06:46 **8** DR. FISHKIND: The Venetia (sic) Road, Trevor, is
 06:46 **9** that a district road? I think that's an HOA road.
 06:46 **10** CHAIRMAN DAVISON: It's -- no, it's a -- it's a
 06:46 **11** district road that the HOA has undertaken to maintain.
 06:46 **12** DR. FISHKIND: Ah, yes. That's it.
 06:46 **13** So we will --
 06:46 **14** CHAIRMAN DAVISON: It's owned by the district,
 06:46 **15** but HOA maintain -- or the COA maintains it.
 06:46 **16** DR. FISHKIND: But we will get back to them on
 06:47 **17** that, and thank you. I think that's it.
 06:47 **18** (No response.)
 06:47 **19** DR. FISHKIND: No other comments.
 06:47 **20** Questions or comments from the board?
 06:47 **21** I'm going to close the public hearing.
 06:47 **22** 2018-11, your budget. Anything further?
 06:47 **23** (No response.)
 06:47 **24** DR. FISHKIND: Motion to approve the budget would
 06:47 **25** be in order.
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06:47 **1** CHAIRMAN DAVISON: I'll make a motion to approve
 06:47 **2** the budget.
 06:47 **3** DR. FISHKIND: Moved by Trevor.
 06:47 **4** Do I have a second?
 06:47 **5** VICE-CHAIR GLIDDEN: I'll second it.
 06:47 **6** DR. FISHKIND: Second, Alan.
 06:47 **7** All those in favor please signify by saying
 06:47 **8** "aye."
 06:47 **9** BOARD OF SUPERVISORS: Aye.
 06:47 **10** DR. FISHKIND: All the same sign. The motion
 06:47 **11** passes.
 06:47 **12** All right. Next we've got to do 2018-12.
 06:47 **13** Now that you've approved the budget, we're going
 06:47 **14** to approve the assessments to pay for the budget.
 06:47 **15** Nothing special about it, except this is how you pay
 06:47 **16** the bills, through the operations and maintenance
 06:47 **17** assessments, to pay for the budget that you just
 06:47 **18** passed.
 06:47 **19** So a motion to approve 2018-12 would be in order,
 06:47 **20** unless there's discussion.
 06:47 **21** (No response.)
 06:47 **22** DR. FISHKIND: Hearing none, could I have a
 06:47 **23** motion, please?
 06:47 **24** CHAIRMAN DAVISON: I'll make a motion to move the
 06:47 **25** Resolution 2018-12.
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06:47 **1** DR. FISHKIND: Moved by Trevor.
 06:48 **2** Do I have a second?
 06:48 **3** VICE-CHAIR GLIDDEN: I'll second the motion.
 06:48 **4** DR. FISHKIND: Second by Alan.
 06:48 **5** Okay. All those in favor please signify by
 06:48 **6** saying "aye."
 06:48 **7** BOARD OF SUPERVISORS: Aye.
 06:48 **8** DR. FISHKIND: All the same sign.
 06:48 **9** Under Tab 7 of the audit, the auditors have asked
 06:48 **10** for an increase because of all of the litigation and
 06:48 **11** expense. Our chairman has been heavily involved in the
 06:48 **12** discussion about the increase. I think it is in order,
 06:48 **13** given the situation we face.
 06:48 **14** Trevor, do you want to add any commentary to
 06:48 **15** that?
 06:48 **16** CHAIRMAN DAVISON: You know, I just found or find
 06:48 **17** that the amount of increase that they're asking is --
 06:48 **18** is exorbitant, personally. I know Jerry is -- in order
 06:48 **19** to -- I'll pass it to him.
 06:48 **20** SUPERVISOR LANCASTER: I tend to agree with him.
 06:48 **21** In fact, I just -- I just think that -- we got an -- we
 06:48 **22** got an opinion letter from the attorney, from our
 06:48 **23** attorneys --
 06:48 **24** DR. FISHKIND: Yes.
 06:48 **25** SUPERVISOR LANCASTER: -- and there's not any
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06:48 **1** extra work they need to do.
 06:48 **2** DR. FISHKIND: No.
 06:48 **3** CHAIRMAN DAVISON: So my question would be,
 06:48 **4** what -- you know, what if we don't approve an increased
 06:48 **5** amount? What's going to happen?
 06:48 **6** DR. FISHKIND: You would have to go back out and
 06:49 **7** select new auditors, and then we would have to tell
 06:49 **8** the State that we're going to be later than we've told
 06:49 **9** them for the audit.
 06:49 **10** I don't think you're going to get a very -- much
 06:49 **11** better price, given the amount of complication and
 06:49 **12** litigation that's occurred here.
 06:49 **13** SUPERVISOR LANCASTER: When we asked him about
 06:49 **14** it, what were their comments?
 06:49 **15** DR. FISHKIND: That there was a lot of
 06:49 **16** litigation. They asked for more than \$5,000. We
 06:49 **17** worked them down.
 06:49 **18** SUPERVISOR LANCASTER: What was the original
 06:49 **19** amount we had? \$3,000?
 06:49 **20** DR. FISHKIND: I believe --
 06:49 **21** CHAIRMAN DAVISON: I think we budgeted \$5,000,
 06:49 **22** and they were wanting \$6,800.
 06:49 **23** DR. FISHKIND: I think that's right.
 06:49 **24** CHAIRMAN DAVISON: I think it's \$1,800 more than
 06:49 **25** we've budgeted.
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06:49 **1** SUPERVISOR LANCASTER: Well, you know, if we
 06:49 **2** start over, it's going to cost us more than that.
 06:49 **3** DR. FISHKIND: I'm afraid so, Jerry. It's not --
 06:49 **4** it's not comfortable, but I think, given this, the
 06:49 **5** place we're at, that it would be my recommendation to
 06:49 **6** approve this one.
 06:49 **7** CHAIRMAN DAVISON: I didn't --
 06:49 **8** SUPERVISOR LANCASTER: Okay. Well, I'd like to
 06:49 **9** qualify their opinion based on that, but I understand.
 06:50 **10** CHAIRMAN DAVISON: I made a proposal to them that
 06:50 **11** we meet halfway, and they weren't interested in
 06:50 **12** talking.
 06:50 **13** SUPERVISOR LANCASTER: Okay. Well, let's just --
 06:50 **14** VICE-CHAIR GLIDDEN: All right.
 06:50 **15** SUPERVISOR LANCASTER: I'll make a motion that we
 06:50 **16** accept the --
 06:50 **17** DR. FISHKIND: Well, then moved by --
 06:50 **18** SUPERVISOR LANCASTER: -- additional \$1,800.
 06:50 **19** DR. FISHKIND: Moved by Jerry, with appropriate
 06:50 **20** reservations.
 06:50 **21** SUPERVISOR LANCASTER: That's right.
 06:50 **22** CHAIRMAN DAVISON: Yeah. And I'll second it.
 06:50 **23** DR. FISHKIND: Second by Trevor.
 06:50 **24** All those in favor please signify by saying
 06:50 **25** "aye."
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1 BOARD OF SUPERVISORS: Aye.
2 DR. FISHKIND: All the same sign.
 06:50 **3** All right. Very good.
 06:50 **4** Next is Payment Authorizations 123 to 126.
 06:50 **5** Nothing out of the ordinary for this district. I'm
 06:50 **6** happy to answer any questions or comments about the
 06:50 **7** payment authorizations.
 06:50 **8** SUPERVISOR LANCASTER: I'll make a motion that we
 06:50 **9** pay it.
 06:50 **10** DR. FISHKIND: Moved by Jerry.
 06:50 **11** Do I have a second?
 06:50 **12** CHAIRMAN DAVISON: I'll second it.
 06:50 **13** DR. FISHKIND: Second by Trevor.
 06:50 **14** CHAIRMAN DAVISON: Is that for 123 or for all of
 06:50 **15** them?
 06:50 **16** DR. FISHKIND: 123 through 126.
 06:50 **17** SUPERVISOR LANCASTER: For all of them, yes.
 06:50 **18** DR. FISHKIND: They're all sort of standard for
 06:50 **19** this district, Trevor.
 06:50 **20** CHAIRMAN DAVISON: Yep.
 06:50 **21** DR. FISHKIND: Motion is seconded.
 06:50 **22** Any further discussion?
 06:50 **23** (No response.)
 06:50 **24** DR. FISHKIND: All those in favor please signify
 06:50 **25** by saying "aye."
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1 BOARD OF SUPERVISORS: Aye.
 06:51 **2** DR. FISHKIND: All the same sign. Motion passes.
 06:51 **3** All right. The district financial position is
 06:51 **4** under Tab 9. Nothing particular to report. We've got
 06:51 **5** funds to meet all of our obligations. And you don't do
 06:51 **6** anything but review, and if you have questions, I'd be
 06:51 **7** happy to answer them.
 06:51 **8** (No response.)
 06:51 **9** DR. FISHKIND: All right. Then we are to
 06:51 **10** additional public comments.
 06:51 **11** CHAIRMAN DAVISON: So --
 06:51 **12** DR. FISHKIND: Yes, sir.
 06:51 **13** CHAIRMAN DAVISON: -- I would like --
 06:51 **14** DR. FISHKIND: Oh, I'm sorry, Trevor.
 06:51 **15** CHAIRMAN DAVISON: I'd like to make a statement
 06:51 **16** and say that I have decided I'm resigning with
 06:51 **17** immediate effect. It's not because of the meeting
 06:51 **18** today.
 06:51 **19** I've been on the board, I think, since 2012. I
 06:51 **20** started when they were begging people to come and join.
 06:51 **21** And this is part of my blood, but it's reached a stage
 06:51 **22** where I'm not prepared to carry on with it anymore.
 06:51 **23** And, secondly, I will, in the next few weeks, not
 06:51 **24** be a Florida resident. So I hereby tender my
 06:52 **25** resignation.
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06:52 **1** DR. FISHKIND: All right. Motion to accept
 06:52 **2** Trevor's resignation.
 06:52 **3** VICE-CHAIR GLIDDEN: Reluctantly.
 06:52 **4** DR. FISHKIND: Moved by Alan.
 06:52 **5** SUPERVISOR LANCASTER: I'll reluctantly accept
 06:52 **6** it.
 06:52 **7** DR. FISHKIND: All right. Second by Jerry.
 06:52 **8** All those in favor please signify by saying
 06:52 **9** "aye."
 06:52 **10** BOARD OF SUPERVISORS: Aye.
 06:52 **11** DR. FISHKIND: All right. Board members, you
 06:52 **12** can -- if you are so interested, you can fill the
 06:52 **13** vacant seat. If you wish, you can leave it vacant. It
 06:52 **14** is up to -- up to the board, how you wish to proceed.
 06:52 **15** VICE-CHAIR GLIDDEN: I'd like to nominate
 06:52 **16** Jeff Wilson.
17 THE COURT REPORTER: What was that?
18 VICE-CHAIR GLIDDEN: I'd like to nominate
 06:52 **19** Jeff Wilson to fill the board, board seat.
 06:52 **20** SUPERVISOR LANCASTER: Is he here?
 06:52 **21** DR. FISHKIND: Alan has nominated Jeff.
 06:52 **22** Are there any other nominations from anybody?
 06:52 **23** SUPERVISOR LANCASTER: Is he here?
24 DR. FISHKIND: Yes.
25 MR. McCOMAS: If I can nominate myself --
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1 DR. FISHKIND: Yes?
 06:52 **2** MR. McCOMAS: If I can nominate myself, I'd love
 06:52 **3** an opportunity to run on the board.
4 DR. FISHKIND: Certainly, certainly.
5 MR. SMITH: Isn't it a board nomination?
6 THE COURT REPORTER: Name, please.
 06:52 **7** MR. McCOMAS: David McComas. I own the
 06:52 **8** Harbourside office building.
 06:52 **9** MR. SMITH: Hank, isn't it a board process?
 06:52 **10** DR. FISHKIND: It is a board process.
 06:52 **11** So if the board wishes to nominate and accept
 06:53 **12** David's offer, and then you can vote on who you want.
13 MR. SMITH: You can nominate him.
 06:53 **14** VICE-CHAIR GLIDDEN: I'd like to nominate David.
15 DR. FISHKIND: Yeah. I think that's appropriate.
 06:53 **16** SUPERVISOR MIES: I mean, he's a majority
 06:53 **17** landowner.
 06:53 **18** DR. FISHKIND: I think that's appropriate.
19 SUPERVISOR MIES: Yeah, absolutely.
 06:53 **20** DR. FISHKIND: Very good. Thank you, Joel.
 06:53 **21** Anybody else?
22 (No response.)
 06:53 **23** DR. FISHKIND: All right. Board members, what's
 06:53 **24** your pleasure? You can -- we have Jeff and David to
 06:53 **25** choose from.
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06:53 **1** SUPERVISOR LANCASTER: Well, which one are we
 06:53 **2** going to do first?
 06:53 **3** DR. FISHKIND: Well, you only have one seat,
4 so --
5 MR. SMITH: You've only got to vote for one of
 06:53 **6** them.
 06:53 **7** SUPERVISOR LANCASTER: Oh --
 06:53 **8** DR. FISHKIND: So why don't we start --
 06:53 **9** SUPERVISOR LANCASTER: -- well, then call out a
 06:53 **10** name, and we'll say "yes" or --
 06:53 **11** MR. McCOMAS: If you'd like, maybe we could
 06:53 **12** tell -- I mean, I'd like to tell everybody why I think
 06:53 **13** I'd be a good board member, and I didn't know that you
 06:53 **14** guys were even going to have a seat available, but I'd
 06:53 **15** love to tell you a little bit about myself.
 06:53 **16** VICE-CHAIR GLIDDEN: We didn't either.
 06:53 **17** DR. FISHKIND: Why don't you -- why don't you
 06:53 **18** give us a short minute or two.
19 MR. McCOMAS: Sure.
 06:53 **20** DR. FISHKIND: Then we'll let Jeff do the same,
 06:53 **21** and then we'll let the board decide.
22 MR. McCOMAS: Okay. I'm a --
23 DR. FISHKIND: Please go ahead.
 06:53 **24** MR. McCOMAS: I'm a recent property owner.
 06:53 **25** I purchased the Harbourside office building last
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06:53 **1** October. I'd been there occupying for a year prior to
 06:54 **2** that. I'm a local resident, lived in Dunedin, born all
 06:54 **3** my life -- born here.
 06:54 **4** I sit on the board of directors of
 06:54 **5** Presidents Landing. I'm the treasurer of that board.
 06:54 **6** I've been on that board for eight years. I'm used to
 06:54 **7** the process that we go through trying to be objective
 06:54 **8** and --
 06:54 **9** And, you know, I have a vested stake of over
 06:54 **10** \$20 million into the -- that community and the market.
 06:54 **11** So I'm not going anywhere. I was born in Dunedin.
 06:54 **12** I've lived here all my life.
 06:54 **13** And, you know, I'm very familiar with real estate
 06:54 **14** and have over 1,187,000 square feet of space that I own
 06:54 **15** in this market and currently have 49 centers and office
 06:54 **16** buildings that I own in this market. So I think I'm
 06:54 **17** qualified to be able to stay objective and to work, to
 06:54 **18** try to get everybody to work together.
 06:54 **19** I'm not a big conflict guy, really. You know,
 06:54 **20** I'll do everything I can to try to be objective and try
 06:54 **21** to work together with the board and put everything
 06:54 **22** behind me that I understand in real estate to work to
 06:55 **23** try to help better the situation.
 06:55 **24** DR. FISHKIND: Thank you, David.
 06:55 **25** Jeff?
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06:55 **1** MR. WILSON: My name is Jeff Wilson. I have been
 06:55 **2** a resident at the Grand Venezia since 2010. I've seen
 06:55 **3** everything go on there from the day I moved in to now,
 06:55 **4** when there was nothing, and now there's a lot more than
 06:55 **5** what there was.
 06:55 **6** Me personally, I'm a business owner. I own
 06:55 **7** multiple companies both here and abroad. I'm also a
 06:55 **8** teacher at one of the colleges.
 06:55 **9** So me personally, I don't really have a dog in
 06:55 **10** this fight, but I see things a lot more objectively
 06:55 **11** because I don't have a dog in the fight, and it makes
 06:55 **12** it a little bit easier to have somebody that can -- I
 06:55 **13** believe it's easier to have somebody that can do that
 06:55 **14** than somebody that has a vested interest.
 06:55 **15** DR. FISHKIND: Jeff, thank you.
 06:55 **16** Thank both of you for your willingness to take
 06:56 **17** this nettlesome challenge.
 06:56 **18** VICE-CHAIR GLIDDEN: Can this be discussed in
 06:56 **19** private?
 06:56 **20** DR. FISHKIND: No. You've got to do it all in
 06:56 **21** public.
 06:56 **22** VICE-CHAIR GLIDDEN: Okay.
 06:56 **23** DR. FISHKIND: Sorry. It's uncomfortable,
 06:56 **24** I know.
 06:56 **25** SUPERVISOR LANCASTER: No, I know. Just call out
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06:56 **1** a name, and we'll vote.
 06:56 **2** DR. FISHKIND: All right. Well, how many for
 06:56 **3** Mr. McComas?
 06:56 **4** SUPERVISOR MIES: Me.
 06:56 **5** DR. FISHKIND: How many for Mr. Wilson?
 06:56 **6** SUPERVISOR LANCASTER: (Indicates affirmatively.)
 06:56 **7** VICE-CHAIR GLIDDEN: (Indicates affirmatively.)
 06:56 **8** DR. FISHKIND: Mr. Wilson, if you want to come
 06:56 **9** up, and we will give you the oath of office.
 06:56 **10** MR. BARNES: I just want the record to reflect
 06:56 **11** that Mr. Accetta was not involved in the vote.
 06:56 **12** DR. FISHKIND: Thank you.
 06:56 **13** If you would, state your name.
 06:56 **14** MR. WILSON: Jeff Wilson.
 06:56 **15** DR. FISHKIND: As a citizen of the
 06:56 **16** State of Florida, a resident of the United States, and
 06:56 **17** to be a recipient of public funds from the
 06:56 **18** Clearwater Cay Community Development District, do you
 06:56 **19** swear to uphold the Constitution of the United States
 06:56 **20** and the State of Florida?
 06:56 **21** MR. WILSON: I will.
 06:56 **22** DR. FISHKIND: Please join us.
 06:56 **23** MR. SMITH: Hank, there's a -- you skipped the
 06:56 **24** legal report, and I just -- a brief report.
 06:56 **25** DR. FISHKIND: Oh, I'm sorry.
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1 MR. SMITH: That's all right.
 06:56 **2** DR. FISHKIND: Well, let's let --
 06:56 **3** MR. SMITH: You can have a seat.
 06:56 **4** MR. WILSON: Oh.
 06:56 **5** DR. FISHKIND: Please, Jeff, take a seat, and
 06:56 **6** we'll get you a new board member package --
 06:56 **7** MR. WILSON: Okay.
 06:57 **8** DR. FISHKIND: -- and we'll get your oath
 06:57 **9** notarized.
 06:57 **10** MR. WILSON: Right on.
 06:57 **11** DR. FISHKIND: Thank you. Please take a seat.
 06:57 **12** David?
 06:57 **13** MR. SMITH: Yes. There was a prior action by
 06:57 **14** this board several meetings ago approving the consent
 06:57 **15** to construction by Mr. McComas' company to demolish six
 06:57 **16** parking spaces that are covered and to build 20 more.
 06:57 **17** The problem was the minutes of the meeting did not
 06:57 **18** reflect the nature of the agreement to be of the
 06:57 **19** duration that was tendered.
 06:57 **20** I've read through the agreement. I don't have
 06:57 **21** any problems with the agreement, but I need to make
 06:57 **22** sure we don't have a tax issue, make sure we don't have
 06:57 **23** a private use issue.
 06:57 **24** So if we can get confirmation, what I'd like to
 06:57 **25** suggest to this board, if counsel can get confirmation
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06:57 **1** there's no private use issue which jeopardizes the
 06:57 **2** tax-free status of the bonds and if we have the title,
 06:57 **3** that we enter into the agreement as proffered by
 06:57 **4** Mr. McComas' attorney, Joe Gaynor, I believe his name
 06:57 **5** is.
 06:57 **6** DR. FISHKIND: So you would pass the --
 06:58 **7** SUPERVISOR LANCASTER: I'll make a motion that we
 06:58 **8** pass that.
 06:58 **9** DR. FISHKIND: All right. Can I have a second,
 06:58 **10** please?
 06:58 **11** VICE-CHAIR GLIDDEN: I'll second it.
 06:58 **12** DR. FISHKIND: All right. Moved by Jerry, second
 06:58 **13** by Alan, to move forward with the --
 06:58 **14** What do we call it? A "conveyance"?
 06:58 **15** MR. SMITH: It is a consent to construction and
 06:58 **16** license agreement.
 06:58 **17** DR. FISHKIND: All right. Very good.
 06:58 **18** All those in favor please signify by saying
 06:58 **19** "aye."
 06:58 **20** BOARD OF SUPERVISORS: Aye.
 06:58 **21** DR. FISHKIND: All the same sign. Very good.
 06:58 **22** Any other legal matters for us today?
 06:58 **23** MR. SMITH: No, sir.
 06:58 **24** DR. FISHKIND: I have no further report.
 06:58 **25** So we are to audience comments.
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06:58 **1** Audience? Yes, sir --

06:58 **2** MR. DWYER: Don Dwyer again.

3 DR. FISHKIND: -- Don.

06:58 **4** MR. DWYER: Has any board member reviewed the

06:58 **5** charges and fees that you just approved before

06:58 **6** tonight's meeting? Any of you?

06:58 **7** SUPERVISOR LANCASTER: Yes.

06:58 **8** MR. DWYER: So you have reviewed them?

06:58 **9** DR. FISHKIND: All right. But it's not questions

06:58 **10** and answers. Please ask --

06:58 **11** MR. DWYER: Is Mr. Johnson on the phone, or he's

06:58 **12** not on the phone?

06:58 **13** DR. FISHKIND: Mr. Johnson is on the phone.

06:58 **14** MR. DWYER: Okay. Because my question really

06:58 **15** goes to Mr. Johnson.

06:58 **16** Isn't it true that Joe McLaren resigned as the

06:58 **17** district manager in January of this year? That's a

06:58 **18** yes-or-no answer I hope I can get it.

06:59 **19** MR. SMITH: I think the public record speaks for

06:59 **20** itself.

06:59 **21** MR. DWYER: Okay. So he did.

06:59 **22** MR. SMITH: I don't know what time he resigned.

06:59 **23** DR. FISHKIND: I don't know.

06:59 **24** MR. DWYER: With that being the case, can

06:59 **25** Mr. John- -- or, I mean, can Mr. Johnson please explain
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06:59 **1** why, on July 10th, you corresponded with Mr. McLaren

06:59 **2** and billed the district for two hours of time?

06:59 **3** Could you please provide me with that

06:59 **4** correspondence and explain why Mr. McLaren has any

06:59 **5** business still connected with the district? I thought

06:59 **6** he was in the banking industry now.

06:59 **7** SUPERVISOR LANCASTER: Because of the lawsuit.

06:59 **8** DR. FISHKIND: That's -- that's fine. We'll

06:59 **9** get -- we'll get the answers --

06:59 **10** MR. DWYER: Next comment, this was directed to

06:59 **11** Trevor, but he's gone.

06:59 **12** Who is Fishkind Aircraft Holdings and why did the

06:59 **13** board authorize to pay an invoice dated May of 2018 for

06:59 **14** \$4,000 for aircraft insurance for that organization?

06:59 **15** Do you guys know?

06:59 **16** DR. FISHKIND: I --

06:59 **17** MR. DWYER: I'm asking them, Mr. Fishkind.

07:00 **18** DR. FISHKIND: They don't -- you just ask your

07:00 **19** questions. We'll respond to all of the things.

20 MR. DWYER: Okay.

07:00 **21** DR. FISHKIND: Go ahead, Don.

07:00 **22** MR. DWYER: The last part --

07:00 **23** DR. FISHKIND: Yes, sir.

07:00 **24** MR. DWYER: -- why didn't any board members

07:00 **25** appear or attend at the hearing that we had last week
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07:00 **1** with the judge when he placed his verbal order into

07:00 **2** writing?

07:00 **3** I'm just curious why you-all weren't there

07:00 **4** because I was there.

07:00 **5** DR. FISHKIND: Thank you.

07:00 **6** MR. DWYER: That's it. That's all I've got.

07:00 **7** DR. FISHKIND: Yes, ma'am.

07:00 **8** MS. THIBODEAU: Nancy Thibodeau. I just wanted

07:00 **9** to speak to the board and ask --

07:00 **10** With all due respect, Dr. Fishkind, I would

07:00 **11** really like to see my board do the talking instead of

07:00 **12** asking for your assistance because I feel there's a

07:00 **13** conflict of interest with you leading the meeting.

07:00 **14** Thank you.

07:00 **15** DR. FISHKIND: Okay. Yes, sir.

07:00 **16** MR. BAILEY: I'm going to second that. I don't

07:00 **17** understand this whole procedure, why they don't speak.

07:00 **18** MR. O'MALLEY: Exactly.

07:00 **19** MR. BAILEY: And you know what? We really don't

07:00 **20** get any answers back. You say you're going to answer

07:00 **21** the answers (sic), but I haven't really heard you

07:00 **22** answer really anything. And I hope that you guys are

07:00 **23** going to answer some stuff because it's very confusing

07:01 **24** why we sit here and nothing gets answered.

07:01 **25** DR. FISHKIND: Thank you.
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07:01 **1** MR. HERD: Michael Herd.

07:01 **2** This is my second meeting now, and the two

07:01 **3** gentlemen on the ends have not asked any questions nor

07:01 **4** made any comments. I think part of the frustration is

07:01 **5** that the board is not very aggressive in finding

07:01 **6** answers. So we feel like we have to find them on our

07:01 **7** own.

07:01 **8** The fact that you two on the end voted this

07:01 **9** gentleman -- I don't know him personally -- never met

07:01 **10** you -- over this gentleman, who owns an office building

07:01 **11** within the CDD, I think, shows how potentially corrupt

07:01 **12** that this whole situation is.

07:01 **13** Now, Trevor leaving is definitely a positive

07:01 **14** start, but the two on the end, I have not heard

07:01 **15** anything from you in two meetings. You've not asked

07:01 **16** any questions, and I think that's our frustration.

07:01 **17** DR. FISHKIND: Thank you, sir.

07:01 **18** Additional comments or questions from anybody?

19 Mr. Barnes.

20 MR. BARNES: I have comments.

21 DR. FISHKIND: Sure.

07:01 **22** MR. BARNES: Dr. Fishkind, you stated at the

07:01 **23** outset that this was the equivalent of a workshop. It

07:02 **24** was not, and you know that. That was a

07:02 **25** misrepresentation, unequivocally.
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07:02 **1** These people have been denied the due process
 07:02 **2** rights of having a full and fair discussion about these
 07:02 **3** matters rather than having things ramrodded down our
 07:02 **4** throats with no opportunity to be heard. The July
 07:02 **5** meeting gets canceled right before this meeting; denied
 07:02 **6** the right to be heard.
 07:02 **7** You've also stated, Dr. Fishkind, that it was
 07:02 **8** because of the litigation that the audit was stalled.
 07:02 **9** That's not true. This fiscal year ended, the 2017
 07:02 **10** fiscal year ended, at the end of September of 2017.
 07:02 **11** The CDD board was obligated, going back then, to
 07:02 **12** get working on the audit and hire an auditor. You did
 07:02 **13** that tonight. This district is in default pursuant to
 07:02 **14** the statute, the attorney general rules and
 07:03 **15** regulations, and you are on the noncompliance list.
 07:03 **16** Also, we have heard -- this goes back to at least
 07:03 **17** 2010, long before I got involved in this -- the bonds
 07:03 **18** have been validated, can't be collaterally attacked.
 07:03 **19** No one should even be questioning this. We've heard
 07:03 **20** throughout this litigation the CDD had absolutely no
 07:03 **21** latitude whatsoever in terms of defending this case.
 07:03 **22** With regard to the reassessment component of this
 07:03 **23** lawsuit, you absolutely had the unfettered right to
 07:03 **24** declare these assessments unlawful yourselves. The
 07:03 **25** indenture, I don't know if any of you have ever read
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07:03 **1** it; I have.
 07:03 **2** First of all, you're not legally obligated to
 07:03 **3** defend the bondholders, except to the extent permitted
 07:03 **4** by law, and the law does not allow unlawful assessments
 07:03 **5** where property is being taken with due process rights
 07:04 **6** being violated. There has to be a correlation between
 07:04 **7** benefits and assessments, and if there is not, that is
 07:04 **8** an unlawful assessment.
 07:04 **9** The indenture itself has language in it to the
 07:04 **10** effect that you can declare the assessments unlawful,
 07:04 **11** just as a judge can. I repeatedly asked for this board
 07:04 **12** to have a new assessment procedure so that we could
 07:04 **13** short-circuit this lawsuit or a large part of this
 07:04 **14** lawsuit.
 07:04 **15** That request didn't even make it to the agenda
 07:04 **16** back in early 2017 or into 2018. You had that right.
 07:04 **17** You have been told you have an absolute obligation to
 07:04 **18** defend these bonds. You did not.
 07:04 **19** I do agree with Mr. Smith that in terms of the
 07:04 **20** dissolution component of the lawsuit, I would have,
 07:04 **21** on the prudent side, defended that myself, if I were
 07:04 **22** your counsel. But in terms of the reassessments, you
 07:05 **23** had a lot of latitude. So to be told otherwise is --
 07:05 **24** it absolutely is contradicted by your own documents,
 07:05 **25** including the bond document.
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07:05 **1** Tonight you heard the transcript snippet. You
 07:05 **2** didn't hear Mr. Smith read anything where Judge Jirotko
 07:05 **3** went on and said, "But what about the \$6 million sale
 07:05 **4** price and no further allocation and the developable
 07:05 **5** land is gone?"
 07:05 **6** Mr. Glidden, you made the comment on the record
 07:05 **7** that we weren't assessed for the water park and the
 07:05 **8** convention center or whatever your comment was.
 07:05 **9** VICE-CHAIR GLIDDEN: I said --
 07:05 **10** MR. BARNES: Yes, you --
 07:05 **11** VICE-CHAIR GLIDDEN: I said we --
 07:05 **12** DR. FISHKIND: Alan, Alan, Alan. Let him have
 07:05 **13** his say.
 07:05 **14** VICE-CHAIR GLIDDEN: I know, I know.
 07:05 **15** DR. FISHKIND: Let him say his --
 07:05 **16** MR. BARNES: You probably don't even know what
 07:05 **17** the \$5.6 million figure represented in the 2008 report.
 07:05 **18** Almost \$4 million of that was for land and
 07:05 **19** infrastructure that Dr. Fishkind confirmed at the trial
 07:06 **20** was outside the gates of the Grand Venezia.
 07:06 **21** So to say here, in this public hearing, that
 07:06 **22** these people aren't paying for what's outside the --
 07:06 **23** what was supposed to be developed is absolutely
 07:06 **24** contradicted by your own records, but part of the
 07:06 **25** problem, Mr. Glidden --
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07:06 **1** And, Mr. Davison, I want to -- I want to direct
 07:06 **2** this to you, too.
 07:06 **3** Mr. Lancaster, to an extent.
 07:06 **4** I feel sorry for you people, too. And the reason
 07:06 **5** I do is because you've been filtered information by the
 07:06 **6** professionals that have been basically running this CDD
 07:06 **7** for years and years.
 07:06 **8** I've offered on at least four occasions to sit
 07:06 **9** down with you, more recently to sit down with
 07:06 **10** Chris Jones, our financial expert, and educate you
 07:06 **11** about these issues and the law.
 07:06 **12** Mr. Davison, you testified at the trial that you
 07:06 **13** thought that you were -- that we were getting assessed
 07:06 **14** for what's inside the gates of the Grand Venezia.
 07:07 **15** Dr. Fishkind, your own financial advisor, contradicted
 07:07 **16** you at the trial. If we'd have had a chance to talk
 07:07 **17** about all of that, hundreds of thousands of dollars in
 07:07 **18** fees could have been avoided.
 07:07 **19** It's time for this board to start taking its
 07:07 **20** responsibility seriously and not listening and taking
 07:07 **21** everything at face value that you're hearing. I will
 07:07 **22** spend an entire day with any of you -- obviously you'd
 07:07 **23** have the right to have counsel present -- walking you
 07:07 **24** through why you just made a big mistake by
 07:07 **25** rubber-stamping these assessments.
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07:07 **1** Dr. Fishkind, I want him to provide to this
 07:07 **2** community and to you CDD board members one case, one
 07:07 **3** case, that supports the proposition that for capital
 07:07 **4** improvement expenditures, capital improvement,
 07:07 **5** non-ad valorem special assessments, that it's okay to
 07:07 **6** make people pay because their values have gone up.
 07:07 **7** You know that that is just a bunch of bunk. You
 07:08 **8** know that there's not one case out there that deals
 07:08 **9** with capital improvement assessments. You're talking
 07:08 **10** about something that deals with non-capital improvement
 07:08 **11** assessments.
 07:08 **12** You know that there is no case law to support
 07:08 **13** that, yet you just recommended to this board that they
 07:08 **14** rubber-stamp your report. And you know darn well that
 07:08 **15** the alleged appreciation that doesn't have anything to
 07:08 **16** do with the demolition strip center and was subsumed in
 07:08 **17** your 2008 report -- because the demolition took place
 07:08 **18** in 2006 -- you know that has absolutely nothing to do
 07:08 **19** with any benefit that these people have enjoyed. You
 07:08 **20** know that.
 07:08 **21** DR. FISHKIND: Thank you, Mr. Barnes. Wrap it
 07:08 **22** up, sir.
 07:08 **23** MR. BARNES: I want -- I want the case law
 07:08 **24** provided to me by tomorrow, Dr. Fishkind.
 07:08 **25** DR. FISHKIND: Thank you for your comments, sir.
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07:08 **1** MR. BARNES: No, I want it.
 07:08 **2** DR. FISHKIND: Thank you for your comments.
 07:08 **3** Yes, ma'am.
 07:08 **4** MS. TUTTLE: My name is Colleen Tuttle. I'm a
 07:08 **5** Realtor with RE/MAX RealTec Group. I have been
 07:08 **6** involved in Grand Venezia since it was originally
 07:09 **7** converted to a condominium back in 2005.
 07:09 **8** And unfortunately the board is getting a lot of
 07:09 **9** flack, and they should not. What everybody should
 07:09 **10** realize is, is that the City of Clearwater, the mayor
 07:09 **11** and the city council, approved all of this in 2004, as
 07:09 **12** the gentleman with Oppenheimer said, into 2005.
 07:09 **13** This situation is something that is what you have
 07:09 **14** to live with now. There was documentation that was
 07:09 **15** delivered to the owners of Grand Venezia before they
 07:09 **16** closed on it. Dave Clark never owned the land.
 07:09 **17** Sunvest originally owned the land. The City didn't
 07:09 **18** even vet Dave Clark.
 07:09 **19** If you go back to the original records, the
 07:09 **20** mistakes all lie with the City of Clearwater and the
 07:09 **21** mayor then and the council, and it's very unfortunate
 07:10 **22** what happened. I fought long and hard because I felt
 07:10 **23** badly about the values and the whole community
 07:10 **24** collapsing to 98 percent foreclosure, and it was very
 07:10 **25** sad.
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07:10 **1** The property, everything was chained up. There
 07:10 **2** was grass growing all over the place. Nobody was
 07:10 **3** occupying the property. It devalued the Grand Bellagio
 07:10 **4** well. I gave 49 pounds of papers to the
 07:10 **5** Department of Justice. They had everything to put
 07:10 **6** Dave Clark and everybody else in jail, and they did.
 07:10 **7** I gave the letter to the board in -- that said,
 07:10 **8** in 2005, that your buildings were leaking. I had
 07:10 **9** documentation that was never recorded. You are faced
 07:10 **10** with a situation now. You could have dissolved the CDD
 07:10 **11** in 2010.
 07:10 **12** We begged the owners that were at the
 07:10 **13** Grand Venezia at that time to dissolve the -- to
 07:10 **14** dissolve the CCD. They had the right bylaw. The only
 07:10 **15** thing that had been demolished was the strip center,
 07:11 **16** and everybody was willing to work with the association.
 07:11 **17** They didn't want to do it at the time. You can't
 07:11 **18** go back; you've got to go forward. I want this
 07:11 **19** community to survive. I want the Bellagio to survive.
 07:11 **20** I want there to be value in the community.
 07:11 **21** It's a beautiful piece of property, but all of
 07:11 **22** this fighting has got to stop because all you're doing
 07:11 **23** is ruining the values in that community, in both
 07:11 **24** Grand Venezia and Grand Bellagio, with all this
 07:11 **25** fighting. You have to come together, and there has to
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07:11 **1** be some kind of workmanship together.
 07:11 **2** You've got a CDD. You're going to have to live
 07:11 **3** with it now, and I would hope that everybody will move
 07:11 **4** forward as best as they can from this point forward.
 07:11 **5** Thank you.
 07:11 **6** DR. FISHKIND: Additional comments from the
 07:11 **7** audience?
 07:11 **8** Yes, sir.
 07:11 **9** MR. HERD: Can I --
 07:11 **10** DR. FISHKIND: Yes, sir, Mike.
 07:11 **11** MR. HERD: Michael Herd.
 07:11 **12** As this woman was speaking, this gentleman was on
 07:12 **13** his phone, and this gentleman has horrible body
 07:12 **14** language and seems disinterested in even being here.
 07:12 **15** I think now would be a perfect time, due to Trevor's
 07:12 **16** actions, for you both to resign on the end.
 07:12 **17** I think now would be a perfect opportunity.
 07:12 **18** DR. FISHKIND: Thank you.
 07:12 **19** Additional comments?
 07:12 **20** Yes, ma'am.
 07:12 **21** MS. THIBODEAU: Nancy Thibodeau.
 07:12 **22** Speaking to my board, CDD, how long is your term
 07:12 **23** for, to the new gentleman that just stepped in?
 07:12 **24** DR. FISHKIND: I don't remember. We'll get it
 07:12 **25** for you. I don't remember what the term is offhand,
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07:12 1 ma'am.

07:12 2 MS. THIBODEAU: And so is that automatic, or is

07:12 3 his term just temporary?

07:12 4 DR. FISHKIND: His term is filling in for

07:12 5 whatever the term that Trevor's seat has.

07:12 6 MS. THIBODEAU: Okay. Thank you.

07:12 7 DR. FISHKIND: I don't know what it is offhand.

07:12 8 Anything else from anybody?

07:12 9 Brian.

07:12 10 MR. CRUMBAKER: Quick comments.

07:12 11 First of all -- I'm going to address to

07:12 12 Mr. Barnes' comments -- to say that there was no

07:12 13 latitude --

07:12 14 MR. BAILEY: Can you speak up, please?

07:12 15 MR. CRUMBAKER: Yes -- to say that there was no

07:12 16 latitude and that the reassessment -- that the district

07:12 17 unilaterally voided an assessment that has been

07:13 18 marketed and sold to holders as security for the debt

07:13 19 is not authorized.

07:13 20 The indenture provision that Mr. Barnes is

07:13 21 referring to, the reassessment provision in there, is

07:13 22 actually for the protection of the bondholders, not for

07:13 23 the district to just eliminate its debt, and the judge

07:13 24 was unequivocal at the hearing or in his comments

07:13 25 stating that he was not modifying the debt, the
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07:13 1 maturity, the coupon, et cetera. It is not a

07:13 2 provision -- it is not a provision that just allows you

07:13 3 to just gut this, the underlying pledged revenues.

07:13 4 With respect to why Oppenheimer is a party,

07:13 5 that's a good question. Because at the end of the day,

07:13 6 the party that should have been named in this case was

07:13 7 U.S. Bank. The reason why Mr. Barnes didn't name

07:13 8 U.S. Bank is because, when you look at the indenture,

07:13 9 it requires the district to then fund U.S. Bank, the

07:13 10 bond trustee, for these expenses as well.

07:13 11 And, in fact, there were default expenses that

07:13 12 had been incurred by the -- by the trustees since 2008,

07:14 13 2007, 2008, that the district would otherwise be

07:14 14 funding, but instead Oppenheimer funded during the

07:14 15 term.

07:14 16 And so it is actually the district's obligation

07:14 17 to fund those expenses. And the reason why Mr. Barnes

07:14 18 avoided naming U.S. Bank as the trustee, as a party to

07:14 19 this, was to avoid this district then having to pay

07:14 20 their attorney's fees as well.

07:14 21 The district has an obligation to defend the

07:14 22 assessments and pledged revenues. That's unequivocal

07:14 23 in the -- in the indenture that's been vowed.

07:14 24 With respect to benefit, I have -- I've heard

07:14 25 about water parks. I've heard about, you know, canals,
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07:14 1 et cetera.

07:14 2 To Mr. Glidden's comment, you're not paying for

07:14 3 it. The district is not paying for that. The only

07:14 4 thing the district is paying for are the existing

07:14 5 improvements that remain today and the land that the

07:14 6 district owns today, plus the financing expenses.

07:14 7 That's it.

07:14 8 So as opposed to worrying about all of the other

07:14 9 stuff related to the master improvement protocol or

07:14 10 capital improvement program, the master engineer's

07:15 11 report, this board, the assessment methodologies all

07:15 12 the way from 2008 to today have dealt with just the

07:15 13 improvements that have been financed, improvements and

07:15 14 lands that have been financed, by the district, period.

07:15 15 With respect to inside and outside the gates, I

07:15 16 understand that Harbourside as well is paying for --

07:15 17 paying assessments associated with the property within

07:15 18 the gate. So what we're talking about here is like the

07:15 19 ocean. It goes down to one place, and it goes up in

07:15 20 another.

07:15 21 Because for a proper allocation methodology --

07:15 22 and Mr. Jones referenced a conference call we had

07:15 23 several weeks ago. Mr. Jones admitted on that call

07:15 24 that he was directed by Mr. Barnes, his -- the scope of

07:15 25 his services or review was limited to the COA and not
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07:15 1 the assessments across the entire project, which is

07:15 2 what the CIP does.

07:15 3 The only other thing is -- I have is just a

07:16 4 request that the letter that I sent earlier today and

07:16 5 the backup information be admitted into the record of

07:16 6 the hearing.

07:16 7 DR. FISHKIND: Yes, sir.

07:16 8 Any additional comments?

07:16 9 Yes, sir.

07:16 10 MR. GORMAN: I have one. Is there a deal here?

07:16 11 DR. FISHKIND: Oh, sir, you address it to the

07:16 12 board.

07:16 13 MR. GORMAN: Oh, is there a deal here?

07:16 14 MR. CRUMBAKER. No, sir.

07:16 15 DR. FISHKIND: Thank you.

07:16 16 Don?

07:16 17 MR. CRUMBAKER: The answer to this point has

07:16 18 been --

07:16 19 DR. FISHKIND: Brian. Brian --

07:16 20 MR. CRUMBAKER: Hank --

07:16 21 DR. FISHKIND: -- not for now.

07:16 22 MR. CRUMBAKER: So the answer to this point --

07:16 23 DR. FISHKIND: Not for now.

07:16 24 MR. CRUMBAKER: -- is that --

07:16 25 DR. FISHKIND: Gentlemen.
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1 MR. CRUMBAKER: -- it's been zero.
 07:16 2 DR. FISHKIND: Gentlemen.
 07:16 3 MR. BARNES: That is false.
 07:16 4 DR. FISHKIND: I -- you-all --
 5 MR. BARNES: That is false.
 07:16 6 DR. FISHKIND: -- listen --
 07:16 7 MR. SMITH: You can always --
 8 DR. FISHKIND: -- stop.
 9 MR. SMITH: I'll shut up.
 10 DR. FISHKIND: It's not for the meeting, please.
 07:16 11 MR. GORMAN: Maybe there's a deal.
 07:16 12 DR. FISHKIND: You need to -- you need to be
 07:16 13 respectful.
 07:16 14 MR. DWYER: Just a quick question.
 07:16 15 DR. FISHKIND: Yes, sir.
 07:16 16 MR. DWYER: In regards to the election, who is
 07:16 17 the chair?
 07:16 18 Are you now the chair as a result of the fill-in?
 07:16 19 DR. FISHKIND: Yes, the vice -- the vice chair
 07:16 20 becomes the chair. Yes, sir, for now.
 21 MR. DWYER: I just want to make sure.
 07:16 22 DR. FISHKIND: Yes, sir. And then we would do an
 07:16 23 election for officers, yes, sir.
 07:16 24 MR. DWYER: Oh, so who's the vice chair now --
 07:16 25 I mean who's the acting chair now?
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07:16 1 DR. FISHKIND: The vice chair.
 07:16 2 MR. DWYER: Great.
 07:16 3 DR. FISHKIND: Additional comments? Questions
 07:17 4 from anybody?
 5 (No response.)
 07:17 6 DR. FISHKIND: Okay. Motion to adjourn the
 07:17 7 meeting.
 07:17 8 MR. BAILEY: What about our answers, our
 9 questions?
 10 DR. FISHKIND: Thank you.
 11 A motion to adjourn would be in order.
 07:17 12 MR. BAILEY: Oh, my God. This is what we're here
 07:17 13 for.
 07:17 14 MR. O'MALLEY: Hey --
 15 MR. BAILEY: This is what we're here for.
 07:17 16 MR. O'MALLEY: -- I'm going to ask a question
 07:17 17 right now.
 07:17 18 You made a statement to me before, and if you
 07:17 19 don't answer them, you're a filthy liar.
 20 DR. FISHKIND: Thank you.
 07:17 21 MR. O'MALLEY: You said you would address our
 07:17 22 questions.
 07:17 23 MR. BAILEY: You did.
 07:17 24 MR. O'MALLEY: Tell us "yes" or "no."
 07:17 25 DR. FISHKIND: Please sit down.
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07:17 1 MR. SMITH: Which question didn't get answered?
 07:17 2 DR. FISHKIND: Please, let's --
 07:17 3 MR. BAILEY: Oh, my God. None of them.
 07:17 4 MR. SMITH: No, that's not true.
 5 DR. FISHKIND: David --
 07:17 6 MR. SMITH: You didn't listen.
 7 DR. FISHKIND: David --
 8 MR. BAILEY: I'm not talking to you.
 9 I'm talking to you.
 10 MR. O'MALLEY: Everybody here has asked a
 07:17 11 question that has not been answered --
 07:17 12 DR. FISHKIND: Gentlemen, gentlemen, gentlemen.
 13 MR. O'MALLEY: -- and you said you were going to
 14 answer my questions.
 07:17 15 DR. FISHKIND: Brian is here to enforce order.
 07:17 16 Don't make me ask him.
 17 MR. BAILEY: I'm not going to fight you.
 07:17 18 MR. O'MALLEY: Hey, we're not out of order; you
 07:17 19 are.
 07:17 20 MR. BAILEY: I'm not going to fight you.
 07:17 21 MR. O'MALLEY: And you've been lying for too
 07:17 22 long.
 23 DR. FISHKIND: Please, please.
 24 MR. BAILEY: I just want to know why you're not
 25 going to answer any questions.
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07:17 1 MR. O'MALLEY: Don't look at him. He's not going
 07:17 2 to do anything to me because I'm not doing any wrong.
 07:17 3 MR. HERD: This is a workshop.
 07:17 4 MR. O'MALLEY: Yeah, remember? You said the
 07:17 5 words.
 07:17 6 DR. FISHKIND: Gentlemen.
 07:17 7 MR. BAILEY: You said you were going to answer
 07:17 8 our questions.
 07:17 9 DR. FISHKIND: I believe we have.
 07:18 10 Now --
 07:18 11 MR. BAILEY: And then what month is that going to
 07:18 12 happen?
 07:18 13 MR. DWYER: I'm going to -- I'm going to ask you
 07:18 14 all, on behalf of civility, let's adjourn the meeting.
 07:18 15 We can take this back. We can talk amongst ourselves
 07:18 16 about it, but let's settle down and hold a respectful
 07:18 17 meeting.
 07:18 18 MR. BAILEY: No, I'm not upset. I'm just asking.
 07:18 19 MR. DWYER: No, I understand. And I understand
 07:18 20 your frustration because, believe me, I --
 07:18 21 MR. BAILEY: They said they were going to do
 07:18 22 something, and they didn't do it.
 07:18 23 MR. DWYER: Okay.
 07:18 24 DR. FISHKIND: Thank you.
 07:18 25 A motion to adjourn now.
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07:18 1 SUPERVISOR LANCASTER: Motion to adjourn.
 07:18 2 DR. FISHKIND: Moved by Jerry.
 3 SUPERVISOR MIES: I'll second that.
 4 DR. FISHKIND: Second by Joel.
 5 All those in favor please signify by saying
 6 "aye."
 7 BOARD OF SUPERVISORS: Aye.
 8 DR. FISHKIND: Welcome aboard, Jeff.
 9 (Proceedings concluded at 7:18 p.m.)

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REGENCY REPORTING SERVICE, INC. (813)224-0224

1 REPORTER'S CERTIFICATE
 2 STATE OF FLORIDA)
 3 COUNTY OF HILLSBOROUGH)
 4
 5 I, Courtney N. Verhagen, Registered Merit Reporter,
 6 Certified Realtime Reporter, and Notary Public for the State
 7 of Florida at Large, certify that I was authorized to and
 8 did stenographically report the above proceedings, and that
 9 the transcript is a true and complete record of my
 10 stenographic notes.

11
 12 I further certify that I am not a relative,
 13 employee, attorney, or counsel of any of the parties, nor
 14 am I a relative or employee of any of the parties' attorney
 15 or counsel connected with the action, nor am I financially
 16 interested in the action.

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18 Dated this 24th day of August, 2018.

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21 _____
 22 Courtney N. Verhagen
 23 Registered Merit Reporter
 24 Certified Realtime Reporter
 25

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