

Memorandum

City Attorney's Office

No. 13-0108

To: Honorable Mayor and Commissioners

From: Harry A. Stewart, City Attorney/5037 *HAS*

Date: April 26, 2013

Re: Philip G. Mavon, Jr. vs. City of Fort Lauderdale
Broward Circuit Court Case No. 12-03298.03

The City has received an adverse ruling in the above-referenced case, which involved the construction of a boat slip and dock. The material facts of the case are set out in the Order (copy attached). While there are minor factual errors in the Order, the legal principles set forth do not address one primary principle of law, i.e. whether equitable estoppel applies against a governmental entity based on a mistake of law.

Principally, upon the issue of whether equitable estoppel can apply against a governmental entity on the issue of a mistake of law, I would recommend an appeal of this decision to get further clarification on this matter.

HAS/mr
Attachment
cc:/with attachment: Lee R. Feldman
John Herbst
Jonda Joseph

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