

The Record Behind the Letter

A letter to the Mayor and City Commission, the Leon County Commission, the City Manager, County Administrator, City and County Attorneys, and Growth Management placed a series of findings on the record concerning the Architectural Review Board and the Wahnish Cigar Factory demolition approval. This page shows the documents behind each point — as images of the records themselves. The complete documents accompany this page as a package; the public records requests that produced them are identified at the foot of this page.

Online, with a guide to the original records: maxairesearch.com/arb-prr-evidence-summary

Every image below is an unaltered excerpt of a public record produced by the City of Tallahassee or the Tallahassee Trust for Historic Preservation, or published by Leon County. The light highlights were added for this page: ■ yellow marks the words each point rests on, on the records and in the text; ■ blue, a count; ■ rose, the author's opinion on the record — his view, not the record's. The records themselves are included unaltered in the evidence package. The two January 29 emails in section 3, which the City produced only inside its mail file, are reproduced as text. This page states what documents show; it alleges no wrongdoing by any individual.

1 The Board is not constituted as the Code requires

The Architectural Review Board is a joint board of the City of Tallahassee and Leon County. Its members are “named jointly by the city commission and the county board of county commissioners” (Sec. 2-181). The Code fixes ten seats: two members from the Tallahassee Trust, the chair of the Planning Commission or a designee, the director of the Planning Department or a designee, two architects, and four owners of property zoned for historic preservation. The County lists the four owner seats as two appointed by the City and two by the County. Vacancies are to be filled within 60 days (Sec. 2-182).

Eligibility Criteria

Membership includes:

- 4 - owners of property having historic preservation zoning [HP0D] (City and County each appoints two)
- 2 - members of American Institute of Architects (City and County each appoints one)
- 2 - members of Tallahassee Trust for Historic Preservation, Inc. (City and County each appoints one)

Members must be residents or property owners in Leon County and shall have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines.

Leon County, Architectural Review Board page — eligibility criteria. Four property-owner seats, “City and County each appoints two.” · leoncountyfl.gov, captured September 23, 2026

Every set of minutes produced for December 3, 2025 through June 3, 2026 lists the same eight members. On the County's roster the two empty seats are Seat 1, a County owner seat, and Seat 10, the City's second owner seat (the City's other three appointees hold its architect, Trust and first owner seats). That is **two of the four property-owner seats, empty for at least six months and still empty today**, against the 60 days the Code allows. The City's first owner seat, Seat 9, shows a term that ended June 30, 2026. The same shortfall existed at every vote the Board took in 2026, including **the April 1 Wahnish Cigar Factory approval and the May 6 Marshall House approval**.

unanimously.

IV. New Business

There are vacant ARB seats to be filled.

V. Old Business

There are multiple owners in Los Robles working with staff to complete local register

ARB Minutes, Jun. 3, 2026 (draft, as produced). “There are vacant ARB seats to be filled.”

2 The April 1 vote, and disclosures filed only after the public asked

The minutes name no recused member and incorporate no disclosure. **The only written disclosures the City produced were filed after the public asked for them.** Public records requests of August 14 and 17 asked who had recused and for any Form 8B or other conflict disclosure filed by any member; the City produced two Forms 8B, dated filed August 26 and September 1, 2026 — **147 and 153 days after the vote**. The Vice Chair's form states a conflict of the kind § 112.3143 addresses, for which the statute requires the form within 15 days, filed with the person who records the minutes and incorporated in them. The Planning representative's form cites the bylaws' fairness provision (Art. IV.C.2).

the site. Mr. Butler moved to approve the application for demolition for 469 St. Francis Street. Ms. Wallace seconded the nomination and the vote passed **four approvals to one denial, with two recusals.**

- 317 E. Call Street – Marshall House

ARB Minutes, Apr. 1, 2026. The vote: "four approvals to one denial, with two recusals." No names. No disclosures.

September 01, 2026

Date Filed

Signature

Form 8B (Shuler) — filing date. "September 01, 2026 — Date Filed." 153 days after the vote; where Form 8B applies, § 112.3143 allows 15.

08/26/2026

Date Filed

Signature

Form 8B (Rokyta) — filing date. "08/26/2026 — Date Filed." 147 days after the vote.

inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I recused myself from the vote on April 01, 2026 due to a conflict of interest, as **the property owner is a close business associate.**

Form 8B (Shuler) — stated conflict. "...the property owner is a close business associate." In the Vice Chair's own filed words.

3 The defects are structural

The Board's own paperwork describes the design: the reviewing department votes on the board that reviews its sites; the private contractor that administers the Board holds two seats on it and executes its records.

I am the designated appointed member representing the Tallahassee-Leon County Planning Department Director on the ARB. The subject site is also within a design review district, for which applications of design review are required and processed under the authority of the Planning Department. An abstention from the vote was made to avoid the **potentially duplicative roles of oversight** for proposed development on the site that could call into question the fairness and objectivity of the decision as provided for in Article IV.C.2. of the By-Laws of the Tallahassee-Leon County Architectural Review Board.

Form 8B (Rokyta) — stated reason. The Planning Department's "potentially duplicative roles of oversight" — the reason she gave for abstaining.

The conflict was flagged in writing two months before the vote. On January 29, 2026, 62 days before the April 1 vote, the Trust's executive director wrote to the Planning Department's Board member under the subject line "ARB conflict" that **"it would probably be helpful to have a consistent stand-in."** Five minutes later the member forwarded the message to an Assistant City Attorney, asking to discuss it. The Code already allows the Planning Director to name a designee (Sec. 2-181). No other Planning designee appears in any set of minutes produced, and five members decided the demolition.

From [personal address, redacted on this page]
To "Rokyta, Anne" <anne.rokyta@talgov.com>
Date Thursday, January 29, 2026, 2:54 PM
Subject ARB conflict

Hi Anne,

We're reviewing the Wahnish Cigar Factory for a pre-application consultation next week at the ARB meeting. Do we need to find a proxy for you if we're not voting on anything? We'll meet about this project several times, so it would probably be helpful to have a consistent stand-in.

Thanks!

Shannon Kuch, Executive Director

From "Rokyta, Anne" <Anne.Rokyta@talgov.com>
To "Green, Breanna" <Breanna.Green@talgov.com>
Cc [personal address, redacted on this page]
Date Thursday, January 29, 2026, 2:59 PM
Subject RE: ARB conflict

Breanna [?] would you please give me a call when you have a moment to discuss? I[?]ll be out this afternoon starting at 3:30, but will be available most all day tomorrow.

Thanks!

Anne Rokyta

[The 2:54 PM message follows, quoted in full.]

Emails, January 29, 2026. Reproduced as text from the City's mail file, 2026-1048-FOR_RELEASE.pst (PRR-2026-1082; SHA-256 50b6e3e3...a1568ee89). Both messages are included in the evidence package as extracted files; the mail file itself, which holds private residents' correspondence, is listed there by hash and is available from the City under that request. [?] marks a character that cannot be read in the produced file; contact details are redacted on this page only. Breanna Green is listed as Assistant City Attorney in the April 1 minutes. The production contains no written reply, so this page does not say what advice was given.

In Max Epstein's view, Ms. Kuch is doing everything she can to do her job. It is not her responsibility to hold together a board the City and County have left short of the membership the law requires.



Shannon Kuch, Historic Preservation Officer

April 1, 2026

Date

Miriam Gurniak, Chair

Date

ARB Minutes, Apr. 1, 2026 — execution block. Staff signature dated the day of the meeting, before any Board approval of the minutes. The Chair's line: blank.

The City pays the Trust \$80,000 a year for historic preservation services that include staffing the Board.

1. Scope of Services. TTHP shall provide the services described in the Executive Summary of Services, attached as Exhibit A, and incorporated into this Agreement (the "Services").

2. Funding. The City Commission has authorized funding for the Services in the amount of eighty thousand dollars (\$80,000.00) which shall be disbursed as follows:

City–Trust Agreement No. 992728, FY 2025–26 — funding. "eighty thousand dollars (\$80,000.00)." The FY 2024–25 agreement carries the same amount. · PRR-2026-1082

- Provide staff to serve the Tallahassee-Leon County Architectural Review Board (ARB).

Same agreement, Exhibit A — the services. "Provide staff to serve the Tallahassee-Leon County Architectural Review Board (ARB)." · PRR-2026-1082

4 The Board has recorded City departments not requesting its certificates

The Board's own December 3, 2025 minutes record that it "discussed issues with Code Enforcement and Permitting not requesting COAs, and how the ARB can address future problems." By the Board's own account, City departments that act on historic properties have not consistently asked for the certificates the Code requires.

- list of work items needed to bring the structure up to code with associated cost estimates to move forward with assessing the condition of the structure.
- III. New Business**
- The board discussed issues with Code Enforcement and Permitting not requesting COAs, and how the ARB can address future problems.
- IV. Old Business**

ARB Minutes, Dec. 3, 2025. The Board's own record: it "discussed issues with Code Enforcement and Permitting not requesting COAs."

5 The certificates: one staff signature, no findings, no notice — by the City's own production

Asked under Chapter 119 for the written decisions authorizing these demolitions, the City produced two one-page certificate cards, each executed by one person: the executive director of the Tallahassee Trust, the private contractor that

administers the Board, in her role as Historic Preservation Officer.

- No member of the Board signed either document; neither card has a line for the Chair.
- Neither records findings on the Code's demolition factors (LDC § 10-320(b)(4)) or gives notice of appeal rights.
- On the Wahnish card, the documentation, salvage and commemoration the applicant itself proposed in mandatory terms ("shall") appear only as a "Recommendation."
- Each is issued "on the condition that the work is in compliance with the Secretary of the Interior's Standards for Rehabilitation" — for a demolition.
- Both went out the same way: emailed by the Trust's executive director to the applicant's representative, on April 2 and May 12. The Wahnish card later reached a Growth Management file as part of the applicant's own submittal. The production shows no filing with the City Clerk and no notice of either decision, or of any right to appeal it, to the public.

The defect is in the form, not in the person who signs it. When, how and to whom the City contends each decision was rendered is a question for the City Attorney to answer in writing.

changes to what is stipulated must be approved by the Architectural Review Board or designee.



Shannon Kuch, Historic Preservation Officer
Tallahassee-Leon County Architectural Review Board

Certificate of Appropriateness, 469 St. Francis — the execution block. One signature: Shannon Kuch, Historic Preservation Officer — the executive director of the Tallahassee Trust, the Board's private administrator. No Board member's signature line exists on the document at all. The Marshall House certificate is identical in form.

Division 4 of Article III of Chapter 10 of the Tallahassee Land Development Code, and has issued a Certificate of Appropriateness Permit with the following:

Proposed work includes demolition of existing structure. Recommendation to undertake appropriate documentation including measured drawings and high-resolution photography prior to demolition. Additionally, utilize architectural salvage and incorporate historic materials into the commemoration and interpretation of the building and cigar industry in the area. All future development of subject parcel to be reviewed by the Architectural Review Board

Certificate of Appropriateness, 469 St. Francis. Documentation, salvage and commemoration appear as a "Recommendation"; the only stated condition is the one below.

It is the responsibility of the property owner to ensure compliance with all applicable city, county, state and federal regulations regarding this construction project. This certificate is issued on the condition that the work is in compliance with the Secretary of the Interior's Standards for Rehabilitation. Any changes to what is stipulated must be approved by the Architectural Review Board or its designee.

Certificate, 469 St. Francis — the condition. Demolition "issued on the condition" of compliance with the Secretary of the Interior's Standards for Rehabilitation — standards written for rehabilitation, applied to a demolition.

ARB COA

From Shannon Kuch <director@taltrust.org>

Date Thu 4/2/2026 1:19 PM

To Barry Wilcox <bwilcox@stearnsweaver.com>

1 attachment (125 KB)

469 St. Francis St. Wahnish Cigar Factory Demo ARB COA.pdf;

Hi Barry,

Thanks to you all for attending the ARB meeting yesterday. Attached is the COA for demolition for 469 St. Francis Street issued from the board. Please let me know if you need anything else as this process moves forward.

Email, April 2, 2026. The certificate sent to the applicant's representative: "Attached is the COA for demolition for 469 St. Francis Street issued from the board." · PRR-2026-1082

6 The Marshall House: approved without the reports the Board had asked for

The May 6, 2026 vote on 317 E. Call Street was taken with the same two owner seats empty. The sequence:

- **Feb. 4** — the Board unanimously requested structural and environmental evaluations “before further review for demolition.”
- **Apr. 1** — it decided it did not have enough information to vote without a structural engineering report, and tabled the application until May 6 or until the reports were provided.
- **Apr. 29** — staff, which had recommended approval on March 27, recommended denial because the reports had not arrived.
- **May 6** — with six members present, the bare quorum, and the Chair absent, the Board approved the demolition anyway, the reports “to be sent ... when completed.” The minutes say the Board “reviewed each of the demolition criterion individually,” but record no finding on any of them, and add that the reports “are required for demolition permitting from the city.”

The reports the Board asked for appear in no records production to date. For 469 St. Francis, the only structural analysis produced — an engineer’s letter inside the application file — answers the question the Board asked on February 4, when the Trust’s executive director recommended keeping the two historic facades: whether that was feasible. It says the building was “observed to evaluate the general structural integrity of the building,” but its findings address what separating and stabilizing the facades would require; it lists the foundation as “currently unknown” and reaches no conclusion on the building’s condition standing alone. Both certificates issued on the same form, five weeks apart.

viability of an entire historic area. A fundamental function of historic zoning is to prevent, limit, and control demolitions. The ARB has requested documents to provide current information about the condition of the building, including a structural engineering report and environmental assessment. At the time of this report, no such information has been received. The board cannot accurately assess the condition of the structure without these reports; therefore, the recommendation is to deny the submitted COA application for demolition. However, if demolition is approved, all future new construction on this parcel is subject to approval by the ARB. Proposed mitigation efforts for documentation and commemoration approved by the ARB would also be recommended.

Staff report for the May 6, 2026 meeting (prepared April 29). “...the recommendation is to deny the submitted COA application for demolition.” The Board approved anyway.

ARB Meeting Minutes – May 6th, 2026

demolition. Reports were requested and obtained describing the condition of the house and the cost to move or relocate and reconstruct the house. Two additional quotes for proposals for an architectural assessment by an architectural firm and an environmental assessment for asbestos and lead paint were also provided, but not the actual reports. The proposed Certificate of Appropriateness application is for demolition of the house. All proposals for redevelopment of this parcel and new construction must be approved by the ARB going forward. The staff recommendation is to deny the demolition due to not receiving the ARB requested reports.

The ARB reviewed each of the demolition criterion individually. The requested

ARB Minutes, May 6, 2026. Quotes for the reports were provided — “but not the actual reports.”

Division 4 of Article III of Chapter 16 of the Tallahassee Land Development Code, and has issued a Certificate of Appropriateness Permit with the following:

Proposed work includes demolition of existing structure. Copies of structural engineering report and environmental (lead/asbestos) report to be sent to the Tallahassee Trust for documentation when completed. Recommendation to utilize architectural salvage and incorporate historic materials into the commemoration and interpretation of the building and surrounding historic block. All future development of subject parcel to be reviewed by the Architectural Review Board.

Certificate, 317 E. Call. The reports the Board had asked for before deciding: “to be sent ... when completed.”

A staff timeline for the property records that the City’s code-violation fines were “on hold until a COA for demolition is issued from the ARB” — the City’s own code case waited on this certificate.

ARB February 4, 2026

- Mr. Gene Adams presented the report requested by the ARB for a cost estimate to move the Marshall House at 317 E. Call Street. The board discussed possible alternatives to demolition. The board voted to request structural and environmental (lead/asbestos) evaluations of the property before further review for demolition by the ARB, and what is needed to bring the building up to code for occupancy.

-The fines for code violations from the city are on hold until a COA for demolition is issued from the ARB.

Staff timeline, 317 E. Call Street (attached to the May 6 staff report). "The fines for code violations from the city are on hold until a COA for demolition is issued from the ARB." · PRR-2026-1082

Subject: Existing Wall Structural Evaluation

Mr. Detri:

As requested, on February 11, 2026, the existing building, located at the corner of St Francis Street and South Macomb Street in Tallahassee, Florida, was observed **to evaluate the general structural integrity of the building** and to determine what would be required to separate and stabilize the existing north and west facades from the existing building.

The two-story building was originally constructed in the early 1900's as a warehouse. The floor and roof system are wood framed supported by multi-wythe brick walls. The walls terrace at each level becoming thinner as the building increases in height. The existing foundation construction style, size, and depth are **currently unknown**.

Engineer's letter, 469 St. Francis (Kever McKee, observation of February 11, 2026). Observed "to evaluate the general structural integrity of the building and to determine what would be required to separate and stabilize" the two facades; the foundation is "currently unknown." · PRR-2026-1048

7 What the letter asks

A lawful process, not an outcome:

- **Hold.** No demolition permit for 469 St. Francis Street or 317 E. Call Street until the City and County fill the vacant seats and a Planning designee is named, and the reconstituted Board has re-heard both applications at a noticed public hearing and decided each in a written decision with findings that the Board signs.
- **Deny on September 28.** The Development Review Committee should deny any approval that depends on either demolition, including site plan TSP260037 (908 Cigar Factory), because it rests on certificates a lawfully constituted Board has not issued.
- **Reform.** The City and County should reform the Board and replace its 1994 bylaws together, in a public process.

Sources: ARB minutes (Dec. 3, 2025; Feb. 4, Apr. 1, May 6, Jun. 3, 2026), ARB staff reports (Apr. 1 and May 6, 2026 meetings), Certificates of Appropriateness for 469 St. Francis St. and 317 E. Call St., and Forms 8B filed by D. Shuler (9/1/2026) and A. Rokyta (8/26/2026) — all public records, together with the City–Trust agreements, the emails of January 29 and April 2, 2026, the 317 E. Call Street staff timeline and the 469 St. Francis application file, all included in full in the accompanying evidence package. Produced under City of Tallahassee public records requests PRR-2026-1028, -1044, -1047, -1048 and -1082; anyone may request the same records at PublicRecords@talgov.com. Verification: Shannon Kuch, Historic Preservation Officer / Tallahassee Trust, 850-488-7334 · PublicRecords@talgov.com. Leon County's Architectural Review Board page, captured September 23, 2026. Max Epstein · [MAXAI LLC](#) · independent and unpaid · Tallahassee.