

SUMMARY EXPLANATION AND BACKGROUND

The law firm of Weiss Serota Helfman Cole & Bierman, P.A. (hereinafter the “Firm”) is currently representing The School Board of Broward County, Florida in concurrency and zoning matters.

The Firm has filed the attached conflict of interest waiver request seeking The School Board's waiver of any actual or potential conflicts of interest regarding the request by Inverrary 411 LLC Trust for a partial release of certain property from the Educational Mitigation Agreement between the City, Broward County and the School Board that encumbers the Inverrary 411 property.

In its request, the Firm advises that it previously represented an individual partner of Inverrary 441. To be clear, the Firm did not represent Inverrary 441 in the purchase of the subject property. Though the Firm does not believe the interests of the City or Inverrary 441 and the School Board to be adverse at this time, it is possible that the School Board may make a mitigation claim at a later date against Inverrary 441, thereby creating at least the potential appearance of a conflict. The Firm requested and received a waiver from that partner of Inverrary 441.

The General Counsel's office has reviewed the request and has no objection to same. Furthermore, Rule 4-1.8(b) prohibits a lawyer from using any information relating to the representation of a client to the detriment of the client's interests without further informed consent by the client.

A Conflict of Waiver acknowledgment form is attached for execution by the Chair and the Superintendent should the waiver request be approved.

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