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City of Naples  
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05/17/2021

Florida Commission on Ethics  
PO Box 15709  
Tallahassee, FL 32317-5709

Dear Sir or Madam:

As an employee of the City of Naples, I believe that Mayor Heitmann of the City of Naples has engaged in misconduct and ethics violations. She has abused her position and office, directed me to break Sunshine laws, destroy public records, investigated political opponents' email addresses, used City resources and funds to the benefit of her friend, retaliated against staff and City contractors for perceived slights. I am the Director of Technology Services for the City of Naples and have been a faithful servant of the City for almost eight years in different roles. Through my position I have been witness to Mayor Heitmann's misconduct and unethical behavior.

Mayor Heitmann has used City funds to hire an external law firm to formulate a legal opinion on how to sue the former City attorney because she believed that they had hacked her and a friend's computer; however, she has refused to turn over the legal opinion to the rest of council, and she has engaged in multiple conflicts of interest without making disclosures including making criminal allegations against the City attorney to the City Manager, presiding over three attempts to hire a new City attorney where she did not reveal the allegations to the attorney so that they could be responded to, and by her own admission, she sought a legal opinion to disqualify the attorney from participating in the RFP process. In the absence of evidence the Mayor has violated the City charter by demanding that the City Manager fire everyone she falsely accused of hacking, and even after evidence was found during an investigation that cleared all staff.

In my role as Director, I was summoned by the City Manager Charles Chapman to a meeting with Mayor Heitmann on April 14<sup>th</sup>, 2020. At the meeting, the Mayor and a friend of the Mayor were present, and the Mayor and friend told the City Manager that their personal computers and phones had been hacked and they wanted justice. They indicated that they believed that the former Mayor, Bill Barnett, City Staff, the law firms of Cheffy Passidomo and Roetzel & Andress had all participated in the hacking as the Mayors friend had been tracking land acquisition deals in the Naples area where people were buying properties, then selling them at a profit without ever putting a shovel in the ground. They indicated that they believed that only the Federal Bureau of Investigation in Washington could help as Mayor Barnett was close friends with Collier County Sherriff Rambosk, and that they had evidence that the two of them were

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running a child prostitute ring out of the Naples Municipal Airport and therefore CCSO had a conflict of interest and could not investigate the hacking claim.

The Mayor's friend made a criminal complaint to the Florida Department of Law Enforcement (FDLE) which investigated her claims of hacking. When FDLE suggested that subpoenas were going to be issued, the Mayor's friend decided to back out when FDLE warned her that the law firms could take civil action against her if there were no charges filed. The Mayor told us it was her belief that Senator Kathleen Passidomo had pressured FDLE to force her friend to drop the investigation in order to protect Passidomo's husband's law firm. When I spoke with FDLE, they indicated that they had arrived at the conclusion there was no criminal conduct by either law firm. If FDLE had reached the conclusion that there was no criminal conduct, then there is no reason to believe that Senator Passidomo pressured FDLE.

At this time, Mayor Heitmann was elected into office and told the City Manager and I that it was her intention that the City would "handle this matter quietly" and that it was her intention to substitute the City for her friend in legal and criminal actions against the two law firms. The City Manager stated that if there was evidence of wrongdoing on the part of City staff, he would file charges with the State's Attorney's Office; however, he would not move forward without an investigation. This meeting was the starting point for a year of meetings, investigations, attempted firings, directing staff to break sunshine, delete public records and using her position for personal gain that I will now detail.

- Firing City employees: At the initial meeting on April 14<sup>th</sup>, the Mayor identified the following people as having hacked her and her friend's computer all because their names appeared on smart mailboxes on their mail applications. Public Information Officer David Fralick, Planning Director Robin Singer, Assistant City Manager Roger Reinke, City Attorney James Fox, City Attorney Bobb Pritt, former Mayor and political rival Bill Barnett. At this time, Mayor Heitmann demanded that all people still employed by the City be fired. The City Manager informed her that directing him to fire staff was a violation of the City Charter (and not to mention a violation of several state and federal laws) and that there was no evidence to corroborate her claims. An internal investigation and a follow up investigation by a third party (the InterHack report) could not substantiate the Mayor's false claims of hacking and further identified that the smart mailboxes were just organizing mail based on who sent something and that nothing was being forwarded. The Mayor continued to insist that staff be fired, and this can be corroborated by speaking to the (now) former City Manager and the Human Resources Director for the City.
- Investigate Police Department: At the same meeting, Mayor Heitmann said that her and her friend's cell phones had been taken over and were being used to surveil them. The Mayor then directed me to investigate the Naples Police Department, in particular Lt. Robert Young and Detective Pablo DeBien because Lt. Young had been a friend of Bill Barnett's and Detective DeBien because he had the technical skills (in her view) to tap

phones. The City Manager and I refused to comply because only sworn law enforcement can investigate another law enforcement agency and the move could have endangered the accreditation of the NPD. Over the year, the Mayor often directed the City manager and I to search their hard drives.

- Investigate a Private Citizens Computer: After the initial meeting on April 14<sup>th</sup>, I began an internal investigation that could not corroborate any of the evidence that the Mayor or her friends claimed tied the City, former Mayor and two law officers to their computers. The Mayor demanded that I look at her friend's computer, something that I was not comfortable with as it was not a City asset. When the investigators could not corroborate the Mayor's evidence, she began pressuring the investigators to look at her friends computer, and to speculate about things that were specific to only her computer and which had no connection to the City. I have multiple emails where I am asked to research and investigate matters specific only to the Mayor's friend's computer and the third-party investigators (InterHack) received the same requests.
- Failure to uphold responsibilities of office: In my and the City Manager's presence, Mayor Heitmann claimed to have evidence in the form of aircraft tail numbers, departure and arrival times that tied the former Mayor and Collier County Sheriff to a supposed child prostitute ring at the Naples Municipal Airport. If the Mayor had such evidence and failed to bring it to the attention of law enforcement, she failed to protect minors from imminent harm.
- Conflicts of Interest: The Mayor has been directly involved in multiple cases of acting with conflicts of interest, not making the necessary disclosures, and then voting on matters that warranted her recusal.
  - The City of Naples uses a Managed Services provider (Softrim) to supplement its IT staffing. At the April 14<sup>th</sup> meeting, Mayor Heitmann indicated that an employee at Softrim had raised money for her political rival, Bill Barnett, possibly did so as an unregistered donor, and demanded that Softrim be fired. It is important that she did not provide any evidence of these claims. The Mayor also accused Softrim of being aware that the former Mayor was running a supposed child prostitute ring at the Naples Municipal Airport as they were the managed Services provider for the NMA. The Mayor went so far as to demand a copy of Softrim's contract and told me she planned to cancel it.
  - At the time it was necessary to renew the City Attorney's contract (Roetzel & Andress), the Mayor had already disclosed that she believed that she and a friend had been hacked by the law firm. The Mayor also disclosed that her friend had previously brought a legal challenge against the City for an administrative zoning/land use issue, and that a lawsuit ensued where the City Attorney Bobb Pritt was able to get the judge to award damages against her friend. The City Attorney's contract was brought before the City Council for a sole source renewal, and the Mayor did not make any disclosures that she had made criminal allegations against the Roetzel law firm and voted to not approve the contract.

The City moved forward with a Request For Proposals (RFP) to hire a firm to provide legal services. Roetzel was highly ranked by the evaluation committee, and again without disclosing that she had accused them of criminal conduct, the Mayor demanded that the process be abandoned and that a search should be done using an executive recruiter. During the final selection for a City Attorney, Roetzel was a part of the process, and during the voting process, the mayor did not make any disclosures, and voted to hire a different law firm. During a Council meeting on Wednesday April 7<sup>th</sup> agenda item 13C, the Mayor publicly indicated that she received a letter of concern from a member of the public (her friend who complained about Roetzel), and that the Mayor found it necessary to seek outside legal counsel to determine if she could bar the Roetzel firm from participating in the in the selection process (please review the online copy of the April 7<sup>th</sup> meeting at time mark eight hours, thirty nine minutes and twenty four seconds for verification).

- During the April 14<sup>th</sup> meeting, Mayor Heitmann indicated that she had been involving a member of the local ethics commission and providing information to them about “ethics issues,” presumably with the Roetzel firm, creating the appearance of a conflict of interest with the local board in hearing any complaints.
- Mayor Heitmann participated in the cyber security investigation by meeting with the investigators four times while the other Council members only met with them once, to receive the preliminary results. During the Mayor’s meetings with the third party, she tried to steer the investigation into looking at items specific to only her friend’s computer, speculating on matters not related to City devices, and demanded that they expand the scope of their investigation to include the Naples Police Department. The Mayor, as a victim should have recused herself from the investigation.
- The Mayor has been presiding over multiple petitions from the developers of the Naples Beach Club project, represented by attorney John Passidomo, whom she has accused of hacking her and her friend’s computer. Mayor Heitmann has not made any disclosures of her accusations against Mr. Passidomo and has voted on matters that he brought before her. This is an example of a conflict of interest where Mayor Heitmann should have recused herself.
- Mayor Heitmann took the maximum contribution amount to her campaign contribution from Laura and Harry Criswell who were appealing a court case with the City. During an executive session on March 5<sup>th</sup> (agenda items 6C and 19), the Council discussed settling the court case. Mayor Heitmann is friends with the claimants, was listed as a witness for their defense, and she voted to settle the case for \$0. Because Mayor Heitmann took campaign contributions from the couple, was a witness for their defense, she should have recused herself from the vote.
- Directive to destroy public records: On Saturday April 18 2020, Mayor Heitmann sent me a string of text messages which she believed showed evidence that she had been hacked.

She and I then spoke on the phone where she reinforced this claim, and then directed me to save the screen shots and then delete the test messages so there would be no record of them. In a panic I called the City Manager who directed me to maintain the records as required by law.

- Public Records Obstruction:
  - Another City Council Member made a public records request for her correspondence with the outside legal firm (PRR 2021-097) that she contracted without the knowledge of Council during the City Attorney selection process. During the records production, the Mayor indicated she did not have records outside of City devices. At first, she did not produce her text messages, but when she did, they were not her text messages to the Boatmann Ricci Law firm, they were only their text messages to her. When questioned about the source of the text messages by staff, the Mayor was deliberately vague. Furthermore, in the text messages, it indicates that a document was texted to the lawyer, which was never produced as part of the records request, and that the Law firm had met with the Mayors friend who claimed the law firms of Cheffy Passidomo and Roetzel & Andress had hacked her computer. Therefore, Mayor Heitmann failed to produce the required documents.
  - City Council members Gary Price and Paul Perry have requested multiple times that the legal opinion generated by the Boatmann Ricci firm be shared with the Council, and the Mayor has refused to do so and she has refused requests from the public to release the information.
  - On public records request (PRR#2021-128), a requestor asked for "... Any texts / emails / and or correspondence between Scott Stamets and Teresa Heitmann Any texts / emails / and or correspondence between City Council Members and/or City Staff and Scott Stamets Any texts / emails / and or correspondence between City Manager Charles Chapman and Teresa Heitmann regarding Chief Tom Weschler Any texts / emails / and or correspondence between Boatman Law Firm and Teresa Heitmann". From the emails produced for the public records request, it was clear that the Mayor has been using a personal email address as the individual Scott Stammets sent her a confidential Collier County Sherrif Report to her personal email address, and forwarded the entire email chain with personal email addressed to the City HR director asking her to look into a claim. The Mayor has used her personal email address to conduct City business and has not produced the records as required by public records laws.
- Direction to break sunshine laws by calling an illegal executive session: From the first meeting on April 14<sup>th</sup>, 2020, the Mayor and her friend have demanded and directed the City Manager and I to call for an executive session so that her friend can privately address the City Council about their being hacked by the law firms of Cheffy Passidomo and Roetzel & Andress. Each time, the City Manager and I have refused as there are no technology exemptions that allow for such a meeting and the penalty for willfully

violating sunshine is 60 days in jail. At first in keeping with the Mayors request to not create records, we communicated this verbally, then as the pressure increased after the independent report found no evidence of wrong doing we began to put into email that we could not hold an executive session for this matter. On March 6<sup>th</sup>, the Mayor and Lori acknowledged in an email that the City Manager had told them that an executive session was not available because there were no exemptions met their circumstances. On March 8<sup>th</sup>, an ominous voicemail by the Mayor's friend was sent to me and indicated that she and the Mayor were trying to keep me "out of the middle" of something presumably to do with the desire to hold an executive session. On an April 7<sup>th</sup> meeting with Council, the Mayor told the Council that she wanted an executive session to discuss "technology concerns" but the City Manager would not call the session. On Monday, May 3<sup>rd</sup>, the City Council held a special meeting to go over the City Manager's performance and he was nearly fired, presumably for not allowing the Mayor to call for an executive session. On Thursday May 13<sup>th</sup>, in a surprise item not announced, the City Council decided to revisit the City managers performance, and when it was clear that one member of the council had changed their mind, the City manager resigned, opening the way for the Mayor to have her illegal executive session.

- Pressure to alter an official report: The mayor directed me to release a redacted copy of the InterHack report for her friend. The Mayor and her friend then contacted me indicating that they were very angry, that the report cast them in a bad light, had ignored items specific to her friend's computer, and that the report needed to be changed.
- Withholding information form Council:
  - Mayor Heitmann on many occasions indicated to the City Council that she did not know why the City Manager had not called for an executive session to discuss her "Technology Concerns", when in fact she had been notified multiple times that it was illegal and a sunshine violation. She willfully misrepresented this to the Council on several occasions putting them all in jeopardy of going to jail for a sunshine violation.
  - Mayor Heitmann has refused multiple requests to produce the scope of services or legal opinion that was rendered by the outside legal firm. Part of the scope of services was sent in an email, revealing that the purpose of the consultation was to determine what grounds may be used to bring a lawsuit against the Roetzel law firm for interpretations of the City's zoning code and hacking of her friend's personal computer. The Mayor used City funds to pursue personal goals and vendettas.
- Misuse of Office and Funds: The Mayor entered into an agreement with the Boatmann Ricci law firm to draft a legal opinion based on the complaint of her friend and for personal gain to find a way to exact revenge against the Roedssel firm.
- Forwarding sensitive information: The Mayor created a cyber security and public records breach by forwarding a sensitive email that contained the names and departments of the City's social media administrators to member of the public. This was presumably done

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because one of the administrators was a person, she accused of hacking her, and she believed this email was proof of the hacking. The Mayor revealed the identity of administrators to the public, putting them and the City at greater risk of actually being attacked.

- Preventing Cyber Security Upgrades: Mayor Heitmann directed that all hardware upgrades be halted until her hacking complaint had been investigated as she believed that evidence of the hacking was present on the City's servers and demanded that they not be removed or altered. As a result, technology upgrades have only occurred on an emergency basis and my office has been unable to move forward with or plans to improve our security.
- Use of personal email address: on multiple occasions during public records requests I have seen evidence that they mayor has been using two different personal email addresses to forward information to, or from, and then not producing the corresponding record.
- Directing staff to investigate political rivals: On December 18<sup>th</sup>, the Mayor directed the City Manager to investigate what personal email addresses her former political rival Bill Barnett may have used while at the City. Included with this order was a demand to search for the emails of Roger Reinke and Bill Moss, the former City Manager. I was very concerned as this is a massive use of staff time to sort through each email to determine which one is private and likely belongs to one of the individuals, and that this should be something that the Mayor does through a public records request and supplies her own staffing.

It is important to note, that these claims stem from a complaint that the Mayor made that she believed that she had been hacked and needed to find justice for her and her friend. On March 31<sup>st</sup>, believing that the Mayors actions had passed unethical and had become criminal, I made a criminal complaint to the City of Naples Police Department. Citing a conflict of interest, the NPD referred the matter to the Collier County Sheriff's Office. Being aware, through my complaint, that the Mayor had accused Sheriff Rambosk of running a child prostitution ring at the Naples Municipal Airport, CCSO declined to investigate and referred the matter to the Florida Department of Law Enforcement. I met with FDLE to review the complaint and the evidence, and they felt that the actions taken by the Mayor were not criminal enough to warrant their attention as the most they could prosecute her for was a second degree misdemeanor. They instead told me that the best place to bring these concerns was to an ethics commission.

FDLE also indicated that they had completed their review of the Mayor's claims of hacking, and found no criminal conduct against the law firms of Cheffy Passidomo and Roetzel & Andress.

Sincerely,

Brian Dye  
Director