

# MOORE, HILL & WESTMORELAND, P.A.

ATTORNEYS AT LAW

LARRY HILL \*  
CHARLES F. BEALL, JR. \*‡+  
GEORGE R. MEAD, II  
MARGARET T. STOPP  
DOUGLAS S. WOODWARD +  
DANIEL M. EWERT  
R. ALEX ANDRADE +  
TIFFANY T. WOODWARD M

\* Board Certified Civil Trial Lawyer  
‡ Board Certified Appellate Lawyer  
+ Also Admitted in Alabama  
M Certified Family Mediator

Maritime Place | Suite 100  
350 West Cedar Street  
Pensacola, Florida 32502

Post Office Box 13290  
Pensacola, Florida 32591-3290

Telephone (850) 434-3541  
Telefax (850) 435-7899

H. EDWARD MOORE, JR.  
RETIRED

J. LOFTON WESTMORELAND  
(1946 - 2004)

Internet  
<http://www.mhw-law.com>

Writer's Email Address:  
[emead@mhw-law.com](mailto:emead@mhw-law.com)

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Via email - [legal@cityofpensacola.com](mailto:legal@cityofpensacola.com)

Ms. Lysia Bowling, Esq.  
City Attorney  
222 West Main Street  
Pensacola, FL 32502

**Re: Notice of Conflict of Interest**

Dear Ms. Bowling:

I regret to inform you that you are in the course of undertaking a professional conflict of interest in representing both the Council and the City Administration on this ECUA sewer tank permit and approval matter. This is precluded by Florida Bar Rule 4-1.7, *Conflict Of Interest; Current Clients*, as follows:

(a) *Representing Adverse Interests*. Except as provided in subdivision (b), a lawyer must not represent a client if:

- (1) the representation of 1 client will be directly adverse to another client; or
- (2) there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

You have been asked to advise the City Council of their authority to act to correct the obvious avoidance of their statutory prerogative of approval for sewer improvements in the City limits under §153.03, Fla. Stat. However, the City administration already approved a permit in clear default of this statute, but which you must otherwise also defend or explain.

Under the Charter, the Council and the Mayor are subsidiary and independent clients, expressly entitled to separate representation where necessary. The Charter thus contemplates that their interests may diverge. They plainly diverge in this instance, and are directly adverse. You are therefore ethically bound to decline to advise the Council on the matter at issue and to advise them that they require separate counsel. Further, it may also be that you are barred from representing the Administration on the same matter, given your attendance and limited provision of advice at the last meeting of City Council.

SEPTEMBER 20, 2017

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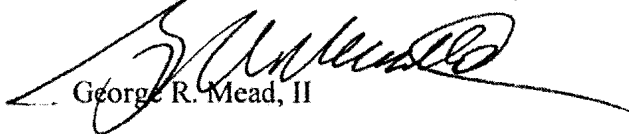
In addition, you are materially dependent on the Mayor's good favor for your position. The Council has no means to unilaterally discipline or terminate you in default of satisfaction with your performance and legal advice, without the Mayor's concurrence. Conversely, the provision for a separate city attorney for the Council provides the Council power to unilaterally terminate their own assistant city attorney.

Accordingly, you are also barred because your personal interest in your position as City Attorney is materially aligned with the Mayor and not solely with the Council. You therefore cannot give independent advice to the City Council on an issue such as the one presented for this reason. You are conflicted in a way that cannot be waived without a change in the current form of the Charter.

Please be governed accordingly.

Sincerely,

MOORE, HILL & WESTMORELAND, P.A.



George R. Mead, II

GRM/grm