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Parties in lawsuit consider proposal

Trailer Estates residents upset over fees at park

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MANATEE — The complaint over mobile home fees and open records at Trailer Estates mobile home park goes back to at least May 2006, but a proposed agreement may end a lawsuit.

The parties met this month to discuss the lawsuit claiming members of the park's board violated the Florida Sunshine Law.

Trailer Estates consists of 1,300 homes straddling Florida Boulevard west of U.S. 41.

According to Jennifer Cowan, one of the attorneys for Mary Lou Smith and Sharon Denson, who filed the lawsuit in November 2008, there was a mediation meeting June 9 that resulted in a proposed agreement the parties are considering.

Smith and Denson sued the Trailer Estates Parks and Recreation District and four of the board members — Janet Jones, John Vander Molen, Joseph Salerno and Mary Lou McNulty — for not providing public documents regarding the charging of fees at the mobile home park.

According to the lawsuit, the mobile home park is a government agency and is subject to the Florida Open Records and Government in the Sunshine laws.

There was resistance from the board when Denson inquired about records on how the board managed and charged fees at the marina and a parking lot, according to the lawsuit.

"They (the district board) have to understand they are a government under Florida law," Denson said. "They must learn to follow Florida statutes."

McNulty, who is no longer a board member, Jones, and Vander Molen all had no comment on the lawsuit or proposed mediated agreement when contacted Friday.

Board member Harry Fitzpatrick, when asked Friday what the board's position was on the proposed agreement, said he could not comment.

According to an agenda posted on the park's Web site, the litigation was discussed in a private session with the board's attorney and at a public hearing on June 18.

The minutes of that meeting were not available on the Web site.

There was some resistance to mediation earlier this year, according to the Feb. 16 minutes of a board meeting entered into the court record.

Board member Gail Opper "feels the park itself is innocent and we should stand on our principles on this one," according to the minutes.

The Trailer Estates board has control of an annual budget of about \$1 million. When it became a special taxing district through action of the state Legislature in 1969, it became a governmental body and subject to all the related state laws, including the Sunshine and Open Records laws.

Attorneys for Trailer Estates were not available for comment Friday.

