

BOARD OF PORT COMMISSIONERS OF THE LEE COUNTY PORT AUTHORITY

1. REQUESTED MOTION/PURPOSE: Approve and execute the Conflict Waiver Request dated January 9, 2025. 2. FUNDING SOURCE: N/A 3. TERM: N/A 4. WHAT ACTION ACCOMPLISHES: Attorney Russell S. Whittle is requesting a waiver of conflict of interest having represented Lee County Port Authority in Eugenie D'Agostino v. Lee County Port Authority and now accepting a position with Morgan & Morgan, the firm prosecuting the claim. Mr. Whittle will have no access to the files, is prohibited from performing any work on the matter and will not discuss the matter with anyone at Morgan & Morgan.	5. CATEGORY: 16 Consent Agenda 6. ASMC MEETING DATE: 2/18/2025 7. BoPC MEETING DATE: 3/6/2025
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8. AGENDA: <div style="margin-left: 40px;"> <input type="checkbox"/> CEREMONIAL/PUBLIC PRESENTATION <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE </div>	9. REQUESTOR OF INFORMATION: (ALL REQUESTS) NAME <input type="text" value="Robert D. Holborn"/> DIV. <input type="text" value="Port Attorney"/>
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10. BACKGROUND:

Attorney Russell S. Whittle requests Lee County Port Authority's waiver of the potential conflict of interest, to the extent required by the Rules of the Florida Bar. The waiver of conflict of interest is based on Mr. Whittles' representing Lee County Port Authority in Eugenie D'Agostino v. Lee County Port Authority and now accepting a position with Morgan & Morgan, the firm prosecuting the claim.

The applicable ethics rules permit Mr. Whittle to represent client with adverse or potentially adverse interests in circumstances to be able to provide competent and diligent representation to each client; the representation is not prohibited by law; the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and each affected client gives informed consent, confirmed in writing or clearly stated on the record at a hearing.

Mr. Whittle believes that his working for Morgan & Morgan does not involve a conflict of interest.

Attachments:

1. Conflict Waiver Request

11. RECOMMENDED APPROVAL					
<u>DEPUTY EXEC DIRECTOR</u> Robert D. Holborn	<u>COMMUNICATIONS AND MARKETING</u> Victoria B. Moreland	<u>OTHER</u> N/A	<u>FINANCE</u> David W. Amdor	<u>PORT ATTORNEY</u> Andrea R. Fraser	<u>EXECUTIVE DIRECTOR</u> Steven C. Hennigan
12. SPECIAL MANAGEMENT COMMITTEE RECOMMENDATION: APPROVED X (7-0) APPROVED as AMENDED DENIED OTHER			13. PORT AUTHORITY ACTION: APPROVED APPROVED as AMENDED DENIED DEFERRED to OTHER		

Background (continued)