

1.14.14 #56

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney

JLB

SUBJECT: Joint Stipulation to Exceptions to the Recommended Order in the Administrative
Hearing case of The Richman Group of Florida, Inc. v. Pinellas County Board of
County Commissioners, DOAH case No. 13-2004GM

DATE: January 10, 2014

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS RECEIVE AND FILE THE JOINT STIPULATION TO EXCEPTIONS TO THE RECOMMENDED ORDER, AND GRANT THE WRITTEN EXCEPTIONS FILED TO THE ABOVE REFERENCED RECOMMENDED ORDER.

BACKGROUND: On November 18, 2013, in DOAH case no. 13-2004GM, Administrative Law Judge Bram D. E. Canter issued a Recommended Order recommending that the Board issue a Final Order approving the proposed amendment in case no. CW 13-2. The Recommended Order granted the parties the right to submit written exceptions within 15 days from the date of the Recommended Order. On December 3, 2013, written exceptions were filed to the Recommended Order. Pursuant to the Countywide Rules, Resolution No. 90-205, and the Chapter 73-593, Laws of Florida, as amended, the basis of the Board's final decision on the proposed amendment in case no. CW 13-2 is limited to the finding of facts in the Recommended Order and any written exceptions thereto determined to be valid. On January 9, 2014, the parties to the Recommended Order signed a Joint Stipulation agreeing to the written exceptions to the findings of fact contained in the Recommended Order for the purpose of the January 14, 2014 CPA hearing on this case no. CW 13-2. Both parties, therefore, have agreed to the validity of these written exceptions for the January 14, 2014 hearing.

I recommend that the Board find that the written exceptions found in your packet are valid, and grant them as written exceptions to the Recommended Order.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**THE RICHMAN GROUP OF FLORIDA, INC.,
a Florida Corporation,**

**Case No.: CW #13-2 and
Resolution No. 13-36**

Petitioner,

DOAH Case No. 13-2004GM

vs.

**PINELLAS COUNTY BOARD
OF COUNTY COMMISSIONERS,
in its capacity as the
COUNTYWIDE PLANNING AUTHORITY,**

Respondent.

JOINT STIPULATION TO EXCEPTIONS TO THE RECOMMENDED ORDER

Petitioner, The Richman Group of Florida, Inc. ("Richman") and the Respondent, Pinellas County Board of County Commissioners, in its capacity as the Countywide Planning Authority (the "CPA") hereby stipulate and agree with the CPA's exceptions ("Exceptions") filed on December 3, 2013 to the findings of fact ("Findings of Fact") contained in the Recommended Order dated November 18, 2013 ("Recommended Order"). This stipulation is entered into solely for the purpose of the January 14, 2014, CPA hearing, and any continuation thereof, on Richman's application for a Countywide Land Use Plan amendment (the "Application").

Furthermore, the CPA and Richman stipulate and agree that these stipulations may not be used and are inadmissible (in whole or in part) in any litigation involving Richman's Application or its proposed LUP amendment. Accordingly, the parties hereto agree that should Richman file litigation concerning its Application after January 14, 2014, these stipulations may not be used in

any way, and the litigation shall proceed as though the Findings of Fact have not been altered and the Exceptions remaining outstanding.

Stipulated and agreed to, this 9th day of January, 2014.

<p>s/  Scott A. McLaren Fla. Bar #414816 E.D. Armstrong, III Fla. Bar #349739 Hill Ward Henderson, P.A. 101 E. Kennedy Blvd., Suite 3700 Tampa, FL. 33602 Phone: (813) 221-3900 Attorneys for Petitioner, The Richman Group of Florida, Inc. smclaren@hwlaw.com earmstrong@hwlaw.com</p>	<p>s/  Nancy S. Meyer Sr. Assistant County Attorney Fla. Bar #0144452 David Sadowsky Sr. Assistant County Attorney Fla. Bar #725714 Pinellas County Attorney's Office 315 Court Street, 6th Floor Clearwater, FL 33756 Phone: (727) 464-3354 Attorney for Respondent, Pinellas County nmeyer@pinellascounty.org dsadowsk@pinellascounty.org</p>
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