

Add-On Item
By: Vice Mayor Newman

Commission Reports, Discussion & Remarks

Discussion and Presentation with Attorney Guy A. Lewis Re: Bond Representation

Add-On Item #4 - EXHIBIT 'A'
By: Vice Mayor Newman

On Fri, Jul 23, 2010 at 11:04 PM, <AslanF@aol.com> wrote:

see offer below Please remember that I cant receive email from city email addresses such as brw@cityofcityofsouthmiami.net because of a IT breakdown in sending me email at aslanf@aol.com

Thus if you have such a city email address , then merely write me at Mr Goldsteins email address and he will reroute the email to me at aslanf@aol.com

Attached is a unsolicited offer from Guy Lewis, a very good attorney. While I will certainly consider Mr Lewis in other situations, I would not use him in the Bond crisis for many reasons including the following reasons. 1) With somewhere between 11 million and 73 million dollars at stake , we need at least 3 separate attorneys to wit Bond Counsel , SEC counsel and IRS counsel. Squire Sanders provides all three while Mr Lewis claims expertise with the SEC. 2) Our team is #1 rated in all three specialities and has been approved by our partners, the League of Cities #3) Historically the SEC has a greater track record of forgiveness to the Cities then IRS. IRS is unyielding and most large penalties come from SEC rather then IRS such as Kravitz Center where IRS redeemed 2.88 million dollars and fined Palm Beach County \$330, 000. We need Todd Coope rwho you will met for IRS. SEC may broaden into a criminal type investigation but that does not concern me with our present elected officials. I believe I called this "the silver lining" #4) At the rates quoted by Mr Lewis , I verily believe it will cost about 55 thousand dollars just to catch up with where Squire Sanders is right this minute. Indeed meetings with IRS are on for next week.and we are having a executive session on August 3rd. In my short estimate of ten months to finish this unpleasant matter , Squire Sanders has already completed 30% of the services required. WE ARE CORRECTLY MOST COST CONSCIOUS IN OUR LITTLE CITY BUT I BELIEVE IN THIS BOND CRISIS , the greatest financial crisis in South Miami's history, we must stick with #1 rated Squire, Sanders

Expensive attorneys are correctly not to our liking but neither are potential damages in the millions that we are unable to pay. I do not believe we should dismiss Squire Sanders who have now instigated a 10% monthly fee reduction. Credibility with the League, IRS and SEC will be at jeopardy if we change horses in mid stream.

We need the #1 firm for this Bond problem and that is our recommendation to this Honorable Commission

Larry
Laurence Feingold P.A.
City Attorney of South Miami.
City Hall (305) 663-6340

LEWIS TEIN PL
ATTORNEYS AT LAW

July 23, 2010

Copy via electronic mail

Honorable Mayor Philip K. Stoddard
Honorable Laurence Feingold
6130 Sunset Drive
South Miami, FL 33143
mayorstoddard@gmail.com
aslanf@aol.com

Re: *SEC Investigation*

Dear Mayor Stoddard and Mr. Feingold:

I hope this letter finds you both well.

I recently learned of the SEC's investigation concerning the City of South Miami's agreement with developer Mark Richman to operate the South Miami Municipal Garage. I write to offer our assistance.

Our firm, Lewis Tein, PL, is a small boutique litigation firm with vast experience in SEC matters. Prior to private practice, I had the privilege of serving as a federal prosecutor for almost 20 years, handling dozens of SEC matters. From 2000 to 2002, I served as the United States Attorney for the Southern District of Florida, interacting closely with the SEC. Thereafter, I served for 2 years as the Director of the Executive Office for U.S. Attorneys in Washington, DC, overseeing all 93 United States Attorneys' Offices nationwide.

Since leaving the government in 2004, and establishing Lewis Tein, PL, we have handled a number of serious and important matters both for and against the SEC with remarkable success. For example, we recently concluded a major financial case successfully for one of the largest companies in the world against the SEC. The investigation was closed with no action against our clients.

In addition, we also recently completed work as the SEC recommended and federal court-appointed Receiver in the "KL Financial" case (*SEC v. KL Group, LLC*, No. 05-80186-Civ-Ryskamp/Vitunac). This case represents one of the largest financial fraud investigations in Florida history.

Also, importantly, we represent a number of municipalities in South Florida on matters both large and small. We consider it an honor and privilege to represent city government. As a result, we heavily discount our rates for municipalities and would do so in this case as follows: partners (\$275/hr, including myself, although my rate normally is \$750/hr); senior associates (\$225/hr); junior associates (\$200/hr) and paralegals and law clerks (\$60/hr).

Hon. Mayor Philip K. Stoddard
Hon. Laurence Feingold
July 23, 2010
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LEWIS TEIN PL
ATTORNEYS AT LAW

All of the firm's attorneys' resumes are available under the "Attorneys" section of our website, www.lewistein.com.

Again, we would consider it an honor and privilege to represent the City of South Miami. We respectfully request that you consider our proposal and discuss it with the city's board of commissioners. Please contact us if you have any questions or wish to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy A. Lewis". The signature is stylized and written in a cursive-like font.

Guy A. Lewis

Menendez, Maria M.

Add-On Item #4 - EXHIBIT 'B'

By: Vice Mayor Newman

From: AslanF@aol.com
Sent: Friday, July 23, 2010 11:41 PM
To: Mayor & Comm
Cc: markgoldstein98@yahoo.com; Menendez, Maria M.
Subject: Fwd: South Miami URGENT AGAIN

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Honorable Mayor and Commissioners

From: Laurence Feingold, City attorney

Mark and I tried for two weeks unsuccessfully to find suitable successor counsel for Squire, Sanders just to save fees for our City
No one man can be SEC expert, IRS expert, and Bond expert is the lesson we learned from our efforts

For example, the email below from W. D. Tyler of the prestigious Nabors firm located in Tampa and Tallahassee is his response to 30 emails of information I sent Mr Tyler at Mark's request trying to hire Tyler at \$350 a hour. I don't know this man Mark found but see how Mr Tyler speaks the truth. His conclusion is that we would have to hire a separate law firm for different specialists and that we must keep Squire, Sanders

For the reasons below, we just can't hire Guy Lewis now even though he like Mr Tyler is a fine lawyer.

From: dtyler@ngn-tampa.com
To: AslanF@aol.com
Sent: 7/16/2010 10:26:06 A.M. Eastern Daylight Time
Subj: RE: South Miami

Mr Feingold, as promised I did go through everything you sent last night and confirmed my initial impression. We believe the advice you gave your client in your most recent memorandum to them is the best advice, which is to continue with the team you have assembled. We have concluded that due to the number of documents and the multiple transactions, the City would not want to pay for us to do the work necessary in order to just catch up with the current team. Moreover, Squire Sanders seems to have personal familiarity and credibility with the IRS personnel working on the VCAP which is extremely beneficial. Finally, we do not have the expertise to provide you with the representation you need for the SEC inquiry, so the City would need to pay extra for that separately. In summary, mid-surgery is not the time to try to find a less expensive surgeon. Of course, if we can be of help or

7/26/2010

assistance to you as you deal with this trying process, please do not hesitate to let us know. Also know that without doubt, Bob Nabors and our other partners are the best general governmental lawyers in the State and if there is any way we can provide counsel and assistance to the City in these matters, you really should contact us.

I hope you get to celebrate your birthday and anniversary in North Carolina and best wishes for both.

Sincerely

Danny

William D. (Danny) Tyler

Nabors, Giblin & Nickerson, P.A.

Suite 1060

2502 Rocky Point Drive

Tampa, Florida 33607

Phone: (813) 281-2222

Fax: (813) 281-0129



"Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein. Thank you."

Menendez, Maria M.

Add-On Item #4 - EXHIBIT 'C'

By: Vice Mayor Newman

From: AslanF@aol.com
Sent: Friday, July 23, 2010 11:15 PM
To: Mayor & Comm
Cc: markgoldstein98@yahoo.com; Menendez, Maria M.
Subject: Fwd: Municipal Parking Garage
Attachments: MIAMI-#4254925-v2-Qualifications.pdf

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Honorable Mayor and Commissioners

The 14 cities and Counties below use #1 Squire, Sanders and pay the identical rates we are charged .

Laurence Feingold P.A.
City Attorney of South Miami.

From: LReiter@SSD.com
To: AslanF@aol.com
CC: markgoldstein98@yahoo.com
Sent: 7/15/2010 3:25:24 P.M. Eastern Daylight Time
Subj: RE: FW: Municipal Parking Garage

I have attached the statement of qualifications we provided you originally, which describes our expansive public finance practice, both in Florida and nationally.

In addition, listed below please find some of our the Florida clients (it is by no means a complete list and we have limited the list to certain counties and municipalities):

- 1) Miami-Dade County
- 2) Broward County
- 3) City of Miami
- 4) City of Miami Beach
- 5) City of Coral Gables
- 6) City of North Miami
- 7) City of Homestead
- 8) City of Fort Lauderdale
- 9) City of Hollywood
- 10) City of Sunrise
- 11) City of West Palm Beach
- 12) City of Port St. Lucie
- 13) City of Cape Coral
- 14) City of Tallahassee

Luis