

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT

IN AND FOR MANATEE COUNTY

University Park Recreation District                      Plaintiff

vs.

Case No. 2019 CA 000845

The State of Florida, et. al.                                      Defendants

ANSWER TO COMPLAINT AND OBJECTION TO VALIDATION OF UNIVERSITY PARK RECREATION  
DISTRICT NON-AD VALOREM ASSESSMENT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT  
NOT TO EXCEED \$24,000,000

FILED FOR RECORD  
2019 APR 23 AM 10:27  
CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

James Joseph Moran states:

1. I am over 21 years of age, am a resident of Florida and am a property owner in University Park Recreation District (UPRD) I am an attorney, in good standing, licensed to practice law in New York State.
2. I am submitting this document in opposition to the UPRD Complaint seeking this Court's validation of bonds to buy University Park Country Club on the ground that there were defects in the process of forming UPRD. Specifically, there was corruption on the part of the Manatee County Board of County Commissioners (BCC), in adopting Ordinance No. 18-29 that established UPRD.
3. Three months prior to the BCC approving the formation of the UPRD in August 2018, I was told by one of its own members that it was a waste of time to try to prevent the BCC from approving the UPRD because the BCC "was corrupt and would give Neal anything he wanted."

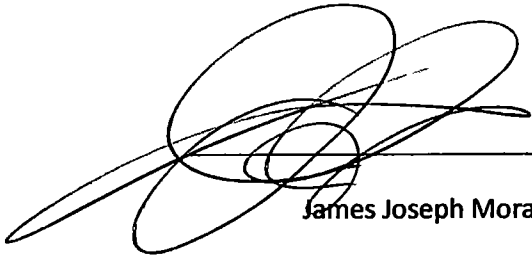
BACKGROUND

4. In late March or early April 2018, I and several residents of University Park who opposed the methods that had been used to procure the petitions to form UPRD and the price that we were going to be required to pay, met individually, with all but one of the members of the BCC (one of the members refused to meet with us) to discuss our concerns. One of those meetings was with Commissioner Robin DiSabatino, who at the time appeared sympathetic to our position.
  
5. Thereafter, on April 18, 2018, I sent an email (Ex. 1) to John Neal, one of the owners of UPCC and a copy to each member of the BCC. John Neal is a son of Pat Neal, a powerful local developer who was one of the original developers of University Park. In that email I pointed out that the appraisal John Neal was relying upon had been done by an appraiser from Colorado who was not licensed or authorized to do appraisals in Florida, a violation of Florida law. That appraisal had placed a value of over \$13,000,000 on the Country Club, an amount we believed to be millions of dollars in excess of its fair market value (FMV). I had advised Neal previously and reiterated in that email that we had no objection to paying him whatever the full, FMV was, so long as that value was determined legally by a local appraiser who was licensed in Florida. Neal had rejected this request out of hand.

#### CORRUPTION ADMITTED

6. The next day, Commissioner DiSabatino's assistant contacted me and indicated that Commissioner DiSabatino wanted to meet with me. See attached emails, (Ex.2). We met in her office on Monday, April 23, 2018 at 10 a.m. to discuss what I assumed would be our concerns about that appraisal and the need to modify the proposed RD charter to require a legal appraisal. Instead, Commissioner DiSabatino told me "You are wasting your time trying to stop the RD." She told me "the board (BCC) is corrupt and will give Neal anything he asks for." I asked her how Neal had corrupted the board. She then told me of an incident that took place when she was just beginning her campaign to be on the BCC. She said that Pat Neal invited her to a "get-together to meet some people and to help get her name out." She gladly accepted. When she arrived at the get-together, Neal told her he had raised \$10,000 for her campaign. He then pointed out a man who he said had contributed \$1,000. When she went over to thank the man, he said - "Don't thank me, thank Neal. He gives me a lot of work and told me that if I didn't give you \$1,000, he wouldn't give me anymore work." She told me this is one of the ways the Neals get to the commissioners so that they get whatever they want from them. She then told me about what had recently happened regarding Braden River Preserve where the BCC had found a way to get around a vote by the homeowners so as to give Pat Neal several million dollars of Manatee County taxpayer money.
  
7. Based on what she told me, by the time I left that meeting it was clear to me that although the BCC would not be holding formal hearings at which University Park homeowners could be heard, the outcome was already established-- they would give Neal whatever he asked for i.e. the ordinance needed to form UPRD.

8. On April 25, 2018 at 11:47 a.m. I sent an email to attorney Robert Lincoln, who was representing those of us who opposed to the proposed RD, confirming what she had told me. A copy of that email is attached (Ex.3).



James Joseph Moran

CERTIFICATE OF SERVICE

I certify that on April 23, 2019, I emailed a true copy of this document to the following:

Attorneys for UPRD Charles F. Johnson, III, Mark P. Barneby, and Fred Moore of Blalock Walters, P.A., 802 11 Street West, Bradenton, FL 34205 at [cjohnson@blalockwalters.com](mailto:cjohnson@blalockwalters.com), [mbarneby@blalockwalters.com](mailto:mbarneby@blalockwalters.com), and [fmoore@blalockwalters.com](mailto:fmoore@blalockwalters.com)

Attorney for the State of Florida Heather Doyle at [heather.doyle@mymanatee.org](mailto:heather.doyle@mymanatee.org)

Attorneys for defendant Garrett Sheryl A. Edwards and Laura S. Bauman at [sedwards@edwards-lawfirm.com](mailto:sedwards@edwards-lawfirm.com) and [lbauman@edwards-lawfirm.com](mailto:lbauman@edwards-lawfirm.com)

By  signature

Printed name

James J. Moran

Address

7906 Sloane Gardens Ct.

University Park, FL

34201



# Ex 1

James moran <jjm1776@gmail.com>

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## Your April 17, 2018 MEMO re UPRD Charter

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James moran <jjm1776@gmail.com>

Wed, Apr 18, 2018 at 10:21 PM

To: jneal@neallandadventures.com

Cc: "vanessa.baugh@mymanatee.org" <vanessa.baugh@mymanatee.org>,

"robin.disabatino@mymanatee.org" <robin.disabatino@mymanatee.org>,

"charles.smith@mymanatee.org" <charles.smith@mymanatee.org>,

"steve.jonsson@mymanatee.org" <steve.jonsson@mymanatee.org>,

"priscilla.trace@mymanatee.org" <priscilla.trace@mymanatee.org>,

"carol.whitmore@mymanatee.org" <carol.whitmore@mymanatee.org>,

"betsy.benac@mymanatee.org" <betsy.benac@mymanatee.org>

Bcc: Lorraine Buck <lorrainebuck7@gmail.com>, MARY LEFLAR <L418@msn.com>, Tom Lordi <tomilordi@yahoo.com>

John,

We are sorry to be doing this by email but after our meeting a couple weeks ago when you said you would be willing to meet with us, we tried to schedule that meeting by phone through Charles Varah, but he never got back to us. Please email us dates and times when you are available.

Lorraine is extremely busy right now so she asked me to respond to some of the items set forth in your April 17, 2018 memo.

As you have told you, we are not opposed to the RD purchasing your interests in UP. Nor are we opposed to paying you its full fair market value, FMV.

While your memo was well-written, it contains numerous errors concerning the most important issue ie. what is UPCC's FMV. In your memo at para 2. Appraisal, you make several statements that are simply not accurate.

1 We, the "opposition group" have not "floated" a low counter appraisal. In fact, we have not had an appraisal done, and certainly not a "bank appraisal." The only "counterproposal" we have made is that we pay you the FMV of what we buy from you.

2. Because the appraisal that was done on behalf of the PG was done by an appraiser who is not licensed in Florida, it was in violation of Fi. Stat 475.612(1) and therefore, illegal, Fi. Stat. 475.626. We are not comfortable in allowing an RD, which is a part of the government to sanction the use of an illegal appraisal to levy taxes on its citizens. We trust that you would not be comfortable with that either.

3. We did not have an appraisal done, as you stated. However, we did have Roger Hetteema, an MAI appraiser from Sarasota who IS licensed in Florida review the appraisal that was done for the PG. His opinion, in substance, was that the opinions stated in it were not worthy of belief, were inaccurate and were arrived at in violation of accepted USPAP standards. It was so improperly done that he recommended that we file a

complaint with the Florida State Dept. of licensing, which we did and with the Appraisal Institute, the organization that grants MAI certification, which we intend to do.

4. We are not suggesting any "default" to a third- party appraiser, all we are suggesting is that you and we agree that the FMV of your property should be determined by a legally done appraisal. One that is performed by a Florida licensed or certified appraiser, MAI that you and we agree upon and equally pay. Wouldn't you be much more comfortable with that instead of asking the RD supervisors to rely on an appraisal that was done illegally and in violation of USPAP standards?

We look forward to hearing from you to schedule a meeting to continue our discussions.

Regards,  
Joe Moran



Ex 2

james moran <jjm1776@gmail.com>

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## Your April 17, 2018 MEMO re UPRD Charter

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**Robin DiSabatino** <robin.disabatino@mymanatee.org>

Thu, Apr 19, 2018 at 2:02 PM

To: james moran <jjm1776@gmail.com>, Sheri Smith <sheri.smith@mymanatee.org>,  
Marianne Lopata <marianne.lopata@mymanatee.org>

Sheri,

Pls set up an appt next week when it is convenient with James

Cordially Sent from my cell

Robin Sue DiSabatino  
Manatee County Commissioner

**District 4**

941-685-5368

[Quoted text hidden]



james moran <jjm1776@gmail.com>

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## Your April 17, 2018 MEMO re UPRD Charter

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James J M <jjm1776@gmail.com>  
To: Sheri Smith <sheri.smith@mymanatee.org>  
Bcc: lorrainebuck7@gmail.com

Thu, Apr 19, 2018 at 2:57 PM

Monday at 10 is good. See you then.  
Joe Moran

Sent from my iPad

On Apr 19, 2018, at 2:31 PM, Sheri Smith <sheri.smith@mymanatee.org> wrote:

James,

Commissioner DiSabatino is available to meet with you in her office next week. Let me know which day/time works for you.

Monday, April 23<sup>rd</sup> at 10am or 11am

Wednesday, April 25<sup>th</sup> at 11am

Thank you,

*Sheri Smith*

*Executive Assistant*

*Board of County Commissioners*

1112 Manatee Ave W.



Ex 3

james moran <jjm1776@gmail.com>

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## Follow up on conversation with Joe Moran/ University Park Recreation District

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James J M <jjm1776@gmail.com>

Wed, Apr 25, 2018 at 11:47 AM

To: Robert Lincoln <robert.lincoln@flalandlaw.com>

Bcc: tomilordi@yahoo.com, lorrainebuck7@gmail.com, stevenjcanuck@gmail.com

Robert,

The more disturbing thing she told me was that the BCC is corrupt, indebted to the Neal family and will do whatever is best for him. So, even if the BCC has the authority to modify the Charter they won't. I see no reason to disbelieve her.

Plan B?

Joe

Sent from my iPad

On Apr 25, 2018, at 11:38 AM, Robert Lincoln <robert.lincoln@flalandlaw.com> wrote:

Dear Commissioner DeSabantino,

I represent Joe Moran and some other University Park residents in regard to the proposed recreation district. Mr. Moran mentioned that you had been told by the Office of the County Attorney that no changes could be made to the proposed charter. I don't think the conclusion is correct, and there may be some other, significant issues with the proposed charter. I would like to discuss those matters with the correct attorney. If you can let me know which attorney from the County Attorney's office was handling the matter, it would help me get on the right track to resolving the questions.

Thanks,

Robert Lincoln