MARTIN COUNTY NEWS

You deserve to know what's happening, who's doing it and how you're impacted.

The Ethics of Sunshine

Whether through the consent agenda or by an actual vote, both the City of Stuart Commission and the Martin County Board of County Commissioners have been approving many questionable items as of late. What is supposed to help the community feel comfortable with the ultimate intent of these votes and their impacts is the adherence to the Sunshine Laws by both staff and elected officials.

The most basic definition of a Sunshine Law is a law requiring a government agency to open its official meetings and records to the general public. According to the **Office of the Attorney**

General, Florida's Government-in-the-Sunshine law provides a right of access to governmental proceedings at both the state and local levels. It applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. The Sunshine law requires that:

1. Meetings of boards or commissions must be open to the public.
2. Reasonable notice of such meetings must be given.
3. Minutes of the meeting must be taken.

Every year, the Office of the Attorney General publishes the **Government-in-the-Sunshine Manual: A Reference For Compliance with Florida's Public Records and Open Meeting Laws**.

Specific to the rules and regulations regarding the commissioners' discussions, it is very clear what is and isn't allowed in conversations between and amongst themselves. However, what is not expressly clear is what is permitted to be discussed between a commissioner and an applicant.

According to one attorney with whom we spoke, commissioners are allowed to discuss with developers (applicants) comprehensive plan amendments **but not rezonings.**

The City of Stuart's current ordinance process combines Future Land Use Map (FLUM)

changes, zoning changes, and variance requests in to one ordinance. In the most recent City Commission meeting on 4/11/2022, it was agreed that they would run their process in the same fashion as the Martin County Board of County Commissioners, which is the FLUM voted on as one ordinance and the Zoning considered under another ordinance. These ordinances run concurrently.

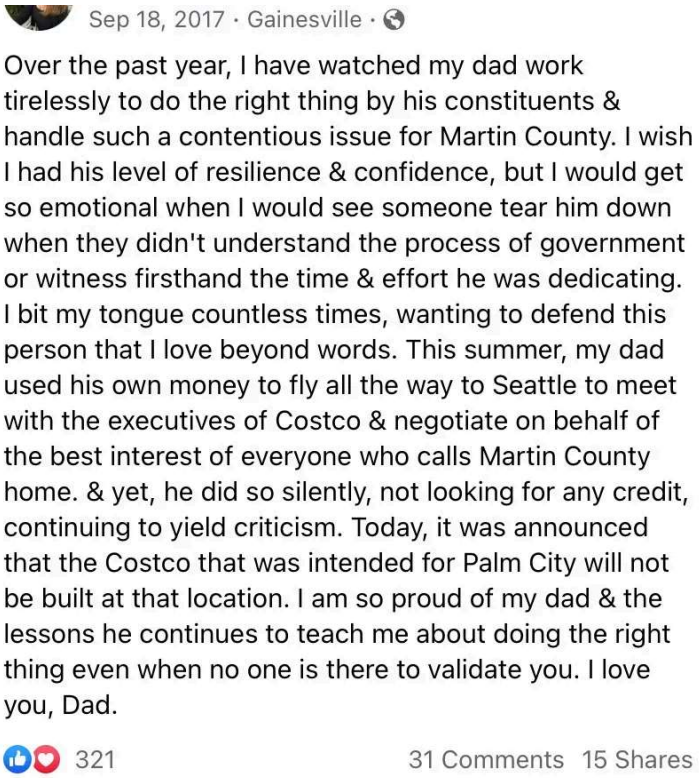
In either scenario, it would seem nearly impossible that a commissioner could have a discussion with a developer (applicant) without discussing the project in total, which would include possible rezoning and other development specifics.

So is it legal for a commissioner to have detailed conversations with a developer? Is it considered unethical? Or is it just the way of doing business?

It was brought to our attention that in 2017, Commissioner Ed Ciampi did what appears to be a lot of work to ensure Costco ended up in Palm City, despite claiming multiple times during our phone call that he had no opinion that Costco should or should not come to Martin County. (He was also was sure to mention during that same call that he attended or watched via Zoom all City of Stuart meetings related to Costco.)

We were made aware of a post on September 18, 2017, by his daughter on Facebook that was shared the same day the Costco application was officially pulled by the developer for the site in Palm City.

The concern raised was not that she posted how proud she was of her dad's efforts. The concern raised was that she claimed he "used his own money to fly all the way to Seattle to meet with the executives of Costco & negotiate on behalf of the best interest of everyone who calls Martin County home."



Sep 18, 2017 · Gainesville ·

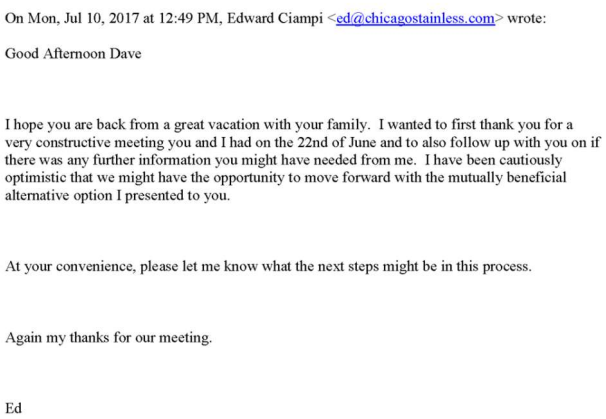
Over the past year, I have watched my dad work tirelessly to do the right thing by his constituents & handle such a contentious issue for Martin County. I wish I had his level of resilience & confidence, but I would get so emotional when I would see someone tear him down when they didn't understand the process of government or witness firsthand the time & effort he was dedicating. I bit my tongue countless times, wanting to defend this person that I love beyond words. This summer, my dad used his own money to fly all the way to Seattle to meet with the executives of Costco & negotiate on behalf of the best interest of everyone who calls Martin County home. & yet, he did so silently, not looking for any credit, continuing to yield criticism. Today, it was announced that the Costco that was intended for Palm City will not be built at that location. I am so proud of my dad & the lessons he continues to teach me about doing the right thing even when no one is there to validate you. I love you, Dad.

321 31 Comments 15 Shares

We submitted a Freedom of Information Act (FOIA) request to the County asking for travel

reimbursements, calendar confirmations, and emails specific to this trip.

The result was that apparently no items existed specific to the trip on record. However, there was one email that piqued our interest:



On Mon, Jul 10, 2017 at 12:49 PM, Edward Ciampi <ed@chicagostainless.com> wrote:

Good Afternoon Dave

I hope you are back from a great vacation with your family. I wanted to first thank you for a very constructive meeting you and I had on the 22nd of June and to also follow up with you on if there was any further information you might have needed from me. I have been cautiously optimistic that we might have the opportunity to move forward with the mutually beneficial alternative option I presented to you.

At your convenience, please let me know what the next steps might be in this process.

Again my thanks for our meeting.

Ed

Click here to read the full email.

We reached out to Mr. Ciampi asking him to clarify the context of this email and his daughter's post, and we also requested a time to speak to provide him opportunity for him to present what information he thought we were missing from the full story.

During a 90-minute phone call on March 28, 2022, Mr. Ciampi revealed quite a bit about those events.

Here are the facts which include information as relayed by Mr. Ciampi:

- Mr. Ciampi said he got a call from a Costco Marketing Manager who lived in Palm City during the period in between his

previous and current position as commissioner. The discussion was about the idea of Costco being built on 714 and SW High Meadows Avenue in Palm City. Mr. Ciampi stated this conversation took place while he was not a sitting Commissioner. He then ran for office again in 2016 and won.



Picture from TCPalm - "Martin County Commission OKs Wawa, Tractor Supply Co. at former proposed Costco site in Palm City" dated 04/19/2021

NOTE: The Costco application was recorded with Martin County October 15, 2015.

- Mr. Ciampi stated that in November of 2016, he received a call from landowner Knight Kiplinger to meet. That meeting took place in "January or February of 2017."
- They discussed what would eventually become Pineland Prairie – which is also known as Newfield and Shadow Lakes Grove. Over time, they became what he describes as "friendly" discussing the multiple projects and ideas that Mr. Kiplinger had.

But how does this relate to Costco, you ask?

- Kiplinger had a PUD application that had been approved under the condition of a required benefit to the public community.
- Ciampi proposed to Mr. Kiplinger that there should be a land swap. According to his vision, the land on 714 would become a community center and the Kiplinger property would be where the Costco could go, since that land was already approved as Industrial prior to these proposals.
- The idea was that this proposed land swap proposed to Mr. Kiplinger would create a benefit for the community because the Costco would be off Citrus and Mr. Kiplinger's requirement for a public benefit related to his PUD application would be satisfied as this community center, in theory, would benefit the general public and/or Palm City residents versus something for those living on the thousands of acres in the Pineland Prairie – again, now known as Newfield and Shadow Lakes Grove.

Mr. Ciampi confirmed there were already discussions amongst Palm City residents that if the parcel on 714 were approved by the BOCC, there would be a lawsuit.

- After about a week, Mr. Ciampi received a call from Mr. Kiplinger agreeing to the land swap.
- Ciampi stated that none of this was approved or authorized by the Board of County Commissioners and indicated he was and is allowed to visit any company, in

this case the Costco Headquarters, as Ed Ciampi, **Palm City resident** . At this point, Mr. Ciampi reached out to Bob Raynes, the Gunster attorney who represented Costco in Palm City, and now the developer at the Kanner CPUD in Stuart, to relay the general concept of the land swap and asked for the name of a representative at Costco to have this discussion. He was put in touch with a site selection consultant who ultimately put him in touch with Dave Messner, Senior Vice President of Real Estate.

- After a phone call with Mr. Messner, Mr. Ciampi arranged a visit to Issaquah in Washington state to visit Mr. Messner and Mr. Messner's boss in person at the Costco Headquarters.
- Ciampi stated his 2017 trip to the Costco HQ was not an official County trip. He was not authorized by the BOCC to take the trip. He said he was already out travelling for work and received permission from his company, Chicago Stainless Equipment, to visit the Costco Headquarters while in Washington state for other business.

This explains why there are no travel records or receipts with the County.

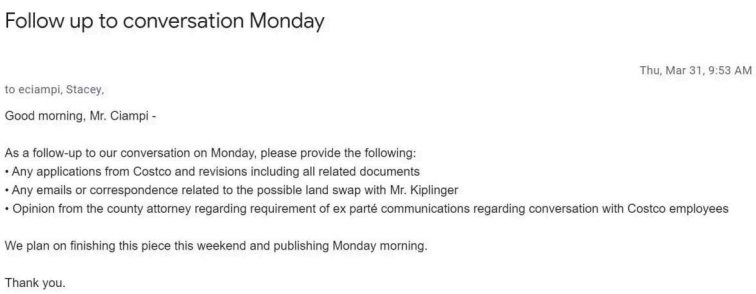
Back to his daughter's Facebook post on September 18, 2017. Ms. Ciampi stated her father "used his own money to fly all the way to Seattle to meet with the executives of Costco & negotiate on behalf of the best interest of everyone who calls Martin County home."

- He presented to those in the meeting at Costco the proximity of the proposed land parcel that was part of the Kiplinger parcel as it related to the parcel on 714, which was submitted as part of the application to the County.

Approximately four to six weeks later, Mr. Messner's boss unexpectedly passed away. His death coincided with the decision by Costco to pull their application from the County, regardless of the location.

As part of the follow up conversation with Mr. Ciampi, we sent Mr. Ciampi an email asking for the following:

- Any applications from Costco and revisions including all related documents.
- Any emails or correspondence related to the possible land swap with Mr. Kiplinger.
- Opinion from the county attorney regarding requirement of ex parté communications regarding conversation with Costco employees.



Follow up to conversation Monday

Thu, Mar 31, 9:53 AM

to eciampi, Stacey,

Good morning, Mr. Ciampi -

As a follow-up to our conversation on Monday, please provide the following:
• Any applications from Costco and revisions including all related documents
• Any emails or correspondence related to the possible land swap with Mr. Kiplinger
• Opinion from the county attorney regarding requirement of ex parté communications regarding conversation with Costco employees

We plan on finishing this piece this weekend and publishing Monday morning.

Thank you.

We received the following response regarding an opinion from the Senior Assistant County Attorney:

> The requirements regarding ex parte communication are established within Section 1.10, General Ordinances, Martin County Code and govern communications with elected and appointed officials in the context of quasi-judicial proceedings. Section 1.10.C requires that the disclosure of verbal or written ex parte communication related to a matter being considered during a quasi-judicial proceeding be made before or during the meeting at which the vote is taken on such matter. The application for the Costco Major Final Site Plan, Project C149-003 was withdrawn on September 18, 2017 before any quasi-judicial hearings were conducted. Accordingly, there was no requirement for the disclosure of ex parte communication.

That means that Mr. Ciampi has provided no notes nor written documentation including calendar entries to the County. And it is evidently of the County's opinion that he is not required to do so.

We also sent this follow up FOIA request:



Public records request

Sat, Apr 2, 4:42 PM ☆ Reply

to public_records, Sangeeta,

Good afternoon -

Please provide every email to or from Ed Ciampi related to the potential for Costco to open a store within Martin County or its municipalities, including the City of Stuart, whether sent or received from or on his personal or government emails.

Here's what we've received related to that request:

Nothing.

What we received was a response that other than that one incidental email which initially sparked our inquiry, there are no other emails available, either using a County-assigned email address or a personal or work email address, as it relates to County business.

So let's assume that we have received all there is. Let's assume that there is no further communication from Mr. Ciampi to the SVP of Real Estate at Costco or any other employee regarding their application. Let's assume there are no emails, written documentation or calendar entries regarding the proposed land swap. Let's assume that the County's position being that even though there was an active application, since there was no quasi-judicial vote scheduled – assuming that's all true – then nothing Mr. Ciampi did was *technically* illegal.

Discussions with developers aren't in and of themselves illegal or unethical. It's the substance and result of those conversations that is in question.

What average Palm City resident would have the ability to connect with an SVP at Costco? What average individual would be able to secure a meeting at a billion-dollar corporation's headquarters? What average person without the background or experience would have the knowledge or ability to propose such a complicated compromise such as a land swap?

We are not accusing Mr. Ciampi or any commissioner of doing anything illegal or unethical. But when votes are cast like the ones that will be cast on Tuesday 4/19 specific to the Rural Lifestyle FLUM vote running concurrently on the same agenda as the Atlantic Fields zoning vote, simply stating "I have had discussions with the developer and I am here with an open mind" without providing the context of the conversations does nothing to assure us that what is being voted on is truly in the sunshine for all of us to witness. And when narratives from family members conflict with sitting board members, we have a right to call into question the motives and intentions that fuel these decisions.

We are grateful for the time Mr. Ciampi spent with us attempting to help us understand the events. However, our conversation continues to generate questions, as evidenced by the follow up emails and FOIA requests we sent and continue to send.

The lack of available calendar meetings, travel records, reimbursements, and emails do little to alleviate the concern and answer the one

question that has been raised again and again, which is this:

How can we as members of the public trust that these private conversations between elected officials and financially-motivated private companies are in the best interest of the community if it is such a chore to even find out that they have taken place?

APRIL 18, 2022 STUART MARTIN EDIT
MARTIN COUNTY, UNCATEGORIZED
BOCC, CITY OF STUART, CONFLICT OF INTEREST, COSTCO, DEATH OF A SMALL TOWN, DEATH OF SMALL TOWN, DEVELOPERS, ENVIRONMENT, ETHICS, MARTIN COUNTY NEWS, STUART FL, SUNSHINE LAWS

Leave a Reply

PREVIOUS POST
Opinion: An

NEXT POST
Whose side are