  
**MESSER CAPARELLO**  
Attorneys At Law  
*Strategically Positioned in Florida's Capital*

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November 18, 2015

Nicholas "Nick" Mimms  
Interim City Manager  
City of Ft. Pierce  
100 North U.S. Highway 1  
Ft. Pierce, FL 34950

RECEIVED  
TIME \_\_\_\_\_  
NOV 20 2015  
CITY OF FT. PIERCE  
CITY MANAGER'S OFFICE

RECEIVED  
NOV 23 2015  
CITY OF FORT PIERCE  
PURCHASING DEPT.

RE: *In re Robert V. Schwerer, Complaint No. 14-033 & 14-075 (Ethics Commission)*

Dear Mr. Mimms:

The purpose of this correspondence is to request, on behalf of Robert V. Schwerer, the City Attorney of the City of Ft. Pierce, that he be reimbursed for the payment of attorney's fees and costs associated with the successful defense of the above-referenced complaints filed with the Commission on Ethics.

Both case law and Attorney General's opinions authorize payment or reimbursement of legal fees in connection with the successful defense of a complaint filed with the Ethics Commission when the public official was performing official duties while serving a public purpose.

Briefly, the complaints filed against Mr. Schwerer can be summarized as follows:

- **Complaint 14-033** filed by T. Michael Abinanti alleged that Mr. Schwerer "represented the City and/or its Redevelopment Agency in efforts to redevelop property, and that the Respondent used his public position to gain an advantage for his law firm in negotiations with its landlord, an entity owning property, or connected to owners of property, involved in the redevelopment efforts."
- **Complaint 14-075** filed by Rick Reed alleged that the Mr. Schwerer "provided publicly funded legal representation to a City Commissioner in connection with a lawsuit against the Commissioner which alleged a defamatory act committed during a time when the Commissioner held no public position and which named the Commissioner individually as the sole defendant."

Both of these complaints were found to be legally sufficient to warrant investigation and, following investigation by the Commission on Ethics and a probable cause hearing before

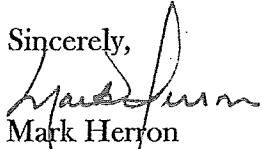
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the Commission on September 11, 2015. A copy of the Public Report dismissing both complaints is included with this letter. Underlying the Commission's finding of "no probable cause" is a determination that Mr. Schwerer was performing official duties while serving a public purpose in connection with his actions that were the subject of the complaints.

Our firm has billed Mr. Schwerer **\$8,875.07** in connection with the defense of this matter. The services of Mark Herron and J. Brennan Donnelly have been billed at the hourly rate of \$300 per hour. Copies of billing statements regarding these fees and costs included with this letter as well.

Thank you for your attention to this request. If you have additional questions or concerns, or need any additional information, with respect to this request, please let me know.

Sincerely,

  
Mark Herron

cc: Robert V. Schwerer, Esquire