

# Jackson files complaints against Marks

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Jackson: Says Marks voted illegally on a federal grant and a Honeywell contract. / PHIL SEARS/Democrat

Tallahassee Mayor John Marks is facing a complaint before the Florida Bar alleging he violated state voting-conflict laws and improperly tried to drum up [business](#) for one of his clients, AT&T.

The complaint filed by Erwin Jackson, who ran unsuccessfully for the City Commission last year, says Marks illegally voted on a federal grant involving Atlanta nonprofit Alliance for Digital Equality, which was paying Marks as an adviser, and a contract with [Honeywell International](#), which was a client of Marks' former law firm, Adorno & Yoss. Jackson filed similar complaints with the Florida Commission on Ethics.

Marks denied wrongdoing in an Aug. 9 response letter. He wrote that for each vote he casts, he weighs whether there is a conflict of interest as defined by law.

"As a result, I violated no law or ethical requirement of the city or state and no rule of the Florida Bar," Marks wrote in his response.

Bar complaints receive an initial review by staff attorneys to determine whether the allegations, if true, represent a violation of rules. If the complaint moves forward, a grievance committee investigates and determines whether probable cause exists.

If probable cause is found, the Bar drafts a complaint, and a referee is appointed to receive evidence and make a guilty or not-guilty determination. The [Florida Supreme Court](#) makes the final decision and can impose sanctions ranging from admonishment to suspension and disbarment.

Under Florida ethics law, public officials can't use their official position to secure a special gain for themselves or others, and they can't work for any entity doing business with the board on which they serve. They also can't have any interest or take part in any business transaction that conflicts with their public duties. Officials must state their conflict before a vote and file a memo disclosing the nature of the conflict.

Marks voted Sept. 15, 2010, for a \$1.2-million federal grant involving ADE at the same time he was serving as a paid member of the organization's board of advisers. He also voted March 28, 2007, to allow the city's smart-meter project with Honeywell to move forward at the same time he was a member of the Adorno & Yoss law firm, which represented Honeywell but is now defunct.

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In his response letter to the Bar, Marks said his vote on the federal grant was limited to accepting the grant only and wasn't related to ADE's participation in the project. He said at the time of the Honeywell vote, he didn't know whether Honeywell was a client of Adorno & Yoss. He also said he was told by the law firm and City Attorney Jim English he didn't have a conflict. Marks said he was a contract employee for Adorno & Yoss from June 11, 2004, to March 1, 2009, earning a flat monthly rate of \$12,500.

Jackson's Bar complaint also says Marks used his office staff to encourage the Tallahassee Housing Authority to contract with [AT&T](#) for broadband services. The complaint includes emails from 2009 from the mayor's staff to the Housing Authority.

Marks acknowledged he worked for AT&T in a memo he filed after abstaining from voting April 9, 2008, on a contract with the telecom for a cellular-based data system for police and fire personnel.

The mayor didn't address the AT&T allegation in his letter to the Bar.

Jackson, in a subsequent letter to the Bar, said he was disappointed Marks didn't weigh in on the AT&T matter.

"I can only conclude that Mr. Marks believes that using city staff to solicit city contracts for his personal clients is acceptable behavior and does not warrant a response," Jackson wrote.

Marks issued a statement critical of Jackson.

"He's more interested in creating controversy than letting the process run its course and having the Ethics Commission and the Bar carry out their responsibilities," Marks said.