

# BROWN & ASSOCIATES, P.A.

*Attorneys and Counselors at Law*

*Michael D. Brown, Esq.*

*E.J. Brown, Esq.  
(1956 - 1995)*

May 3, 2016

Mayor Thomas Masters  
Board Member Dawn S. Pardo  
Board Member Terence "TD" Davis  
Board Member Bruce A. Guyton  
Board Member Kashamba L. Miller-Anderson  
Board Member Tonya Davis Johnson

Riviera Beach Utility Special  
Water District  
600 West Blue Heron Boulevard  
Riviera Beach, Florida 33404

Re: Riviera Beach Water District Board regulatory compliance

To the Honorable Mayor and District Board members:

This confirms the engagement of Brown & Associates, P.A. as special legal counsel to the Riviera Beach Utility Special Water District Board members to address water quality issues which have recently come to the public's attention as a result of the imposition of fines imposed on the water district by the Palm Beach County Health Department, or additional regulatory agencies. The fines were apparently imposed as a result of the water district's violation of applicable safe drinking water standards or procedures. Our engagement as legal counsel is terminable at will by either the board or this firm.

My current standard hourly billing rate is \$400.00 per hour. Associate attorneys are billed at an hourly rate of \$200.00 per hour. Paralegals are billed at an hourly rate of \$100.00 per hour. **However, I have elected to charge the district a reduced billing rate of \$300.00 dollars per hour for my time, \$150.00 per hour for associate time, and \$75.00 per hour for paralegal time.**

In consideration for the legal services this firm renders on behalf of the Riviera Beach Utility Special Water District board members, the firm will bill the district monthly, generally soon after the first of each month, for legal services rendered and expenses or costs incurred on its behalf

during the immediately preceding month. This statement will be due and payable upon receipt by you. It is this firm's general policy to request a retainer which I would normally hold in my trust account to apply against any monthly statement or against the final bill rendered as I may in our sole discretion decide. **This firm will not require the district to provide it with a retainer regarding this matter.**

The scope of services that this firm will provide to the water district board members are:

**To investigate the circumstances under which it was determined by the regulatory agencies with the authority to do so, that a portion of the city's public drinking water supply violated federal, state or local water safety requirements. (This matter recently became known to the public when it was revealed that the city was fined by several regulatory agencies with the authority to do so, for repeated violations of water quality standards);**

**To review all relevant municipal records to determine what role if any, municipal employee(s), department(s) or agency (ies) had, or should have had, regarding the city's water supply and compliance with water safety regulations, and, whether any employee(s), department (s), or agency(ies), received any notice (s) or other relevant information from any regulatory agency with the authority to monitor the district's compliance with the applicable regulations, which indicated that the district's water operation was in violation of the applicable regulations;**

**To identify any individual(s), who knew or should have known, or identify any agency (ies) or department (s) which had knowledge of, or should have had knowledge of the fact that the utility water district failed to comply with proper water safety regulations; when the individual(s), agency(ies), or department(s), obtained, or should have obtained knowledge of the noncompliance; and,**

**What action, if any, was taken, or should have been taken, by the individual (s), agency (ies), or department (s), regarding the city's water supply upon gaining knowledge of, or upon receipt of notice that the city's water supply was in violation of applicable water standards.**

**This firm will complete and deliver a Final Written Report to the Riviera Beach Utility Special Water District Board which reflects its findings within seven (7) business days of completion of the investigation. Furthermore, this agreement confirms that this firm is willing to address any additional legal, operational, or procedural matters that the board, or the administration, at the direction of the board, request it to do so. This provision was added to this agreement at the request of the water district attorney to address the possibility that the board may request this firm assist it in other water district matters.**

**IN ORDER TO COMPLETE THE FINAL REPORT THE BOARD MUST INSURE ALL CITY OF RIVIERA BEACH AND RIVIERA BEACH UTILITY SPECIAL WATER DISTRICT EMPLOYEES OR AGENTS BE DIRECTED BY THE PERSON WITH THE**

**AUTHORITY TO DO SO AT EACH RESPECTIVE AGENCY, TO GRANT FULL ACCESS TO THIS FIRM OR ITS AGENTS TO ALL RELEVANT DOCUMENTS AND RECORDS OF ANY KIND (INCLUDING ALL ELECTRONIC DATA). FURTHERMORE, UPON REQUEST BY THIS FIRM, THE PERSON WITH THE AUTHORITY FROM EACH OF THE AFOREMENTIONED AGENCIES MUST DIRECT ANY INDIVIDUAL(S) THAT THIS FIRM BELIEVES IT NEEDS TO INTERVIEW DURING THE INVESTIGATION TO BE MADE AVAILABLE FOR QUESTIONING IN A DESIGNATED CONFERENCE MEETING ROOM AT THE RIVIERA BEACH CITY HALL WITHIN TWO DAYS OF A REQUEST MADE BY THIS FIRM.**

This firm invites you to discuss freely any questions you may have concerning a fee or cost charged on any monthly statement; this firm wants its clients to be satisfied with both the quality of its legal work and the reasonableness of the fees charged for those services.

Finally, a few words about the ethics of our profession that will govern our representation of you. As a matter of professional responsibility, we are required to preserve the confidences and secrets of our clients. This professional obligation and the legal privilege for attorney/client communications exist to encourage candid and complete communication between a client and his or her lawyers. We can perform truly beneficial services for you only when we are aware of all information that might be relevant to our representation. We must receive all information that you have that might be relevant. Consequently, we trust that our attorney/client relationship with you will be based on mutual confidence and unrestricted communication that will facilitate our proper representation of you.

If you agree to our representation of you on the foregoing terms, then please sign where indicated below and return this agreement to this office.

Sincerely,

A handwritten signature in black ink, appearing to read "M.D. Brown", written over a horizontal line.

Michael D. Brown, Esquire

MDB:mdb

Enclosure

APPROVED:

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Thomas Masters, Mayor

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Dawn S. Pardo, Board Member

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Terence "TD" Davis, Board Member

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Bruce A. Guyton, Board Member

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Kashamba L. Miller-Anderson, Board Member

\_\_\_\_\_  
Tonya Davis-Johnson, Board Member

\_\_\_\_\_  
DATE

**BROWN & ASSOCIATES, P.A.**  
**ATTORNEYS and COUNSELORS AT LAW**  
*2620 LAKESHORE DRIVE*  
*Suite 100, Riviera Beach, Florida 33404*  
*(561) 848-4306, Fax (561) 842-6845*  
*Email: lawmdbrown@aol.com*

**FIRM RESUME**

Brown & Associates, P.A. was established in October of 1992 to provide zealous, ethical, efficient legal representation to its clients. Located in Riviera Beach, Florida and immediately accessible to Interstate 95, the office is within minutes of the Palm Beach County Courthouse, Palm Beach International Airport, and Downtown West Palm Beach.

After spending five years at the venerable firm of Jones, Foster, Johnston & Stubbs, P.A., Michael D. Brown, established Brown & Associates, P.A. to provide competitive and efficient legal representation to a wide variety of clients. The firm is capable of providing legal representation in the areas of civil, business, personal injury, product liability and eminent domain litigation. The civil and business litigation practice includes the representation of corporations, partnerships, and sole proprietorships. The firm is also positioned to create business structures, and to provide advice on such matters as management planning and regulatory compliance with state and municipal regulations.

The firm is also designed to draw upon the reputation, experience and knowledge of its founder, and in order to better serve its clients, stresses significant community and professional involvement with various local charitable and professional associations and organizations. Evidence of his commitment to community service is the fact that Mr. Brown served a Commissioner to the Port of Palm Beach from 1995 until 1999, and as the Mayor of the city of Riviera Beach from 1999 until 2007, where he played a major role in expanding the city's development opportunities. He also played a vital leadership role in forcing the Environmental Protection Agency ("EPA") to apply and enforce applicable rules and regulations pertaining to the public drinking water supply, and forced the Honeywell Corporation to pay for the cleanup of the city's drinking water supply which had been previously contaminated by a Honeywell subsidiary. Both elected positions enhanced his ability him to provide valuable service to clients who are required to comply with state and local rules and regulations. The firm provides large firm service at a competitive rate.

**MICHAEL D. BROWN, ESQUIRE**

*2620 Lakeshore Drive  
Suite 100, Riviera Beach, Florida 33404  
(561) 848-4306, Fax (561) 842-6845  
Email: lawmdbrown@aol.com*

**EDUCATION:**

**Legal:** Howard University School of Law, Washington, D.C. Juris Doctor Degree, May 1986

**Awards:** American Jurisprudence Award for Achievement in Contracts, Remedies, Antitrust, and Administrative Law

**Undergraduate:** Purdue University, West Lafayette, IN  
Bachelor of Arts Degree, May, 1982  
Major: Political Science  
Minors: Economics and Communications

**Awards:** Recipient of the Leonard Wilson Award for Dedication to Excellence

**Activities:** Purdue Football

**LEGAL EXPERIENCE:**

**PRESIDENT**

October, 1992 - present      Brown & Associates, P.A., Attorneys and Counselors at Law  
Civil Litigation Firm  
Riviera Beach, Florida

**ASSOCIATE**

October, 1987-      Jones, Foster, Johnston & Stubbs, P.A.  
October, 1992      West Palm Beach, Florida

**LAW CLERK/ATTORNEY**

August, 1985-      Department of Justice,  
October, 1987      Executive Office of the United States Attorney,  
Washington, D.C.

**CIVIC ACTIVITIES:** Mayor, City of Riviera Beach, Florida  
1999 to 2007  
Commissioner, Port of Palm Beach  
1995 to 1999

**PROFESSIONAL ORGANIZATIONS:** The Florida Bar; Palm Beach County Bar Association;