McGhee, Debra

Subject: FW: ENVIRONMENTAL PROTECTION AGENCY TITLE VI CIVIL RIGHTS ACT COMPLAINT RE: CITY OF ST. AUGUSTINE, FLORIDA DISCRIMINATION AND RETALIATION

-----Original Message-----
From: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy
To: environmental-justice <environmental-justice@epa.gov>; Thomas-burton.tami <Thomas-burton.tami@epa.gov>
Cc: (b) (6) Privacy >; pwilliamson <pwilliamson@citystaug.com>; jregan <jregan@citystaug.com>; (b) (6) Privacy ilopez <ilopez@citystaug.com>; jcary <jcary@citystaug.com>; (b) (6) Privacy (b) (6) Privacy tupchurch <tupchurch@citystaug.com>; jpiggott <jpiggott@citystaug.com>; tburchfield <tburchfield@citystaug.com>; lfountain <lfountain@citystaug.com>; bfox <bfox@staugpd.com>; (b) (6) Privacy acuthbert <acuthbert@staugpd.com>; tfleming <tfleming@citystaug.com>; lfreeman <lfreeman@citystaug.com>; rhorvath <rhorvath@citystaug.com>; nsikeskline <nsikeskline@citystaug.com>; jvaldes <jvaldes@citystaug.com>; bcc5hdean <bcc5hdean@sjcfl.us>; bcc1jjohns <bcc1jjohns@sjcfl.us>; bcc2jsmith <bcc2jsmith@sjcfl.us>; bcc3pwaldron <bcc3pwaldron@sjcfl.us>; bcc4jblocker <bcc4jblocker@sjcfl.us>; comugeorge <comugeorge@cityofsab.org>; commengland <commengland@cityofsab.org>; commkostka <commkostka@cityofsab.org>; comdsamora <comdsamora@cityofsab.org>; comdrumrell <comdrumrell@cityofsab.org>; (b) (6) Privacy (b) (6) Privacy (b) (6) Privacy (b) (6) Privacy (b) (6) Privacy ocr.atlanta <ocr.atlanta@ed.gov>; jmidyette <jmidyette@aclufl.org>; (b) (6) Privacy (b) (6) Privacy Jen <Jen@matanzasriverkeeper.org>; (b) (6) Privacy waltbog <waltbog@nytimes.com>
Sent: Mon, May 6, 2019 7:49 pm
Subject: ENVIRONMENTAL PROTECTION AGENCY TITLE VI CIVIL RIGHTS ACT COMPLAINT RE: CITY OF ST. AUGUSTINE, FLORIDA DISCRIMINATION AND RETALIATION

Dear Ms. Thomas-Burton:

1. Will you please call me tomorrow morning and kindly initiate a compliance investigation of the Respondent City of St. Augustine, Florida under Title VI of the 1964 Civil Rights Act?
2. Respondent City has retaliated for my Title VI protected activity, 2005-2019, most recently illegally denying me a press pass for a secretive non-diverse $400 conference it is sponsoring on KEEPING HISTORY ABOVE WATER, held May 6-8, 2019. See e-mail below, incorporated herein by reference.
3. The facts are irrefragable.
4. No response from Respondent City of St. Augustine, Florida to my communications re: press pass request, which I have made

since February 2019. This is an adoptive admission and admission by silence.

5. The longtime St. Augustine City Manager, JOHN PATRICK REGAN, P.E., yelled, cursed and hung up the telephone on me when he called me at 8:22 PM on April 22, 2019 on my press pass request. No apology.
6. Please interview witnesses, take depositions, subpoena documents and initiate a Title VI suspension and debarment investigation of Respondent City of St. Augustine.
7. Respondent City continues to pollute our pristine Matanzas River and San Sebastian River waterways with sewage, with nearly one million gallons of sewage pollution reported in the last five years.
8. Respondent City continues to neglect Environmental Justice issues, arising out of the traditionally African-American communities of Lincolnville and West Augustine, while seeking to silence investigative news coverage of its KEEPING HISTORY ABOVE WATER Conference, May 5-9.
9. The City dumped a landfill in a lake in one EJ community, then sought to bring the landfill back to another EJ community, put dirt on top and call it a "park."
10. I was termed an "environmental hero" by *Folio Weekly* in 2008 for halting this unlawful scheme, which the City spent $200,000 justifying and campaigning for, an example of gross waste, fraud and abuse.
11. Respondent City was called the "most lawless city in America" by Rev. Dr. Martin Luther King, Jr. in 1964.
12. We made strides under Mayor Nancy Shaver, who served honorably for 1550 days, 2014-2019, until her stroke on February 25, 2019.
13. Since that time, the City seems to be reverting to its bad-ole-days of retaliatory, imperious, racist and illegal actions, as exemplified by its unseemly handling of the May 6-8 conference and denial of a press pass.

14. More here, incorporated herein by reference: https://cleanupcityofstaugustine.blogspot.com/2019/05/50-speakers-two-african-americans.html https://cleanupcityofstaugustine.blogspot.com/2019/05/unconstitutional-denial-of-press-pass_6.html. https://cleanupcityofstaugustine.blogspot.com/2019/05/city-climate-change-conference-censors.html. https://cleanupcityofstaugustine.blogspot.com/2019/02/i-complained-about-this-unfriendly.html https://cleanupcityofstaugustine.blogspot.com/2019/02/wasteful-spending-101-citys-91-93.ht
15. "Let justice be done though the heavens fall." (Fīat jūstitia ruat cælum) With kindest regards, I am,

Sincerely yours,

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
[redacted]

-----Original Message-----
From: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy
To: (b) (6) Privacy [redacted] pwilliamson <pwilliamson@citystaug.com>; jregan <jregan@citystaug.com>; (b) (6) Privacy [redacted] ilopez <ilopez@citystaug.com>; jcary <jcary@citystaug.com>; (b) (6) Privacy [redacted] tupchurch <tupchurch@citystaug.com>; jpiggott <jpiggott@citystaug.com>; tburchfield <tburchfield@citystaug.com>; lfountain <lfountain@citystaug.com>; bfox <bfox@staugpd.com>; (b) (6) Privacy [redacted] acuthbert <acuthbert@staugpd.com>; tfleming <tfleming@citystaug.com>
Cc: lfreeman <lfreeman@citystaug.com>; rhorvath <rhorvath@citystaug.com>; nsikeskline <nsikeskline@citystaug.com>; jvaldes <jvaldes@citystaug.com>; bcc5hdean <bcc5hdean@sjcfl.us>; bcc1jjohns <bcc1jjohns@sjcfl.us>; bcc2jsmith

<bcc2jsmith@sjcfl.us>; bcc3pwaldron <bcc3pwaldron@sjcfl.us>; bcc4jblocker <bcc4jblocker@sjcfl.us>; comugeorge <comugeorge@cityofsab.org>; commengland <commengland@cityofsab.org>; commkostka <commkostka@cityofsab.org>; comdsamora <comdsamora@cityofsab.org>; comdrumrell <comdrumrell@cityofsab.org>; (b) (6) Privacy [redacted]
(b) (6) Privacy [redacted]
(b) (6) Privacy [redacted] ocr.atlanta <ocr.atlanta@ed.gov>; jmidyette <jmidyette@aclufl.org>; (b) (6) Privacy [redacted]
(b) (6) Privacy [redacted]
(b) (6) Privacy [redacted]
(b) (6) Privacy [redacted] waltbog <waltbog@nytimes.com>
Sent: Sun, May 5, 2019 10:34 pm
Subject: CEASE AND DESIST UNCONSTITUTIONAL DENIAL OF PRESS PASS & CEASE WITHHOLDING PUBLIC RECORDS; Request 2019-187: City press pass policy for City-sponsored events; Slavin v. Flagler College, U.S. Department of Education Case No. 4-19-2208

Dear Mayor Upchurch, Dr Joyner, Mr. Regan, Ms. Erdelyi, Ms. Lopez, Mr. Cary, Dr. Joyner, Dr. Keys, Messrs. Williamson and Sniffen, et al.:

1. At 9 AM on Monday, May 6, 2019, the City of St. Augustine, Flagler College, Inc., et al. will commence their "international" conference "Keeping History Above Water," violating my First Amendment rights by denying me a press pass, which I first requested in February.
2. Please provide a press pass for me for KHAW, without further delay, and kindly call me before 8 AM to inform me where I can pick it up.
3. Please cease and desist from all unconstitutional discriminatory denial of a press pass for the May 6-9, 2019 event, which I have repeatedly requested since February 2019.
4. The City of St. Augustine and its no-bid contractor, Flagler College, are concealing from me and from my readers pertinent KHAW documents, required to be disclosed by F.S. 119.0701

5. The City's Flagler College-drafted contract was required to include Open Records language mandated by F.S. 119.0701 and Florida Constitution Article I, Sec. 24.
6. F.S. 119.0701 requires City disclosure of the KHAW documents that I have requested.
7. But F.S. 119.0701 is flouted by Flagler College counsel's odd April 29, 2019 letter (attached), *inter alia* stating that as a "private college," Flagler College is exempt from records law.
8. Mr. Snedden's material misstatement is freighted with stonewalling, animus and malice -- an irrefragable badge of government and contractor retaliation for First Amendment protected activity.
9. By denying me a press pass and by refusing to communicate civilly with a journalist, the City of St. Augustine and Flagler College are guilty of blatant viewpoint discrimination in violation of the First Amendment and Civil Rights laws. *See, e.g., United Teachers of Dade v. Stierheim*, 213 F. Supp. 2d 1368, 1371 (S.D. Fla. 2002); *Sherrill v. Knight,* 569 F.2d 124, 129 (D.C.Cir.1977) ("arbitrary or content-based criteria for press pass issuance are prohibited under the [F]irst [A]mendment"); *Quad-City Cmty. News Serv. v. Jebens,* 334 F. Supp. 8, 17 (S.D.Iowa 1971) (stating "any classification which serves to penalize or restrain the exercise of a First Amendment right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional"). In *Rosenberger v. Rector and Visitors of Univ. of Va.,* 515 U.S. 819, 828-829, 115 S. Ct. 2510, 132 L. Ed. 2d 700 (1995) the Supreme Court held that "[d]iscrimination against speech because of its message is presumed to be unconstitutional ... When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. ... Viewpoint discrimination is thus an egregious form of content discrimination.").

10. People of color and low-income people are more likely to be hurt by climate change. My concerns about these issues are protected activity under Title Vi of the 1964 Civil Rights Act.
11. My legally protected concerns since 2006 about Environmental Justice (EJ) resulted in $9 million in roadbuilding for Riberia Street, long the worst street in St. Johns County,.
12. My legally protected concerns about pollution in two EJ communities resulted and in tens of thousands of dollars in fines and consent orders against the City of St. Augustine, as documented in a 2008 cover story in *Folio Weely*.
13. My EJ concerns on and since January 31, 2019 about the City's and Flagler College's all-white KHAW "community" meetings at the City's Willie Galimore Community Center are protected activity under Title VI.
14. So are my concerns about lack of socioeconomic data in the survey of City residents on flooding issue.
15. So was the hostile sign that was posted on the building during the "community" meeting, since removed, discouraging minority and low-income citizen attendance at the January 31, 2019 "community" meetings:

16. The City of St. Augustine has repeatedly violated free speech rights and has repeatedly lost First Amendment cases to its citizens, including several cases brought by visual artists, *Bates I & Bates II,* as well as *Celli v. City of St. Augustine*, 214 F.Supp. 2d 1256 (M.D. Fla. 2000)(upholding $23,500 jury verdict for four hours of First Amendment violation re: *St. Aug Dog* newspaper rights to free distribution on St. George Street); *Rev. Ruth Jensen v. City of St. Augustine*, 3:05-CV-504-J-25HTS TRO (M.D. Fla. 2005)(ordering Rainbow flags flown on Bridge of Lions June 8-13, 2005 in honor of Gay Pride). The City was guilty of viewpoint discrimination in both the *Celli* and *Jensen decisions*, which were swift justice and not appealed.

17. The U.S. Department of Education Office for Civil Rights assigned my April 24, 2019 complaint against Flagler College case number 4-19-2208 on Friday night, May 4, 2019, and it was assigned to an investigator.

18. Please send me any City of St. Augustine press pass policy for City-sponsored events, like the Keeping History Above Water (KHAW) conference, showing the date(s) adopted or altered, including City Commission minutes.
19. Please comply with my F.S. 119.0701 requests promptly
20. Please issue the press pass for this week's conference promptly.

Thank you.
With kindest regards, I am,
Sincerely yours,

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

[redacted]

-----Original Message-----
From: St. Augustine Public Records <recordsrequest@citystaug.com>
To: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy
Sent: Wed, Apr 24, 2019 1:06 pm
Subject: RE: Request No. 2019-151: Keeping History Above Water conference contracts and MOUs

Please see the attached document and below correspondence relevant to your public record request.

From: (b) (6) Privacy
Sent: Saturday, May 12, 2018 5:06 PM
To: John Regan <jregan@citystaug.com>
Cc: Lucy Fountain <lfountain@citystaug.com>
Subject: KHAW Agreement
Importance: High

John – Please excuse the brevity -

I am writing a TDC grant for KHAW that requires partner agreements. I hope the attached meets your needs and you can send back via email before next Wednesday – sorry for the short turnaround. I did not realize that I needed this documentation.

Thanks.

(b) (6) Privacy

[redacted]

(b) (6) Privacy [redacted]

Ranked 2018 *U.S. News & World Report* #2 in "Best Colleges in the South," 2017 Princeton Review's "382 Best Colleges," 2017 *House Beautiful's*, 2017 *Cosmopolitan's* and 2016 BuzzFeed's "Most Beautiful Campuses in the World," and 2017 *Travel and Leisure's,* 2017 *Southern Living's* and 2015 Thrillist "Most Beautiful" campuses in the U.S.

Please consider the environment before printing this e-mail.