

Judge sides with Trailer Estates in Sunshine lawsuit

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MANATEE — A Manatee Circuit Court judge has sided with Trailer Estates in a nearly two-year-old lawsuit brought by sisters who said the mobile home park's board of trustees violated Florida's Government-in-the-Sunshine Law.

Residents Mary Lou Smith and Sharon Denson filed the suit Nov. 26, 2008, claiming they repeatedly requested documents from the trustees concerning how rates are set for the marina and parking spaces.

They also accused trustees of discussing park business outside public meetings.

But Circuit Court Judge Janette Dunnigan ruled in favor of Trailer Estates on Wednesday after a seven-day, nonjury trial that began Oct. 4.

Dunnigan found the mobile home park's staff made an adequate attempt to accommodate the sisters' public records requests, which included a 2005 deed restriction violation and information about a three-fold increase in the cost of rental storage space for Smith's boat and trailer in 2006.

"Trailer Estates did not produce every item requested by Plaintiffs or their lawyers. They did not, however, ignore the requests. ... While the evidence clearly shows that there is a need for improvement in the maintenance of its records, it does not establish that Trailer Estates was a 'reluctant public agency' that wrongfully denied access to its public records," Dunnigan's decision read.

Dunnigan agreed with Smith and Denson that five meetings of an executive committee consisting of the trustees chair, vice-chair and second vice-chair without public notice constituted a Sunshine Law violation.

She said that because the terms of the offending board members have expired and the existence of an executive committee has been removed from the board's by-laws, the violations have been cured and no further action is required.

Current board of trustees Chairwoman Martha Brauer declined comment Monday afternoon.

She referred questions to the park's attorney, Kurt Lee, who was not available for comment.

Kevin Hennessy, the residents' attorney, said his clients are considering their appeal options.

"We're, of course, disappointed, surprised and disappointed," he said.

The Trailer Estates Park and Recreational District, in south Manatee County, became a governmental body, subject to the state's Sunshine and Open Records laws, when it was established by the Florida Legislature in 1969 as a special taxing district.