



**Bogin, Munns
& Munns, P.A.**

Attorneys at Law ■ Since 1979

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Via U.S. Mail & Email Transmission to: Richard.Baier@districtgov.org

Richard J. Baier, P.E., LEED AP
District Manager
984 Old Mill Run
The Villages, Florida 32162

RE: Jerry Vicenti – Italian Paisans Club

Dear Mr. Baier,

My name is Joseph Shoemaker and my firm represents Mr. Gerald (“Jerry”) Vicenti. Mr. Vicenti is, without question, both a respected member of The Villages’ community as well as part of its leadership. As you are certainly well aware, Jerry is an elected official with the Community Development District 7 Board of Supervisors and he is also the president of the very successful Italian Paisans Club in the Villages. Moreover, he is also a former director of the Property Owners’ Association of The Villages, Inc.

As you are also certainly well aware, the Italian Paisans Club has put on extremely popular shows in the Villages for quite some time. They have been a beloved source of both entertainment and community pride in The Villages. However, after getting approval for their most recent show to have thirty-three tables with ten seats each for a total of three hundred and thirty seats, the club was told that that seating would need to be limited to two hundred and sixty two seats based upon the fire code.

While Mr. Vicenti and the Italian Paisans Club are certainly not looking to violate the law or jeopardize the health and safety of any of the guests to the club’s shows, it is quite peculiar that this issue just recently arose after they have been putting on shows with the same table and seat set up for approximately ten years. My client also informs me that many of the recreation centers in the Villages have a very similar, if not identical, footprint. Despite same, it appears that the Italian Paisans Club is the **only club** that has faced any recent scrutiny due to the number of seats at its functions.

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These issues were compounded by the fact that the Italian Paisans Club sold two hundred and ninety-seven tickets for their July show and they were going to have to send thirty-five ticket holders home. Of course, Mr. Vicenti tried to get some answers as to what was going on, but The Villages did not immediately respond to Mr. Vicenti's emails as to same. Ultimately, Mr. Vicenti did receive an email the Thursday before the July show asking the Italian Paisans Club to have their show at The Savannah Center. Mr. Vicenti moved the show in the two days that he was given, but the move cost the Italian Paisans Club an additional \$200 because they needed a bigger sound system.

My client has legitimate concerns that these recent actions may have been taken to single out either Mr. Vicenti due to his political views or to single out the Italian Paisans Club due to their affiliation with the Italian-American community. We are, of course, hopeful that neither is true, but the application and enforcement of the fire code clearly must be undertaken in the same manner with all clubs in every Villages venue. Mr. Vicenti has already contacted the Villages Fire Marshall and properly asked that he enforce the rules in the same manner for everyone, but to date this treatment appears to be solely directed at Mr. Vicenti and/or the Italian Paisans Club.

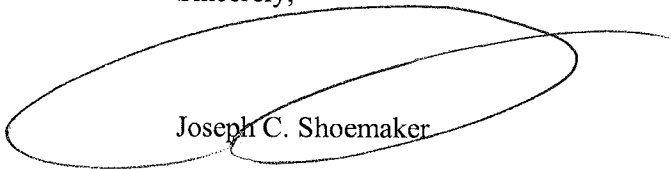
Needless to say, the First Amendment prohibits government action aimed at squelching political speech. We are, again, quite hopeful that Mr. Vicenti's political views were not any sort of impetus for these actions, but as the Italian Paisans Club is widely known to be run by client, the selective enforcement of the fire code as to only this club certainly raises questions. My client is considering proffering some extensive and varied public records requests regarding both what prompted the instant actions as well as examples of how these codes may have been enforced in the past. As I am sure you know, Florida's "Sunshine Laws" require that any such records be provided to my client upon request.

While the Italian Paisans Club certainly welcomes members and guests that are not Italian-Americans, the club is quite obviously affiliated with the Italian-American community. Selective enforcement of laws based upon an unjustifiable standard such as race, religion, or national origin raises some fairly clear constitutional concerns. *See e.g. Powell v. City of Sarasota*, 953 So. 2d 5, 7-8 (Fla. 2d DCA 2006). Further, the recreation centers in The Villages are clearly places of public accommodation and

discrimination related to same would also plainly violate the Florida Civil Rights Act. *See Florida Statutes § 760.08.*

We will once again state that we are hopeful that my client's noted concerns as to discrimination and selective enforcement will be immediately addressed and that no further actions of this sort will be directed at either my client or his esteemed club. Mr. Vicenti is a respected and needed voice in The Villages and the Italian Paisans Club is a longstanding staple in the vibrant and diverse social community that exists here as well. Both deserve to be treated fairly and we are hopeful that neither administrative nor legal actions will be needed to ensure same. Please govern yourselves accordingly.

Sincerely,



Joseph C. Shoemaker

CC: Mr. Gerald Vicenti

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