

*PROPOSAL TO PROVIDE SPECIAL MAGISTRATE SERVICES FOR THE:*

*City of Key West, Florida*

*RFP# 04-015*

*Code Compliance Special Magistrate*

Submitted by:

**Schneck Legal**

February 18, 2015

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**Schneck Legal**  
Attorney · Counselor



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### Attachments:

- 1. Anti-Kickback Affidavit**
- 2. Public Entity Crimes Affidavit**
- 3. Conflict of Interest Form**
- 4. Cone of Silence Acknowledgement**
- 5. Domestic Partner Benefit Form**
- 6. Binder for Lawyers Professional Liability Insurance**
- 7. Addendum #1 Acknowledgment**
- 8. Addendum #2 Acknowledgement**
- 9. Addendum #3 Acknowledgement**

## PROFILE

Schneck Legal is a recently established law firm founded by its owner, Jed R. Schneck, to provide legal and governmental affairs consulting in Florida and Pennsylvania. Schneck Legal is backed by Mr. Schneck's experiences and institutional knowledge of government agencies on the local, state and federal levels. Drawing on these experiences and knowledge, Schneck Legal offers interrelated practices areas aimed at empowering public and private sector clients with control over their legal matters, both in terms of decision-making and costs. Advances in virtual office technology have created a more mobile and flexible legal marketplace. Clients now have new options when selecting the manner, scope and costs of their legal representation. Utilizing virtual and traditional law office experiences, Schneck Legal offers representation uniquely fitted to the needs and expectations of each client. This fitted representation gives Schneck Legal's clients the ability to stay informed throughout the engagement, and make confident, cost-effective legal decisions.

Jed R. Schneck, as the sole shareholder and sole employee of Schneck Legal, will be the attorney responsible for the overall coordination, oversight and quality control of the services provided as the City of Key West's ("City" or "Key West") Code Compliance Special Magistrate ("Special Magistrate"). Mr. Schneck shall prioritize the work of the Special Magistrate to ensure local availability and accessibility in the manner required by the City to complete the Scope of Work and all other tasks as necessary. Schneck Legal's use of virtual technology is intended to give public sector clients increased, and more convenient access to its attorney. Use of virtual desktop infrastructure, cloud-based computing systems and mobile devices, give Schneck Legal a longer, and more nimble reach than traditional brick and mortar law offices. Whether in person, over the phone, or in a virtual meeting room, Schneck Legal is equipped to quickly address client needs throughout the state.

## STATEMENT OF QUALIFICATIONS

Prior to joining private practice, Mr. Schneck served as an Assistant County Attorney in Lee County, Florida. In his role at the Lee County, Mr. Schneck also served as counsel to the Lee County Port Authority, the Lee County Metropolitan Transportation Planning Organization ("MPO"), and the now defunct Southwest Florida Expressway Authority. Additionally, Mr. Schneck served as an Assistant General Counsel at the Florida Department of Transportation ("FDOT") in Tampa, Florida. In total, Mr. Schneck has been practicing for over eleven years in the areas of administrative, contract, code enforcement, building code & construction, environmental, governmental, land use & zoning, real property and transportation law. For your consideration, below is the Resume of Mr. Schneck demonstrating in more detail his previous work experience.

## FLORIDA LOCAL GOVERNMENT LAW

As his resume indicates, Mr. Schneck has extensive experience in representation of public and private sector clients in judicial and quasi-judicial hearings that include such subject matters as code enforcement, environmental permitting, land use and zoning, professional licensure, unemployment compensation and traffic infractions. Mr. Schneck has both prosecuted code enforcement actions on behalf of local governments, and defended clients in code enforcement proceedings in various counties and municipalities throughout Florida. In particular, Mr. Schneck has appeared before construction licensing boards, environmental boards, adjustment and appeal boards, bid protest panels, zoning boards, county courts, circuit courts and Chapter 120, Fla. Stat., administrative hearings. In addition to these appearances, Mr. Schneck has drafted numerous pleadings and submittals for these types of proceedings, including several findings of facts and conclusions of law. Moreover, Mr. Schneck authored numerous types of county and municipal codes, and developed balanced strategies for their implementation and enforcement. Among others, these codes involved the following subject matters: airport rules and regulations, coastal construction standards, construction contractor licensing, flooding and emergency management, hazardous waste & solid waste disposal, land development regulation, landscape and fertilizer use, navigation and vessel restrictions, roadway toll facilities, stormwater management, towing, traffic control, use of right-of-way, utilities, well construction standards, and water shortage.

## LITIGATION AND QUASI-JUDICIAL PROCEEDINGS

Mr. Schneck also has extensive experience in dispute resolution and litigation practice while representing public agencies in Florida. Schneck Legal has the skills and abilities to aggressively litigate a case in civil or administrative venues. An aggressive posture can favorably position clients at trial or enable them to confidently negotiate and resolve the dispute without the need of further costly litigation. However, under certain circumstances, such a strategy may result in a waste of valuable resources and time. Emphasizing costs savings, reduction of risk, and informed decision-making, Mr. Schneck has successfully negotiated and resolved numerous disputes, in and out of court, related to a wide range of matters that include: bid protest and procurement, code enforcement, construction contracts, environmental resource and water use permits, land use, local gas tax receipts and expenditures, and property rights. Some specific examples of successfully resolved disputes include the following immediately below and within the Resume-References Section further below.

**Dispute Type: Construction Contract:** \$25 million College Parkway flyover project in Lee County was delayed for several months due to a dispute regarding the quality of the performance and materials provided by the roadway contractor and asbestos contamination of the project site. Mr. Schneck assisted in a multiday mediation session under Chapter 44, Fla. Stat., that that

involved County staff, a County Commissioner, the contractor and its attorney, and numerous engineers and consultants. The resultant settlement restarted construction on this critical roadway project and ensured the County's ability to continue to withhold payment retention and assess liquidated damages.

**Dispute Type: Property Rights:** A property rights dispute involving the accretion of the shoreline between the County and a property owner adjacent to the Blind Pass dredging project between Sanibel and Captiva Islands threatened to derail the project indefinitely. Mr. Schneck mobilized quickly with the interested parties, including the property owner and his counsel, a member of the Captiva Erosion Prevention District and County staff to negotiate and resolve the conflict. The resultant settlement prevented a costly delay of this critical restoration and navigation project that reconnected the Gulf of Mexico with Pine Island Sound.

**Dispute Type: Environmental Resource Permitting:** Mr. Schneck led Lee County's efforts in an administrative challenge under Chapter 120, Fla. Stat., to the environmental resource permit for a 17,000-acre development known as "Babcock Ranch" located in both Lee and Charlotte Counties. The challenged halted the development of Babcock Ranch and allowed time for settlement negotiations between the County and the developer. The subsequent settlement resulted in favorable modifications to the permit conditions for Lee County and additional assurances to avoid adverse water quantity and quality impacts by the proposed development.

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## JUDICIAL OR QUASI-JUDICIAL OFFICER

Mr. Schneck's demonstrated knowledge of local government law, code compliance, zoning and real property law and his proven skills and abilities to impartially carry out his duties as a public servant, relate directly to the key functions of the Special Magistrate. The functions of the Special Magistrate are to promote, protect and improve the health, safety and welfare of the citizens of the City of Key West by enforcing the City's codes and ordinances in an equitable, expeditious, effective and inexpensive manner. As a local government attorney, Mr. Schneck emphasized resolving legal disputes by balancing the role of public advocate with the duties of a public servant. This balance focuses on respecting the integrity of codes and the public interest they are designed to protect, while at the same time, observing the fundamental due process rights of the alleged violators. From conducting evidentiary hearings, to drafting findings of fact and conclusions of law, this impartiality permeates throughout every function of the Special Magistrate. From a duty perspective, this impartiality, and due consideration for an alleged violator's rights, provides the necessary equity in the code enforcement process. From a practical perspective, an impartial viewpoint simply makes for good lawyering. Central to Schneck Legal's practice is exhaustive and carefully detailed case evaluations. Standing in the shoes of the opponent, and giving impartial deference to the merits of their case, advances sound legal strategies and competent legal advice.

Through the above-described experiences, Mr. Schneck has established the mindset of a special magistrate when approaching the representation of a local government. Furthermore, given his background and focus on environmental, land use and local government law, Mr. Schneck is intimately familiar with many of the issues facing coastal communities like Key West, and the adopted codes and enforcement strategies utilized to address these issues. Thus, Schneck Legal has a firm understanding of the Special Magistrate's Scope of Work and the ability to immediately begin performance with little, to no, learning curve. In sum, the depth of this familiarity, combined with Mr. Schneck's judicial mindset, uniquely qualifies Schneck Legal to perform the requested Special Magistrate services.

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## COMMUNITY RELATIONS

From the Tampa Bay Area, to Southwest Florida, and now here in South Florida, each stop along Mr. Schneck's professional career was accompanied by engagement of the local community through charitable events and volunteerism. With a family of his own, Mr. Schneck's civic involvement has never been more enjoyable or meaningful. Volunteering along side his six and four-year-old sons gives provides lessons in given back and creates a sense of pride in the local community. Among others, Mr. Schneck's present and past volunteer and community services activities includes:

- Law School Liaison to Ave Maria School of Law for the Florida Bar Environmental and Land Use Law Section's Law School Committee
- Cub Scouts Thanksgiving Day Meal Handouts – Delray Beach Caring Kitchen
- Calusa Elementary Parent Teacher Association – Boca Raton
- Parent Book Reading, First Grade, Calusa Elementary School – Boca Raton
- Parent Book Reading, VPK, Children's House North Montessori School – Boca Raton
- Volunteer Basketball Coach, YMCA – Boca Raton
- Lee County Middle School Career Days – Ft. Myers and Cape Coral
- FDOT's Charitable Rehab Projects

## RESUME - JED R. SCHNECK

### PROFILE

A self-starting attorney guided by teamwork and problem-solving principles, which stress an integrated, results driven approach to representing public entities. Proven ability to apply aforesaid knowledge and principles to adeptly handle high profile and contentious legal matters before governing bodies, advisory committees, state courts and administrative tribunals.



### EXPERIENCE

#### Attorney & Counselor at Schneck Legal

Boca Raton, FL & Schuylkill Haven, PA, 2015 – present

Provides legal representation to public and private clients throughout Florida and Pennsylvania in the areas of administrative, business entity & incorporation, contract, construction, environmental, governmental/municipal, land use, litigation, real property and transportation law.

#### Associate Attorney at Nason, Yeager, Gerson, White & Lioce (formerly Sundstrom, Friedman & Fumero)

Boca Raton, FL, 2011 – 2014

Provided strategic counsel and representation to landowners, developers, agriculture, utilities, and local governments, throughout Florida on all aspects of environmental and land use law, and the development of public infrastructure. Specific regulatory matters included: compliance and enforcement actions; contamination claims; state and federal permitting of coastal construction, works in wetlands and surface waters, wastewater and stormwater discharges, water use, and mitigation areas/banks. Specific land use matters included: annexations; code enforcement proceedings; comprehensive plan amendments; developer agreements; developments of regional impact; plats and public dedications; rezonings; and variances. Public infrastructure matters included: counseling clients on the planning, permitting, financing and construction of public infrastructure projects. General duties encompassed: tracking and advising clients on pertinent state and federal legislative, rulemaking and policy developments; advocating clients' interests before local, state and federal agency staff and governing boards, circuit and appellate courts, and administrative tribunals.

#### Assistant County Attorney at Lee County Attorney's Office

Fort Myers, FL, 2005 – 2011

Advised Lee County, Lee County Port Authority, Lee County Metropolitan Planning Organization and Southwest Florida Expressway Authority officials on substantive and procedural legal matters primarily involving contract, environmental, land use, real property, public works and transportation issues. Contract duties included: ensuring compliance with local, state and federal procurement regulations; handling bid protest hearings; interpreting and advising on contract rights and liabilities; and resolving contractual disputes. Environmental responsibilities included: prosecuting environmental codes; counseling on regulatory requirements for air, coastal, wetland, water use, wastewater and stormwater discharge, and solid waste/waste-to-energy facility permits; developing wetland mitigation strategies for the capital improvement plan; implementing water quality standards; defending against state and federal enforcement actions. Land use matters included: interpreting and advising on land development regulations; prosecuting code enforcement violations and construction license disciplinary actions; representing county in zoning and adjustment/appeal hearings; and ensuring compliance with airport zoning district restrictions. Real property matters included advising on: the conveyance of real estate; conservation, recreational and right-of-way uses; public lien rights; public utility rights; and sovereign submerged lands. Transportation issues included: advising on the planning, permitting, financing and construction public works projects; establishing and enforcing roadway and bridge tolls; ensuring compliance with federal aviation regulations, transportation security requirements and state and federal grant conditions. General duties encompassed: drafting ordinances, procedures and interagency agreements; interpreting federal and state legislative changes; advising on collections, ethics and open government, personnel, risk management, taxation and public safety issues. Litigation duties included representing Lee County and Lee County Port Authority in county court and state administrative hearings.

#### Assistant General Counsel at Florida Department of Transportation, Office of the General Counsel

Tampa, FL (District 7), 2003 – 2005

Advised senior District officials on all civil and administrative legal matters related to intergovernmental agreements and contracts, preparation and execution of real estate conveyance instruments, access management and environmental permitting, and all other legal issues affecting District operations. Supervised the District's public records request process. Prepared memoranda, motions, briefs, discovery and other legal documents for general law and condemnation proceedings, and assisted in representing the District in those proceedings.

Law Clerk at Florida Department of Transportation, Office of the General Counsel  
Tampa, FL (District 7), 2002 – 2003

Conducted research on contract and civil liability, public records law and eminent domain cases. Prepared legal opinions concerning specific issues raised by various District officials. Managed and organized public records requests for the entire District. Attended team meetings, assisted in developing legal arguments and strategies for the District and performed other duties as required.

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#### PUBLICATIONS & PAPERS

Author, Florida Environmental & Land Use Law Treatise, Chapter 9.1, *Federal Regulation of Waters and Wetlands – Overview*, Jun. 2014

Author, Florida Environmental & Land Use Law Treatise, Chapter 9.2, *Section 10 Permits for Work In or Affecting Navigable Waters of the United States*, Jun. 2014

Author, Florida Environmental & Land Use Law Treatise, Chapter 9.5, *Federal Regulation of Waters and Wetlands – Permit Application Considerations*, Jun. 2014

Co-Author, White Paper for Florida Municipal Attorneys Association's 32nd Annual Seminar, *Florida's Public Private Partnership Act of 2013: An Opportunity for Development of Local Government Infrastructure*, Jul. 2013

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#### SPEAKING ENGAGEMENTS

Faculty, Florida Water Law & Policy Conference, Orlando, *Regional Water Challenges: Lake Okeechobee, Caloosahatchee & St. Lucie System*, Feb. 2014

Guest Speaker, Lee County RESTORE Act Advisory Committee, Ft. Myers, *Overview of draft U.S. Treasury Regulations*, Sept. 2013

Guest Speaker, Florida Engineering Society, Calusa Chapter, Ft. Myers, *Numeric Nutrient Criteria*, Nov. 2011

Panel Speaker, Lee County Local Government Presentation, Ft. Myers, *Open Meetings and Public Records, Standards of Conduct, Code of Ethics, and Filing Disclosures*, Jun. 2008

Panel Speaker, Career Days for Lee County Middle School Students, Cape Coral and Ft. Myers, *Legal Careers & Law School*, Spring 2007

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#### TRAINING COURSES & SEMINARS

Annual Ethics Seminar, Palm Beach County Planning Congress, South Florida's Culture of Corruption: Challenges For Land Use & Planning Professionals, 2012

Land Use Symposium, Current Legislation and Executive Growth Management Initiatives, 2010

Public Finance and Tax Seminar, 2008

Toll Projects Seminar, 2008

Basics of Airport Law Workshop, 2007

FEMA Incident Command System and National Incident Management System Certified, 2007

Construction Law Certification Review, 2007

Title Examination Workshop, 2007

Florida Wetlands and Mitigation Course, 2005

Florida Sunshine Law, the Freedom of Information Act and Media Issues Seminar, 2005

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#### ADMISSIONS & PROFESSIONAL MEMBERSHIPS

Licensed to Practice Law in Florida & Member of The Florida Bar, 2003  
Licensed to Practice Law in Pennsylvania, 2004  
U.S. District Court, Middle District of Florida, 2005  
City, County & Local Government Law Section of The Florida Bar  
Environmental & Land Use Law Section of The Florida Bar  
Administrative Law Section of The Florida Bar  
Palm Beach County Bar Association

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## EDUCATION

Juris Doctor, Stetson University College of Law, 2003  
Schuylkill County (PA) Bar Association Scholarship Award, University of Granada (Spain) International Dispute Resolution Program, Alternative Dispute Resolution Clinic, Student Bar Association Representative, Hispanic Bar Association and International Law Association.

Bachelor of Arts in Political Science and History, Minor in Sociology, University of Delaware, 2000  
Dean's List (1998-2000), Phi Alpha Theta History Honor Society and Council for Student Judicial Affairs.

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## REFERENCES

Blair Littlejohn, Senior Counsel  
School District of Palm Beach County  
3318 Forest Hill Blvd, Ste. C-323  
West Palm Beach, FL 33406  
Email: [blair.littlejohn@palmbeachschools.org](mailto:blair.littlejohn@palmbeachschools.org)  
Office: (561) 434-7471  
Fax: (561) 434-8105

Period of Performance: 2013 – 2014

Services Offered and Results: Mr. Schneck represented the School Board in a Circuit Court action for Temporary and Permanent Injunctive Relief versus the City of West Palm Beach to prevent the City blocking offsite drainage outfalls at School Board properties due to nonpayment of the City's stormwater utility fee. The underlying law involved interpretation of sovereign immunity, Florida's water management statutes and City codes. Ultimately, Mr. Schneck assisted the School Board Chairman, legal and technical staff to reach a favorable settlement under the dispute resolution procedures in Chapter 164, Fla. Stat., the Florida Governmental Conflict Resolution Act.

Lee Werst, Jr., Hydrologist Groundwater Unit Supervisor  
Lee County Division of Natural Resources  
1500 Monroe Street  
Ft. Myers, FL 33901  
Email: [lwerst@lcegov.com](mailto:lwerst@lcegov.com)  
Office: (239) 533-8136  
Fax: (239) 485-8408

Period of Performance: 2005 – 2013

Services Offered and Results: Mr. Schneck represented and advised County staff and the Well Construction Advisory Board in all substantive and procedural legal matters, including code enforcement (well construction, water restriction and fertilizer application), contractor license disciplinary hearings, ordinance and administrative code amendments, and legislative and rulemaking developments. Mr. Schneck's assistance in developing enforcement strategies and prosecuting well contractor license violations resulted in a reduction of code violations and greater consumer protection for Lee County citizens and their potable water supply.

Rick Roberts, Chief Code Enforcement Officer  
Lee County Community Development – Code Enforcement  
1500 Monroe Street  
Ft. Myers, FL 33901

Email: [rroberts@leegov.com](mailto:rroberts@leegov.com)

Office: (239) 850-8120

Fax: (239) 485-8340

Period of Performance: 2005 – 2011

Services Offered and Results: Mr. Schneck advised Community Development and Code Enforcement staff on numerous building code and construction licensing issues. In particular, Mr. Schneck reviewed and provided legal opinions on contractor license applications the Construction Licensing Board, exceptions and variances to building code requirements Board of Adjustment and Appeals, and proposed amendments to the building code and contractor license regulations. Additionally, Mr. Schneck prosecuted violators of Lee County's building codes and contractor license requirements before the Construction Licensing Board and represented Code Enforcement in Count Civil Court, which resulted in greater consumer protection for the public and maintained the integrity of Lee County codes.

Michael Stone, President  
Equestrian Sports Production  
14440 Picerson Road  
Wellington, FL 33414

Email: [mstone2811@gmail.com](mailto:mstone2811@gmail.com)

Office: (561) 739-5867

Cell: (561) 784-1101

Period of Performance: 2011 – 2014

Services Offered and Results: Mr. Schneck advised the owners and operators of the world class Palm Beach International Equestrian Center ("PBIEC") on numerous local, state and federal land development regulations, code enforcement issues and zoning matters related to the operation, development and planned expansion of a 5,000-horse capacity equestrian event center. Engaging agencies included, the Village of Wellington, the South Florida Water Management District, the Environmental Protection Agency and the U.S. Army Corps of Engineers. During this time, Mr. Schneck assisted in securing local and state development approvals, and successfully defended challenged to the same for the Global Dressage Equestrian Center ("GDEC") and a 230+ acre commercial/equestrian/residential mix use development surround the PBIEC and the ("GDEC").

David Gensen, PE  
Barron Collier Companies  
2600 Golden Gate Parkway  
Naples, FL 34105

Email: [dgenson@barroncollier.com](mailto:dgenson@barroncollier.com)

Phone: (239) 262-2600

Cell: (239) 404-3337

Period of Performance: 2013 – 2014

Services Offered and Results: Mr. Schneck represented a Barron Collier owned land-holding entity in Circuit Court litigation and before the South Florida Water Management District regarding the development of a high-rise condominium on Ft. Myers Beach. The property was entangled in a decades old dispute regarding an adjacent golf course and water management system, and the authorized land uses thereon. Mr. Schneck assisted in successfully securing the land entitlements necessary to move forward with the sale of the property.

Chris Helfrich, Director of Utility Services  
City of Boca Raton Utility Services  
1401 Glades Road  
Boca Raton, Florida 33431

Email: [chelfrich@ci.boca-raton.fl.us](mailto:chelfrich@ci.boca-raton.fl.us)

Office: (561) 338-7303

Fax: (561) 338-7345

Period of Performance: 2011 – 2013

Services Offered and Results: Mr. Schneck assisted in representing the City of Boca Raton in an administrative challenge to a Palm Beach County Department of Health Notice of Violation ("NOV") against the City's Utility Services Department. The

NOV alleged numerous violations, and sought to impose exhaustive and expensive corrective actions. As a result of aggressive litigation posture by the City, the matter was settled with terms very favorable to the City prior to the scheduled Final Administrative Hearing, under Chapter 120, Fla. Stat.

Kurt Harclerode, Operations Manager  
Lee County Division of Natural Resources

Email: [kharcclerode@lccgov.com](mailto:kharcclerode@lccgov.com)

Office: (239) 533-8146

Fax: (239) 485-8408

Period of Performance: Sept. 2011 – Nov. 2013

Services Offered and Results: Mr. Schneck led County staff in developing legal, policy and technical comment letters, provided substantive comments and discussion at public workshops, and facilitated meetings with key agency personnel in an effort to address the County's needs and priorities. Among the successes during this time include: avoidance of legislative preemption of local well construction standards and protection of the County's well permitting program, successful implementation of local fertilizer regulations and protection from legislative efforts to preempt such regulatory authority, adoption of the Basin Action Management Plan for the Caloosahatchee River Estuary's Total Maximum Daily Loads for Nitrogen, successful issuance and implementation of the County's MS4 permit, and securing enhanced regulatory protection for the Mid-Hawthorn Aquifer added during the Consumptive Use Permitting Consistency rulemaking process.

Betsie Hiatt, Environmental Manager

Lee County Public Works

Email: [bhiatt@lccgov.com](mailto:bhiatt@lccgov.com)

Office: (239) 533-8177

Fax: (239) 485-8307

Period of Performance: 2011-2013

Services Offered and Results: Mr. Schneck provided strategic counsel to staff in responding to the U.S. Army Corps of Engineers ("Corps") withdrawal of the County's regional offsite mitigation area ("ROMA") permit application. Mr. Schneck mobilized to meet with high-ranking military and civilian Corps officials, resulting in concurrence from the Corps that Lee County could continue to pursue its desired ROMA permit application.

Pamela Keyes, Director

Lee County Utilities

Email: [pkkeyes@lccgov.com](mailto:pkkeyes@lccgov.com)

Office: (239) 533-8544

Fax: (239) 485-8845

Period of Performance: 2011 – 2012

Services Offered and Results: Mr. Schneck assisted County staff in defending an application to the South Florida Water Management District for renewal of a consumptive use permit from three sources of water (Caloosahatchee River, Green Meadows Wellfield, and the Corkscrew Wellfield). Lee County Utilities timely received this critical permit that will provide water supply to over 250,000 people without the need of additional costly studies and modeling. Additionally, two permit challenges by adjacent landowners were successfully litigated and dismissed from Chapter 120, Fla. Stat., proceedings via mediated settlements at little cost to the County.

Mark Fisher, Deputy Executive Director – Development

Lee County Port Authority

11000 Terminal Access Road

Fort Myers, FL 33913

Email: [mfisher@flylcpa.com](mailto:mfisher@flylcpa.com)

Office: (239) 590-4600

Fax: (239) 590-4688

Period of Performance: 2007 – 2011

Services Offered and Results: Mr. Schneck advised Lee County Port Authority officials on various issues related to the development and operation of the Southwest Florida International Airport and Page Field Airport. Mr. Schneck's assistance resulted in successful development and implementation of environmental mitigation strategies for capital projects, successful prosecutions of violations to airport rules and regulations, development and implementation of aircraft lien procedures, compliance with state and federal grant conditions and FAA airport revenue diversion regulations, and protection of airport flight paths through implementation and enforcement of the airport zoning districts.

Richard R. Vickers, Former General Counsel  
Florida Department of Transportation, District Seven  
Email: [richardv@smolkerbartlett.com](mailto:richardv@smolkerbartlett.com)  
Office: (813) 223-3888  
Fax: (813) 228-6422  
Cell: (813) 417-1719  
Period of Performance: 2002 – 2005

Services Offered and Results: Mr. Schneck advised Senior FDOT officials on all civil and administrative legal matters impacting District Seven operations. During his tenure at FDOT, Mr. Schneck successfully defended the District Seven Office in Florida's Attorney General Open Government Mediation Program, ensured the District Seven Office's compliance with Florida's comprehensive public records law by overseeing 1,400 annual requests, and discovered flaws and initiated changes to two standard FDOT operating forms.

Don Scott, Executive Director  
Lee County Metropolitan Planning Organization  
815 Nicholas Parkway E.  
P.O., Box 150045  
Cape Coral, FL 33915  
Email: [dscott@lccmpo.com](mailto:dscott@lccmpo.com)  
Office: (239) 244-2220, Ext. 1  
Fax: (239) 790-2695  
Period of Performance: 2005 – 2011

Services Offered and Results: Mr. Schneck performed the day-to-day legal services for MPO staff and served as legal counsel to the MPO Board and advisory committees at their respective public meetings. During this time, Mr. Schneck ensured the MPO's compliance with state and federal regulations and continued transportation project funding through several controversial MPO Board actions and issues. These actions and issues included: the rejection of \$10 million improperly earmarked by Congress for I-75/Coconut Road, removal of the County Road 951 Project and the Colonial Boulevard Flyover Project from the Long Range Transportation Plan, and project prioritization for American Recovery and Reinvestment Act funds. Additionally, with Mr. Schneck's assistance, the MPO successfully implemented substantial changes to the MPO's operating agreement as required by amendments to its governing statute, Section 339.175, Fla. Stat., and assisted in formation the MPO's Transit Oversight Committee.

## PROPOSED FEE ARRANGEMENT

Schneck Legal offers a monthly fee for all work performed related to the monthly Special Magistrate hearings, including but not limited to legal research, case preparation, conducting hearings, reviewing the record and drafting orders. Should the City require more than one Special Magistrate hearing per month, Schneck Legal offers an hourly rate for any work performed related to the additional hearings. The following proposed fees are inclusive of all costs and expenses, including, but not limited to general administrative overhead; fringe and benefits; profit; transportation; equipment and related items; and all incidentals necessary for the performance of the Special Magistrate services.

### **Monthly Fee:**

\$1,000 per month for one hearing.

### **Additional Hourly Rate:**

\$125 per hour for additional hearings.



Anti-Kickback Affidavit

STATE OF FLORIDA

SS

*Palm Beach*

COUNTY OF MONROE

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employee of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my family or by an officer of the business or corporation.

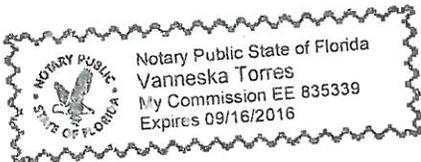
BY: Jed R. Schneck

sworn and prescribed before me this 18 day of February, 2015

Notary Public, State of Florida

My commission expires

9/16/2016





SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A)  
FLORIDA STATUTES ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY  
PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS

1. This sworn statement is submitted to City of Key West  
by Jed R. Schneck, Director  
(Print individual's name and title)  
For Schneck Legal  
(Print name of entity submitting sworn statement)  
Whose business address is 5030 Champion Blvd., Suite G11-108  
and (if applicable) its Federal Employer Identification Number (FEIN) is 47-2614568  
If entity has no FEIN, include Social Security number of individual signing.

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services provided to any public entity or an agency or political subdivision of any other state or the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes means:

1. A predecessor or successor of a person convicted of a public entity crime; or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not

for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or any entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on the information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

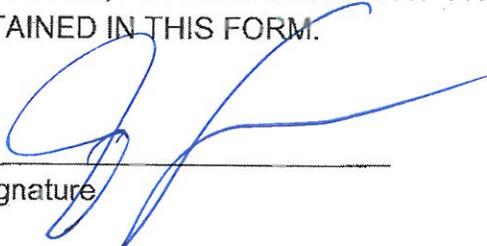
Neither the entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach copy of final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH ONE ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO

UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.



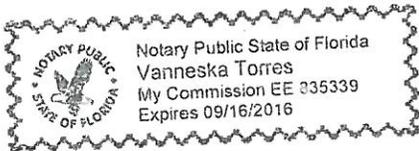
Signature

2/18/15

Date

STATE OF Florida  
COUNTY OF Palm Bch

PERSONALLY APPEARED BEFORE ME, Jed. Schneck  
Who after first being sworn by me, affixed his/her signature in the space  
Above this 18 day of February 2015





**Conflict of Interest Affidavit**

By the signature below, the firm (employees, officers and/or agents) certifies, and hereby discloses, that, to the best of their knowledge and belief, all relevant facts concerning past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise) which relates to the proposed work; and bear on whether the firm (employees, officers and/or agents) has a possible conflict have been fully disclosed.

Additionally, the firm (employees, officers and/or agents) agrees to immediately notify in writing the Finance Director, or designee, if any actual or potential conflict of interest arises during the contract and/or project duration.

Schneck Legal  
\_\_\_\_\_  
Firm

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

2/18/15  
\_\_\_\_\_  
Date

Jed R. Schneck  
\_\_\_\_\_  
Name Printed

Director  
\_\_\_\_\_  
Title of Person Signing Affidavit

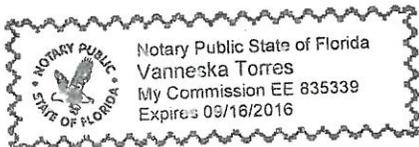
State of Florida )  
City of Boca Raton )

SUBSCRIBED AND SWORN to before me this 18 day of February, 2015, by Jed Schneck, who is personally known to me to be the Director for the Firm, OR who produced the following identification: FL License 5520-436 77-258-0

*[Handwritten Signature]*  
\_\_\_\_\_

Notary Public

My Commission Expires: 9/16/2016





CONE OF SILENCE

STATE OF FLORIDA

SS:

COUNTY OF ~~MONROE~~ Palm Beach

I the undersigned hereby duly sworn, depose and say that all owner(s), partners, officers, directors, employees and agents representing the firm of Schneck Legal have read and understand the limitations and procedures regarding communications concerning City of Key West issued competitive solicitations pursuant to City of Key West Ordinance Section 2-773 Cone of Silence (attached).

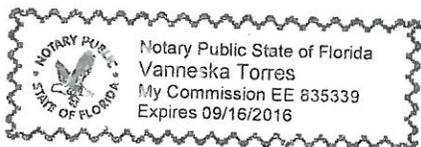
BY: \_\_\_\_\_

Jed R. Schneck

sworn and prescribed before me this 18 day of Feb, 2015 2015

NOTARY PUBLIC, State of Florida

My commission expires: 9/16/2016



*[Handwritten signature]*



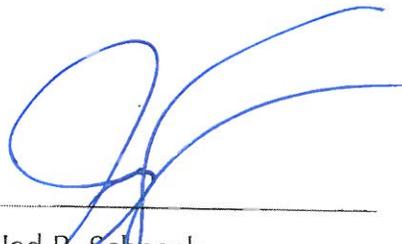
EQUAL BENEFITS FOR DOMESTIC PARTNERS AFFIDAVIT

STATE OF FLORIDA )

: SS

COUNTY OF Palm Beach

I, the undersigned hereby duly sworn, depose and say that the firm of Schneck Legal provides benefits to domestic partners of its employees on the same basis as it provides benefits to employees' spouses per City of Key West Ordinance Sec. 2-799.

By:   
Jed R. Schneck

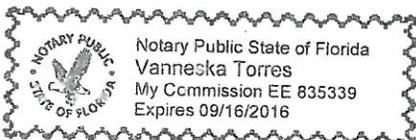
Sworn and subscribed before me this

18 day of February, 2015.



NOTARY PUBLIC, State of Florida at Large

My Commission Expires: 9/16/2016





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## Binder for Lawyers Professional Liability Insurance

Pending the issuance of a Policy in the form described below, Monitor Liability Managers (Monitor) on behalf of Carolina Casualty Insurance Company, binds coverage as described below, effective February 17, 2015.

Insured:	Schneck Legal
Policy Number:	1378792
Policy Form:	LPL 29300 (04-09)
Binder Period:	February 17, 2015 to March 19, 2015
Policy Period:	February 17, 2015 to February 17, 2016
Policy Type:	Primary

### Limit of Liability

Limit of Liability:	\$500,000 per Claim; \$1,000,000 in the Aggregate
Deductible:	\$5,000
Premium:	





THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (505) 809-3737

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**ADDENDUM # 1**  
**RFP# 04-015 / CODE COMPLIANCE SPECIAL MAGISTRATE SERVICES**

January 27, 2015

To All Bidders,

The following information is provided in accordance with RFP 04-015 as fully and as completely as if the same were fully set forth therein:

**Question:**

Good afternoon,

With regard to RFP# 04-015, what is the current hourly rate for the code compliance special magistrate?  
Thank you.

Kindly,  
Nicole

Nicole L. Berman | Business Development Manager  
GRAY | ROBINSON

333 S.E. 2nd Avenue, Suite 3200 | Miami, Florida 33131  
T: 305-416-6880 | F: 305-416-6887  
E-mail | Website | vCard

**Answer:**

The City does not pay an hourly rate, it is a budget approved monthly fee.

All Bidders shall acknowledge receipt and acceptance of this Addendum No. 1 by acknowledging Addendum in their proposal or by submitting the addendum with the bid package. Bids submitted without acknowledgement or without this Addendum may be considered non-responsive.

Signature

Schneck Legal

Name of Business

**Attachment #7**

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*





THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3737

**ADDENDUM # 2**  
**RFP# 04-015 / CODE COMPLIANCE SPECIAL MAGISTRATE SERVICES**

February 2, 2015

To All Bidders,

The following information is provided in accordance with RFP 04-015 as fully and as completely as if the same were fully set forth therein:

**Question:**

Good morning,

I hope this finds you well. I'm just following up on my inquiry below. Thank you.

Nicole L. Berman | Business Development Manager  
GRAY | ROBINSON

333 S.E. 2nd Avenue, Suite 3200 | Miami, Florida 33131  
T: 305-416-6880 | F: 305-416-6887  
E-mail | Website | vCard

Facebook | LinkedIn | Twitter

**Answer:**

All questions will be answered in the addendum format, then uploaded to Demand Star and the City of Key West web sites.

All Bidders shall acknowledge receipt and acceptance of this Addendum No. 1 by acknowledging Addendum in their proposal or by submitting the addendum with the bid package. Bids submitted without acknowledgement or without this Addendum may be considered non-responsive.

Signature

Schneck Legal

Name of Business

**Attachment #8**

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*





THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3737

Boca Raton, FL 33496  
Pennsylvania  
117 Fox, Rd.  
Schuylkill Haven, PA 17972

Good morning,

**Answer:**

Question 1. There is one meeting per month.

Question 2. It is not required to have a City Business Tax Receipt to submit a response to the RFP. All applicants should ensure they can comply with any and all licensing requirements should they be awarded the contract

All Bidders shall acknowledge receipt and acceptance of this Addendum No. 1 by acknowledging Addendum in their proposal or by submitting the addendum with the bid package. Bids submitted without acknowledgement or without this Addendum may be considered non-responsive.

A handwritten signature in blue ink, appearing to be "JS", written over a horizontal line.

Signature

Schneck Legal

Name of Business

Attachment #9

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3737

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### ADDENDUM # 3 RFP# 04-015 / CODE COMPLIANCE SPECIAL MAGISTRATE SERVICES

February 17, 2015

To All Bidders,

The following information is provided in accordance with RFP 04-015 as fully and as completely as if the same were fully set forth therein:

#### **Question:**

Hello Mr. Young,

It was a pleasure to meet you at the Pre-Proposal Meeting this past Monday. I have two questions below regarding the Special Magistrate RFP:

1. Currently, how many hearings per month does the Special Magistrate conduct?
2. On page 9 of the RFP and within the "Instructions for Statement of Proposals," proof of a local business tax receipt is not listed as a required document to be included in proposal responses. However, on pages 6-7, of the RFP, it states that "at the time of the response to this solicitation, the individual is required to possess the correct business tax receipt(s) necessary to carry out and perform the work required by the proposal..." Please clarify whether the proof of payment of the local business tax is required to be submitted with the responses to the proposal, or is proof simply required prior to execution of the contract if awarded? Also, if proof of a local business tax receipt is required to be included in the responses, would the City accept proof of a current local business tax receipt in another jurisdiction, along with a statement of intent to pay the local business tax for the City of Key West if awarded the contract?

Thanks!

Jed R. Schneck, Esq.  
Mobile: 239.839.2041  
Email: jschneck@schnecklegal.com  
Web: www.schnecklegal.com

Florida  
5030 Champion Blvd., G11-108