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February 15, 2016

**Sent via US Mail Only (jmerino@hallandalebeachfl.gov)**

Jennifer Merino  
City Attorney  
City of Hallandale Beach

***Re: Legal Bills for Vice Mayor London***

Dear Ms. Merino:

I hope this letter finds you well. As you are aware, I represented Hallandale Beach Vice Mayor Keith London in two (2) separate investigations, to-wit: (i) Broward Office of Inspector General Investigation Case No. 16-012 ("Broward OIG Investigation") and (ii) Broward State Attorney's Office Investigation SP16-07-67 ("SAO Investigation"). Both investigations were initiated due to allegations made by Hallandale Beach Mayor Joy Cooper about Vice Mayor London.

Moreover, the Broward OIG Investigation stemmed from an allegation by Mayor Cooper to the Broward OIG in June of 2016. Mayor Cooper alleged that Vice Mayor London improperly used the City's copier machine for personal use. However, Vice Mayor London provided a statement to the Broward OIG that he obtained the copies for official City business. Accordingly, the investigation was closed with no action taken by the Broward OIG against Vice Mayor London.

The SAO Investigation was initiated because of an allegation by Mayor Cooper that Vice Mayor London and Hallandale Beach Commissioner Michele Lazarow violated Florida's Sunshine Law by communicating outside of a public meeting prior to the April 18, 2016 Hallandale Community Redevelopment Agency. The SAO found insufficient evidence to support the allegation that Vice Mayor London violated the Sunshine Law. I have enclosed Assistant State Attorney Christopher Kilorad's January 19, 2017 Close-Out Memorandum with this correspondence.

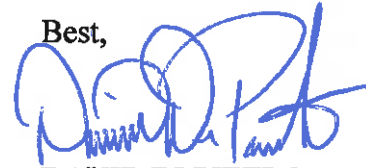
It is well-recognized under Florida common law that a municipal corporation is legally obligated to furnish or pay fees for an attorney to defend a public official in a civil or criminal proceeding. The purpose of this doctrine "is to avoid the chilling effect that a denial of representation might have on public officials in performing their duties properly and diligently. *Nuzum vs. Valades*, 568 So. 2d 914 (Fla. 3d DCA 1981). A municipality is obligated if i) the underlying conduct arises out of the performance of the official's duties and ii) the official is serving a public purpose. *See Maloy v. Bd. Of Commr's of Leon County*, 946 So. 2d 1260 (Fla. 1st DCA 2007); *Chavez v. Tampa*, 560 So. 2d 1214 (Fla. 2d DCA 1990); *Thornber v. Fort*

*Walton Beach*, 568 So. 2d 914 (Fla. 1990); *Ferrera v. Caves*, 475 So. 2d 1295 (Fla. 4th DCA 1985); *Lomelo v. Sunrise*, 423 So. 2d 974 (Fla. 4th DCA 1982).

The allegations brought against Vice Mayor London were acts in his official capacity and the City of Hallandale Beach is obligation to pay for your legal defense.

Please contact me with any questions or concerns. Thank you.

Best,



DAVID DI PIETRO  
For the Firm

*Enclosure: January 19, 2017 Close-Out Memorandum*



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
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**CLOSE-OUT MEMORANDUM**

**To:** File  
**From:** Christopher Killoran (K)  
**Re:** Keith London and Michele Lazarow - File # SP16-07-067  
**Date:** January 19, 2017

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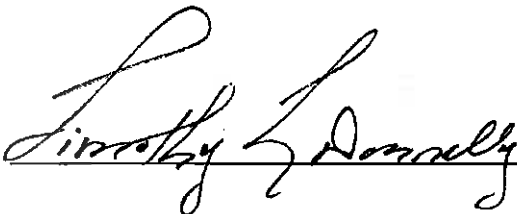
**Reason for Close-out:**

This investigation was referred to SPU by Hallandale Beach Mayor Joy Cooper ("Cooper") in regards to whether or not the Florida Sunshine Law was violated by Commissioner Keith London ("London") and Commissioner Michele Lazarow ("Lazarow") as it relates to a Hallandale Beach Community Redevelopment Agency ("HBCRA") meeting on April 18, 2016. The allegations that precipitated this investigation are that London and Lazarow had a discussion as it relates to an item on the dais from the HBCRA meeting without the other three members being present. There was video provided by Cooper from the April 18<sup>th</sup> meeting that shows the incident in question. After a thorough investigation, including taking a sworn statement from Cooper, procuring the video from the April 18<sup>th</sup> meeting, as well as multiple meetings with London and Lazarow's attorneys (David DiPietro and Brian Silber, respectively) including proffers offered by both, the Undersigned has found insufficient evidence to support the allegations of a Sunshine Law Violation.

The HBCRA is "a dependent special district in which any future increases in property values are set aside to support economic development projects within that district." The board members are composed of the five city commissioners (including the mayor) who hold public meetings to discuss pertinent issues as it relates to community development. These meetings must comport with the Sunshine Laws as dictated by F.S. 286.011. On April 18, 2016 there was a HBCRA meeting held directly after a standard Hallandale Beach City Commission meeting. The video obtained in this case starts with Cooper leading the Pledge of Allegiance. Once the Pledge is finished, the video shows London and Lazarow entering from the right side of the stage. Once Cooper opens the meeting, she has some preliminary discussion with Commissioner Sanders about scheduling. Once this concludes, Cooper calls to order the meeting in regards to a few listed items to be discussed. For April 18, 2016 there were two items to be addressed, Items A and B. London then states he wants to discuss one of the items. Cooper asks which one and before London can answer, Lazarow answers "Item A". This investigation is whether or not Lazarow answering the inquiry of which item London wanted to pull constitutes a violation of the Sunshine Law.

The Undersigned took a sworn statement of Cooper on August 30, 2016. At the statement Cooper detailed the incident from her perspective. When asked whether or not she knew what London and Lazarow were discussing prior to the meeting, or whether or not Cooper knew if anyone overheard the conversation, she was not able to answer in the affirmative. Further investigation did not uncover any additional witnesses or information as it relates to the discussion between London and Lazarow. The Undersigned then sent Target letters to both London and Lazarow to ascertain whether or not they were willing to provide any information in regards to the investigation. Through their respective counsel, both London and Lazarow stated that they did not discuss Item A during the break on April 18, 2016 and neither could recall what they were discussing while they were off the dais that day. Item A at this particular meeting dealt with a resolution by the HBCRA approving an engagement agreement with N-K Ventures LC to continue to provide real estate advisory consulting services to HBCRA in an amount not to exceed \$50,000. Additionally, through Lazarow's attorney, she proffered that Item A was previously discussed on March 14, 2016 in regards to a potential conflict of interest with another city vendor and N-K Ventures. Apparently, the representative from N-K Ventures had the same last name (Lawlor) as a different vendor hired by the city previously so the commission inquired as to any familial relationship to avoid any potential conflicts. On March 14, 2016 the potential conflict was discussed but the ultimate decision in regards to Item A was not voted upon. According to Lazarow, she knew that London was going to address Item A on April 18, 2016 since it had previously been addressed on March 14, 2016 but was never resolved. Once Lazarow saw that Item A was on the agenda, she assumed that this was the Item London wanted to call. Based upon this explanation, there is a reasonable hypothesis of innocence in regards to this investigation. This, coupled with lack of evidence to the contrary, necessitates SP16-07-067 to be closed due to insufficient evidence to prove criminal conduct.

APPROVED:



DATE:

1.19.2017