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ATTORNEYS AT LAW

November 1, 2021

**VIA EMAIL (mark.berman@copbfl.com)**

Mark Berman, City Attorney  
City of Pompano Beach  
100 West Atlantic Blvd.  
Pompano Beach, FL 33060

Re: Mayor Lamar Fisher / Ethics Complaint No. 20-146

Dear Mr. Berman:

I am very pleased to advise you that the Florida Commission on Ethics ("FCE") has determined that there is *no probable cause* to believe that Mayor Lamar Fisher violated Section 112.3143, F.S., pertaining to certain votes that were cast while he was a member of the City Commission as well as a member of the City's Community Redevelopment Agency ("CRA"), and that the above-referenced complaint has been *dismissed*. A copy of the FCE's Public Report is enclosed for your review.

Additionally, enclosed please find a copy of our invoice for legal services for representing Mayor Fisher in this matter. The allegations against Mayor Fisher arose from conduct (i.e. votes) taken in his official capacity and while serving a public purpose as mayor and as a board member of the CRA. Since the complaint has been the dismissed, Mayor Fisher is legally entitled to have his attorney's fees paid by the City.<sup>1</sup> The City may have an opportunity to pursue and recover attorney's fees against the complainant pursuant to Section 112.317, F.S.

Thank you for your assistance and attention to this matter. Please contact my office if there is any additional information that we can provide.

Sincerely,

  
JACOB G. HOROWITZ

CC: Mayor Lamar Fisher

<sup>1</sup> See *Maloy v. Bd. Of Commr's of Leon County*, 946 So.2d 1260 (Fla 1<sup>st</sup> DCA 2007), *Chavez v. Tampa*, 560 So.2d 1214 (Fla. 2d DCA 1990), *Thorner v. Fort Walton Beach*, 568 So.2d 914 (Fla. 1990), and *Lomelo v. Sunrise*, 423 So.2d 974 (Fla 4<sup>th</sup> DCA 1982).

(00477581.1 3582-0000002)



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LAMAR FISHER  
2112 East Atlantic Boulevard  
Pompano Beach FL 33062

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11/01/2021  
ACCOUNT NO: 3382-0000002  
STATEMENT NO: 38029

FCE Ethics Complaint No. 20-146

			HOURS	
08/24/2020	JGH	Review Complaint, telephone call with C. Anderson; draft cover letter, Notice of Appearance and Notice of Filing (legal memoranda).	1.30	
12/29/2020	JGH	Telephone conference call with B. Malone (FCE); telephone call with L. Fisher.	0.60	
01/27/2021	JGH	Telephone call with Lamar Fisher regarding preparation for call with investigator.	0.20	
01/28/2021	JGH	Preparation for and attend investigator inquiry of Lamar Fisher; legal research and Follow-up with Robert Malone.	1.20	
08/30/2021	JGH	Telephone call with Lamar Fisher; review Report of Investigation; draft response to report.	2.50	
08/31/2021	JGH	Legal research and draft response to ROI.	4.30	
09/01/2021	JGH	Continue legal research and drafting response to ROI.	3.10	
09/02/2021	JGH	Telephone call with Lamar Fisher; telephone call with M. Berman; finalize Response to ROI.	1.00	
09/23/2021	JGH	Review FCE Advocate Recommendation; telephone call with Lamar Fisher.	0.50	
10/21/2021	JGH	Preparation for FCE hearing and travel to Tallahassee for Probable Cause hearing.	4.00	
10/22/2021	JGH	Preparation for and attend Probable Cause hearing; return travel to Fort Lauderdale.	8.00	
		FOR CURRENT SERVICES RENDERED	26.70	9,345.00
		Professional Courtesy Adjustment		-1,845.00
		Net Fees after Professional Courtesy Adjustment		7,500.00

	RECAPITULATION		
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
JACOB G. HOROWITZ	26.70	\$350.00	\$9,345.00

LAMAR FISHER

FCE Ethics Complaint No. 20-146

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	Photocopies	9.10
	TOTAL EXPENSES THRU 10/31/2021	9.10
10/25/2021	Airfare - Jacob Horowitz FLL-TLH-FLL	220.00
10/25/2021	Travel Jacob G. Horowitz - Meals	74.15
10/25/2021	Travel Jacob G. Horowitz - Local Transportation	112.13
10/25/2021	Travel Jacob G. Horowitz - Hotel	114.39
	Travel	520.67
	TOTAL ADVANCES THRU 10/31/2021	520.67
	TOTAL CURRENT WORK	8,029.77
	BALANCE DUE	<u>\$8,029.77</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE