

FBI examining city dealings with ADE

BY JEFF BURLEW • SENIOR GOVERNMENT EDITOR • PUBLISHED: MAY 20, 2011 2:00AM

The FBI is investigating the city of Tallahassee's dealings with an Atlanta nonprofit at the center of a proposed federal grant project to enhance broadband Internet service on the south side of town.

City Attorney Jim English confirmed Thursday that the FBI asked for copies of all emails between city staff members and the Alliance for Digital Equality, an organization that paid Mayor John Marks \$86,000 as a board member from 2007 through October 2010. Last month, an FBI special agent visited City Hall to pick up a copy of its purchasing policy.

The FBI visit prompted speculation that the agency was examining the city's relationship with ADE. But this was the first official confirmation that the FBI is in fact looking at documents related to the city and ADE. The FBI doesn't confirm or deny investigations.

English said the FBI asked several weeks ago for emails dating from about the first of 2010. He said he believes the FBI is conducting a routine investigation after receiving a citizen's complaint.

"I don't attach any significance to it," English said.

On Sept. 15, 2010, Marks and three other city commissioners voted to accept a grant worth \$1.6 million from the National Telecommunications and Information Administration for a project to bring technology, tutoring, job training and other programs to under-served residents. The NTIA is overseeing the Broadband Technology Opportunities Program, which is using \$4.7 billion in federal stimulus money to improve Internet access across the country.

At the time of the vote, Marks was serving as a paid member of the ADE board of advisers. ADE said it stopped paying Marks and other board members in October 2010 as a cost-saving measure. Marks conceded he "made a mistake" in voting on the grant during a news conference March 30. Last month, he stepped down from the ADE board.

ADE paid Marks \$19,000 in 2007; \$24,000 in 2008; and \$23,000 in 2009, according to ADE's tax filings. Cynthia Miller, a spokeswoman for ADE, has said Marks was paid \$20,000 in 2010.

Tallahassee attorney Barry Richard, who is defending Marks in an ethics complaint over the ADE vote, said he doesn't expect any FBI inquiry to end with criminal charges.

"I assume somebody filed a complaint with the Justice Department, and they're following up on it," Richard said. "I'm confident they're not going to find any basis for taking action."

Richard added that Marks did nothing illegal or unethical when he voted for the grant. He said the vote had to do with accepting the grant only, not entering into a deal with ADE.

"He certainly did not violate any state or federal laws," Richard said. "He did exactly what the law requires him to do."

The NTIA has referred the matter to the U.S. Department of Commerce's Office of Inspector General, which conducts inspections and investigations to uncover waste, fraud and abuse.

Calls to ADE seeking comment were referred to Miller, who did not return the calls.
