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November 9, 2018

The Honorable Kenneth T. Welch, Chair
Pinellas County Board of County Commissioners
315 Court Street, 5th Floor
Clearwater, FL 33756

RE: Conflict of Interest Advisory – Conflict Waiver and Concurrent Representation Request
Connie Plate Employment Discrimination Litigation

Dear Commissioner Welch:

Connie Plate has filed a federal lawsuit against Pinellas County arising from her termination of employment as an employee of the Property Appraiser's office under Pam Dubov. Plaintiff is seeking various forms of relief, including being re-instated to a position of Appraiser I in the Property Appraiser's Office.

At this time, the Office of the County Attorney will undertake the representation of Pinellas County on behalf of the Board of County Commissioners. It is anticipated that Ms. Plate may amend her complaint to join the Property Appraiser as a co-Defendant, or alternatively, amend to name the Property Appraiser as the sole Defendant.

I am advising you via this letter the representation undertaken for these parties involves an actual conflict of interest, to the extent that defense of the County will include the argument that the Property Appraiser is the proper party to the litigation. Despite that conflict, it is my opinion that no direct adverse representation of the respective parties will occur. Furthermore, it is my opinion that no substantial risk exists that the mutual representation of the parties would be materially limited as a result of the mutual representation of the parties. I am, therefore, requesting that each client consent to the mutual representation in this matter. The law requires such consent be expressed either in writing or clearly stated on the record during a hearing.

First, the nature of the controversy is employment discrimination and retaliation claims arising from Ms. Plate's employment and termination of employment by the Property Appraiser's predecessor.

Second, the nature of the actual or potential conflict of interest is as follows:

Under the anti-discrimination laws cited in the Complaint, and particularly in light of Ms. Plate's request for reinstatement as an employee of the Property Appraiser, the proper party Defendant should be the Property Appraiser, an independent Constitutional Officer, instead of the Board of County Commissioners, on behalf of Pinellas County. It is reasonably anticipated that the claims against Pinellas County will be defended on the basis of the Property Appraiser being the employer and proper party to the litigation.

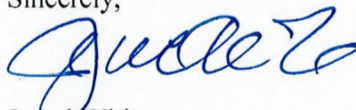
Third, this representation arises solely from activities involving public responsibilities or activities that occurred within the scope and course of government employment. No party will be represented in his/her personal or private capacity whatsoever.

Fourth, our conflicts review has not revealed any actual, or reasonably foreseeable, substantial risk that any party's representation will be diminished as a result of the conflict identified in this matter. The claims are covered by the risk finance program. The Property Appraiser was previously named as the employer in the Plaintiff's charge of discrimination filed by the Equal Employment Opportunity Commission; at some point, Ms. Plate amended her charge and named Pinellas County as her employer. The Property Appraiser defended the Equal Employment Opportunity Commission (EEOC) charge with the assistance of the County Attorney's Office. The Property Appraiser denies any discrimination occurred. We are unaware of any private, personal interests of the identified parties that would generate any direct, adverse conflict of interest in these multiple representations, or that the appearance of any direct, adverse conflict of interest would occur, especially in light of these public disclosures.

Fifth, mutual legal representation involves certain benefits and risks. In this instance, mutual representation reduces expenses and would likely facilitate resolution of this matter. Other benefits may include consistency in advocacy regarding Constitutional Officers being separate and distinct legal entities from Pinellas County and open communication and the sharing of information between the attorney who handled the administrative charge and the litigation team. The risks associated with mutual representation always include the possibility that a direct, adverse conflict might later arise. In that instance, a complete withdrawal of the Office of the County Attorney from representation of all parties may be required by law, regardless of the consent of the affected parties. Other apparent risks include the County Attorney's Office defending Pinellas County by asserting that Mike Twitty, as Pinellas County Property Appraiser, is the real party in interest.

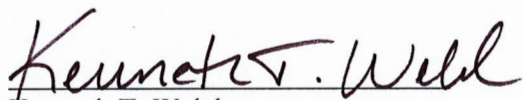
If you have any questions with regards to this matter, please do not hesitate to call.

Sincerely,



Jewel White
County Attorney

Acknowledgment of receipt of explanation of multiple clients and consent to represent the BCC/Property Appraiser as described in this correspondence.



Kenneth T. Welch
Board of County Commissioners

Date: 11/14/18