

TJ Miller

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Friday, August 06, 2010 2:13 AM  
**To:** scott rudacille  
**Cc:** TJ Office Manager  
**Subject:** Fw: e-mail sent to Victoria

AUG 06 2010 AM 08:11

--- On Wed, 8/4/10, Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)> wrote:

**From:** Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)>  
**Subject:** e-mail sent to Victoria  
**To:** "Martha Brauer" <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)>  
**Date:** Wednesday, August 4, 2010, 8:29 PM

----- Forwarded Message -----

**From:** Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)>  
**To:** victoria.bagley@dbpr.state.fl.us  
**Sent:** Wed, August 4, 2010 12:39:22 PM  
**Subject:** T. E. License for Cooks Night Out & Bingo Kitchen Club

Hi Victoria. I would like you to call me regarding our club getting a license. This is an urgent plea. We don't want to get ourselves or our community in any trouble. Peg Durham and myself (Lenora Neal) have been certified and plan to have the Food Handling Training Class tomorrow morning at 9:00 a.m. We got the kit from the same organization that gave us our class. We are also trying to get a Planning Review started. We hope to get a license. We are just having trouble understanding all the laws and information there is to this procedure. We are having our monthly dinner tomorrow night and was just informed today that there may be a problem with this dinner. Please advise me. Please call me as soon as possible at 941-209-0987. Thank you for your prompt attention to this matter. I wish we would have had the information about the dinner before we planned it. We are in a difficult situation here.

TJ Miller

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Thursday, August 05, 2010 10:36 PM  
**To:** TJ Office Manager  
**Subject:** Fw: Re: Address of Inspector

AUG 06 2010 4:08:00

--- On Wed, 8/4/10, Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)> wrote:

**From:** Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)>  
**Subject:** Re: Address of Inspector  
**To:** "Martha Brauer" <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)>  
**Date:** Wednesday, August 4, 2010, 4:41 PM

I do hope you know that we don't want anything bad to happen to this community either. We will do whatever is necessary to rectify this situation. So sorry to put the trustees through this mess. See you in September.

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**From:** Martha Brauer <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)>  
**To:** [neal6049@yahoo.com](mailto:neal6049@yahoo.com)  
**Cc:** TJ Office Manager <[trailerestatesfl@tampabay.rr.com](mailto:trailerestatesfl@tampabay.rr.com)>  
**Sent:** Wed, August 4, 2010 12:30:16 PM  
**Subject:** Address of Inspector

Lenora, Here is the address for the DBPR inspector who has worked with the District. As we discussed, as you are working to begin the application/plan review process for a license, please be sure to talk with Vicki about your upcoming dinner(s). Since we are involved in adverse legal action we would ask that you ensure that your club activities would not bring any violations on the District. Thanks, Martha B.  
[victoria.bagley@dbpr.state.fl.us](mailto:victoria.bagley@dbpr.state.fl.us)

TJ Miller

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Wednesday, August 04, 2010 12:33 PM  
**To:** scott rudacille  
**Cc:** TJ Office Manager  
**Subject:** Fw: Address of Inspector

AUG 04 2010 PM 01:3

--- On Wed, 8/4/10, Martha Brauer <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)> wrote:

From: Martha Brauer <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)>  
Subject: Address of Inspector  
To: [neal6049@yahoo.com](mailto:neal6049@yahoo.com)  
Cc: "TJ Office Manager" <[trailerestatesfl@tampabay.rr.com](mailto:trailerestatesfl@tampabay.rr.com)>  
Date: Wednesday, August 4, 2010, 4:30 PM

Lenora, Here is the address for the DBPR inspector who has worked with the District. As we discussed, as you are working to begin the application/plan review process for a license, please be sure to talk with Vicki about your upcoming dinner(s). Since we are involved in adverse legal action we would ask that you ensure that your club activities would not bring any violations on the District. Thanks, Martha B.  
[victoria.bagley@dbpr.state.fl.us](mailto:victoria.bagley@dbpr.state.fl.us)

TJ Miller

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From: Martha Brauer [te.marthabrauer@yahoo.com]  
Sent: Tuesday, August 03, 2010 10:37 PM  
To: TJ Office Manager  
Subject: Fw: Tax Exempt Status for Bingo Kitchen  
Attachments: p4573.pdf

AUG 04 2010 AM 07:5

--- On Mon, 8/2/10, Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)> wrote:

From: Mike Neal <[neal6049@yahoo.com](mailto:neal6049@yahoo.com)>  
Subject: Tax Exempt Status for Bingo Kitchen  
To: "Martha Brauer" <[te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)>  
Date: Monday, August 2, 2010, 12:16 PM

I am attaching information about group tax exempt letters. I don't know if we can do this with T.E. or not, but wanted to ask. Let me know what you think?

TJ Miller

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Tuesday, July 27, 2010 9:42 PM  
**To:** TJ Office Manager  
**Subject:** FW: Trailer Estates Kitchen

JUL 28 2010 AM 07:11

--- On Tue, 7/27/10, Scott Rudacille <srudacille@kirkpinkerton.com> wrote:

**From:** Scott Rudacille <srudacille@kirkpinkerton.com>  
**Subject:** FW: Trailer Estates Kitchen  
**To:** "Mark Barnebey" <mbarnebey@kirkpinkerton.com>, "Martha Brauer" <te.marthabrauer@yahoo.com>  
**Date:** Tuesday, July 27, 2010, 12:22 PM

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**From:** Drexler, Marc [mailto:Marc.Drexler@dbpr.state.fl.us]  
**Sent:** Monday, July 26, 2010 7:14 PM  
**To:** Scott Rudacille  
**Subject:** RE: Trailer Estates Kitchen

I spoke to the compliance people and recommended that they should grant a total of 90 days from the original date of service to file the election of rights. They will send you an email regarding your extension request. That should cover the Board through mid-October.

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**From:** Scott Rudacille [mailto:srudacille@kirkpinkerton.com]  
**Sent:** Monday, July 26, 2010 6:26 PM  
**To:** Drexler, Marc  
**Subject:** RE: Trailer Estates Kitchen

Generally there are not a lot of emergencies for a park and recreation district, but the Chair is authorized to conduct the day-to-day operations. Unfortunately, the settlement of a claim like this would not fall into that category.

We'll contact our local district office to see if they can assist us with obtaining a better understanding of the requirements. But you can see from the definition of public food service establishment why there may be confusion as to the parameters. If read literally, it would appear that my house would be a public food service establishment, as I regularly

JUL 28 2010 AM 07:53

prepare food there for immediate consumption on the premises.

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**From:** Drexler, Marc [mailto:Marc.Drexler@dbpr.state.fl.us]  
**Sent:** Monday, July 26, 2010 11:52 AM  
**To:** Scott Rudacille  
**Subject:** RE: Trailer Estates Kitchen

How does the Board handle emergencies? I'm not sure what kind of extension, if any, the Division will grant.

The Division is responsible for protecting Florida citizens and visitors when it comes to food safety. However, the Division cannot involve itself in the decision to create a policy and the wording of the policy.

Here are the applicable definitions from Chapter 509, Florida Statutes, to help guide you:

509.013 Definitions

(5)(a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

(3) "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

If you have any specific questions, your local district office may be able to assist you. You can reach the Fort Myers office at (239)278-7356.

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**From:** Scott Rudacille [mailto:srudacille@kirpinkerton.com]  
**Sent:** Monday, July 26, 2010 11:24 AM  
**To:** Drexler, Marc  
**Subject:** RE: Trailer Estates Kitchen

Thanks, Marc. I will recommend that our Board approve the settlement, although if you saw my correspondence from

AUG 04 2010 PM01:3

**TJ Miller**

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Wednesday, August 04, 2010 12:30 PM  
**To:** neal6049@yahoo.com  
**c:** TJ Office Manager  
**Subject:** Address of Inspector

Lenora, Here is the address for the DBPR inspector who has worked with the District. As we discussed, as you are working to begin the application/plan review process for a license, please be sure to talk with Vicki about your upcoming dinner(s). Since we are involved in adverse legal action we would ask that you ensure that your club activities would not bring any violations on the District. Thanks, Martha B.

[victoria.bagley@dbpr.state.fl.us](mailto:victoria.bagley@dbpr.state.fl.us)

Friday, it looks like the first time they will be able to meet and take formal action is early October.

If possible, I would like to work in the meantime to resolve the issues with the District's kitchen policy. The concerns being raised about advertising and selling are not clearly defined in the statutes or the rules that I have seen, so it would be helpful if DBPR staff would assist us in drafting a policy that would allow us to avoid future issues.

Scott

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**From:** Drexler, Marc [mailto:Marc.Drexler@dbpr.state.fl.us]  
**Sent:** Friday, July 23, 2010 5:22 PM  
**To:** Scott Rudacille  
**Subject:** RE: Trailer Estates Kitchen

Unfortunately, the policy does not address the Division's concerns. The issue is not who is being served. Residents and the public fall under the definition of "guest". The major issue is the sale of food and advertising the sale of the food. A license would be required for anyone, including residents, to sell food.

I can remove the licensure provision from a possible settlement. However, based on the above concerns, your client runs the risk of violating state law if in the future it repeats the cited behavior without a license.

I did discuss the possibility of dismissing 2 of the 3 counts listed in the complaint as part of a possible settlement and the Division will allow me to do so.

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**From:** Scott Rudacille [mailto:srudacille@kirkpinkerton.com]  
**Sent:** Thursday, July 22, 2010 4:04 PM  
**To:** Drexler, Marc  
**Subject:** FW: Trailer Estates Kitchen

Marc, here's the policy we discussed on the phone. Please let me know if you do not think this addresses the Department's concerns about serving to the general public. The District's special act ( Ch. 2002-361, Laws of Florida) provides that the facilities of the District may only be used by the property owners of the District, their family members and guests, and such other persons as the Board of Trustees may authorize from time to time. The adoption of this policy forecloses the potential for other persons to be so authorized.

**TJ Miller**

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Monday, July 26, 2010 1:38 PM  
**To:** TJ Office Manager  
**Subject:** FW: Trailer Estates Kitchen

JUL 26 2010 PM02:4

--- On **Mon, 7/26/10**, **Scott Rudacille** <srudacille@kirkpinkerton.com> wrote:

**From:** Scott Rudacille <srudacille@kirkpinkerton.com>  
**Subject:** FW: Trailer Estates Kitchen  
**To:** "Martha Brauer" <te.marthabrauer@yahoo.com>  
**Date:** Monday, July 26, 2010, 12:58 PM

Martha, give me a call to discuss when you have a chance.

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**From:** Drexler, Marc [mailto:Marc.Drexler@dbpr.state.fl.us]  
**Sent:** Friday, July 23, 2010 5:22 PM  
**To:** Scott Rudacille  
**Subject:** RE: Trailer Estates Kitchen

Unfortunately, the policy does not address the Division's concerns. The issue is not who is being served. Residents and the public fall under the definition of "guest". The major issue is the sale of food and advertising the sale of the food. A license would be required for anyone, including residents, to sell food.

I can remove the licensure provision from a possible settlement. However, based on the above concerns, your client runs the risk of violating state law if in the future it repeats the cited behavior without a license.

I did discuss the possibility of dismissing 2 of the 3 counts listed in the complaint as part of a possible settlement and the Division will allow me to do so.

---

**From:** Scott Rudacille [mailto:srudacille@kirkpinkerton.com]  
**Sent:** Thursday, July 22, 2010 4:04 PM  
**To:** Drexler, Marc  
**Subject:** FW: Trailer Estates Kitchen

TJ Miller

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Monday, July 26, 2010 7:44 PM  
**To:** TJ Office Manager  
**Subject:** FW: Case #2010035076, DBPR vs. Trailer Estates Park and Recreation District

JUL 27 2010 AM 07:4

--- On Mon, 7/26/10, Scott Rudacille <srudacille@kirkpinkerton.com> wrote:

**From:** Scott Rudacille <srudacille@kirkpinkerton.com>  
**Subject:** FW: Case #2010035076, DBPR vs. Trailer Estates Park and Recreation District  
**To:** "Mark Barnebey" <mbarnebey@kirkpinkerton.com>, "Martha Brauer" <te.marthabrauer@yahoo.com>  
**Date:** Monday, July 26, 2010, 9:48 PM

FYI

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**From:** Cohee, James [mailto:James.Cohee@dbpr.state.fl.us]  
**Sent:** Monday, July 26, 2010 4:22 PM  
**To:** Scott Rudacille  
**Cc:** Dietrichsen, Barbara  
**Subject:** Case #2010035076, DBPR vs. Trailer Estates Park and Recreation District

Mr. Rudacille:

Good afternoon, Ms. Barbara Dietrichsen has forwarded your request for an extension of response regarding case # 2010035076, DBPR vs. Trailer Estates Park and Recreation District to me. Please accept this email as notification that the division has granted the requested extension giving Trailer Estates Park and Recreation District ninety days (through October 17, 2010) to file an election of rights for case # 2010035076. If you have any questions, please feel free to contact me.

James Cohee, Compliance Manager  
Bureau of Field Services  
Division of Hotels & Restaurants  
Phone: 850.414.7421  
Fax: 850.922.9068

JUL 26 2010 PM02:4

Marc, here's the policy we discussed on the phone. Please let me know if you do not think this addresses the Department's concerns about serving to the general public. The District's special act ( Ch. 2002-361, Laws of Florida) provides that the facilities of the District may only be used by the property owners of the District, their family members and guests, and such other persons as the Board of Trustees may authorize from time to time. The adoption of this policy forecloses the potential for other persons to be so authorized.

Thanks for your help.

Scott

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**From:** Martha Brauer [mailto:te.marthabrauer@yahoo.com]  
**Sent:** Tuesday, May 11, 2010 10:05 AM  
**To:** Gary.Tillman@dbpr.state.fl.us  
**Cc:** Victoria Bagley  
**Subject:** Trailer Estates Kitchen

Dear Gary,

Thank you for visiting with me by phone, and your follow-up letter dated April 8, 2010. Through our conversation and my conversation with Vicky, it appears that some misinformation exists. I wish to state again that we do not sell to the general public, only to residents and guests of our mobile home park. This has been our practice and is stated in the policy recently approved by the board (see attachment).

I hope that this resolves the issue pertaining to our kitchen. I look forward to hearing from you.

Sincerely,

Martha Brauer  
Chairman, Board of Trustees  
Trailer Estates  
941-756-7177

Thanks for your help.

Scott

JUL 28 2010 AM 07:3

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**From:** Martha Brauer [mailto:te.marthabrauer@yahoo.com]  
**Sent:** Tuesday, May 11, 2010 10:05 AM  
**To:** Gary.Tillman@dbpr.state.fl.us  
**Cc:** Victoria Bagley  
**Subject:** Trailer Estates Kitchen

Dear Gary,

Thank you for visiting with me by phone, and your follow-up letter dated April 8, 2010. Through our conversation and my conversation with Vicky, it appears that some misinformation exists. I wish to state again that we do not sell to the general public, only to residents and guests of our mobile home park. This has been our practice and is stated in the policy recently approved by the board (see attachment).

I hope that this resolves the issue pertaining to our kitchen. I look forward to hearing from you.

Sincerely,

Martha Brauer

Chairman, Board of Trustees

Trailer Estates

941-756-7177

JUL 26 2010 07:4

**TJ Miller**

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**From:** Martha Brauer [te.marthabrauer@yahoo.com]  
**Sent:** Sunday, July 25, 2010 3:49 PM  
**To:** scott rudacille  
**Cc:** TJ Office Manager  
**Subject:** Fw: food regulation information  
**Attachments:** Agency\_authority\_matrix%20010909-current.pdf

Scott, Here is the email from the Dept of Health with the matrix the agencies use.  
Martha B.

--- On Thu, 3/11/10, [Tom Larkin@doh.state.fl.us](mailto:Tom_Larkin@doh.state.fl.us) <[Tom\\_Larkin@doh.state.fl.us](mailto:Tom_Larkin@doh.state.fl.us)> wrote:

**From:** [Tom Larkin@doh.state.fl.us](mailto:Tom_Larkin@doh.state.fl.us) <[Tom\\_Larkin@doh.state.fl.us](mailto:Tom_Larkin@doh.state.fl.us)>  
**Subject:** food regulation information  
**To:** [te.marthabrauer@yahoo.com](mailto:te.marthabrauer@yahoo.com)  
**Cc:** [Barbara\\_Will@doh.state.fl.us](mailto:Barbara_Will@doh.state.fl.us)  
**Date:** Thursday, March 11, 2010, 8:19 PM

Dear Ms Brauer,

Per our phone conversation today attached is a copy the State of Florida, Agency Authority Matrix for Inspections of Food Establishments. Although this matrix is labeled "for interagency use only" it provides the reader with the statutes under which the agency authority presides. If you have additional questions on food regulation and the Department of Health activities please feel free to contact us.

Sincerely,

Tom

<<Agency\_authority\_matrix%20010909-current.pdf>>

*Thomas Larkin*

*Environmental Manager*

*Manatee County Health Department*

*941 748-0747 x 1325*