

# CRESPOGRAM REPORT

BARRED FROM NUMEROUS GOVERNMENTAL COMPUTER NETWORKS FOR TELLING THE TRUTH

## A CRESPOGRAM SERIES



**HOW THE STATE ATTORNEY'S OFFICE STACKED  
THE DECK IN THE SELECTION PROCESS FOR  
COMPANIES TO PROVIDE IT WITH PRETRIAL  
DIVERSION PROGRAMS**

### **PART III**

Sometime in 2012, pressure began to mount on the State Attorney's Office to issue an RFP for companies to provide her office with misdemeanor pretrial diversion services, ending what had up to then been

a series of “handshake” agreements for the provision of those services by The Advocate Program and Court Options.

At this point I need to add a little clarification. In Part II I wrote about the contract awarded to The Advocate Program to provide **Misdemeanor Probation Services** to the Miami-Dade County Court system. For The Advocate Program, that contract turned out to be a renewal of the contract they had had with the court system since 1998.

This story is about the decision of the Miami-Dade State Attorney’s Office to move beyond the *Memorandum of Understanding Agreements* that they had with both The Advocate Program and Court Options to provide misdemeanor pretrial diversion services and to put out a Request For Proposals (RFP) to provide **Regular Misdemeanor Crimes Diversion, DUI Criminal Misdemeanor (The Back On Track Program), and Miscellaneous Criminal Traffic Misdemeanor Crimes services.**

To accomplish this goal, the State Attorney’s Office, like the 11th Judicial Circuit, turned to the county’s Procurement Department to facilitate the issuing of an RFP to solicit bids from companies interested in providing these misdemeanor diversion services.

The RFP that was issued included a determination that the contract would be [worth a total of \\$30 million dollars](#), and would be split up between as many as 3 winning bidders over the 3 year period of the contract. The \$30 millions dollars would come from the fees that the “clients” would pay during the 6 to 12 months they were in the program.

As expected, both The Advocate Program and Court Options submitted bids, along with 4 other companies.

Within days of these companies submitting their bid proposals a donnybrook broke out involving allegations that the Code Of Silence had been breached, and following that, that a Sunshine Law violation had occurred when the Selection Committee met in secret prior to their first meeting to review the bid proposals.

The allegations were prompted by the actions of retired, but still active Senior Circuit Court Judge Tom Peterson, who had been appointed by the State Attorney’s Office to be one of their representatives on the Selection Committee.

As recounted in [Part I of this series](#), Peterson had in a 2009 biography identified himself a a “Co-Founder” of The Advocate Program, and the fact that he was invited to sit on a Selection Committee that involved making a decision on whether this company - a company that he had helped found, and for which he obviously continued to show a strong



helped found, and for which he obviously continued to show a strong sense of support - would receive a portion of this \$30 million dollar contract was from the very beginning both questionable and controversial.

Peterson wasted little time validating those concerns when on April 20th, he sent the following letter calling into question the procedures established by the county's Procurement Department allowing more than one company to receive a portion of the contract, and also challenging the right of Court Options to be considered as a bidder because they were a for-profit company.



CIRCUIT AND COUNTY COURTS  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

SENIOR JUDGE  
April 20, 2013

RICHARD E. GERSTEIN  
JUSTICE BUILDING  
1351 N.W. 12TH STREET  
MIAMI, FLORIDA 33125

Ms. Pearl Bethel, Procurement Manager  
Miami-Dade Office of Procurement Management  
111 N.W. 1st Street Suite 1300  
Miami, FL 33128

Dear Ms. Bethel:

I am writing in my capacity as one member of the Selection Committee which is evaluating the six proposals made in response to RFP No. 851, which is the contract for Misdemeanor Diversion Services for the Miami-Dade County Courts.

The purpose of this letter is to request an additional public hearing, or an expansion of the May 3 public hearing, so as to address the three questions I ask below. This would require input from a County Auditor. I apologize for this imposition, but I feel that the six proposals cannot be fairly evaluated without this additional information.

In 1971, I was hired by the State Attorney's Office to create, find funding for, and administer the first Pretrial Diversion Program in the southern United States. I administered the program from 1971 to 1976, at which time I was given the position of Administrative Assistant to State Attorney Richard Gerstein, a position I retained under State Attorney Janet Reno. During that period, 1976 to 1984, one of my responsibilities was supervision of Pretrial Intervention. This experience is the basis for my interest in our having for our criminal system diversion alternatives that are both cost effective and programmatically effective. I know we all share that interest.

For thirty five years we had one misdemeanor diversion program, the Advocate Program. For approximately the past five years we have had the not-for-profit Advocate Program and the addition of a **for-profit** diversion program, the Court Options Program. While I have no reason to be critical of the

programmatic performance of either program, I have for some time been concerned with the amount of profit that is being generated by Court Options with none of these monies being given to the justice system, and in particular to the State Attorney's Office and the Clerk. Instead, a million dollars appears allocated to stockholder's equity annually.

My concerns may prove to be without basis or attributable to an erroneous reading of the materials. Yet I feel that an auditor's input is essential.

At the least, having two diversion programs increases diversion program costs by one hundred percent, including paying duplicate administration and rental and other capital costs. I am attaching an estimate of the cost-ineffectiveness of having two programs, one of them a for-profit. It indicates the cost of one diversion program is \$ 1,294,000 and the cost of two diversion programs is \$2,588,000. And that imbalance recurs each and every year. As indicated below, I am not sharing that memo with the members of the Selection Committee until we are at a public hearing.

My concerns are not relieved when I read Court Options' Bank Reference Letter, which states:

"The aggregate account balances are maintained in the medium nine figure range."

I never have claimed proficiency in mathematics, and if I am totally off-base on this I apologize, but to a layman such as myself a "medium nine figure range" translates to something like \$ 500,000,000. I trust that this sentence in the Report is a typo or explainable.

And, incidentally, I do not intend by writing this to be critical of the two Executive Directors of Court Options (although in terms of cost effectiveness, a program having two Executive Directors seems, at the least, highly unusual). They are fine individuals. And I do not mean to demean their programmatic performance in any way. This is strictly about the economics of diversion. At least half of any "profits" should go to the State Attorney's Office or to Court Administration. The State Attorney's Office and the Clerk's Office expend significant time and effort in the diversion process and should be reimbursed for these efforts.

I have researched the question of whether to communicate this information to my fellow-members of the Selection Committee would in any way constitute a violation of the Cone of Silence. My own research has been confirmed by the County Ethics Office in a phone conversation with its Director yesterday. The Cone of Silence does not prohibit oral or written communication among Selection Committee members.

That however leaves the issue of whether such communication would be prohibited by FS Section 286.011, the Florida Sunshine Law. If the communication constitutes a step in the final decision making process the Sunshine Law would apply. I would contend, however that the request I am making, below, in this letter is not a step in the final decision making process. It is a fact-finding request, and the request is as follows. I would request that the members of the Committee be polled as to whether an outside auditor should be engaged to answer these three questions:

**In light of the inevitable issue as to whether there should be one or more than one diversion program, what are the cost estimates actually generated by the alternatives of one or two programs ?**

**Second, what is meant by Court Options having account balances "in the medium nine figure range"?**

**Third, how much of the program profits are being distributed annually to stockholders?**

I think it is clear that these three questions are essential to correctly respond to each of the four selection criteria that have been provided to us. I also assume a County Auditor could perform this function so as not to have to hire an outside auditor.

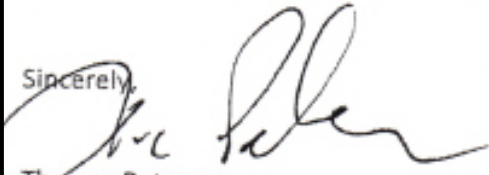


My final suggestion is that, so as to be in full compliance with the Sunshine Law, a public meeting be scheduled to receive the auditor's report and discuss it in the Sunshine. So as not to inconvenience the Selection Committee, perhaps a one hour meeting preceding the May 3 meeting would suffice.

I am attaching to this letter a supporting memorandum which I prepared, but I am not sending that memo to the Board Members in deference to the Sunshine Law. I would propose to give copies of that memorandum to Selection Committee members at our next public hearing, on or before May 3.

I greatly appreciate your consideration of this request. And, again, I apologize for any imposition that this may place upon the Procurement Department.

Sincerely,



Thomas Petersen  
Senior Judge

cc. Members of the Selection Committee

Peterson's objections to the inclusion of Court Options represented more than an expression of his personal opinion that he opposed selecting more than one company to provide the services detailed in the RFP.

Less than a month before Peterson wrote his letter, David McGriff, the Executive Director of The Advocate Program had submitted their proposal for the contract that included the following explanation that detailed the both the reasons and inducements why he believed that the Selection Committee should chose his company as the sole provider.

**23. Identify if Proposer has taken any exception to the terms of this Solicitation. If so, indicate what alternative is being offered and the cost implications of the exception(s).**

As an alternative to the current structure, where two entities are assigned to provide misdemeanor diversion services and the possibility of three providers is noted in the solicitation, the Advocate Program proposes a system where only the Advocate Program is chosen. The Program was the sole provider of misdemeanor pretrial diversion services from the mid-70's throughout 2001. The system was efficient, problem-free, and less expensive to defendants. According to "Promising Practices In Pretrial Diversion", a federally funded study of Pretrial Diversion Programs across the country by the National Association of Pretrial Services Agencies (NAPSA), Pretrial Diversion Providers are almost always government-based (Courts, Prosecutors, Sheriffs, or Probation Agencies) or not-for-profits. Additionally, according the NAPSA report, jurisdictions chose or assign diversion services to only one provider. The benefits of a assigning a single provider include:

- guaranteed uniformity in services being provided to all defendants
- little or no fragmentation reducing confusion among the Court, attorneys, and defendants
- a manageable system of oversight and evaluation of program outcomes

A non-profit provider ensures transparency and establishes a system where excess revenues can be used to invest in community programs and partnerships that can further enhance the lives of Miami-Dade citizens and the criminal justice system. The Advocate Program, for example, utilizes excess revenues to create or partner in initiatives such as the Miami-Dade Re-entry Service Partnership, a partnership with Miami-Dade Corrections and Rehabilitation, the 11<sup>th</sup> Judicial Circuit, Miami-Dade County, and other community partners to provider re-entry services to defendants being released from Miami-Dade Corrections and Rehabilitation. The Program also collaborates with the Domestic Violence Court Division

of the 11<sup>th</sup> Judicial Circuit to enhance the overall system of response to defendants/respondents. Lastly, the Program is able to support or leverage funds received from grant sources to provide services to the Court and the community at large. For example, Advocate is the lead provider of services to victims of domestic violence through a partnership with the 11<sup>th</sup> Judicial Circuit and the State Attorney's Office that is funded by the Office on Violence against Women (OVW). The program receives funds to provide direct services and is able to support the administrative functions necessary that are not reimbursed as part of this grant. The Program also partners with Veterans Link-Up and the VA's Vets Center in providing housing resources to homeless Veterans and their families through a grant from the Veterans Administration,

If chosen as a sole provider, the Program would proffer the following proposal:

- The development and implementation of a Veterans Pretrial Diversion Program as allowed by State statute, The Advocate Program was the sole source of misdemeanor diversion services from the mid-70's at no cost to the Veteran, Court and/or SAO
- A waiver of all diversion fees (except restitution) to all defendants who have served in the United States Military
- A fee waiver or reduction based on a sliding scale for all indigent or unemployed offenders
- The establishment of a fifth Advocate office in Hialeah

This tag team effort by Peterson and McGriff to influence and persuade the Selection Committee to go with a single service provider should have raised alarms all the way to the Mayor's Office, but it didn't.

Among the troubling questions raised by this letter but never answered, at least in any document accessible through a public record's request was first and foremost why, given all of the individuals who could have been chosen, would the State Attorney's Office specifically choose Peterson to be part of this Selection Committee if it wasn't to run interference for McGriff and The Advocate Program?

That in turn raises a question of premeditated collusion on the part of some folks within the State Attorney's Office, the Advocate Program and Judge Peterson, because no matter what else they may be, none of them are stupid, and all of them were savvy to the ways that politics works in Miami-Dade County.

The notion that Peterson was appointed to this Committee just because of his supposed reputation of being a square shooter doesn't hold up when you consider that in addition to his preference for a single provide he also claimed to have "had for some time" a concern about Court Options profits.

How had he acquired the information on which to develop a formed opinion about "the amount of profit being generated by Court Options?" As a for-profit company, and unlike the non-profit Advocate Program, whose IRS 990's returns are available without a great deal of difficulty, Court Options' financial records - prior to the single year's IRS tax return and financial statements included in their proposal - would only have been available to a handful of people inside the State Attorney's Office.



Given the history of the struggles between The Advocate Program and Court Options going all the way back to 2004, as well as off-the record conversations with individuals knowledgeable about the inner-workings at the State Attorney's Office, it would seem that Peterson's knowledge of Court Options profits, as well as his appointment to the Selection Committee was purposely arranged for by the faction within the SAO who were considered supporters of The Advocate Program as one way to put a thumb on the scale.

Perhaps the most telling argument that supports the claim that Peterson came with an agenda specifically focused on trying to knock Court Options out of the running - and one that was recognized by Court Options' own attorney - was that in all of the letters or emails that he wrote, he never once mentioned or challenged the right of any of the other 4 companies who had submitted bids, even though **ALL** of them, like Court Options, were for-profit companies.

When it came time to review the proposals from the companies that had responded to the RFP, Peterson's opinions were reflected in his scores: He gave The Advocate Program a perfect 100 score.

**EVALUATION OF PROPOSALS**  
RFP NO. 851  
MISDEMEANOR DIVERSION SERVICES

TOM PETERSEN (Retired Judge)

②  
443.3  
297.7

SELECTION CRITERIA	PROPOSERS	Maximum Points	493.75 Advocate Program, Inc. (1)	441 Court Options, Inc. (3)	411.7 Judicial Correction Services (4)	364 Miami Dade Community Services, Inc. (5)	National Corrective Group, Inc. dba Corrective Solutions	Professional Probation Services, Inc. (6)
Proposer's relevant experience, qualifications, and past Performance	→	35	35	25	15	15	20	10
Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors	→	30	30	25	20	15	15	10
Proposer's approach to providing the services requested in this Solicitation	→	25	25	15	15	20	20	10
Proposer's financial capability	→	10	10	5	10	10	10	10
<b>Technical Points</b> (Total of technical rows above)	→	100	100	70	60	60	65	40
Veteran's Preference (5% of the Total Technical Points on the Technical Portion)	→							
<b>TOTAL POINTS</b>	→	100	100	70	60	60	65	40

SIGNATURE: *[Signature]* DATE: 5/3/13

**TOM CONTINUES NOT PLAY WELL WITH OTHERS**

Peterson's April 20th letter and his subsequent vote set in motion a series of email exchanges and meetings that eventually resulted in Court Options protesting his behavior and calling into question the integrity and fairness of the selection process.

The protest was expressed in a letter was written on May 16th, by Augusto Maxwell of Akerman Senterfitt, the attorney representing Court Options, who after spending 6 pages tearing Peterson and the selection process a new one, ended by using the finest legalese that money can buy to conclude: (The complete letter can be read [HERE.](#))

"We respectfully submit that while Judge Peterson may be a terrific public policy advocate, his conduct as a member of this Procurement's Selection Committee is profoundly inconsistent with the various provisions of the Code of Miami-Dade County Code and Florida law that seek to assure that public procurements are based on transparent, unbiased consideration of the published criteria?"

As the controversy and complaints over Peterson's opposition to Court Options grew, he chose not to take the high-ground, but instead wrote several emails denigrating Pearl Bethel, the Procurement Department's Project Manager, who he blamed for the Sunshine Law violation, including sending this email to Miriam Singer, the Assistant Director of the Department:

**From:** Tom Petersen <tkp41@bellsouth.net>  
**Sent:** Friday, June 21, 2013 1:52 PM  
**To:** Singer, Miriam (ISD)  
**Cc:** Clerk of the Board (COC); Sola, Lester (ISD); Rosenthal, Oren (CAO); Centorino, Joseph (COE); Roundtree, Amos (ISD); Perez, Annie (ISD); Bethel, Pearl (ISD)  
**Subject:** RE: RFP 851 Misdemeanor Diversion Services

... and as much as I would like to mend fences with Pearl Bethel, I would hope you would agree that a new Procurement Officer might best participate in the future.

I cannot and will not participate in any proceedings with her. I have just read her notice of the next meeting. I just do not want to have another argument with her. I would expect she feels the same.

Tom

As questionable as all of his previous letters and emails had been, nothing compared with Peterson's June 22nd email, written after he and the other members of the Selection Committee had been notified that because of the Sunshine Law violation, the committee would be required to hold another meeting to select the final candidates for the contract.

It represents one of the worst examples of a Judge/Officer of the Court, demonstrating a complete disregard and lack of respect for the concept of obeying the law. and not screwing over folks by using their lack of



...by using their own knowledge in an attempt to deny them of their rights

**From:** Tom Petersen <tkp41@bellsouth.net>  
**Sent:** Saturday, June 22, 2013 12:31 PM  
**To:** Singer, Miriam (ISD); donihorn@miamisao.com; tedmannelli@miamisao.com; 'Joseph Mansfield'; Bravo, Carmen; Redmon-Jones, Kimberly B. (MDPD); Bethel, Pearl (ISD)  
**Subject:** FW: Letter to Judge Thomas Petersen re: RFP851 - Misdemeanor Diversion Services

I have re-read Ms. Bethel's proposal to recall our committee to meet once again in order to redo the oral presentation portion of the Misdemeanor PTI selection process. This is obviously being proposed as a remedy for the Sunshine Law violation represented by our "non-public meeting to debate the agenda of the public meeting" held immediately prior to the May 22 public meeting.

Let me state first of all that at no time have I suggested such an absurd remedy. There exists an old axiom, applicable here, that "you can't put the genie back in the bottle once it is out". I suggested, hopefully constructively, that the outcome of our selection process remain as is and, as I stated in my May 25 e-mail (below) an educational process in which Ms. Bethel and her co-workers would be made familiar with both the Cone of Silence and the Sunshine Law be implemented. The fact that Ms. Bethel led us in a portion of the selection process that clearly violated the Sunshine Law cannot now be undone by starting over midway through the process, which is what Ms. Bethel proposes. I admit fault in not having objected at the time.

I am not asking that the process be re-opened because of the Sunshine Law violation and to my knowledge none of the applicants, who are clearly unaware of the violation, have asked or are likely to ask that the process be reopened.

To ask the six applicants to return to once again give their presentations, and to ask we committee members to participate in a charade, is unfair to all of us. The outcome will be the same and we are essentially being asked to give of our valuable time to participate in a time consuming "do over" designed to rectify Ms. Bethel's errors.

I, for one, will not participate in the proposed July 2 "do over". I am satisfied with the outcome and I have raised the Sunshine Law not to challenge our decision, but rather to avoid a recurrence in the future.

In that regard, it would appear that the "non-public meeting at which the content of the public meeting is decided" is an existing component of the County Procurement process, rather than an ad hoc inspiration that occurred to Ms. Bethel in this case. If that is so, each and every procurement process in which it is a component is vulnerable to attack on Sunshine Law grounds. Which is why I urge a prospective remedy and not the retrospective charade proposed in Ms. Bethel's e-mail.

The fact that Ms. Bethel, who never once deviated from her totally erroneous understanding of the Cone of Silence and the Sunshine Law, is still obscuring her unfortunate role in this process with a self-serving proposal that we retreat to the fifty yard line and replay the second half is totally ludicrous.

At this point I feel the need to cc. the Mayor and the County Commission so as to assure that my recommendations (below) are adopted and that we committee members not be asked to spend our valuable time reopening this closed chapter. I would suspect that all of us are comfortable with our decision.

Thanks for your time and consideration, Tom Petersen

That a judge like Peterson, with so many years on the bench would denigrate the requirement that the Selection Committee had to hold a new meeting to correct the Sunshine violation - a decision reached by the County Attorney's Office and The Miami-Dade Ethics Commission - and labeling it "an absurd remedy," not only reflects a complete lack of knowledge of the Sunshine Law but also an arrogant petulance that accompanies the corrupt self-importance that is expressed by public officials who believe they're above the law.

While it's sometime regrettable that the last people you can expect to do

the right thing are “public servants,” the fact that a judge would argue that it was acceptable to deprive companies of their rights because they were unaware that a violation had occurred, and to then argue that to do what was necessary to correct that violation would be unfair to the people who committed the violation goes beyond the pale.

A new meeting to correct the Sunshine Law violation was held over Peterson’s objections; he did participate, and the result of that meeting was that The Advocate Program and Court Options, the two companies who all along had been expected to get the contract, did.

## THE PROTEST

On December 2, 2013, Miami Dade Community Service Inc. (MDCS), one of the companies whose contract bid was rejected notified the Clerk of The County Commission that they were filing a protest, and followed up on December 5th with a formal letter detailing their reasons. (The letter can be read [HERE](#).)

Like the [May 16th letter written by the attorney for Court Options](#), the attorney for MDCS focused on the bias and misbehavior of Tom Peterson as the first reason for filing their protest, and then went on to cite the Sunshine Law violation and what they believed were less than sufficient efforts by the committee to correct the violation by essentially holding a second meeting that rubber stamped the actions taken at the first, illegal meeting.

The county, in an obvious effort to show their displeasure with the filing of this protest, set a hearing date of December 23rd, which as Cresprogram readers will recognize from some of my previous stories dealing with the setting of public meetings so close to a major holiday like Christmas is intended to not only limit the focus by the news media and the public, but also to create difficulties for participants who like other folks have often made plans which have to be cancelled in order to attend.

Also showing displeasure with the decision by MDCS to file a protest was the The Advocate Program, who notified them by email on December 4th, that their relationship - MDCS was providing treatment services as a sub-contractor - was being terminated immediately.

**From:** M. David McGriff <mdmphd@advocateprogram.org>  
**Sent:** Wednesday, December 04, 2013 1:08 PM  
**To:** subsabu@miami-dade-community.com  
**Cc:** Isabel Perez-Morina; Gary Chapell  
**Subject:** Termination

Dear Mr. Roig:



Based on the Article II "Termination" clause of the Memorandum of Understanding (MOU) between Miami-Dade Community Services (MDCS) and the Advocate Program, dated July 1, 2013, and signed by you for MDCS on July 1, 2013 and by Gary Chapell for the Advocate Program on July 16, 2013, we are, through this email, notifying you of our intent to terminate the MOU, effective immediately. Please refer to Article II in the event that pending cases may need to be transferred to another provider.

Mr. David McGriff, Ph.D.  
Chief Executive Officer  
Advocate Program, Inc.  
[www.advocateprogram.org](http://www.advocateprogram.org)  
and  
Past President  
Florida Association of Community Corrections

On January 8, 2014, Marc Anthony Douthit, the Hearing Officer issued his findings on the December 23rd protest hearing, and to no one's surprise ruled against MDCS. You can read his report [HERE](#).

The most important thing to come out of this hearing was not a rehash of the arguments alleging Judge Peterson's behavior, or even the allegations involving the failure of the Selection Committee to do more than conduct a perfunctory hearing to correct their Sunshine Law violation, but rather the refusal of the hearing officer to allow the introduction of an affidavit by a senior member of the State Attorney's Office.

**The protestor attempted to enter into evidence, an affidavit of a witness who was not present at the Bid Protest Hearing. The Affidavit purported to assert that there were known problems with the incumbent Advocate Program's operation of the existing Misdemeanor Diversion program and these problems were ignored by the Selection Committee. This affidavit was disallowed and is not considered in the analysis of this Opinion and Recommendation.**

I previously referenced this affidavit in **Part II** of this series in the portion dealing with Chief Administrative Judge Sam Slom's previous knowledge of problems related to The Advocate Program's record keeping.

Here now is the complete affidavit.

**AFFIDAVIT OF ELENA REYES**

STATE OF FLORIDA

- ) -

COURTYN...

Before me, a Notary Public in and for the above State and County, personally appeared Elena Reyes, who having been duly sworn, testified as follows:

1. My name is Elena Reyes, and I am over 18 years of age.
2. The following statements are based on my personal knowledge and are true and accurate to the best of my knowledge and belief.
3. I am currently a resident of Miami-Dade County, Florida.
4. I was employed with the State Attorney's Office for the Eleventh Judicial Circuit ("SAO") from 1982 through September 2013. Since approximately 1997, I was responsible for the daily operations of the SAO's county court support staff and system issues. I served as a liaison between the SAO, the Clerk of the Courts ("COC"), the Administrative Office of the Courts ("AOC"), and the providers of misdemeanor diversion services.
5. As part of my duties and responsibilities, I frequently received reports that included data reflecting performance by misdemeanor services providers, such as the Advocate Program.
6. Since at least 2007, those reports also included data reflecting performance by Court Options as a misdemeanor diversion services provider.
7. In approximately November 2011, a working group was established with members from the AOC, COC Information Technology department, and me to automate the setting of misdemeanor cases entering the criminal justice system.
8. In November 2011, while in the testing stages of this project, the committee requested a report as to the amount of cases in the system that were pending to be set with an interim code of 45(Advocate) and code 268 (Court Options). The report with this data was forwarded to me for review.
9. At that time I reviewed and analyzed the data and presented my opinions and findings to the SAO Chief of County Court, Joseph Mansfield, to Chief Assistant, Don Horn, and to Executive Director, Ted Mannelli. I informed them that, based on my review of the data, I concluded that the report reflected thousands of cases in "interim disposition" for the two



program providers – Advocate Program and Court Options.

10. Those cases with interim disposition remained opened yet should have been closed by Advocate Program and Court Options, or the diversion of the defendant should have been revoked for non-compliance with diversion requirements and set by the COC for hearing before a judge.

11. I also explained to them that the report reflected hundreds of cases where the diversion service providers had not even acknowledged the diverted defendant was to be enrolled in their respective programs.

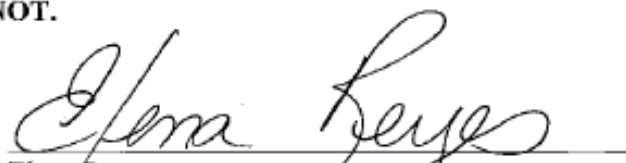
12. I also met with the State Attorney on this matter to explain my findings. This meeting was attended by Joseph Mansfield, Don Horn and Ted Mannelli. During that meeting, the State Attorney gave a directive to Joseph Mansfield to advise Administrative Judge Samuel Slom of these issues and to have these cases put on the court calendar.

13. Furthermore, I sent numerous e-mails to the two misdemeanor program providers, with copies to Joseph Mansfield and Don Horn, where I detailed to the lack of follow up by the Advocate Program on failures to revoke a diverted defendant that was non-compliant with diversion requirements and failure to submit a request to the Clerk's Office to have the case calendared.

14. I also met with representatives of the Advocate Program and Court Options to address these issues.

15. After RFP 851 (Misdemeanor Diversion Services) was released, Mr. Mannelli asked me if there were performance measures for the misdemeanor diversion services. I informed him via e-mail that we could not get performance measures for traffic diversion cases, but we could, in fact, get them for misdemeanors, crimes, and Back on Track (DUI) cases by simply generating a report from the system database. This information was easily accessible and could have been provided to the RFP 851 selection committee members.

**FURTHER AFFIANT SAYETH NOT.**



Elena Reyes

Elena Reyes  
Affiant

1 0

The Affiant, Elena Reyes, appeared before me, testifying as above, on this the 22<sup>nd</sup> day of December 2013, and is personally known to me.

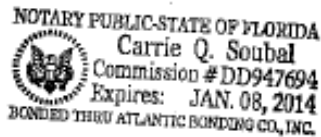
Witness my hand and official seal:



Notary Public

Commissioned Name: CARRIE Q. SOUBAL

My Commission Expires: JANUARY 8<sup>th</sup>, 2014



What's important about this affidavit besides the fact that it is exceedingly rare for someone inside the SAO willing to come forward publicly with this kind of information, is that it revealed that The Advocate Program and Court Options had been on the radar screen within the State Attorney's Office for some time, and that in spite of that knowledge, Assistant State Attorney Don Horn and Joseph Mansfield, both members of the Selection Committee, and both prominently mentioned in the affidavit as being privy to this information, still found it possible to give these two program's their top score.

EVALUATION OF PROPOSALS

RFP NO. 851

MISDEMEANOR DIVERSION SERVICES

DON HORN (State Attorney's Office)

SELECTION CRITERIA	PROPOSERS	Maximum Points	Advocate Program, Inc.	Court Options, Inc.	Judicial Correction Services	Miami Dade Community Services, Inc.	National Corrective Group, Inc. dba Corrective Solutions	Professional Probation Services, Inc.
Proposer's relevant experience, qualifications, and past Performance		35	25 100%	35 25 100%	25 80%	24.5 70%	32.20 92%	26.25 75%
Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors		30	30 100%	30 25 100%	24 80%	27.5 75%	27.60 92%	22.50 75%
Proposer's approach to providing the services requested in this Solicitation		25	23.75 95%	25 15 100%	20 80%	20 80%	22.50 90%	21.25 85%
Proposer's financial capability		10	10 100%	10 5 100%	10 100%	5 50%	10 100%	10 100%



Technical Points (Total of technical rows above)	100	98.75	100	82	72.0	93.30	80
Veteran's Preference (5% of the Total Technical Points on the Technical Portion)							
<b>TOTAL POINTS</b>	100						

*[Signature]*

SIGNATURE

5-3-13

DATE

EVALUATION OF PROPOSALS

RFP NO. 851

MISDEMEANOR DIVERSION SERVICES

JOE MANSFIELD (State Attorney's Office)

*Pre-oral*

SELECTION CRITERIA	PROPOSERS	Maximum Points	Advocate Program, Inc. *	Court Options, Inc. *	Judicial Correction Services *	Miami Dade Community Services, Inc.	National Corrective Group, Inc. dba Corrective Solutions *	Professional Probation Services, Inc.
Proposer's relevant experience, qualifications, and past Performance		35	10 10 10 34	10 11 11 32	10 10 12 32	8 11 6 25	10 10 10 30	7 7 8 22
Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors		30	30	28	28	17	28	15
Proposer's approach to providing the services requested in this Solicitation		25	23	23	25	20	25	10
Proposer's financial capability		10	10	17	10	8	10	2
Technical Points (Total of technical rows above)		100	97	90	95	70	93	49
Veteran's Preference (5% of the Total Technical Points on the Technical Portion)								
<b>TOTAL POINTS</b>		100	97	90	95	70	93	49

*[Signature]*

SIGNATURE

493.75    441    411.7    364    443.3    297.7  
1    3    4    2

DATE

Don Horn, Joseph Mansfield and Ted Mannelli, who had originally been a member of the Selection Committee before he was removed and made the Committee's Technical Advisor, are not only the names included in the above affidavit, but names that appear time after time in the many of the thousands of emails and documents that I reviewed in researching this series, all of them dealing with the operation of both The Advocate Program and Court Options.

In private conversations each of these individuals were accused of being as biased, if not more so than Tom Peterson, when it came to looking out for the interests of both The Advocate Program and Court Options, and you can pretty much figure out in whose camp they were in by looking at their evaluation scores.

Regardless of any protestations that the State Attorney's Office, the Miami-Dade County Procurement Department or the individuals named care to make, I believe there is enough evidence to support the claim that these solicitation for bids were little more than window dressing for a predetermined agreement made by a majority of the Selection Committee on which companies would be selected to receive the contracts.

**THIS IS THE END OF PART III**

**ARCHIVES**