



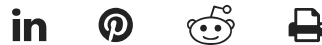
HURRICANE

# A \$6,751 bill for FEMA records? That seems exorbitant, says ethics commission

BY SARAH BLASKEY



JANUARY 08, 2019 03:11 PM



ORDER REPRINT →



Cities across South Florida had to deal with huge volumes of fallen trees, branches and other debris after Hurricane Irma's heavy winds pounded the region on Sept. 10, 2017. |

When blogger and gadfly Stephanie Kienzle got an anonymous tip that something sketchy may have happened in the tiny village of El Portal after Hurricane Irma, she requested records from the village to find out if the rumor was true.

The documents would cost \$6,751, according to an email back from the village clerk. It's a price the Miami Dade Commission on Ethics and Public Trust called "exorbitant" and possibly even a violation of a citizen's right to access government records.

"My first thought was what are they hiding?" said Kienzle, who was astounded by the price tag. "I think it's something big. And I wish I knew what it was."

The records Kienzle requested were related to debris removal in El Portal after Hurricane Irma. The village had submitted the documents to the Federal Emergency Management Agency to be reimbursed for what it had spent. They included records of each specific tree and branch that was removed, and of each truckload of debris hauled out.

The documents were signed by representatives of Disaster Program & Operations, the company hired by the village and paid \$372,312.54 to oversee debris removal done by several contractors. The company is in possession of the records Kienzle requested.

While paying labor and reproduction costs is normal for obtaining public records, Disaster Program & Operations also included in its estimate expenses like airfare and hotels for two of its consultants to be flown to Miami to reproduce the records Kienzle wanted. Just the per-hour cost of labor was enough to prompt the Miami-Dade County Commission on Ethics and Public Trust to weigh in on the issue in an email to the village.

Even without knowing details, "\$197 per hour as a fee for producing public records is exorbitant and would appear to be contrary to the [Miami-Dade Citizens'] Bill of Rights provision," ethics commission executive director Jose Arrojo wrote to the village in an email dated Jan. 2. "We recommend that hourly costs in compiling records for public access should be charged at the salary for the lowest paid employee working on the project."

The village manager, village attorney, village clerk, and Kienzle were all copied on the correspondence. The only person to respond directly to Arrojo's note by the time of publication was the village clerk, Yenise Jacobi, who stated she was not the custodian of the records.

“Just for a city to be so sketchy with public records, first of all it’s illegal. Second of all, why are they doing this?” said Kienzle. “I’m going to follow up because when something doesn’t smell right I’m going to keep blogging about it.”

The push for the debris removal records from El Portal started back in July 2018, around the time the council took out a [\\$1.25 million loan](#) — about a third of the annual budget — to cover outstanding bills for debris removal until FEMA paid up. During public meetings, Werner Dreher, a councilman at the time, voiced concerns that if something had not been properly overseen or documented, FEMA would not reimburse the village and El Portal would be on the hook for over \$1 million. (Dreher resigned from the position effective Tuesday.)

Dreher wanted to personally review the records prior to approving the loan, he told representatives of Disaster Program & Operations. The documents were never produced. He was the only person on the five-member council to vote against taking out the loan.



The El Portal village commission considers taking out a \$1.25 million line of credit at a special meeting Tuesday, July 31, 2018.

Sarah Blaskey

Dreher also filed a formal records request for the information. The Miami Herald made a similar request as did at least one other village resident.

The price was always the same: \$6,751. It was the same cost breakdown as would later be quoted to Kienzle: \$5,304 for labor, hotels and travel for the two DPO employees, and \$1,447 for the physical printouts of the documents submitted to FEMA, although it appears Dreher would not have been required to pay for the copies.

The Herald appealed the cost, specifying that the request was for electronic documents, which would theoretically eliminate many hours of work and save thousands of dollars in labor and copy material costs included in the original estimate.

On Sept. 20 2018, Gabrielle Benigni, president of Disaster Program & Operations, met with a reporter to go over some of the documents uploaded to the online FEMA portal and explain the complicated debris removal and reimbursement process. The reporter was allowed to review some documents under company supervision, but was not given any documents to review at a later time.

Benigni turned down a reporter's request for copies of the electronic records. "We're not going to give you that. I cannot," Benigni said, stating the electronic copies were not public records, only the hard copies were.

Benigni was unable to cite a statute to support her denial of providing electronic records; the citation is required by Florida law.

"It's my understanding that the records have to be provided in the format in which they exist," said Rhonda Sibia, spokeswoman for the ethics commission.

During the September meeting with the reporter, Benigni acknowledged the debris removal records exist in both digital and hard-copy formats. They exist in three places: in files containing the original hard copy tickets, in electronic copy uploaded to the online portal used to submit the documents to FEMA, and in electronic format on a separate local hard drive where DPO had stored the scans of each original document prior to uploading them to the portal.

However, the village still has not fulfilled the Herald's records request — which was resubmitted Dec. 17 — or Kienzle's request, nor cited any exemption nor quoted a new price



based on the request for electronic documents.

Village Attorney Norman Powell said he is following up with the ethics commission regarding next steps.

#### SUGGESTED FOR YOU



Kellyanne Conway on Sarah Sanders' False Border Claim



Aaron Hernandez's Prison Records Reveal a Nightmare Inmate



How Meg Ryan Destroyed Her Career



Replay Reveals Who Really Should Be Blamed for Bears Loss