



# **MANATEE COUNTY**

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## **OFFICE OF THE COUNTY ATTORNEY**

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Mitchell O. Palmer, County Attorney\*

James A. Minix, Chief Assistant County Attorney  
Maureen S. Sikora, Assistant County Attorney\*\*  
Robert M. Eschenfelder, Assistant County Attorney  
William E. Clague, Assistant County Attorney  
James R. Cooney, Assistant County Attorney  
Sarah A. Schenk, Assistant County Attorney\*\*  
Andrea A. Adibe, Assistant County Attorney

September 10, 2013

Mr. Jim Kaiser, President  
Mr. Paul Valenz, 1<sup>st</sup> Vice-President  
Mr. Ernest "Sandy" Marshall, 2<sup>nd</sup> Vice-President  
Mr. Victor Coveduck, Treasurer  
Ms. Kay Lynn Duncan, Secretary  
Federation of Manatee County Community Associations, Inc.  
615 9<sup>th</sup> Street West  
Bradenton, Florida 34205

VIA HAND-DELIVERY

**RE: Manatee County indigent health care trust fund**

Gentlemen and Madam:

By way of re-introduction, I am the County Attorney for Manatee County. The Board of County Commissioners was recently provided with a copy of the "legal opinion" authored by your board member Ernest S. Marshall, which opinion is dated August 29, 2013. Subsequently, the Board of County Commissioners received a copy of your organization's September newsletter wherein Mr. Marshall's opinion was largely repeated at page 3 thereof.

The misinformation contained within Mr. Marshall's opinion letter and the subsequent distribution of the newsletter by mail to (presumably) hundreds of recipients is of great concern to the County Commission.

My office takes sharp issue with Mr. Marshall's conclusions. However, because of the specific threat of litigation against County Government as contained within Mr. Marshall's opinion letter, I am not inclined to openly share with the Federation my legal theories. Rather, the County will articulate its defenses in the appropriate forum if and when a court action is brought.

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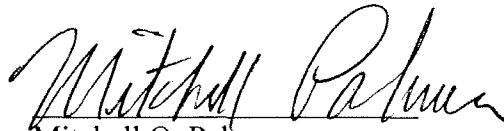
\* Board Certified in Construction Law

\*\* Board Certified in City, County & Local Government Law

Mr. Jim Kaiser, et al.  
Federation of Manatee County Community Associations, Inc.  
September 12, 2013  
Page 2

Nevertheless, I have been asked to forward to you a copy of my brief but succinct email of August 30, 2013 (addressed to the County Commissioners and others) with a request that you consider re-printing my email (along with this letter, if deemed appropriate) in your next regularly scheduled newsletter. The August 30 email is attached.

Sincerely,

  
Mitchell O. Palmer  
County Attorney

MOP/pan

copy to:  
Board of County Commissioners



**Re: 130829 Scanned letter from Ernest Marshall re: Indigent Health Care Trust Fund.**

Mitchell Palmer to: Shirley Talley

08/30/2013 02:24 PM

Betsy Benac, Brenda Rogers, Carol Whitmore, Dan Schlandt, Ed Hunzeker, Jim Seuffert, John Chappie, Karen Windon, Larry Bustle, Michael Gallen, Robin DiSabatino, Vanessa Baugh  
Bcc: Jim Minix, Robert Eschenfelder, William Clague, Maureen Sikora, James Cooney, Sarah Schenk, Andrea Adibe

Commissioners--

Relative to the attached "legal opinion" dated August 29, 2013, authored by local attorney Ernest S. Marshall and addressed to Federation of Manatee County Community Associations, Inc., please be informed as follows.

I have examined the letter and, in an abundance of caution, I have re-reviewed, among other things, the various special acts of the legislature and the various ordinances and resolutions (relative to indigent health care) adopted by the Board of County Commissioners in the years both before and since the County's 1984 sale of Manatee Memorial Hospital. Suffice it to say that the opinions expressed by Mr. Marshall in his August 29 transmittal are, in my view, wholly without merit, both factually and legally.

While it saddens me that the County Commission must be subjected to such scandalous commentary, rest assured that my office will appropriately and aggressively defend any court action that Mr. Marshall or any other lawyer of his mind-set might bring against the Board or any individual Commissioner(s).

Mickey Palmer  
County Attorney

Shirley Talley

Shirley Talley, Executive Assistant Manatee Co...

08/29/2013 03:43:43 PM

From: Shirley Talley/MCG  
To: Larry Bustle/MCG@MCG, Michael Gallen/MCG@MCG, John Chappie/MCG@MCG, Robin DiSabatino/MCG@MCG, Carol Whitmore/MCG@MCG, Vanessa Baugh/MCG@MCG, Betsy Benac/MCG@MCG, Ed Hunzeker/MCG@MCG, Dan Schlandt/MCG@MCG, Karen Windon/MCG@MCG, Mitchell Palmer/MCG@MCG, Jim Seuffert/MCG@MCG, Brenda Rogers/MCG@MCG  
Date: 08/29/2013 03:43 PM  
Subject: 130829 Scanned letter from Ernest Marshall re: Indigent Health Care Trust Fund.



130829 Scanned ltr from Ernest Marshall re Indigent Health Care Trust Fund.pdf

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