

Memorandum



Date: September 10, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioner

Agenda Item No. 13(B)(1)

From: R. A. Cuevas, Jr.
County Attorney

A handwritten signature in black ink, appearing to read "R. A. Cuevas, Jr.", written over the printed name of the County Attorney.

Subject: Akerman Senterfitt -- Bond Counsel--request for grant of Conflict Waiver

I have received the attached letter from Akerman Senterfitt, one of the County's bond counsel firms, requesting a conflict waiver from the Board so it may represent property owners in an appeal from the denial by the County of their request for a Class 1 permit for a seawall at their home. The appeal constitutes a legal proceeding which is adverse to the County.

I am submitting the request to the Board for its consideration in accordance with the current policy for conflict waivers. That policy is articulated in the latest RFQ for selection of bond and disclosure counsel, which is set forth below. The specific policy applicable to conflict waivers involving litigation adverse to the County is underlined:

The current policy on conflict of interest waivers permits bond counsel to represent third parties in legal matters involving the County other than litigation so long as such representation does not challenge the authority of the Board, a Board policy or the constitutionality or legality of a County Code provision. A request for a conflict of interest waiver shall be presented to the County Attorney in writing. Such a request is routinely granted for matters that meet the criteria in the previous sentence. **With respect to litigation adverse to the County, Senior Counsel and/or Associate Counsel may present a written request for a conflict of interest waiver to the County Attorney to submit to the County Commission for consideration on a case by case basis.** If a conflict of interest waiver is not granted, Senior Counsel and/or Associate Counsel shall not undertake the representation of a third party in any matter involving the County.

Akerman Senterfitt has stated in its request that during the course of its representation of the property owners, it will not challenge the authority of the Board, a Board policy, or the constitutionality or legality of a County code provision.



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June 28, 2010

Mr. Robert Cuevas, Esq.
Miami-Dade County Attorney
111 NW First Street, Suite 2810
Miami, Florida 33128

Re: Ernesto and Ana Cambo, Circuit Court Case # 10-180 AP

Dear Mr. Cuevas:

Prior to the County's recent selection of this firm as bond counsel, I have represented Ernesto and Ana Cambo, in seeking from Miami-Dade County a Class I permit for a seawall at their home. In February of this year the Board of County Commissioners denied the Cambo's permit application, and on April 26, 2010, I filed an appeal of that decision by way of a Petition for Writ of Certiorari.

Accordingly I am writing to respectfully request from the Board of County Commissioners a conflict waiver to allow me to conclude this matter. Please note that in the course of this representation we have not and will not challenge the authority of the Board, a Board policy or the constitutionality or legality of a County Code provision.

Very truly yours,

Augusto E. Maxwell