

MICHAEL M. BELL  
MICHAEL J. ROPER  
MICHAEL H. BOWLING  
JOSEPH D. TESSITORE  
DALE A. SCOTT  
CHRISTOPHER R. FAY  
CINDY A. TOWNSEND  
ANNA E. ENGELMAN



**Bell & Roper, P.A.**  
ATTORNEYS AT LAW

SHERRY G. SUTPHEN  
DAVID B. BLESSING  
FRANK M. MARI  
MAI M. LE  
JOHN M. JANOUSEK  
JENNIFER C. BARRON  
NICHOLAS J. MARI

2707 EAST JEFFERSON STREET ■ ORLANDO, FL 32803  
T: 407.897.5150 ■ F: 407.897.6947  
WWW.BELLROPERLAW.COM

August 17, 2018

VIA EMAIL

Kayla R. Hathaway, Esquire  
Flagler County Sheriff's Office  
901 E. Moody Boulevard  
Bunnell, FL 32110

Re: Flagler County Sheriff's Department Building  
Our File No.: 097-251

Dear Ms. Hathaway:

I am in receipt of your correspondence dated August 15, 2018 and thank you for same. On behalf of Flagler County, I take this opportunity to respond to that letter, as well as your earlier correspondence dated July 26, 2018.

Specifically, I write to follow up on Sheriff Staly's request that Flagler County "prove or disprove" the allegation of rotted wood at locations in the building selected by the Sheriff and his team. After discussing this request with County staff, the consensus is that it would be very helpful if the Sheriff were able to provide the County with additional information to assist the County in its efforts to properly assess the logistics, expense and likely value of complying with this request.

As I am sure that the Sheriff is aware, this issue of potential rotted wood at the building has already been investigated by the County during the initial construction of the building and the close out of that contract. During that project, the architect and general contractor observed areas of rotten wood on the outside of the block wall near the roof. The repair of that condition was addressed by the County in a change order calling for the wood fascia around the exterior of the building to be replaced. Subsequently, in response to concerns expressed by certain individuals at the time and in order to confirm the rotted wood had, in fact, been removed and replaced at the County's request, the general contractor drilled multiple observation holes around the exterior of the building which demonstrated the rotted wood was no longer present. Thereafter, testing conducted by Dr. Zed Hejzlar in the areas above the drop ceiling revealed no anomalies or findings of mold or other noxious substance. Therefore, even assuming that the previously existing rotted wood fascia had not been replaced during construction, which we have no reason to believe is the case here, the results of the recent testing do not demonstrate the existence of any defective or dangerous condition which might be adversely affecting the environmental condition of the

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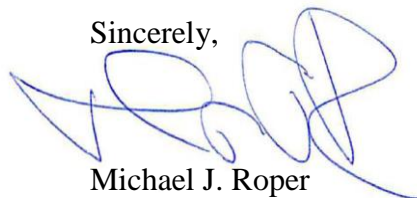
interior of the building. In light of the above described history on this particular issue, the County will need additional information to adequately and prudently assess the need for the further expenditure of public funds and in order to develop a reasonable inspection protocol to investigate the postulated continued existence of “rotted wood” in the building.

Specifically, the County would ask the Sheriff to identify the total number of areas of the building he wishes to be tested and the exact location(s) within the building to be tested. That can be accomplished with a walkthrough with County staff. It also would be helpful to have those areas identified on a plan drawing or schematic of the building, so as to avoid any miscommunication on that point. It would also be helpful to have a comprehensive listing of all facts, evidence or proof, preferably supported by specific documents, photographs, test results and witness names, if available, upon which the Sheriff relies for his assertion that rotted wood still exists within the building. We think that information would assist in focusing the efforts of the entity or person conducting any additional testing.

The County is also going to need additional specificity as to the type of examination or testing of the building which the Sheriff believes would be appropriate to satisfactorily “prove or disprove” the presence of rotted wood. This request is rather vague and we would appreciate further clarification. As I am sure you will understand, the County does not want to expend significant time and resources developing a protocol and conducting tests, only to have the Sheriff subsequently reject or discount the results of that testing, if he believes the testing to be inadequate or flawed. That would leave us all essentially back at “square one,” which is a scenario that I know everyone wants to avoid. Essentially, the County would like the Sheriff to describe that testing which he is prepared to accept as definitive proof of either the existence or absence of rotted wood in the building. Finally, please ask the Sheriff to identify the particular noxious substance or harmful condition which he contends is being generated by the rotted wood, if present, and the potential pathways of exposure to occupants of the building, so that the County might endeavor to better understand the necessity for this requested additional testing.

The County welcomes any additional suggestions or information which the Sheriff and his employees are willing and able to provide. Flagler County appreciates the input of the Sheriff and his team in regards to the building and welcomes the opportunity to continue to work cooperatively with the Sheriff in an effort to resolve these issues. We look forward to receiving the requested information at your earliest convenience.

Sincerely,



Michael J. Roper

MJR/ph

cc: Al Hadeed, Esquire, Flagler County Attorney’s Office  
Craig Coffey, County Administrator, Flagler County  
Rex Hurley, Esquire