

August 18, 2010

Mr. Mayor:

It is my understanding that you intend to conclude your investigation of Mr. Wells by this Thursday's August 19, 2010, council meeting.

I truly believe that Mr. Well's statements regarding his opinions of Council (his client) are unprofessional, inexcusable and may be a violation of the attorney's duty of diligence under the Fla. Bar regulations. Specifically, under the comment section of Florida Bar Rule 4-1.3 Diligence "[a] lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf." In making his comments in his email, Mr. Wells may very well have failed to abide by this rule.

Additionally, I believe there are other matters which you should investigate regarding Mr. Wells' comments. I am concerned that Mr. Wells may have a history with the City of Pensacola of initiating improper relationships with subordinates. While the two e-mail instances provided at the council meeting on Monday depict inappropriate sexual remarks by Mr. Wells to staff members of the City, his history for these types of comments and actions may go back many years.

Today a constituent provided me deposition testimony indicating that Mr. Wells may have used his position at the City to initiate an inappropriate sexual relationship with a subordinate. As a result of receiving this information, I recommend you request all Human Resource information relating to Mr. Wells and Ms. Jodi Treadway. Also, I have Ms. Treadway's current phone number if you want to interview her and I have the depositions available for your review. One of my concerns is that Mr. Wells' history with Ms. Treadway, and the recent comments inadvertently provided to me, could be deemed a continuing pattern of harassment on the part of Mr. Wells. Failure to act upon these comments puts the City at risk for potential lawsuits. A comprehensive review of all of Mr. Wells' e-mails from his City account should be immediately undertaken. Please review the City of Pensacola Internet Policy which states that "... all internet access and e-mail records are considered public records, not private communications, under Florida law." Please also review Official City of Pensacola Employee Manual, page 23. (Fraudulent, harassing, or obscene messages and/or other materials must not be transmitted or received over the Internet.)

As part of my public records request I was provided with various documents which I believe may be important as you develop your recommendations to council as to the next steps relating to Mr. Wells. I do not know if these are issues that we, as a council, should be concerned about as none of us are legal experts. Please consult with outside, independent legal counsel to determine if these emails raise any issues for which the Council should have concern or for which the City may have liability.

While I have not attached the emails indicated below, City MIS should be able to provide you copies based on my public records request. I believe that your review of these emails, your discussion with outside, independent legal counsel as well as your in depth independent review

of Mr. Wells' emails to staff and websites visited in the last six months will provide you a good indication of the level of concern Council should have with Mr. Wells' actions. Emails I request you specifically review, discuss with outside legal counsel and question Mr. Wells on include by category:

Concern: Racist, Ethnically Disparaging and/or Containing Nudity

- E-mail: Fw: Muslim Of the Year From a Former Councilman received on Monday July 12, 2010 at 9:27a.m.

Please determine whether the above e-mail is a violation of City Policy. Specifically, please review Official City of Pensacola Employee Manual, page 23. (Fraudulent, harassing, or obscene messages and/or other materials must not be transmitted or received over the Internet.)

Concern: Potential Preference in Providing Legal Research to Those outside the City or City Council.

- E-mail: Re: city policies email From Don Caton received on 6/6/2010 at 5:33PM requesting Mr. Wells perform legal research on behalf of him and his brother in connection with citizen objections to Caton brother's contract with the City at Roger Scott.

Concern: Indications of possible dealing in Bad Faith with City Lessee

- E-mail: RE: PNS Hotel Group v. City of Pensacola to Clark Partington on 8/15/2010 containing potentially incriminating statements against a party in the case.

Concern: Approving Excessive Fees above City Consultant Recommendations

- Fees on NMTCs transaction From Wells to Ed Gray disputing the payment of fees that our advisor Mr. Gray found excessive that Mr. Wells found reasonable. E-mail dated April 23, 2010, received at 3:49 p.m.

Concern: Disclosure of City Legal Agreements in Process to those Outside of the City without Council Permission

- E-mail: Blind copies of BP related agreements to County Attorney Perdue throughout the process of negotiating the City agreement with one email from Perdue stating on 6/10/2010 "I won't say anything." These were numerous e-mails with varying dates.


Note that the emails I received were only the emails which reflected terms related to the oil spill. As a council member, I am concerned that a thorough investigation of Mr. Wells' e-mail activities may reveal additional inappropriate actions. Based upon what I have reviewed, I do not think we can ignore this possibility.

Please plan to provide Council with the following details regarding your investigation including but not limited to:

- The scope of investigation
- Whether you limited your information to what Mr. Wells deemed city business or was this a full sweep of his e-mail.
- Were any employees interviewed regarding their knowledge of the situation?
- Were any outside legal advisors consulted? Who? Findings?
- Resolution of discussions on all of the above referenced emails with outside legal counsel?
- How many emails were reviewed?
- What words were searched?
- How far into the past have internet sites Mr. Wells visited been reviewed?

In closing, I look forward to your full investigative report on this matter as well as a written legal opinion with regard to the possible Florida Bar violations and any other potential legal exposure.

Kind regards,

A handwritten signature in cursive script that reads "Maren DeWeese".

Maren DeWeese