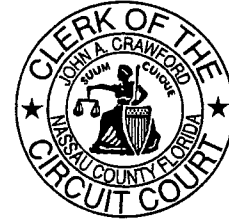




John A. Crawford
Clerk of the Circuit Court
Nassau County



July 16, 2008

Honorable Marianne Marshall, Chairman
Nassau County Board of County Commissioners
96160 Nassau Place
Yulee, FL 32097

RE: Administrative Appeals

Dear Chairman Marshall and Board Members:

I am writing to you regarding the administrative appeals process of this County in general and an appeal that has been filed by Mr. Michael Mullin on behalf of Amelia Development, LLC., Dennis Jasinsky appealing the determination of the Planning Director, in particular. On July 9, 2008, the Board authorized the County Attorney to make initial determinations regarding the timeliness of filing this appeal based upon a written submission by the application to the County Attorney of *intent* to file versus actually filing the appeal. Section 5.06 of Ordinance 2003-62, amending Ordinance 97-19, as amended states:

... A *notice of appeal* stating the grounds for the appeal, *must* be filed with the County Clerk within thirty (30) days of the date the action being appealed was rendered (emphasis added).

The Ordinance continues:

"The notice of appeal shall be filed on forms established and provided by the County Clerk . . ."

Based upon my understanding of the above language, the Ordinance states that the "notice of appeal," not an "intent to file" a notice of appeal must be filed with the County Clerk within 30 days of the determination. However, Mr. Mullin submitted a written *intent* to file an appeal to the County Attorney on December 21, 2007. Appeal fees were paid to the County Attorney's office on March 13, 2008, but the appeal forms were not filed with the Clerk's Office until June 2, 2008. When the Clerk's Office sought clarification from the County Attorney's office as to the timeliness of the appeal, it was advised that Mr. Hallman granted an extension to Mr. Mullin as a "professional courtesy."

Honorable Marianne Marshall, Chairman
Board of County Commissioners
July 16, 2008
Page 2

When Mr. Hallman appeared before you on July 9th, he stated that Mr. Mullin wrote a letter to his office within the 30 days and that it was his opinion that this action satisfied the 30-day time requirement. Mr. Hallman also requested that the authority to make an initial determination regarding timeliness be delegated to his office. If the Ordinance was vague or difficult to comprehend, that request would be understandable. But the requirements of the Ordinance are clear and need no legal interpretation. Even the Florida Attorney General in its opinion AGO 89-82 states:

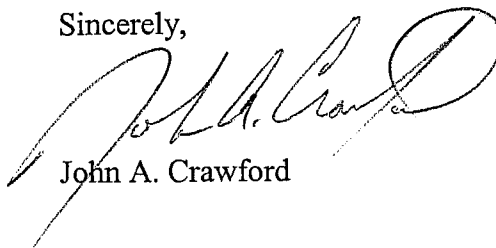
“Words of common usage, when used in a statute, should be construed in their plain and ordinary sense. . . . The word “shall” is defined as: ‘used in laws, regulations, or directives to express what is mandatory,’ . . . ‘In common, and ordinary usage, ‘shall’ has a compulsory, preemptory, imperative, or mandatory meaning . . . as opposed to a permissive or directory meaning.”

Based upon the above definition of “shall,” the word “must” could be interpreted in the same manner.

In order to assure that there is no disparate treatment of any of the citizens of Nassau County, I respectfully request that the Ordinance be adhered to as it is written, with the understanding that it may be amended in the future at the will of the Board of County Commissioners.

Thank you for your consideration in this matter. If you should have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Crawford". The signature is fluid and cursive, with a large loop at the end.

John A. Crawford

JAC/ks