

# Bay County Supplement to Petition for FDLE Investigation

TO THE GOVERNOR OF THE STATE OF FLORIDA

IN RE: MISCONDUCT IN

BAY COUNTY, FLORIDA

RELATING TO LOCAL

GOVERNMENT EXECUTIVE CASE NO. \_\_\_\_\_

REGULATION OF LAND

DEVELOPMENT AND

RELATED PROCESSES

\_\_\_\_\_ /

## MOTION TO SUPPLEMENT PETITION BY INTERLINEATION

COMES NOW, Petitioner, PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (PEER), by and through counsel, and respectfully moves to supplement by interlineation its petition to the Honorable Jeb Bush, Governor of the State of Florida, dated February 6, 2001 (for a written direction to the Florida Department Of Law Enforcement [FDLE] to investigate misconduct in Bay County, Florida relating to local government regulation of land development and related processes, and for other relief), with the following:

1. The below-stated supplemental information may relate to a possible predicate act of extortion under Florida RICO (Racketeer Influenced and Corrupt Organization) Act, Sections 895.01-895.06, Florida Statutes, and/or criminal conspiracy.
2. Based on the below-stated supplemental information, it would appear that retaliation against those who support growth management within Bay County may also be directed against local small business persons.

*Background*

3. On February 6, 2001, PEER filed its petition for a written direction to the Florida Department of Law Enforcement (FDLE) to investigate misconduct in Bay County, Florida relating to local government regulation of land development and related processes, and for other relief.

4. You have not taken action on that petition, nor have you supplied PEER any reasons for your delay.

5. As part of that petition it was stated that several legal provisions should be examined in assessing the propriety of acts and omissions alleged in the petition. The last two such provisions (referenced in paragraphs 63 and 64 of the petition) were:

(a) Section 777.04(3), Florida Statutes, (a person who agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy); and

(b) Section 895.03, Florida Statutes, which states:

(1) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(4) It is unlawful for any person to conspire or endeavor to violate any of the provisions of subsection (1), subsection (2), or subsection (3).

The petition went on to state, "An FDLE investigation could determine whether one or more predicate acts have been committed that could constitute racketeering activity. Predicate acts can include, but are not limited to, misuse of public office, obstruction of justice, tampering with or retaliation against a witness, victim, or informant, and tampering with evidence. *See* § 895.02(1)(a)32, 33, 39, and 40, Fla. Stat."

### ***Supplemental Information***

6. PEER adds the following specific supplemental information as a new paragraph 51.1 to the petition:

**51.1 The following facts and circumstances should be investigated pertaining to a possible act of extortion:**

**(a) Recently, local residents of the City of Panama City Beach, a separate municipal jurisdiction within Bay County, planned to participate in a protest at the City of Panama City Beach's City Hall on Thursday, April 12, 2001. They were concerned with some of the City's similar proposed land use changes, including the proposed change that would make high rise developments much more readily build-able under the City's land use regulations.**

**(b) One of the concerned local residents was a small business person named Mr. Peter Rougier, who with his wife, Elaine Rougier, owns several small businesses in the City of Panama City Beach, including: Ms. Crazy's Restaurant, 16700 Front Beach Road; Ms. Crazy's Daiquiris, 12512 Front Beach Road; and Crazy Pete's Sunglasses, 14900 Front Beach Road.**

**(c) Another concerned citizen mentioned Mr. Rougier's name in an electronically mailed message sent to persons whom the other concerned citizen thought might wish to attend the protest.**

**(c) One or more members of the pro-developer community within the City of Panama City Beach apparently obtained a copy of the electronically mailed message and thereby learned of the potential participation of Mr. Rougier.**

**(d) After learning of the potential participation of Mr. Rougier, one or more members of the pro-developer community within the City of Panama City Beach apparently directly or indirectly caused to be communicated to Mr. Rougier a malicious threat to injure the property and/or reputation of Mr. and Mrs. Rougier with the intent thereby to compel Mr. Rougier to refrain from doing an act against his will, i.e., to refrain from protesting the proposed land use change that would make high rise developments much more readily build-able under the City's land use regulations. The property that was the subject of the threat specifically included the above-described three small business located in the City of Panama City Beach.**

**(e) The person whom one or more members of the pro-developer community within the City of Panama City Beach apparently directly or indirectly caused to communicate the threat to Mr. Rougier was a former mayor of the City of Panama City Beach named Mr. Philip Griffiths.**

**(f) On the morning of April 11, 2001, Mr. Griffiths stopped in at the office of Mr. Rougier at 14900 Front Beach Road and left him a copy of the cover message and flyer (stapled together), which are attached hereto and incorporated herein by reference as Exhibit "A". Mr. Griffiths stated that he had found the cover message and flyer at his motel, that he was not there when it was delivered, and that he did not know who authored or delivered it. The cover message stated:**

**Philip,**

**Make copies of this and pass around.**

**The flyer stated:**

**ATTENTION  
THE FOLLOWING  
ESTABLISHMENTS DO NOT  
SUPPORT TOURISM IN OUR  
AREA---WE RECOMMEND THAT  
YOU DO NOT PATRONIZE THEM**

**MS. CRAZY'S RESTAURANT**

**16700 FRONT BEACH RD**

**MS. CRAZY'S DAIQUIRIS**

**12512 FRONT BEACH RD**

**CRAZY PETE'S SUNGLASSES**

**14900 FRONT BEACH RD**

**(g) Mr. Griffiths further substantially made the following statements: He asked Mr. Rougier if he was crazy; he asked Mr. Rougier if he had emailed the fact that there was going to be a protest at City Hall on Thursday, April 12, against high rises and the proposed land use regulation; he told Mr. Rougier that he had pissed off some very big people; he told Mr. Rougier that the flyer was going to be posted in all the motels on the beach; and he told Mr. Rougier that it would break Mr. Rougier.**

**(h) Mr. Griffiths indicated that he was simply giving Mr. Rougier a heads-up. Mr. Rougier believed Mr. Griffiths, and further believed that the unnamed "people" Mr. Griffiths was referring to were capable of attempting to carry out their threat.**

8. PEER would further add to the list of possible predicate acts to be investigated, and corresponding citation, referenced in paragraph 64 of the petition the following:

**extortion [§ 836.05, Fla. Stat.]**

9. PEER would further add a new paragraph 64.1 as follows:

**64.1 Further, Section 836.05, Florida Statutes, sets forth the elements of the crime of extortion.**

WHEREFORE, PEER respectfully moves to supplement by interlineation the above-referenced petition and requests that you forthrightly take action on PEER's petition as supplemented hereby.

Respectfully submitted this 18<sup>th</sup> day of April 2001.

FOR PETITIONER

PUBLIC EMPLOYEES

FOR ENVIRONMENTAL RESPONSIBILITY

Steven A. Medina, P.A.

/S/

\_\_\_\_\_ By: Steven A. Medina

Fla. Bar No. 370622

P.O. Box 247

Ft. Walton Beach, Florida

32549-0247

(850) 664-7856

Florida Counsel for Petitioner

And

/S/

---

Daniel P. Meyer

District of Columbia Bar

No. 455369

Public Employees for Environmental Responsibility

2001 S. Street, N.W.

Suite 570

Washington, D.C. 20009

(202) 265-7337

General Counsel for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by facsimile and U.S. mail to the Honorable Jeb Bush, Governor, The Capitol, Tallahassee, FL 32399-0001, on this 18<sup>th</sup> day of April 2001.

/S/ \_\_\_\_\_

Steven A. Medina