



**Terrance Freeman**  
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At-Large, Group 1  
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## **OFFICE OF THE CITY COUNCIL**

February 2, 2023

2:15 P.M.

### **MEMORANDUM**

**TO:** Honorable City Council Members

**FROM:** The Honorable Council President Terrance Freeman

**SUBJECT:** **Council Members Named for Special Investigatory Committee on JEA Matters**

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In response to multiple Council members' requests, the Council will reopen the Special Investigatory Committee on JEA Matters. The potential sale of the JEA through the invitation to Negotiate (ITN) process and the alleged attempt to profit off that sale by a certain JEA executive has embroiled our community in scandal for the last five years. In an effort to ascertain the truth about the ITN process and to restore the publics' confidence in our city government, then Council-President Scott Wilson announced the Special Investigatory Committee on JEA Matters (SIC). On February 4, 2019, then-President Wilson created the SIC and charged the members with restoring the public trust in JEA.

The SIC began work immediately and interviewed dozens of witnesses under oath and reviewed millions of documents. Notably, for the first time in the history of consolidated Jacksonville, the SIC issued a series of subpoenas that were affirmed by the Council Rules Committee. Those subpoenas were issued to private individuals and to all the ITN bidders. One of those bidders, JEA Public Power Partners responded to the SIC subpoena and stated that it considered hiring the husband of Jacksonville City Council Member Leanna Cumber but did not due to an actual or perceived conflict of interest. Correspondingly, the SIC requested all sitting Council Members declare the contacts they had with JEA officials and any actual or perceived conflicts they might have related to the aborted sale of JEA. City Council Members made their disclosures in September 2020.

The SIC completed its work in December 2020 and issued a 138-page report providing the Council's fullest and best understanding as to what occurred during the ITN. The SIC and related committees proposed legislative fixes such that nothing akin to the scandal surrounding the ITN could ever happen in our community again. Following the release of the SIC's official report, two

JEA executives were indicted by a federal grand jury on fraud and conspiracy charges related to the failed sale of JEA.

On March 2, 2021, Council Member Leanna Cumber made her disclosures regarding the ITN stating: "I have no conflicts regarding JEA and ITN."

Documents have come to light, including emails and text messages, that contradict responses given by JEA Public Power Partners and the disclosure provided by Council Member Cumber.

In order to ensure to the people of Jacksonville that their City government was not deceived by any bidders or elected officials during the investigation into the attempted sale of JEA, I hereby renew and recharge the Special Investigatory Committee on JEA Matters. The Committee is charged solely with the following:

1. Investigate whether the Committee was deceived or misled by Council Member Cumber of JEA Public Power Partners responding to subpoenas or making disclosures.
2. Ascertain whether Council Member Cumber attempted to use her official position to influence the ITN process for personal gain; and
3. Propose legislation to ensure that such deceptions, if any, do not impede the work of any future investigatory committee.

Members:

Council Member Rory Diamond, Chair  
Council Member Nick Howland, Vice Chair  
Council Member Sam Newby  
Council Member Michael Boylan

Deadline:

**The Special Investigatory Committee (SIC) will hold its first meeting on:  
Wednesday, February 8, 2023, at 8:30 a.m., City Council Chambers.**

Thank you to each of the Council Members and the staff who made the commitment to serve on this important committee.

cc: Council Members/Staff  
Margaret M. Sidman, Director/Council Secretary  
Merriane G. Lahmeur, Chief, Legislative Services Division  
Kim Taylor, Council Auditor  
Jeff Clements, Chief, Research Division  
[CITYC@COJ.NET](mailto:CITYC@COJ.NET)  
Media Box  
File Copy

**From:** [Staffopoulos, Mary](#)  
**To:** [Lahmeur, Merriane](#)  
**Cc:** [Davis, Sharonda](#)  
**Subject:** Fw: EXT Special Investigatory Committee (SIC) Question for Mr. Busey  
**Date:** Tuesday, March 7, 2023 10:07:14 AM  
**Attachments:** [image001.png](#)

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For the JEA SIC records file.

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**From:** Phillips, Jon <JPhillips@coj.net>  
**Sent:** Tuesday, March 7, 2023 9:19 AM  
**To:** Garrett, Christopher <GarrettC@coj.net>  
**Cc:** Staffopoulos, Mary <MStaff@coj.net>; Teal, Jason <JTeal@coj.net>  
**Subject:** FW: EXT Special Investigatory Committee (SIC) Question for Mr. Busey

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**From:** Howland, Nick <NHowland@coj.net>  
**Sent:** Monday, March 6, 2023 3:44 PM  
**To:** Phillips, Jon <JPhillips@coj.net>  
**Subject:** FW: EXT Special Investigatory Committee (SIC) Question for Mr. Busey

FYI - Busey response.

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**From:** Stephen D. Busey <[busey@smithhulsey.com](mailto:busey@smithhulsey.com)>  
**Sent:** Friday, March 3, 2023 3:28 PM  
**To:** Howland, Nick <[NHowland@coj.net](mailto:NHowland@coj.net)>  
**Subject:** RE: EXT Special Investigatory Committee (SIC) Question for Mr. Busey

**EXTERNAL EMAIL:** This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Howland,

In response to your inquiry below, prior to making its final report, neither I, Smith Hulsey & Busey or, to my knowledge, the Council's Special Investigatory Committee, was aware of any participation by Mr. Cumber in the JEA ITN bidding process.

Steve

Stephen D. Busey  
Chairman

One Independent Drive | Suite 3300 | Jacksonville, Florida 32202  
904-359-7700 | Direct 904-359-7777  
[busey@smithhulsey.com](mailto:busey@smithhulsey.com) | [www.smithhulsey.com](http://www.smithhulsey.com)

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**From:** Howland, Nick <[NHowland@coj.net](mailto:NHowland@coj.net)>  
**Sent:** Thursday, March 2, 2023 10:39 AM  
**To:** Stephen D. Busey <[busey@smithhulsey.com](mailto:busey@smithhulsey.com)>  
**Subject:** EXT Special Investigatory Committee (SIC) Question for Mr. Busey

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Busey,

I hope you are well. We have not had the pleasure of meeting, but I am Vice Chairman of a Special Investigatory Committee (SIC) established on February 2, 2023, by Council President Freeman to review certain matters related to the sale of JEA and a Council Member's involvement. The charge of the SIC is 3-fold: (1) Investigate whether the Committee was deceived or misled by Council Member Cumber or JEA Public Power Partners responding to subpoenas or making disclosures; (2) Ascertain whether Council Member Cumber attempted to use her official position to influence the ITN process for personal gain; and (3) Propose legislation to ensure that such deceptions, if any, do not impede the work of any future investigatory committee.

On February 20 we received several email and text documents from law firm Jimerson Birr revealing Council Member Cumber's husband's significant involvement with JEA PPP. The SIC met on February 23 to review these documents. One member of the committee asked the Deputy Counsel Jon Phillips if you (Mr. Busey) had been aware of the extent of Husein Cumber's involvement with JEA Public Power Partners at the time. Mr. Phillips indicated he would go back and search OGC's records, but also suggested the SIC reach out to you directly.

That is the reason for this email. During your investigation, did you or the original SIC become aware of Mr. Cumber's involvement with the JEA PPP bid team? If so, to what extent?

We would appreciate a response by March 7. Our next SIC meeting is March 9.

Thank you in advance. Please call me with any questions at 904.525.1761.

Best regards,

Nick Howland  
At-Large, Group 3  
Jacksonville City Council



**From:** [Staffopoulos, Mary](#)  
**To:** [Lahmeur, Merriane](#)  
**Cc:** [Davis, Sharonda](#)  
**Subject:** Fw: SIC question  
**Date:** Tuesday, March 7, 2023 10:07:36 AM

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For the JEA SIC records file.

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**From:** Phillips, Jon <JPhillips@coj.net>  
**Sent:** Tuesday, March 7, 2023 9:19 AM  
**To:** Teal, Jason <JTeal@coj.net>; Staffopoulos, Mary <MStaff@coj.net>  
**Subject:** FW: SIC question

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**From:** Phillips, Jon  
**Sent:** Tuesday, March 7, 2023 9:19 AM  
**To:** Garrett, Christopher <GarrettC@coj.net>  
**Subject:** FW: SIC question

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**From:** Howland, Nick <NHowland@coj.net>  
**Sent:** Monday, March 6, 2023 3:44 PM  
**To:** Phillips, Jon <JPhillips@coj.net>  
**Subject:** FW: SIC question

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FYI - Weinstein response.

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**From:** Weinstein, Michael <MWeinstein@coj.net>  
**Sent:** Wednesday, March 1, 2023 2:09 PM  
**To:** Howland, Nick <NHowland@coj.net>  
**Subject:** RE: SIC question

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I have no way to compare them to any that I received years ago but I have no reason to believe that they are not authentic redacted versions.

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**From:** Howland, Nick <NHowland@coj.net>  
**Sent:** Wednesday, March 1, 2023 12:46 PM  
**To:** Weinstein, Michael <MWeinstein@coj.net>  
**Subject:** SIC question

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Hi Mike,

I hope you are well. You are probably aware of this already, but I am Vice Chairman of a Special

Investigatory Committee (SIC) established on February 2, 2023, by Council President Freeman to review certain matters related to the sale of JEA and a Council Member's involvement. The charge of the SIC is 3-fold: (1) Investigate whether the Committee was deceived or misled by Council Member Cumber of JEA Public Power Partners responding to subpoenas or making disclosures; (2) Ascertain whether Council Member Cumber attempted to use her official position to influence the ITN process for personal gain; and (3) Propose legislation to ensure that such deceptions, if any, do not impede the work of any future investigatory committee.

Regarding the first charge, on February 20 we received several email and text documents from law firm Jimerson Birr revealing Council Member Cumber's husband's significant involvement with JEA PPP. Your name happens to be on a number of those emails. There was some concern among the SIC and in the press about the authenticity of these emails. We determined that one way to address that concern would be for you to confirm that you indeed received some of the emails disclosed.

All of the emails can be viewed in the attached document. Your name appears on several of them, including the ten listed below. Of course, the email time stamps may differ slightly on your system depending on zone and clock settings.

1. Email from Patrick Hallahan on August 21, 2019 at 12:22 PM, subject 330.
2. Email from Dillon Mathies on August 22, 2019 at 11:59 AM, subject RE: Project Panther Working Dinner.
3. Email from Dillon Mathies on August 16, 2019 at 11:23 AM, subject Project Panther – Op-Ed #1.
4. Email from Dillon Mathies on August 22, 2019 at 7:43 PM, subject Project Panther Morning Working Session.
5. Email from @hacumber.com on August 31, 2019 at 12:09 AM, subject RE: Project Panther Daily Sync.
6. Email from Alyson Gaharan on September 6, 2019 at 9:56 AM, subject Agenda – Project Panther Ground Team Meeting.
7. Email sent by you on September 11, 2019 at 1:29 PM, subject Re: Project Panther Full Team Meeting – Agenda.
8. Email from Alyson Gaharan on September 27, 2019 at 6:07 PM, subject Project Panther Update and Next Steps.
9. Email from Lucie Kantrow on October 10, 2019 at 10:36 AM, subject Important Reminder about Ex Parte Communications.
10. Email from @hacumber.com on October 14, 2019 at 4:34 PM, subject Great Job Ground Team.

**Would you please confirm to me by March 7 whether you independently received each of the ten emails listed above?**

Sorry for any inconvenience here. Please call me with any questions at 904.525.1761.

Thank you and best regards,

Nick Howland  
At-Large, Group 3  
Jacksonville City Council



**From:** [Staffopoulos, Mary](#)  
**To:** [Lahmeur, Merriane](#)  
**Cc:** [Davis, Sharonda](#)  
**Subject:** Fw: Special Investigatory Committee (SIC) Question for FBI  
**Date:** Tuesday, March 7, 2023 10:08:24 AM

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For the JEA SIC records file.

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**From:** Phillips, Jon <JPhillips@coj.net>  
**Sent:** Tuesday, March 7, 2023 9:20 AM  
**To:** Teal, Jason <JTeal@coj.net>; Garrett, Christopher <GarrettC@coj.net>; Staffopoulos, Mary <MStaff@coj.net>  
**Subject:** FW: Special Investigatory Committee (SIC) Question for FBI

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**From:** Howland, Nick <NHowland@coj.net>  
**Sent:** Monday, March 6, 2023 3:43 PM  
**To:** Phillips, Jon <JPhillips@coj.net>  
**Subject:** FW: Special Investigatory Committee (SIC) Question for FBI

FYI - FBI response.

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**From:** [Jacksonville@FBI.GOV](mailto:Jacksonville@FBI.GOV) <[Jacksonville@FBI.GOV](mailto:Jacksonville@FBI.GOV)>  
**Sent:** Monday, March 6, 2023 3:41 PM  
**To:** Howland, Nick <[NHowland@coj.net](mailto:NHowland@coj.net)>  
**Subject:** RE: Special Investigatory Committee (SIC) Question for FBI

**EXTERNAL EMAIL:** This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

*Please note, the FBI does not confirm nor deny the existence or status of any investigation, so we are unable to provide any updates moving forward. As always, anyone who wishes to provide information to the FBI regarding a potential violation of federal law, should contact (904) 248-7000 or email [Jacksonville@fbi.gov](mailto:Jacksonville@fbi.gov).*

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**From:** Howland, Nick <[NHowland@coj.net](mailto:NHowland@coj.net)>  
**Sent:** Wednesday, March 1, 2023 12:44 PM  
**To:** Jacksonville <[Jacksonville@FBI.GOV](mailto:Jacksonville@FBI.GOV)>  
**Subject:** [EXTERNAL EMAIL] - Special Investigatory Committee (SIC) Question for FBI



**NICK HOWLAND**  
COUNCIL MEMBER AT-LARGE, GROUP 3  
At-Large, Group 3  
E-Mail: [nhowland@coj.net](mailto:nhowland@coj.net)

117 West Duval Street  
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Jacksonville, Florida 32202  
Office (904) 255-5217

## OFFICE OF THE CITY COUNCIL

March 1, 2023

Dear Agent Blythe:

I am Vice Chairman of a Special Investigatory Committee (SIC) established on February 2, 2023, by Jacksonville City Council President Terrance Freeman to review certain matters related to the 2019 attempted sale of JEA and Council Member Leanna Cumber's involvement. The charge of the SIC is 3-fold: (1) Investigate whether the Committee was deceived or misled by Council Member Cumber or JEA Public Power Partners responding to subpoenas or making disclosures; (2) Ascertain whether Council Member Cumber attempted to use her official position to influence the ITN process for personal gain; and (3) Propose legislation to ensure that such deceptions, if any, do not impede the work of any future investigatory committee.

Regarding the first charge, on February 20, 2023, law firm Jimerson Birr forwarded the SIC several texts and emails dated August to October 2019 involving parties involved with JEA Public Power Partners. Council Member Cumber's husband is one of those parties and appears in over three dozen JEA PPP group emails and texts during this period. In a March 2021 disclosure response to a September 2020 inquiry of all Council Members regarding Council Member (or immediate family) interaction with persons or entities connected to JEA related to its privatization or transfer of management control, however, Council Member Cumber omitted any information of her husband's involvement. Her disclosure response is attached to this email as Attachment A.

This omission is a central element of the SIC's investigation. Addressing it, Council Member Cumber recently told local media that her husband is an FBI informant in the ongoing JEA investigation and that the FBI requested that her husband's substantial assistance with the JEA criminal investigation not be disclosed in her March 2021 disclosure response. Her legal counsel confirmed this in a February 7, 2023, in a letter to the SIC, attached here as Attachment B.

With respect, please respond by March 7, 2023, confirming whether the FBI did indeed request that Ms. Cumber conceal her husband's involvement with JEA Public Power Partners in her March 2021 disclosure. This could help resolve the investigation quickly.

Should you have any questions, please do not hesitate to call me at 904.525.1761.

Thank you and best regards,

Nick Howland  
At-Large, Group 3  
Jacksonville City Council

**Office of General Counsel**  
**117 W. Duval Street, Suite 480**  
**Jacksonville, FL 32202**  
**(904) 255-5100**

**MEMORANDUM**

**To:** Members of the JEA Special Investigatory Committee  
**From:** Office of General Counsel *CG*  
**Re:** OGC Report to the Committee [Updated to include additional responses received to the Committee's inquiries]  
**Date:** 7 March 2023

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This office was asked to prepare a report describing, in writing, the materials submitted for the JEA Special Investigatory Committee's (the "Committee" or "SIC") consideration because of the re-opening of the Committee's investigation. The initial meeting of the Committee took place on 8 February 2023. At that meeting the Committee requested that new and additional information relevant to the Committee's charge be gathered and submitted to the Committee directly or via an email address established for this purpose. The Committee tasked the Office of General Counsel ("OGC") with conducting an initial review of the information submitted to confirm its relevance to the Committee's charge and to not burden the Committee with wholly irrelevant information. As a result of the Committee's call for new information, several items were submitted as follows:

- 1) The City submitted 171 pages of documents—mostly emails—not counting the attachments to the emails the attachments, many of which were multiple duplicates, amounted to over 4000 pages. This trove of documents has been maintained intact for review by whomever wishes to do so. None of the submitted material was

relevant to the Committee's charge and virtually all of it was old information that had already been made available to the previous iteration of the Committee. For example, much of the material was comprised of emails from attorney Steve Busey and Chief General Counsel Chris Garrett to Council Secretary Cheryl Brown for publication on the SIC website, along with reply emails from Cheryl Brown acknowledging receipt of the material with an indication it would be posted on the website. The 171 pages was examined in hard copy form by hand. The attachments were searched electronically using the key word "cumber." There were 140 hits, including many instances of the word "encumbered." Nothing new was discovered.

- 2) A search of the original SIC final report dated December 2020 did not reveal information that was newly relevant to the current Committee's inquiry.
- 3) A letter from JEA describing their search efforts and stating that no new information was found.
- 4) An email from the attorney for the parent company of JEA Public Power Partners ("JEA-PPP") reporting that the company would not be providing further information than that which was contained in its previous disclosure. The email also noted that the company had previously disclosed in June 2020 that a JEA-PPP consortium member had performed due diligence about potentially retaining Husein Cumber but did not retain him due to an actual or perceived conflict of interest.
- 5) Several submittals from CM Cumber's lawyer indicating no new or additional information or disclosures would be provided.
- 6) A packet of material submitted by attorney Charles Jimerson on behalf of his client, Erin Isaac/Isaac Communications, Inc. This packet was submitted to the Committee in its entirety without redaction or alteration.

- 7) An email response from Michael Weinstein dated 1 March 2023 to Vice Chairman Howland's request for authentication of certain emails submitted by attorney Charles Jimerson, in which Mr. Weinstein stated that he has no way to compare them to emails received years ago, but has no reason to believe that they are not authentic redacted versions.
- 8) An email response from attorney Stephen Busey dated 3 March 2023 to Vice Chairman Howland's question as to whether Mr. Busey or the original SIC was aware of Husein Cumber's involvement with JEA Public Power Partners, in which Mr. Busey stated that neither he, Smith Hulsey & Busey, or, to his knowledge, the SIC, were aware of any participation by Mr. Cumber in the JEA ITN bidding process.
- 9) An email response from the FBI dated 6 March 23 to Vice Chairman Howland's request for confirmation that CM Cumber was asked to conceal her husband's involvement with JEA Public Power Partners in her March 2021 disclosure, in which the FBI declined to confirm or deny the existence or status of any investigation.

At this point in the investigation the Committee has several options with respect to official Committee action, each of which would require the concurrence and approval of a majority of the Committee's membership (3 members). These three options are not presented in any particular order and do not reflect any preference on the part of OGC.

- A) The first option would be to close the investigation and take no further action.
- B) The second option would be to continue the Committee's investigation. This could include issuing subpoenas in accordance with previous practice and precedent. This would require the appointment and retention of outside counsel to assist the Committee with its investigation.

C) The third option would be to refer the matter to an independent agency such as the City Ethics Commission, the State Ethics Commission, the Office of the Inspector General, or the State Attorney's Office. Should this option be chosen, the Committee's final report (and any proposals for development of new legislation) could be deferred pending the outcome of any investigation by the appropriate agency(ies).