

To whom it may concern:

This is a formal request at this time For the Pinellas County LPA and/or the BCC to cease or deny the applicants request of Z-13-07-18 for changing the property located at 6210 Seminole Blvd 33772 from a C-1 to C-2 until an investigation can be completed of the possible lack of Due process , Possible civil torts or worse committed by either PRC or an LPA Official/employee, or an attendee of the 6/11/2018 LPA Meeting, and a lack of the LPA and Pinellas County to complete a fact finding initiative for all issues pertaining to this land use change case and conducting a full and impartial fact finding investigation that they are elected or appointed to do including a potential issue that a Pinellas County Employee While on the Pinellas County Payroll may have made an egregious phone call to an opponent of Case Z-13-07-18, this anonymous phone call placed on either 6/12/2018 with its un-fact based intentionally falsified phone call that was made to my employer of my alleged inexcusable behavior that I supposedly conducted while on company time in a company uniform as I attended a County meeting or hearing at the Pinellas County Building Department set off an investigation by my employer as to why I was at a County Building, my personal conduct or potential behavior and why I was on was on the clock for a personal issues. The only possible hopeful outcomes would be an ill-gotten attempt to convince my employer that I am not worthy of keeping employed and to try and frighten or deter me from attending anymore LPA or BCC hearings in the future. I believe this to be a causative result of the LPA Meeting since the caller stated I was at the Pinellas County Zone hearing. I was in a Company uniform wearing my company ID when I came from work to attend and was going to return to work afterwards so that is where caller was able to access my employer information and place the Slanderous call, and I was not on company time and I was conducting myself in a manner that did not poorly represented my employer as can be seen in the meeting video or transcripts. Other than setting in an Applicant's seat when I entered the meeting room and spoke out once before being asked any questions I behaved with courtesy and accordingly even after feeling I was being cut short of expressing all my concerns during this meeting. Since it was only the Applicant, the LPA board and I in this 6/11/2018 LPA meeting it leaves little room for disbelief that anyone else but someone in that room at that time of the hearing and for whatever reason could have made this egregious phone call to my employer including a public employee. As this Public Hearing was never about any hospital related issues and I never represented myself as representing the hospital and no one but my wife and daughter even I knew I was attending this meeting/hearing and no one else except whomever was in that room at that time would know I was even there, we should all find this to be egregious in nature, slanderous and defamatory with an intentional attempt to create fear and emotional distress by contriving this un-fact based account of my

behavior in this hearing and then to call my employer in an ill-gotten attempt to convince my employer terminate my employment be a harassing and bullying tactics to instill fear and attempt deter showing up and opposing this land change use in 2 future upcoming Public hearings completely unacceptable. This should have never happened and especially disturbing if it had or has the possibility since the applicant had so many letters of praising character of being a Public Official and shows contempt for Public Due Process and the Judicial Process for whomever made the call, and contempt for basis which this country is built on, which is being free from fear of persecution just because my belief differs from somebody else also shows contempt for due process granted to me by Federal, State and Local laws . And the fact that The Pinellas County and the LPA board chooses to be complacent with it after I E-mailed this phone call issue at least twice is also disturbing in itself. I should not have to be writing this letter with feeling that the LPA Board has such contempt for my expectation of being protected for standing up and voicing my opinions as protected by law while speaking in a public hearing that they invited me to for this issue. I have a right to be contesting a land use change without fear of any type of reprisal any one attending these due process meetings including board members and most certainly must somehow be protected. It should be the counties responsibility to mitigate these types of personal attacks when it is the County that has the obligation by State and Federal Laws to give me a forum to express my concerns without these fears of being personally assailed, maligned or slandered.

As to the first issue of Due Process page 2 of 20180611PRC_LPAAgenda.pdf, on an official document stated that that surrounding owners were sent a letter for this public meeting or hearing, this is incorrect, by the LPA Boards direct comment said they didn't and don't typically but this Public Document said they did. As this was a public meeting and it does fall under the Section below and shows that there was a lack of due process under Sec 134-337. (a), (a).1, (a).2. There does not seem to be a 2 meeting only notification requirement under this section. And the docket says I received a letter in the mail, I will be asking for that proof of mailing and the date of the sign placement as stated in the 6/11/2018 agenda and until the verbiage is changed on this official document for this degree of the process when changing a zoning or land use and because in the docket you said you did send a letter I would consider this a lack of due process as described in the section noted below.

Sec. 134-337. - Notice of public meetings and public hearings.

(a)

Notice of public hearing shall be as required by law. The board of county commissioners, however, recognizes the importance of community involvement in these proceedings. Therefore, it will be standard practice to provide the following additional notification:

(1)

Owners of property, as listed by the county property appraiser's office, located within 200 feet of the subject property will be mailed a notice of the upcoming public meeting and public hearings.

(2)

A sign giving notice of public hearings should be posted in a prominent location on the subject property.

(b)

Any request pertaining to residential zoning shall be forwarded to the county school district for comment.

(c)

Any adjacent local government and/or affected government agency will be informed of the proposal.

(Ord. No. 09-7, § 12, 2-17-09).

FLORIDA IS A *PER SE* STATE

Florida recognizes Defamation *Per Se*.

Defamation *Per Se* statements falsely, and maliciously, insinuate the plaintiff is:

1. Afflicted with a terminal disease;
2. Engaged in criminal activity; or
3. Acted in a way unbecoming of his or her profession.

Title XLV
TORTS

Chapter 768
NEGLIGENCE

[View Entire Chapter](#)

768.72 Pleading in civil actions; claim for punitive damages.—

(1) In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of

evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity knowingly condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The provisions of this section shall be applied to all causes of action arising after the effective date of this act.

History.—s. 51, ch. 86-160; s. 1172, ch. 97-102; s. 22, ch. 99-225.

I believe a second issue of due process holds the potential abuse of official power if while being seated in this LPA meeting as a board member and that as a direct causation of the 6/11/2018 LPA meeting that my right to due process may once again have been violated or impeded by one of Pinellas's County LPA board members or someone directly involved in the 6/11/2018 LPA meeting whom called my employer with an egregious attempt to convince my employer that I was not worthy to remain employed with a defamatory and slanderous statement with the intentional infliction of emotional distress. If it was one of the LPA board members they do not get to enjoy any articles of immunity and as a representative of Pinellas County and because the call was made during normal Business hours Pinellas County may not get to enjoy immunity either. If the Case Z-13-17-18 request for a C-1 to C-2 moves forward without a full investigation of all parties involved in

the 6/11/2018 LPA meeting including the applicant and myself if required I will seek legal advice As I am the public and whom you are working for I will be petitioning that all findings found or unfounded be added to each and every Board Members Personnel File for having potential involvement of this issue for case Z-13-07-18 as so noted and if this land use change moves forward While this egregious phone call that was made to my employer is not resolved to my satisfaction I will consult with a lawyer on the causal effects that the LPA Meeting and Pinellas County and its employees whom appeared to make light of the fact that I was maligned and slandered by someone directly involved in the 6/11/2018 LPA meeting and the possibility that it was one of the members of the LPA and it's lack of respect due process to try and mitigate this behavior in the future. I have been asking this phone call issue be addressed since the day after the first LPA Meeting and even after I have asked for signed document of assuredness that no one from LPA Board made these egregious nothing was addressed except an E-mail that said no one from the LPA board would try to call me at work, that was not the complaint or a response I was expecting, it was the Slanderous un-fact base comments made to an un-bias third party that was only made to trying to convince my employer to terminate my employment that bothered and upset me. If it is found that someone from the LPA Board made this call in an attempt to get me terminated from my job with these un-fact based comments without a full investigation by Pinellas County I will contact a lawyer and if possible will bring a to bear a lawsuit for any punitive damages allowable against any Employee and Pinellas County if it chooses to try and dismiss it or try cover up. If it is determined that the applicant was the caller or instigator of this egregious civil tort and the County did not investigate it as part of this LPA fact finding requirements I will ask to add them in for being complacent in this matter and that as a consideration his request for Zone use change at this time and in the future whether directly or in-directly involved with the use change for at least 2 years or the statute of Limitations on a Slander suit whichever is greater. While I did get a chance to speak at the 7/12/2018 LPA I have never had an occasion to attend a forum like this I had many things I wanted to say including the issues within this letter but I was so disillusioned with the process and the lack of depth that was discussed and that none of the concerns I had E-mailed in were even discussed or that they were even acknowledged or read by the panel prior to this decision making process and with the angst from the 6/11/2018 LPA and the call to my employer and the lack of concern of it by the County Officials and the belief that the boards mind was made about the land change use no matter what I expressed it just left me feeling ineffective and speechless while trying to figure out how to get all this angst and animosity out effectively in a three minute time period. I mulled over just drafting a letter throughout the day or should I get up and speak, I elected to draft this letter instead when I found I had too much anxiety while trying express everything in a short 3 minute time frame and speechless while trying to assemble it out in my head. As I realize no due process was violated during the 7/13/2018 LPA Hearing in the last minute I elected to stop with expressing concerns even though I did not convey much of anything. And the feeling about the possibility of a board members involvement I consider this no less truthful than if I stated it in front of an open forum and believe it has a possibility to have truthful potential now as when I was placed under oath and as a matter of record since I wrote this instead of placing the LPA board in public scrutiny while in open hearing I would still consider myself under oath. it is still was overwhelming to only have three minutes to express concerns with so much to try to convey including the phone call made to my employer and that it infers of a potentially biased Pinellas County Employee and I have never had such a feeling of disconnection in my life with everything involved in this entire process without asking myself asking why the board seems disconnected with the public and the anxiety that I endured and still endure as a result of my right to due process being held without regard by either someone on the board or otherwise directly involved in this case including my right to oppose a zoning change or use granted to me by the Federal and local Governments with the expectation of not being harassed, maligned or slandered by

anyone involved in these official proceedings no matter which side of the table they are sitting on. I would also hope that as being part of these official proceeding and being sworn in that tampering and harassment is protected and comes with some sort of penalty for doing so. I have absolutely no doubt that someone in that 6/11/2018 LPA meeting made that phone call and for that reason I feel no one is beyond reproach at this time. I am tired of the wait and see approach, hopefully I am heard now and this matter is taken more seriously as allowing this behavior to go unchecked in this Quasi-Judicial proceeding should somehow make you culpable for this and any other similar personal attacks in the future on people whom you invite and that are just exercising their rights as prescribed by law and raises a question should this board be reviewing cases of a Quasi-Judicial nature with doing so with the facts and not based on any type of personal bias of any and all participants. If the law has no safeguards against these personal attacks as a result of any of these Quasi-judicial Hearings there should be to mitigate this behavior, possible liabilities and to not implicate any Quasi-Judicial Boards members in the future as this incident obviously does. I will wait a few days for a response and then I will forward this the District Attorney's Office. Media outlets and whomever else may be willing to pick up a public interest story of this nature and let the court of public opinion decide. I would rather this be resolved with the least amount of anxiety, exposure and liability as possible for everyone involved.

Thank-you

Frank Brancaccio