

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20030490

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve a Disclosure and Waiver of Conflicts of Interest Letter from the law firm of Holland & Knight. A conflict of interest could potentially arise out of the representation by Holland & Knight LLP of Primeco Personal Communications, Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") and/or its affiliates on a communications matter.

**WHY ACTION IS NECESSARY:** Board approval is required to waive potential conflicts of interest.

**WHAT ACTION ACCOMPLISHES:** Allows Holland & Knight to represent Verizon Wireless in connection with Verizon's location of a communication facility at 10501 FGCU Boulevard.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # C12A

**3. MEETING DATE:**

05-06-2003

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE
  - ORDINANCE
  - ADMIN. CODE
  - OTHER Fla. Bar  
Ethics Rules

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: David M. Owen  
Chief Assistant County Attorney

**7. BACKGROUND:**

Verizon Wireless has asked Holland & Knight LLP to represent its interests in the placement of a communications facility at 10501 FGCU Boulevard. Holland & Knight, LLP has represented the County in other legal matters in the past, and does not currently represent the County in telecommunications matters. Under the Florida Bar Ethics Rules, both Parties being represented by counsel must agree to waive any potential conflicts of interest under either the current or past client, scenarios.

Attachments: Original Disclosure and Waiver of Conflicts of Interest Letter

**8. MANAGEMENT RECOMMENDATIONS:**

The County Attorney's Office recommends the execution of the Joint Letter.

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<u>4/18/03</u>	OA <u>RK 4/21</u>	OM <u>4/21/03</u>	RISK <u>4/21/03</u>	GC <u>4/21/03</u>	<u>4-24-03</u>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
COUNTY ADMIN. RK  
4-21-03  
10:30  
COUNTY ADMIN.  
FORWARDED TO: DS  
4/24 10:00

CO. ATTY 4/21/03  
FORWARDED  
TO CO. ADMIN.  
DS

Law Offices

# HOLLAND & KNIGHT LLP

One East Broward Boulevard, Suite 1300  
P.O. Box 14070 (ZIP 33302-4070)  
Fort Lauderdale, Florida 33301

954-525-1000  
FAX 954-463-2030  
www.hklaw.com

Annapolis	Northern Virginia
Atlanta	Orlando
Bethesda	Portland
Boston	Providence
Bradenton	St. Petersburg
Chicago	San Antonio
Jacksonville	San Francisco
Lakeland	Seattle
Los Angeles	Tallahassee
Melbourne	Tampa
Miami	Washington, D.C.
New York	West Palm Beach
International Offices:	Sao Paulo
Caracas*	Tel Aviv
Helsinki	Tokyo
Mexico City	
Rio de Janeiro	*Representative Office

April 10, 2003

**ROBERT M. MOTES**  
954-468-7886  
rmotes@hklaw.com

## Via Facsimile

Kirk Jamieson  
Verizon Wireless  
FAX: (678) 339-8642

Andrea Fraser  
Lee County Attorney's Office  
FAX: (941) 335-2606

### **Re: Disclosure and Waiver of Conflicts of Interest**

Dear Kirk and Andrea:

The purpose of this letter is to disclose the existence of a potential conflict of interest arising out of the representation by Holland & Knight LLP ("Firm") of Verizon Wireless Personal Communications LP d/b/a Verizon Wireless and/or its affiliates ("Verizon Wireless"). Verizon Wireless has asked us to represent its interests in connection with a certain lease transaction between it and Lee County, a political subdivision of the State of Florida (the "County"). In connection with such lease transaction, Verizon Wireless will be requesting that the County execute a tower license agreement with Verizon Wireless regarding the location of a communications facility at 10501 FGCI Boulevard, Fort Myers, Florida.

The Firm has been requested by the County to represent the County in various other matters. The County is being represented in the aforementioned transaction between the County and Verizon Wireless by counsel independent of the Firm, and the County understands that the Firm is not representing the County in its dealings with Verizon Wireless.

The applicable ethics rules permit us to represent clients with adverse, or potentially adverse interests in circumstances where our responsibilities to and relationship with one client will not be adversely affected by our representation of another client, and on the condition that both clients have provided consent after consultation.

April 10, 2003  
Page 2

We hereby confirm to you that, under the circumstances of this matter, our current representation of the County will not adversely affect our responsibilities to and relationship with Verizon Wireless and vice versa. We further confirm to you that the Firm will not share with either client any confidential or proprietary information related to the Firm's work for the other client.

In the event of any litigation arising between the County and Verizon Wireless, the Firm will not represent either party to the litigation without the express written consent of both parties.

Under these circumstances, if you agree that Holland & Knight LLP may undertake the concurrent representation of Verizon Wireless and the County in the matter described above, and that all conflict issues with respect to such concurrent representations are waived by you, please indicate your consent and waiver by signing below. Also, please return, via facsimile and U.S. Mail, the executed copy to me as soon as possible, keeping a copy for your records. We appreciate your assistance in this matter.

Very truly yours,

HOLLAND & KNIGHT LLP



Robert M. Motes

cc: Josephine Conde (via facsimile at 561-995-5568)

Acknowledged and agreed to:

LEE COUNTY, a political subdivision  
of the State of Florida

VERIZON WIRELESS PERSONAL  
COMMUNICATIONS LP  
d/b/a VERIZON WIRELESS

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

FTLI #612035 v1