



ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
HH-2.

MEETING DATE	2018-11-07 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	HH. OFFICE OF THE GENERAL COUNSEL
DEPARTMENT	Office of the General Counsel

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

TITLE:
Conflict of Interest Waiver Request – Weiss Serota Helfman Cole & Bierman, P.A.

REQUESTED ACTION:
Approve the request for conflict of interest waiver, dated October 31, 2018, by Weiss Serota Helfman Cole & Bierman, P.A.

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.
See Supporting Docs for continuation of Summary Explanation and Background.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:
There is no financial impact to the District.

EXHIBITS: (List)
(1) Summary Explanation and Background Continued (2) Conflict of Interest Waiver Request (3) Conflict Waiver

BOARD ACTION:
APPROVED
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Barbara J. Myrick, Esq.	Phone: 754-321-2050
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title
Barbara J. Myrick - General Counsel

Signature
Barbara J. Myrick
11/1/2018, 11:37:23 AM

Approved In Open Board Meeting On: **NOV 07 2018**
By: *Nora Lupin*
School Board Chair

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.

End of Document



WEISS SEROTA HELFMAN
COLE & BIERMANN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

October 31, 2018

Barbara J. Myrick, Esq.
General Counsel
Broward County Public Schools
600 SE Third Avenue, 11th Floor
Fort Lauderdale, FL 33301

**Re: City of Lauderhill / Inverrary 441 Trust LLC
Request for Partial Release of School Mitigation Agreement**

Dear Ms. Myrick:

I am writing this letter to request consideration of my Firm's proposed representation in the above referenced matter. The City of Lauderhill (the "City") and Inverrary 441 LLC Trust ("Inverrary 441") has requested a partial release of certain property now owned by Inverrary 441 from the Educational Mitigation Agreement between the City, Broward County and the School Board that encumbers the Inverrary 441 property. The Mitigation Agreement was recorded in September 13, 2007, and Inverrary 441 recently purchased the subject property. The title agent for Inverrary 441 has requested the partial release on behalf of the current owner. The City has requested that the School Board consider this request, if appropriate.

This Firm, through the undersigned counsel, represents the Broward County School Board (the "School Board") as its cadre attorney for concurrency and zoning matters. The Firm, through another attorney in the Firm, has 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 this is not an actual conflict, the Firm has requested a waiver from that partner of Inverrary 441, which has already been provided.

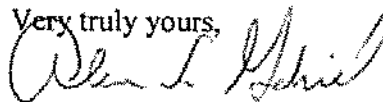
Pursuant to the Rules of Professional Conduct, an attorney cannot represent any client if the representation of that client will be directly adverse to the interests of another client, unless each client, after consultation, consents to such representation. Although we do not believe the interests of 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.

Barbara J. Myrick, Esq.
October 31, 2018
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In an abundance of caution and to avoid any misunderstandings with respect to our representation, we respectfully request your written waiver of any potential conflict of interest. Your countersignature of this letter would confirm your waiver of any potential conflict of interest in the representation of the School Board in this matter.

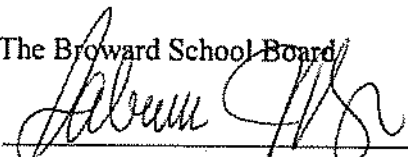
If the foregoing is acceptable to you, please execute a copy of this letter where indicated and return it to me at your earliest convenience. If at any time you have any questions, or believe that actions have been undertaken that are detrimental to the School Board's interests, we request that you notify us as soon as possible.

We appreciate your continued confidence in us, and we look forward to serving you now and in the future.

Very truly yours,


Alan L. Gabriel

We agree to the terms and provisions of
this letter stated therein:

The Broward School Board
By: 
Barbara J. Myrick, Esquire
General Counsel
Dated: 11-1-18



CONFLICT WAIVER

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA hereby consents and waives any potential conflict of interest with regard to the following matter:

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 by Weiss Serota Helfman Cole & Bierman, P.A.

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By Nora Rupert
Nora Rupert, Chair

Robert W. Runcie
Robert W. Runcie, Superintendent of
Schools

Approved as to Form and Legal Content:

Alvin M. [Signature]
Office of the General Counsel