

# GARGANESE, WEISS & D'AGRESTA, P.A.

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**William E. Reischmann, Jr.**

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April 27, 2017

Ronald A. Hertel, Esquire  
CHIUMENTO SELIS DWYER  
145 City Place, Suite 301  
Palm Coast, Florida 32164

*Via email to: [rhertel@palmcoastlaw.com](mailto:rhertel@palmcoastlaw.com)*

**RE: *City of Palm Coast/Daniel Priotti – Trespass warning.***

Dear Mr. Hertel:

I respond to your 4/20/17 correspondence. The trespass warning, issued by the Flagler County Sheriff's Office, the subject of your concerns, was issued pursuant to §810.08, Florida Statutes. Unlike your referenced case and as you noted, this matter regarding Mr. Priotti does not arise from a City Code. The Federal Court case you referenced relates to a challenged process in the St. Petersburg Code, not to Chapter 810, Florida Statutes.

Regardless, that case involved a citizen rights to "chat on a public street", or to "saunter down a sidewalk". Mr. Priotti's situation is most different. The Flagler County Sheriff's Department's trespass order is narrowly tailored to address only that property which is directly related to his admitted poor behavior. In this situation, the City simply availed itself of a state remedy applicable to all (sic any) property.

Factually, Mr. Priotti contests only some of the documentary basis submitted to the Sheriff for this Order. I have reviewed his limited concerns with the relevant City employees who affirm that all the information so presented to the Sheriff's is accurate. Your client's assertions regarding his intent aside, his continuing rude, disruptive and threatening behavior towards City employees is the basis for this Sheriff's Order.

As you are aware, and as we have repeatedly discussed, Mr. Priotti's past erratic behavior raises legitimate concerns for all involved and supports the action taken. I would submit to you that

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it is in your client's best interest to maintain this status quo, which is working and has and continues to permit your client access to all needed City resources.

Sincerely,



William E. Reischmann, Jr., Esquire  
City Attorney

cc: Jim Landon, City Manager  
Jay Maher  
Barbara Grossman  
Virginia Smith, City Clerk