

My qualifications to speak at the July 24/25 hearing as a competent and substantial witness with full consideration by the Commission

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Today, 2:10 PM

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Inbox

substantial and compet...

643 KB

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Hi Mandy,

Someone told me there are changes being made mid stream to rules and procedures that were established as due process for the Jun 5/6 hearings on Re-zoning. This is disturbing to say the least. It may be illegal. I certainly puts a CHILL on participation rights afforded the public before the appointed commission on Jun 5/6. Without a complete and fully justified explanation for these changes in the middle of an active application, I say someone is attempting to SKEW the outcome of the results. Who made this decision? There are ways to find that out of course.

But, first let me establish my qualifications:::

Please refer to the attached case law supporting my standing.

1. You will see from the picture that I live in the middle of dead zones in Hardee County phosphate land. My property is outlined in RED. All of the land around me has been reclaimed and most has been released. Most is completely worthless and non-productive. Hardee Lakes Park which is on the other side of a fence I constructed is 1,300 acres of problematic mine ponds under mismanagement by Hardee County to keep outsiders out of Hardee (no credit card system and no internet based reservation system like Reserve America-- all by design).

2. I am college educated with a BS in food science and technology from the Univ. of Nebr. I grew up on a farm and am widely experienced with fertilizer and agriculture. I hold a masters degree in Management with the Univ. of Utah. I have extensive experience with Fortune 100 corporate management and also as a military officer for 24 years.

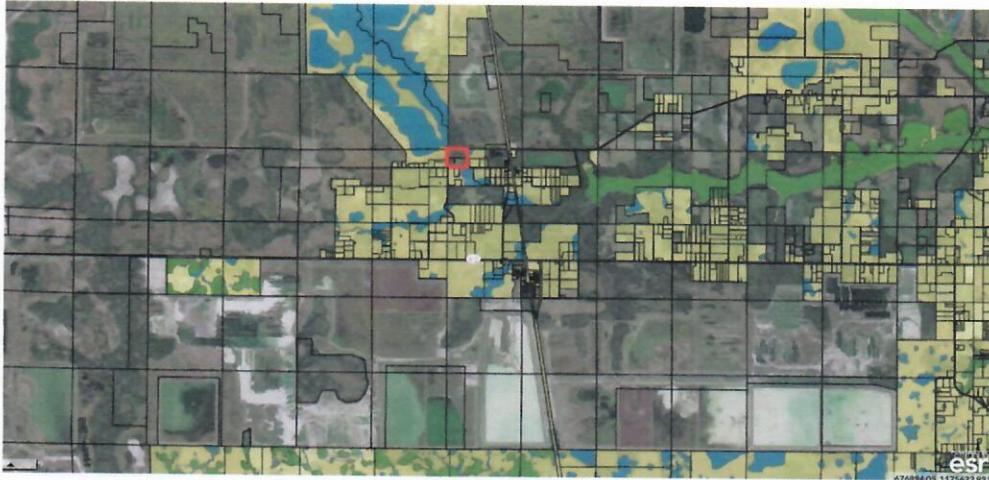
3. In 2010 I was the leader of a group from Fort Green, FL that negotiated directly with CF Industries while the County was accomplishing the largest amendment to their comprehensive plan ever as related to mining. They also, like your county, put mining overlay on top of private property without the knowledge or permission of most owners. They also, BTW, removed a mining overlay from other peoples land without their permission! I negotiated with the top management of CFI for months (Nick Katzaman) in an attempt to reach a positive way to MINE OUT FORT GREEN (as is now Mosaic's plan who bought CFI) without making Ft Green look like the rest of the picture you see. But in the end, the corrupt county officials told CFI they were getting everything they wanted without having to make deals with the locals-- So, I received a letter from a Tallahassee lawyer calling off all deals. But, I did get every possible tour know to man of their operations. I also have many neighbors that work for the mines. I have been out in the field with friends looking for shark's teeth and Indian arrowheads. I bought reject pebble rock for my long driveway (yes, it's quite radioactive). BTW-- they stopped selling it -- I think for that reason.

4. I have been tracking the direct effects of mining money lubricating public corruption in my county since Oct 14, 2011. I have thousands of pages of documents tying the misappropriation of almost \$50,000,000 of mining hush money directed by crooked officials, most with direct ties to mining jobs, contracts, real estate deals, etc. The corruption is pervasive and reaches all the way through our judicial circuit since the early 2000's. It's all well documented. An it has been on the radar of many for a long time.

For these reasons, I am qualified to have my testimony considered Competent and Substantial. I also expect that if anyone wishes to have me speak on their behalf when it is my turn to speak, that they be afforded the same privileges that was ESTABLISHED with PRECEDENT on Jun 5 and Jun 6. I will be asking at the end of my five minutes if anyone would like to yield their time to me. If

your Commission denies me that Right, I will file a lawsuit, likely federal, under constitutional civil rights statutes for all remedies available.

Thank You, Mandy



CITIZEN FACT BASED OBSERVATION TESTIMONY

IN QUASI-JUDICIAL HEARINGS

Under the current legal standard, even lay testimony in a zoning compatibility is perfectly permissible and constitutes substantial competent evidence, so long as it is fact-based. Mere generalized statements of opposition are to be disregarded, **but fact-based testimony is not.** *Metropolitan Dade County v. Blumenthal* 675 S.2d 598 (Fla. Dist. App. 3d 1996). In *Blumenthal*, the lay testimony went to the **incompatibility of the proposed development with the surrounding uses**, was found to be sufficient, based on essentially undisputed facts in the record about the adjacent existing development and existing zoning around the subject site. The only documentary information apparent from the face of the *Blumenthal* opinion included a diagram of existing development and zoning introduced by the lay witness without objection from the applicant and a county planning map of the general area. Later cases apply the *Blumenthal* principle to citizen testimony and other evidence in different settings, further explicating the standard.

- *Miami-Dade County v. Walberg*, 739 So. 2d 115 (Fla. App., 1999) at 116, 117 (finding **neighbors' testimony and site map to constitute substantial competent evidence upon which to uphold the denial** of the zoning application);
 - *Metro. Dade County v. Sec. 11 Prop. Corp.*, 719 S.2d 1204, 1205 (Fla. Dist. App. 3d 1998), rev. denied, 735 S.2d 1287 (Fla. 1999) (**upholding the county commission's denial** of a special exception for a mini self-storage facility, **based on lay testimony on incompatibility**, plus documentary evidence of record, including a proposed site plan, elevation drawings, and an aerial photograph introduced by the applicant);
 - *Metro. Dade County v. Sportacres Dev. Group, Inc.*, 698 S.2d 281, 282 (Fla. Dist. App. 3d 1997) (**approving the county commission's denial** of a zoning application based in part on lay testimony that the proposed development would **be incompatible with the existing adjacent community**, bolstered by maps and other zoning records).
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