

TO: Walton County Board of County Commissioners;

CC: Mr. Clay Adkinson, Walton County Attorney; Mr. Brian Kellenberger, Walton County Administrator

FROM: Protect the Emerald Coast Alliance, Inc

SUBJECT : Formal Written Complaint Requesting Initiation of "For Cause" Removal Proceedings Against Walton County Planning Commission Chairperson Kyla Jacobsen

October 13, 2025

Members of the Board of County Commissioners:

I am writing on behalf of Protect the Emerald Coast Alliance, Inc., (The Alliance) a Florida-registered 501(c)(4) nonprofit organization whose mission is to help protect the quality of life and preserve the environmental integrity of Walton County. The Alliance membership includes concerned Walton County citizens and is representative of over 3,000 community members who have signed the petition opposing developments threatening public health, safety, and environmental standards.

This letter serves as a formal written complaint pursuant to Walton County procedures for reporting concerns regarding Planning Commission members. We respectfully request that the Board initiate the "for cause" removal process against Planning Commission Chairperson Ms. Kyla Jacobsen, based on demonstrated incompetence in conducting quasi-judicial proceedings and the provision of incorrect or misleading information to the public and fellow commissioners from the dais during the August 14, 2025, Planning Commission hearing on Quasi-Judicial Item #5 (SEC Freeport Hot Mix Asphalt Plant, MAJ25-000035).

Our concerns are grounded in specific, documented instances from the public video recording of the hearing, held at the Freeport Boardroom starting at 4:00 PM. These actions not only violated the principles of fair quasi-judicial process under the Walton County Land Development Code (LDC) and Florida law but also undermined the Commission's role as an impartial tribunal advocating for the public's best interest. As outlined in county guidelines, removal "for cause" requires evidence of incompetence or neglect of duties; the examples below provide such proof, supported by timestamps from the official video record.

We urge a commissioner to file formal written charges to trigger a public hearing and BCC vote on removal.

Background on the Planning Commission Hearing

The August 14th, 2025, hearing addressed a major site plan amendment for a hot mix asphalt (HMA) plant on Parcel #07-1S-19-23000-001-0000, adjacent to residential areas not built when the site last hosted an operational HMA plant, adjacent to impaired waterways, as well as the now closed Coyote Landfill. This quasi-judicial proceeding required strict adherence to evidentiary rules, cross-examination opportunities, and balanced public input to ensure compliance with the LDC and Walton County Comprehensive Plan. However, Chairperson Jacobsen's conduct revealed a fundamental misunderstanding of these procedures, leading to biased rulings, suppression of both her fellow Planning Commissioners and the concerned public's participation, and dissemination of inaccurate guidance prejudicial to the Planning Commission's decision.

To further complicate the issue, the guidance provided prior to the start of the hearing by the County Attorney via phone even after multiple attempts to 'call in' was for the most part inaudible, and not understood by those in attendance, on the dais or in the audience.

Specific Instances of Incompetence and Provision of Incorrect Information:

Denial of Cross-Examination Rights to Commissioners (Incompetence in Quasi-Judicial Procedure):

At timestamp 2:04:26, Commissioner Dr. Forrest Buzan sought clarification on cross-examining witnesses, a standard quasi-judicial practice to test evidence and protect public interests under LDC Section 1.05.00 (Purpose A, emphasizing fair and informed decision-making). Chairperson Jacobsen incorrectly stated, "NO, we don't," denying Dr. Buzan—and by extension, the Commission—the opportunity to fulfill its advocacy role. This instruction misinformed fellow Commissioners and the public about their procedural rights, stifling scrutiny of applicant testimony (e.g., on emissions, traffic, and environmental impacts). Such incompetence neglected the Commission's duty to rigorously evaluate evidence, potentially allowing unexamined claims to influence approvals.

Misleading Guidance on Cross-Examination Authority (Provision of Incorrect Information):

Immediately following (timestamp 2:04:26 onward), when Dr. Buzan pressed Attorney Gary Shipman on the process, Chairperson Jacobsen's prior denial left the Commission unprepared and silent. Shipman correctly noted that the Planning Department or its counsel could cross-examine, but the Chair's erroneous intervention prevented commissioners from engaging, as evidenced by Dr. Buzan's statement: "I did, but my Chair denied me the opportunity." No direction was provided by the county attorney present, amplifying the Chair's misleading impact.

This incident demonstrates a lack of procedural knowledge, as quasi-judicial hearings under Florida Statutes § 125.66 require commissioners to actively probe evidence, not defer blindly to applicants.

Biased and Intimidating Handling of Public and Expert Testimony (Incompetence and Neglect of Public Advocacy Duty):

At timestamp 3:26:42, following a legitimate question from Dr. Buzan about living near asphalt plants (relevant to LDC compatibility criteria for residential proximity), Chairperson Jacobsen threatened the entire audience with removal for "outbursts," despite no disruption from the majority of non-sworn attendees (including two children sitting in the front row, present since 4:00 PM). This overreach chilled public participation and favored the applicant.

At timestamp 3:59:07, the Chair ordered all non-sworn public members removed from the room mid-hearing, forcing over four hours of waiting attendees—including families—into the parking lot. This unnecessary and extremely punitive action directly violated open meeting principles under Florida's Sunshine Law (F.S. § 286.011) and LDC public input requirements.

At timestamp 4:39:32, amid ongoing objections from Shipman, the Chair imposed an arbitrary "hard stop at 9:00 PM," cutting short sworn testimony from experts Dr. Jeffrey Buckholz (traffic analysis errors and omissions) and Mr. John Jannazo (fact based environmental and health concerns). When Mr. Jannazo sought clarification on rebuttals, the Chair ruled, "NO," incorrectly limiting "testimonial" evidence and preventing full response to applicant incorrect claims (e.g., on fugitive dust, VOCs, last operational instance of HMA on the site, and stormwater).

These rulings not only disseminated incorrect procedural information but also demonstrated bias, as the Chair consistently backed Mr. Shipman's interruptions while restricting opponents, neglecting the Commission's mandate to represent community interests.

Failure to Ensure Prepared and Impartial Proceedings (Overall Incompetence):

Multiple commissioners, including PC Drohan at timestamp 3:55:10 ("I didn't even know we were changing procedures tonight") and at 4:43:44 ("I don't understand what we are doing"), expressed confusion, which Chairperson Jacobsen failed to address. As Chair, she bore responsibility for pre-hearing preparation, yet the Commission entered without guidance on quasi-judicial rules, cross-examination, or party status—evident in the mishandling of Protect the Emerald Coast Alliance's proffered evidence (timestamps 3:49:19–3:59:07). This systemic unpreparedness, coupled with the Chair's tolerance of false applicant statements (e.g., on prior operations ceasing in 2019 vs. actual 2010 records), eroded public trust and has exposed the county to legal challenges.

Evidence and Documentation

All cited instances are verifiable via the official Walton County video recording of August 14, 2025, Planning Commission hearing, available through county archives. Supporting materials include:

Protect the Emerald Coast Alliance's sworn testimony transcript and slide deck (proffered at hearing and not included in the subsequent package to the Magistrate).

Dr. Buckholz's traffic expert report, detailing multiple errors and omissions in the applicant's study.

Petition signatures from 3,000+ residents opposing the plant due to health, traffic, and environmental risks.

We maintain records of all communications with county officials and stand ready to provide additional documentation at a public hearing.

Request for Action

These documented actions constitute "for cause" grounds for removal under Walton County ordinances, including incompetence in procedural oversight, neglect of duties to ensure fair hearings, and provision of incorrect information that misled participants and undermined quasi-judicial integrity. We respectfully request that [specific District Commissioner, e.g., the commissioner appointing the Chair, or the Board as a whole] file formal written charges against Chairperson Jacobsen to initiate: (1) a public hearing for presentation of evidence; and (2) a BCC vote on removal. Public comment at upcoming BCC meetings will further amplify these concerns, and we encourage attendance at any removal hearing to voice community support.

Thank you for your attention to this critical matter, which affects the health and safety of thousands of Walton County residents, including those near impaired waterways feeding Choctawhatchee Bay. We are available to discuss or provide further evidence. Please contact me at [your phone/email] to confirm receipt and next steps.

Respectfully,

John Jannazo
President & Chairman of the Board
Protect the Emerald Coast Alliance, Inc.