

TRAILER ESTATES PARK & RECREATION DISTRICT  
1903 69<sup>TH</sup> Avenue West  
Bradenton, Florida 34207

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**MEMO**

TO: Trailer Estates Board of Trustees  
FROM: Martha Brauer  
DATE: August 8, 2010  
RE: Kitchen Update/Administrative Complaint

**KITCHEN**—As mentioned in my August 1, 2010 memo, the District has received an extension until mid-October allowing the Board to discuss options prior to responding to the Administrative Complaint. Additionally, we have corresponded with the DBPR and they are now proposing a settlement with a fine of only \$250 for violation(s) and no license required. With this, however, they would expect that the District's management of the kitchen would be such that no further violations would occur—there would be no advertisement/sale of food.

Recently this administrative complaint has affected the activities in the District. First, when I contacted the DBPR the week of July 12 to follow-up on the July 1<sup>st</sup> inspection report, they returned my call on Friday, July 16<sup>th</sup>. Knowing that a club would be having a dinner early in August, I asked them to help me determine how we could proceed. I was informed by Gary Tillman, DBPR Supervisor, he could not speak with me as it could be misconstrued as “giving legal advice”.

On July 19<sup>th</sup> we received the administrative complaint, thereby providing an explanation for the earlier statement spoken to me by Mr. Tillman. Since that time Scott Rudacille, District attorney, has been corresponding with the DBPR attorney regarding the administrative complaint. He has acquired additional information that indicates the sale/advertisement of food is a central issue to this complaint. He has submitted our PP60 Kitchen Policy and has been told that this is not satisfactory to the Division/DBPR.

As I became aware of the specifics from Attorney Rudacille, I contacted an officer of the Cook's Night Out Club on July 30, 2010. I suggested that they contact DBPR and begin to investigate whether licensing for the club would be appropriate so that hopefully the upcoming August 5<sup>th</sup> club dinner could be held as planned. As the club began to work with DBPR I was notified of the communications between them. By August 3<sup>rd</sup>, it appeared to me that DBPR was hesitant to respond and needed time to sort through the issues in the administrative complaint and the request of the Cook's Night Out Club.

In talking with Attorney Rudacille and Attorney Barnebey on August 4<sup>th</sup>, it was

necessary that the District advise the club that holding the dinner as planned may cause some difficulties for the District. The club chose to cancel the dinner and return the money paid by the ticket holders.

It is unfortunate that the timing of the receipt of information from DBPR influenced the event, causing it to be cancelled at the last minute. Although this discussion began mid-July, it was not clear until August 4<sup>th</sup> about possible ramifications.

The actions of the club prevented the District from having any additional legal complications. No inspection occurred and no report was filed. I appreciate all that the Cook's Night Out Club did to try to work with DBPR in order to hold their dinner. With the dinner cancelled, the club donated the purchased potato salad and tomatoes to Our Daily Bread, a generous gesture not unlike all the club has done for the District and other organizations over the years.

In the future the issues regarding the kitchen will be resolved. The Board will be considering whether to apply for a license and how to handle the administrative complaint when it is discussed and decided by the Board at a meeting when a quorum is present. The District will be reviewing the specifics of the "settlement offer" proposed by the Division/DBPR and will determine any necessary revisions to PP60 Kitchen Policy. I anticipate that this will occur early in October.

Thanks again for your attention to this. I will continue to provide updates when more information is available.