

## Questions from CL Tampa Bay and responses from Andrea Zelman

Grimes was not representing Dingfelder in his suit, so I'm wondering if the city has input on what they may have been discussing, so that way readers aren't left to wonder.

**Answer: While the City was not a party to the Michelini v. Dingfelder litigation, the case touched on several issues that the City was required to address- most particularly, responses to the multiple public records requests submitted by Mr. Loeb's office with regard to this matter. Ethan Loeb often contacted the City Attorney's Office to inquire about the status of such requests, and to clarify the scope of the requests when necessary. In addition, he contacted the City Attorney's office to arrange for depositions (such as the depositions of myself and Ms. Grimes) and subpoenas in the litigation. He also contacted the City Attorney's office with regard to Mr. Michelini's numerous requests that Councilman Dingfelder recuse himself from land use matters that were coming before the City Council, and with questions about Councilman Dingfelder's refusal to do so in numerous instances. Mr. Loeb also contacted the City Attorney's office after he conducted certain depositions or received public records to advise the City Attorney of items of significance he had discovered, such as potential violations of the Sunshine Law. Finally, Mr. Loeb called on March 11, 2022 to advise the City Attorney that Councilman Dingfelder had agreed to resign his position as part of the settlement in the matter, and more significantly, to notify Ms. Grimes that as part of the settlement Mr. Michelini was withdrawing the ethics complaint he had filed with the City of Tampa.**

Also in the communications is Grimes communicating through text with Steven Michelini about a property he was seemingly interested in, and seemed to be contested by council. Those are included in the attached screenshots. Is there additional input the city would like to add beyond what the texts seem to show?

**Answer: It is not uncommon for land use practitioners such as Mr. Michelini, City Council members and their staff, property owners, neighborhood leaders and other citizens to contact attorneys at the City with questions about pending matters, to request help with research in city files, or simply to ask for the identity of the appropriate staff person to contact. The text messages attached to your email relate to a 2006 City code enforcement matter involving property located at 4000 South Avenue and 4820 N. Grady Avenue. The complainant, Jorge Astorquiza, owns property located at 4821 and 4823 N. Hale Avenue. The city was contacted about the status of this long-standing code enforcement matter to determine the steps required by the city in order for the property owner to bring**

**the matter into compliance or, if not possible, whether the city would initiate a foreclosure action.**

**The city is contacted, on an almost daily basis, with these types of inquiries. That is part of our job. And, quite often, members of the public do not know who they should contact at the City and instead reach out to Gina Grimes directly or to other attorneys in our office.**

Missing from the Michelini comms are images, along with a PDF that Michelini sent to Grimes two days before she said the city wouldn't represent Dingfelder in the lawsuit. I've asked for those missing public records, but the city says they need Grimes cell again and she is out of office until next Wednesday.

**Answer: The software that the City of Tampa used to extract text messages from Ms. Grimes' phones extracts only those attachments that are stored locally on the phone and not in the iCloud (apparently because of proprietary Apple issues). It will require a physical review of Ms. Grimes' phones to obtain copies of the attachments. I will call you directly to discuss the steps we will take to obtain those images in response to your request. Please note: when the City extracted text messages from the phones of City Council members in order to respond to recent public records requests, the same result occurred- i.e. numerous attachments to their messages were not visible in the records provided to the requesters.**

In Dingfelder's lawsuit, he was held accountable for sunshine law issues, specifically for him using personal devices as a public official to discuss and potentially influence city business. The city agreed that this was the correct method of action. In the city's opinion, does this Grimes situation seem at all similar, or different for certain reasons? If so, can the city elaborate on why?

**Answer: This is an inaccurate description of the lawsuit filed against Councilman Dingfelder. The lawsuit initially arose from his failure to timely and fully respond to a public records request, and from his alleged attempt to intimidate Mr. Michelini about the submittal of the request. The fact that he was using personal devices and his wife's email address to conduct city business was relevant because he was alleged to have failed to provide, and to have in part deleted, public records housed on those devices. That is not the case here, where Ms. Grimes promptly provided public records from both her City of Tampa and personal cellphones. Further, Ms. Grimes did not conduct any City business on personal email accounts.**

It is my understanding from several councilmen that they were advised to use city cellphones for city business by Grimes. Can the city speak to why Grimes continued to use her personal cell to speak to Loeb up until earlier this month?

**Answer: The calls to which you are referring are incoming calls only. As attorneys in the Legal Department, including myself, have advised the council members to do, Ms. Grimes uses her city phone, rather than her personal phone, for city business calls and for text messages relating to such business. She has also encouraged others to use her city cell # for calls related to city business, but it is sometimes hard to break other people of the habit of calling on a personal number that may be stored on the caller's phone. Likewise, as noted above, our office continues to strongly encourage the City Council members to use only their City devices to conduct City business. Recent public records requests have brought to light the extent to which City Council members were using personal cell phones rather than City devices, which made it much more difficult for the City to promptly respond to the requests.**