

## RE: Additional funding/authorization

**Jack Duich**

Tue, Oct 19, 10:00 AM (1  
day ago)

to Robert, Stacy, Board@saddlebagcreek.org, Russell, Shawn, Amra, Patti

Thanks for the invoicing back-up as requested Robert. Our BOD meets one week from today and I guarantee the Fair will be the key topic of business.

There is no question in my mind that our engagement thus far has been necessary and thank you for your services, which I rate as outstanding.

The question for our BOD is what path to follow going forward. We'll advise immediately after our meeting.

Best regards - Jack

Jack Duich  
President  
Saddlebag Creek Ranches Home Owners Association  
561-543-9151 (cell)  
<http://saddlebagcreek.org/>

**From:** Robert Lincoln <[robert.lincoln@flalandlaw.com](mailto:robert.lincoln@flalandlaw.com)>  
**Sent:** Monday, October 18, 2021 8:42 PM  
**To:** Jack Duich <[jduich@outlook.com](mailto:jduich@outlook.com)>  
**Cc:** Stacy Dillard-Spahn <[stacy.dillard@flalandlaw.com](mailto:stacy.dillard@flalandlaw.com)>; [Board@saddlebagcreek.org](mailto:Board@saddlebagcreek.org);  
Russell Ireland <[irelandjr@aol.com](mailto:irelandjr@aol.com)>; Shawn McCord  
<[Shawn.McCord@lwsupply.com](mailto:Shawn.McCord@lwsupply.com)>; Amra Dillard-Rickwa <[amra.dillard-rickwa@flalandlaw.com](mailto:amra.dillard-rickwa@flalandlaw.com)>  
**Subject:** RE: Additional funding/authorization

Jack –

Please see the attached

1. Invoice for September 2021 services
2. Transaction Report for all payments and invoices through September 2021
3. Billing log for all services through September 2021

With respect to what we've done – we have kept pressure on both Manatee County and Mallaranny for the past five months, and have helped prevent the issues from being swept under the table. You may see the glass as half empty (or less) because the County has not proceeded with code enforcement against Mallaranny for the earthmoving or drainage alterations, and has not filed a suit to stop the Fair from

proceeding. But we have had a major impact. The effectiveness of our campaign is evidenced by

- Mallaranny's decision to hire a key environmental law firm with lobbying ties to Tallahassee to hinder and intimidate the County and SWFWMD;
- Mallaranny's need to "backfill" the documentation of their agriculture use, which will backfire once any of their applications gets in front of a judge or hearing officer;
- Mallaranny's decision to hire a PR firm to place articles attacking our efforts as "NIMBYISM" and accusing Manatee County of being unfair by demanding that Mallaranny get the required Special Permit for the Fair.
- The County's inability to sweep the issues under the rug and its continued statement that it will require Mallaranny to obtain a special use permit even in the face of pressure from Mallaranny and Tallahassee.

While it's true that some of the SWFWMD and County officials are very leery of attacking Mallaranny's claim to statutory exemptions for agricultural operations on land classified as agriculture (which only 7 acres out of their 46 meet), they are, in fact, still looking at complaints and they may be getting less confident in their assessments. I also know that the IG continues to look over their shoulders, and that some of the staff are looking for ways to revive the code enforcement complaints on those issues. We need unequivocal evidence that Mallaranny's activities have caused off-site drainage impacts – and it may be that there is some documentation of that on the McCord property and its neighbor, which will become more compelling over time now that the berm is gone from the Dukes property (which the SWFWMD people used as an excuse to explain away the problem).

More importantly, the County continues to demand that Mallaranny get the Special Use Permit. Today I received more public records today regarding the review of the application – which the County has apparently contracted out to an Orlando planning and engineering firm – and have given them input (which is a week to 10 days' behind due to the lag in getting public records out of the County). They are very concerned about the traffic issues as well as environmental impacts.

The reason for stating and then restating the code and statutory issues to the authorities is that it shows them the issues won't go away as the fact and situation evolve. It also shows the County (and other) officials that they have other support for fighting Mallaranny should it come to a court show-down.

Mallaranny almost certainly will not complete the application process and have the hearing necessary to obtain the required permit prior to the Fair opening. So the question will be what the County does when they go forward with the Fair: will they go into court and demand an injunction to shut down the Fair, particularly if there are significant traffic impacts on the first day? Or will they just issue a code enforcement notice of violation, that will not shut them down, not be resolved for months, and only levy slap on the wrist fines? While it may sound self-serving, the County's willingness to take Mallaranny to court may hinge on the amount of

support the officials believe they will have from you – and your legal counsel (even if they also understand you cannot afford the bond necessary to bring an injunction yourselves).

This is not the type of dispute that lends itself to a neat cost estimate. I've been copying you on my emails to officials and internally, and you have seen the level of research into the facts and analysis of the legal issues that is involved.

I would be pleased to continue to represent the Association as this fight moves forward into the next month. Please let me know if the Board authorizes further funds or if you have further questions.

Best regards,  
Robert

**From:** Jack Duich <[jduich@outlook.com](mailto:jduich@outlook.com)>  
**Sent:** Wednesday, October 13, 2021 11:05 AM  
**To:** Robert Lincoln <[robert.lincoln@flandlaw.com](mailto:robert.lincoln@flandlaw.com)>  
**Cc:** Stacy Dillard-Spahn <[stacy.dillard@flandlaw.com](mailto:stacy.dillard@flandlaw.com)>; [Board@saddlebagcreek.org](mailto:Board@saddlebagcreek.org);  
Russell Ireland <[irelandjr@aol.com](mailto:irelandjr@aol.com)>; Shawn McCord <[Shawn.McCord@lwsupply.com](mailto:Shawn.McCord@lwsupply.com)>  
**Subject:** RE: Additional funding/authorization

Hello Robert,  
I understand and will speak with the board members shortly.

I need a single detailed summation of our \$5K engagement, similar to the incremental back-ups I've received previously. We have to be able to answer to our community how our \$5K was expended before we consider asking for additional funding.

Going forward I believe our engagement should focus solely on representation at a special permit hearing.

In my view the code & zoning issues have been communicated extensively to relevant authorities and am not sure how effective further expenditure of your efforts to communicate/prod what is already well known would be.

Additionally, the fill/drainage concerns have clearly been a non-issue to any authority involved, with the picture made more cloudy by Chad Dukes erecting that berm on his property, hence I wouldn't waste any time on pursuing that avenue. In the future, that could become an individual homeowner issue should they suffer damage from flooding for which they could directly blame Croteau. That would be outside the scope of our HOA's involvement.

In your estimate, what additional funding would be appropriate for the purpose of HOA representation at a special permit hearing, presuming Russ Ireland continues to share cost?

As an alternative to extending our engagement, I could see myself and a few association citizens sharing our security & traffic concerns at a hearing, though believe having you as counsel would be worthwhile, after we've come this far.

Thanks – Jack

Jack Duich  
President  
Saddlebag Creek Ranches Home Owners Association  
561-543-9151 (cell)  
<http://saddlebagcreek.org/>

**From:** Robert Lincoln <[robert.lincoln@flandlaw.com](mailto:robert.lincoln@flandlaw.com)>  
**Sent:** Monday, October 11, 2021 5:57 PM  
**To:** Jack Duich <[jduich@outlook.com](mailto:jduich@outlook.com)>  
**Cc:** Stacy Dillard-Spahn <[stacy.dillard@flandlaw.com](mailto:stacy.dillard@flandlaw.com)>  
**Subject:** Additional funding/authorization

Jack:

At this point, Saddlebag Ranch's \$5,000 budget has been depleted. I will not be able to continue doing work for the Association or represent it at any hearing on the special permit application without an additional authorization.

The activities I have been pursuing recently on the Association's behalf (as well as Mr. Ireland's) include:

- Contesting Mallaranny's claim to agriculture or agritourism exemptions by providing additional information to the County and SWFWMD as it become available and prodding those agencies to open/reopen investigations or code enforcement violations
- Monitoring Mallaranny's special permit application and collecting information that could be used as evidence against that application at a hearing before the Special Magistrate.

I would propose to continue those activities and prepare to represent the Association when a hearing takes place.

Please review with the Board and let me know if additional funding has been authorized.

Best regards,  
Robert

Robert K Lincoln  
Board Certified in City, County and Local Government Law  
LAW OFFICE OF ROBERT K. LINCOLN, P.A.  
2055 Wood Street, Suite 206 | Sarasota, FL 34237  
941-681-8700 941-363-7930 (f) [Robert.Lincoln@flalandlaw.com](mailto:Robert.Lincoln@flalandlaw.com)

\*\*\*\*\*

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in this message. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error, please contact the sender by reply e-mail and delete the material from any computer. Thank you very much