

COLIN BAENZIGER  ASSOCIATES

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EXECUTIVE RECRUITING

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*Section 2*

*Alain E. Boileau*

*Fort Lauderdale City Attorney  
Candidate Report*

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*Cover Letter and Resume*

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**ALAIN E. BOILEAU**  
10772 Crescendo Circle  
Boca Raton, Florida 33498

Telephone: (561) 901-2283  
E-mail: [aboileau@fortlauderdale.gov](mailto:aboileau@fortlauderdale.gov)

July 4, 2018

Colin Baenziger  
Colin Baenziger & Associates  
Executive Recruiting  
[Recruit37@cb-asso.com](mailto:Recruit37@cb-asso.com)

**VIA E-MAIL ONLY**

**RE: City Attorney Position – City of Fort Lauderdale**

Dear Mr. Baenziger:

Please accept this correspondence and the attached *curriculum vitae* as my application for the City of Fort Lauderdale City Attorney position. Please include my name in the list of interested candidates.

I have been privileged to represent the City of Fort Lauderdale, its officials, and employees for the last eighteen years, most recently as an Assistant City Attorney since 2014, and as the Interim City Attorney since March 21, 2018. My experience as counsel for the City of Fort Lauderdale, as well as my experience in representing other governmental entities, has enabled me to work on most legal and legislative issues encountered by local governments, and has enabled me to form important relationships and interact with numerous local attorneys, government officials, and community stakeholders. The foregoing, as well as the qualifications delineated in my *curriculum vitae*, make me well and uniquely qualified to be the City of Fort Lauderdale's next City Attorney.

I thank you in advance for your consideration and attention to this matter.

Very truly yours,



Alain E. Boileau

AEB/acb  
Enclosure: stated

**CURRICULUM VITAE**

**ALAIN E. BOILEAU**

100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 828-5025  
Cellular: (561) 901-2283  
E-Mail: [aboileau@fortlauderdale.gov](mailto:aboileau@fortlauderdale.gov)

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**QUALIFICATIONS & EXPERIENCE**

AV-Rated litigation and appellate attorney with over nineteen years of substantial experience representing governmental entities and private parties in diverse areas of the law, including governmental liability, police professional liability, land use, civil rights, election qualifications, general liability, prosecution and defense of extraordinary writs, contracts, code enforcement, employment discrimination, employment disputes, whistle-blower litigation, personal injury, insurance defense, admiralty, and construction litigation.

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**BAR ADMISSIONS**

Supreme Court of Florida, Florida Bar  
United States District Court, Southern District of Florida  
United States Bankruptcy Court, Southern District of Florida  
United States Court of Appeals for the Eleventh Circuit  
Supreme Court of the United States

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**EDUCATION**

**NOVA SOUTHEASTERN UNIVERSITY, SHEPARD BROAD LAW CENTER**  
*Juris Doctor, May 1998*

**FLORIDA INTERNATIONAL UNIVERSITY**  
Bachelor of Arts, Political Science, December 1993

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**PROFESSIONAL EXPERIENCE**

**CITY ATTORNEY'S OFFICE, CITY OF FORT LAUDERDALE**  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

*Interim City Attorney, March 2018 to present*  
*Asst. City Attorney III, February 2014 to March 2018*

**ALAIN E. BOILEAU, P.A.**  
101 NE Third Avenue, Suite 1500  
Fort Lauderdale, FL 33301

*CEO/Owner, August 2011 to February 2014*

**McINTOSH SCHWARTZ, P.L.**  
888 SE Third Avenue, Suite 500  
Fort Lauderdale, FL 33316

*Partner/Owner, May 2011 to August 2011*

**Yoss LLP / ADORNO & YOSS, LLP / ADORNO & ZEDER, P.A**  
888 SE Third Avenue, Suite 500  
Fort Lauderdale, FL 33316

*Partner, January 2005 to May 2011*  
*Associate Attorney, May 2000 to January 2005*

**AMLONG & AMLONG, P.A.**  
500 Northeast Fourth Street  
Fort Lauderdale, FL 33301

*Associate Attorney, September 1998 to March 2000*  
*Law Clerk, June 1997 to September 1998*

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**REPORTED CASES & DECISIONS**

*Butler v. City of Fort Lauderdale*, 668 Fed.Appx. 877 (11th Cir. 2016)  
*Yohanani v. City of Fort Lauderdale*, 2016 WL 5001230 (S.D. Fla. Jan. 15, 2016)  
*City of Fort Lauderdale v. Hezekiah Scott*, 551 Fed.Appx. 972 (11th Cir. 2014)  
*City of Fort Lauderdale v. Wang*, 115 So.3d 1060 (Fla. 4th DCA 2013)  
*City of Fort Lauderdale v. Hezekiah Scott*, 773 F.Supp.2d 1355 (S.D. Fla. 2011)  
*Keating v. City of Miami*, 598 F.Supp.2d 1315 (S.D. Fla. 2009)  
*Allenby & Associates v. Crown St. Vincent*, 8 So.3d 1211 (Fla. 4th DCA 2009)  
*City of Fort Lauderdale v. Crowder*, 983 So.2d 37 (Fla. 4th DCA 2008)  
*Palazzo Las Olas Group v. City of Fort Lauderdale*, 966 So.2d 497 (Fla. 4th DCA 2007)  
*Stranahan House, Inc. v. City of Fort Lauderdale*, 967 So.2d 1121 (Fla. 4th DCA 2007)  
*Stranahan House, Inc. v. City of Fort Lauderdale*, 967 So.2d 427 (Fla. 4th DCA 2007)  
*Rauen v. City of Miami*, 613 F.Supp.2d 1324 (S.D. Fla. 2007)  
*Cassell v. India*, 964 So.2d 190 (Fla. 4th DCA 2007)  
*Baldwin v. City of Fort Lauderdale*, 961 So.2d 1015 (Fla. 4th DCA 2007)  
*American Engineering & Development v. Sanchez*, 932 So.2d 1241 (Fla. 3d DCA 2006)  
*Premier Developers v. City of Fort Lauderdale*, 920 So.2d 852 (Fla. 4th DCA 2006)  
*Stranahan House, Inc. v. City of Fort Lauderdale*, 927 So.2d 1068 (Fla. 4th DCA 2006)  
*Stranahan House, Inc. v. City of Fort Lauderdale*, 932 So.2d 297 (Fla. 4th DCA 2005)  
*Basik Exports & Imports v. Preferred National*, 911 So.2d 291 (Fla. 4th DCA 2005)  
*Haskins v. City of Fort Lauderdale*, 898 So.2d 1120 (Fla. 4th DCA 2005)  
*First Providian, LLC v. Evans*, 852 So.2d 908 (Fla. 4th DCA 2003)  
*McCormick v. City of Fort Lauderdale*, 333 F.3d 1234 (11th Cir. 2003)  
*Van Mill v. Bay Data, Inc.*, 819 So.2d 963 (Fla. 4th DCA 2002)

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**SEMINAR PRESENTATIONS**

2016 Florida Municipal Attorneys Association, 35th Annual Seminar, *A Comprehensive Look at the Legal Issues Surrounding Homelessness in the City*, July 2016

2018 International Association of Chiefs of Police, Police Legal Advisor Training, *Police Roles in Homelessness*, April 2018

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**PUBLICATIONS**

Alain E. Boileau, Comment, *To the Suburbs of Baghdad: Clinton's Extension of the Southern Iraqi No-Fly Zone*, 3 ILSA J. INT'L & COMP. L. 875 (1997).

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**HONORS AND AWARDS**

AV Peer Review Rated® through Martindale-Hubbell

ILSA Journal of International and Comparative Law

- Associate Editor, 1997-1998

- Staff Member, 1996-1997

Phi Delta Phi Honor Fraternity - Blackstone Inn

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**PROFESSIONAL ASSOCIATIONS**

Florida Municipal Attorneys Association

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**REFERENCES**

Available upon request

## **Section 2**



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*Candidate Introduction*

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**ALAIN E. BOILEAU**

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**EDUCATION**

Bachelor of Arts, Political Science, Florida International University  
*Juris Doctor*, Nova Southeastern University, Shepard Broad Law Center

**EXPERIENCE**

Interim City Attorney, City of Fort Lauderdale	March 2018 to present
Assistant City Attorney, City of Fort Lauderdale	February 2014 to March 2018
CEO & Owner, Alain E. Boileau, P.A.	August 2011 to February 2014
Partner & Owner, McIntosh Schwartz, P.L.	May 2011 to August 2011
Partner, Yoss LLP & Adorno & Yoss, LLP	January 2005 to May 2011
Associate Attorney, Adorno & Yoss/Zeder	May 2000 to January 2005
Associate Attorney, Amlong & Amlong, P.A.	September 1998 to March 2000
Law Clerk, Amlong & Amlong, P.A.	June 1997 to September 1998

**BACKGROUND**

For many years, the City of Fort Lauderdale and its community of diverse citizens has been at the forefront of many social, legal, environmental, and political issues facing many jurisdictions across the country. Now, more than ever, the City is in need of innovative ideas and proactive legal representation, counsel, and guidance to lead, rather than react, to these important issues and those that the City will face in the coming years. My unique experience, interpersonal skills, management and organizational style, and breadth of knowledge in diverse areas of the law, can provide the City with this forward-looking and proactive representation and guidance to lead and assist the City Attorney's Office, the City's management, and the City's officials, in confidently and lawfully establishing current and future policies and goals, and facing future challenges with success.

Since I am an internal candidate, and have been serving as the Interim City Attorney since March 21, 2018, and as an Assistant City Attorney for the last 4 years, I will forego providing the recommended background and details of the community and government wherein I currently work, which are substantially well-described in the position advertisement, and upon which the City Commission is intimately familiar. However, currently the City of Fort Lauderdale's City Attorney's Office ("CAO") consists of three divisions: (1) the CAO at City Hall; (2) the City Prosecutor's Office; and (3) the Police Legal Unit. The CAO has, and I currently supervise, 12 full-time and 1 part-time Assistant City Attorneys, 5 Paralegals, 8 Legal Assistants, 1 Legal Administrative Assistant, and 1 Law Office Manager. There are currently several budgeted vacant positions consisting of 1 City Attorney, 1 Assistant City Attorney, 1 Legal Assistant, 1 part-time Legal Assistant, and 1 Legal Fellow. Most of the contractual, legislative, regulatory, and transactional legal work of the City is done internally by the CAO. More specialized areas of the

### **ALAIN E. BOILEAU**

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law, such as bond covenants, employment, labor negotiations and disputes, worker's compensation, and certain complex litigation are assigned to special counsel appointed by the City Commission. Historically, most general liability litigation was assigned to special counsel, however, in 2014, I was hired to create and manage the Litigation Division of the CAO.

From my perspective, the most significant legal issues the City of Fort Lauderdale is facing are: (1) homelessness; (2) development and land use regulations; and (3) infrastructure related liability.

Homelessness and the City's responses thereto have been major ongoing public and legal issues since November of 2014, when the City passed several ordinances designed to regulate conduct predominant within the homeless community, such as camping, storing of personal property, panhandling, and public feedings. Stranahan Park, with its central and highly-visible downtown location, became "ground-zero" for homeless advocate groups and individuals to challenge the legality of the City's ULDR-based and Code regulations. The City's 2014 attempts at regulation, and most recently the May 2017 closure of Stranahan Park, resulted in 5 state court and 2 federal court lawsuits, 6 of which remain pending in some form or another. The most significant case remaining is pending the issuance of an opinion from the United States Court of Appeals for the Eleventh Circuit, which I argued in Atlanta, Georgia, in August of 2017. I remain lead-counsel for both federal lawsuits, and have spear-headed the City's defense as co-counsel on the remaining state claims, including leading a global mediation conference for all state lawsuits in March of 2017, before the Hon. Howard Tescher, retired Circuit Court Judge. I have also had the pleasure of speaking on these legal issues facing governmental entities at the Florida Municipal Attorney's Association in July of 2016, and at the International Association of Chiefs of Police, Police Legal Advisor Training, in April of 2018. Although the City's approach towards homelessness has changed dramatically since March of 2018, the pending liability exposure remains and any future actions to assist and address homelessness in the City will need to be guided by adherence to the First, Fourth, Eighth, and Fourteenth Amendment principles at issue in the foregoing challenges, and by the experiences and lessons learned since 2014. The future legal issues and the CAO's pivotal role is well-evidenced by the City's participation, and the CAO's substantial role and contributions, in the creation of the Community Court by Chief Circuit Judge Jack Tuter, as well as the CAO's cooperation with, and participation in, the Legal Committee of Broward County's Homeless Collaborative.

The second significant legal issue facing the City relates to development and land use throughout the City. The smart-growth philosophy of the City Commission is providing the CAO, as well as staff, the opportunity to re-evaluate traditional development review, and the procedures in which development is approved. This re-evaluation of the City's ULDR's should be proactively undertaken by the City Attorney's Office, along with staff, to reflect the type of growth and the limitation of growth desired by the City's residents and necessitated by the City's infrastructure.

Thirdly, the City is facing significant challenges with its infrastructure, most particularly water and sewer, as well as water-quality. As evidenced by the sewage spill in December of 2016,

**ALAIN E. BOILEAU**

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the potential for state and federal liability is a reality and the City Attorney's Office should be engaged with staff and management to mitigate any future potential losses.

**GENERAL, MANAGEMENT STYLE AND EXPERIENCE**

I have been privileged and honored to represent and to counsel the City of Fort Lauderdale and its officials and employees for over 18 years, the last 4 months as Interim City Attorney, the last 4 years as an Assistant City Attorney, and the remaining 14 years as outside counsel, along with my former law partners. Prior to my tenure with the City of Fort Lauderdale in 2014, I also represented and counseled other governmental entities, including the Broward County Sheriff's Office, the City of Margate, the City of Pompano Beach, and the City of Homestead. My foregoing representation and counsel encompassed diverse areas of the law and most regulatory and liability issues involving government, including general liability, police professional liability, land use regulations, civil rights, election qualifications, prosecution and defense of extraordinary writs, contracts, code enforcement, employment discrimination, and employment disputes. My experience as counsel for the City of Fort Lauderdale, as well as my experience in representing and counseling other governmental entities has enabled me to form important relationships and interact with numerous local attorneys, government officials, community stakeholders, and predecessor city attorneys and assistant city attorneys, as well as all of the City's department directors and critical staff. The aforementioned experience and relationships, along with my non-governmental experience in other areas of the law, such as insurance defense, admiralty, and construction liability, bring a breadth of unique regulatory, legislative, litigation, and appellate knowledge and experience highly beneficial to the City Attorney's Office and to the City.

Since my first days of managing a staff, of approximately 8, in the early 1990's as the Customer Service Manager for Macy's South, in Aventura, Florida, as well as through various times in my legal career, and most recently with managing the personnel comprising the City Attorney's Office, my style of management has been and will continue to be inclusive and, for the lack of a better term, "hands-on" and accessible. Stated differently, my approach to management has always included evaluating differing points of view in the decision making process, particularly when managing professional employees with varying areas of expertise and knowledge. This contributes not only to the growth and development of the organization, but of the individuals comprising it. I have learned more from the employees I have had the pleasure to manage over the years than I could have ever taught them. A staff member's desire to work and succeed, rather than being compelled to work, must always be the goal. Moreover, I have always insisted that I be in the trenches, working with and assisting my staff, regardless of the task at hand, which sets both an example of commitment and concern, but also fosters a team mentality that is imperative in any successful organization. The least successful managers I have known were "over-delegators" and solely managed, while producing very little to no work of their own. A team mentality is further bolstered by an open door policy, which I insist upon and practice every day. Any staff member from any city department, regardless of rank, can to speak with me regarding any legal issue. Unfortunately, there are times when discipline must be employed, including

### ALAIN E. BOILEAU

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termination. I have had to discipline and terminate several employees during my career, including most recently in the City Attorney's Office as part of the necessary reorganization, and although termination must always be a last resort, such a decision should always be effectuated with fairness and compassion.

Beyond effective management and organization, a successful City Attorney must be proactive, accessible, and cooperative at all levels, and must, perhaps most importantly, effectively communicate with the City Commission, city management, department directors, and staff. I firmly believe that no City Commissioner should ever be surprised by a legal opinion provided by the City Attorney on the dais. If there is a legal impediment to a policy, goal, or action desired by the City Commission, they should be made aware of such legal concerns long before the matter is discussed publicly. The City Attorney should encourage department directors to seek counsel and be provided a timely response as a matter of course, not as the exception. Ultimately, the ideal and successful City Attorney should find ways to accomplish the goals and policies of the City Commission, and city management, without running afoul of the law.

I believe my greatest strength is being a perfectionist, but with a learned and unique ability to nonetheless make an informed decision in a timely manner, and avoiding "analysis-paralysis." I believe my interpersonal skills and my ability to effectively communicate and negotiate, as well as my legal writing, are further strengths that are important to being a City Attorney. Conversely, my greatest weakness is also that I am a perfectionist, which despite the aforementioned ability to make a decision, can sometimes lead to some over-analysis on collateral issues, and substantial and time-consuming editing of written materials.

Personally, my greatest achievement and success in my life has been my marriage to my wonderful wife of 17 years, and our three boys, who have all taught me, and continue to teach me, the meaning of life and happiness. Professionally, I am proud of having created and managed the litigation division of the City Attorney's Office, which thus far has seen very good success both at the trial and appellate levels. My greatest failure, if one can ultimately call it that, was having to close my law firm in 2014, which I opened in 2011 when the law firm I had been working with for 10 years suddenly dissolved. Although a reduction in business and a better opportunity here at the City necessitated my closing the firm, managing my own law firm and having professional independence, provided me with an invaluable perspective of the legal business, which is very important when negotiating settlements, and further reinforced the skills that have made me a success today.

With regards to my goals for the City Attorney's Office in the next six months, since my appointment as Interim City Attorney, I have already undertaken a restructuring of the office, including the re-hiring of Asst. City Attorney D'Wayne Spence, whose planning and land use expertise, and the re-hiring of Robert Dunckel, whose institutional knowledge, as well as his land use and real estate expertise, were a critical loss to the office upon their departure. If selected as the permanent City Attorney, I intend to evaluate the efficiency of the City Attorney's Office, both from a practice area and a procedures perspective, and make any necessary changes accordingly. I have also been working successfully on repairing the strained and at times broken relationships

**ALAIN E. BOILEAU**

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between our office and other divisions, including management, and various departments throughout the City, including increasing accessibility to our staff and attorneys. Lastly, my goal is to refocus the City Attorney's Office to a more proactive and collaborative approach to not only counseling the various city departments, but in identifying and achieving the long-term goals of the City Commission and city management, including the re-evaluation and modification of our ULDR's to reflect and produce a "smart-growth" approach to land use development in the City.

With regards to the media, I have an excellent relationship with the Sun-Sentinel, most particularly, Brittany Wallman and Larry Barszewski. I have no knowledge of any issues or occurrences in my past that would embarrass the City if made public.

Finally, with regards to my personal leisure time and life, most of my off-time away from work is dedicated to my wife and three boys, who keep me very active, particularly during basketball season. I am an avid fan of Formula 1 racing (in addition to church, Sunday mornings are sacrosanct for this reason), as well as NHL Hockey.

**REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?**

My current position is Interim City Attorney and want to continue as the permanent City Attorney.

**SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF**

Intelligent  
Dependable  
Loyal  
Articulate  
Thoughtful  
Considerate

**CURRENT / MOST RECENT SALARY**

My current compensation as Interim City Attorney is \$210,000.00, not including benefits, as well as a monthly car allowance of \$390, and cellular phone allowance of \$110.

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*CB&A Background Checks*

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**Background Check Summary for  
ALAIN E. BOILEAU**

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**Criminal Records Checks:**

Nationwide Criminal Records Search	No Records Found
County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
State	
Florida	No Records Found

**Civil Records Checks:**

County	
Palm Beach County, FL	No Records Found
Broward County, FL	No Records Found
Federal	
Florida	No Records Found

**Motor Vehicle**

Florida	No Records Found
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**Credit**

Good

**Bankruptcy**

No Records Found

**Education**

Confirmed

**Employment**

Confirmed

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.



**Background Check Summary for  
ALAIN E. BOILEAU  
Personal Disclosure**

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**Personal Disclosure Questionnaire**

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Name of Applicant: ALAIN ERIC BOILEAU

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

**Please explain any yes answers on a separate sheet of paper.**

1. Have you ever been charged or convicted of a felony?  
Yes  No
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?  
Yes  No
3. Have you ever declared bankruptcy or been an owner in a business that did so?  
Yes  No
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?  
Yes  No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?  
Yes  No
6. Have you ever been convicted of driving while intoxicated?  
Yes  No
7. Have you ever sued a current or former employer?  
Yes  No
8. Do you have a personal My Space, Face Book or other type of Web Page?  
Yes  No
9. Do you have a personal Twitter Account?  
Yes  No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?  
Yes  No
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.  
See attached.

Attested to:   
Signature of Applicant

Please email this form via PDF DOCUMENT to [Lynelle@cb-asso.com](mailto:Lynelle@cb-asso.com) or via fax to (888) 539-6531 **no later than 5:00 PM PST 07/16/18.**  
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

**Background Check Summary for  
ALAIN E. BOILEAU  
Personal Disclosure Explanation**

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PERSONAL DISCLOSURE QUESTIONNAIRE – ADDITIONAL PAGE

Name of Applicant: ALAIN E. BOILEAU

8. I have a Facebook account.
9. I have a Twitter account: @AlainBoileau2. I have another Twitter account that I do not use and have not used for quite some time, @AlainEBoileau, but just today accessed it in order to confirm its existence and the login information.
11. Eric Ferrier v. Puma Racing, Ltd., New Regency Production, Inc., Steven Barry Maseda, Geoffrey Longenecker, John L. Nezozzi, Alain Boileau, and Richard Loman, Case No. 2013 CA006030 MB, filed in the Circuit Court of the 15th Judicial Circuit, in and for Palm Beach County, Florida / 4th DCA Appeal No. 4D 13-4429.

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*CB&A Reference Notes*

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Since the candidate is an internal candidate, we did not perform reference checks.

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*CB&A Internet Research*

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**Internet – Newspaper Archives Searches**

**Alain Boileau**

*(Articles are in reverse chronological order)*

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Sun-Sentinel  
July 11, 2018

**Fort Lauderdale's aquatics complex to get \$27 million overhaul**

Author: Brittany Wallman

Fort Lauderdale might finally renovate its aquatics complex after years of failed efforts. Under a proposed \$27 million deal, the pools in the complex will be upgraded to meet international swimming and diving competition standards, seating will be constructed for spectators, and restrooms will be redone, among other things. The work would be complete by July 2020.

City commissioners agreed Tuesday night to negotiate the deal, which was \$7 million more than the city hoped to pay. But commissioners said they were eager to get the work done, after more than a decade of starts and stops. “I think we now need to move forward and get this jewel back to what it was when I was a kid,” Commissioner Robert McKinzie said. A contract with Hensel Phelps Construction Co. still must be approved by the City Commission on Aug. 21, the city manager said.

Fort Lauderdale’s competitive swimming heritage dates back to the 1920s, when the best in the sport competed at the old Casino Pool on the beach — now D.C. Alexander Park. The aquatics center was built in 1965 just west of it, on a spit of land jutting into the Intracoastal Waterway. Ten world records have been set there, according to the city.

The aging facility is in need of improvements, say city leaders and those who use the complex. Still, the project to renovate it has been on a meandering timeline. It includes a \$76.1 million renovation plan in 2009, a county inspector general’s censure over the construction bids in 2013 and a recent unsolicited offer that involves adding a hotel to the site.

In addition, operators of the nonprofit International Swimming Hall of Fame at the property threatened to move the museum to California. Would-be developer Sherman Whitmore complained Tuesday night that the city changed its project budget by accepting the \$27 million bid, inviting potential lawsuits. He was part of a team proposing to build a new aquatics complex, but also a hotel on nearby city land. John Scherer’s Gulf Building Inc. also bid, offering a \$35 million proposal.

City Manager Lee Feldman said he couldn’t recommend going forward with Whitmore’s unsolicited proposal, in part because development rules at the beach would not allow another hotel to be constructed. Interim City Attorney **Alain Boileau** said the city is on solid legal ground negotiating with Hensel Phelps, even though the budget would be higher than advertised. Bob Brantmeyer, president of a yacht charter company, said, “this is something that we need and we’ve been promised. We’re taking you at your word, and we have faith that you’ll come through.”

**Internet – Newspaper Archives Searches**

**Alain Boileau**

*(Articles are in reverse chronological order)*

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Tribune Content Agency News Service (USA)

May 8, 2018

**Gun show operator willing to move from War Memorial**

Author: Brittany Wallman

May 08--The operator of the gun show at the War Memorial Auditorium said he's willing to move to another location if he can find something suitable. If not, he said, he'll go to court to fight the city of Fort Lauderdale. City officials reiterated Monday their plans to stop allowing gun shows at the city-owned War Memorial Auditorium in Holiday Park after November.

"They can stop me tomorrow if they want. That's their prerogative," said Khaled Akkawi of Florida Gun Shows Inc. "And we live in a society where we have rights, too, and there's a court system, and I have a right to litigate."

Akkawi said City Commissioner Ben Sorensen has been helping him look for a new location for the show, which for at least 30 years has been staged at the auditorium, east of U.S. 1 and south of Sunrise Boulevard. Akkawi said he'd like to hold the gun and knife weekend marketplace at the Broward County Convention Center, off Southeast 17th Street in Fort Lauderdale, for example. But the convention center has had a policy for years against allowing gun shows, said Stacy Ritter, CEO of the Greater Fort Lauderdale Convention & Visitors Bureau.

A representative at the center's management company, SMG World, couldn't be reached Monday for comment on the policy. Akkawi said he was told that guns are not allowed on Port Everglades property, including at the convention center. Ritter said no request has been made to her, and she would follow policy set by the Broward County Commission. "Believe me," Akkawi said, "I want to work it out amicably with everyone and be friends and move on, but I'm not going to give up my business, either."

The show's latest annual agreement gives it license to hold six shows in 2018, after paying the city \$30,240. The remaining shows are Aug. 11-12, Sept. 29-30, and Nov. 17-18. City Manager Lee Feldman said the gun show pays the same rates as other groups that use the auditorium.

Gun show attorney Michael Woodbury said the show has dates blocked out with the city until 2025 and a right to remain there even after the current agreement expires in November. He cited a 1994 Tampa case in which he said the judge said that "the ultimate form of regulation is refusal to lease a city owned piece of property, and there's actually a First Amendment commercial speech violation." He added: "The one thing I can promise you ... is that it would be a litigated issue."

Interim City Attorney **Alain Boileau** said the blocked-out future dates don't give Akkawi legal rights to use the venue. No deposit has been made, he said. He noted that the Tampa case settled out of court, with no final ruling. He said the city would be on its strongest legal footing if it

**Internet – Newspaper Archives Searches**

**Alain Boileau**

*(Articles are in reverse chronological order)*

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stops hosting all shows at the auditorium. That remains a possibility. Commissioners aren't sure what to do with the auditorium when the gun shows end.

The city loses money on War Memorial, Parks and Recreation Director Phil Thornburg said last week, when commissioners postponed a vote to spend \$842,000 renovating it. Commissioner Heather Moraitis suggested the city consider demolishing the 1950s building and using the property for athletic fields, particularly after a recent citizen survey found people saying the city isn't a good place to raise children. "I'd probably say we don't need the building anymore, and we should just remove it," he said.



**Internet – Newspaper Archives Searches**

**Alain Boileau**

*(Articles are in reverse chronological order)*

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McClatchy-Tribune Regional News (USA)

June 27, 2014

**Lawsuit accuses two officers of illegal arrests, theft**

Author: Rafael Olmeda

June 27--Attorneys for a couple filed a federal lawsuit this week accusing Fort Lauderdale Police of looking the other way while two officers -- in a unit once known as the "Raiders" -- illegally seized cash and property during an arrest on bogus charges.

Glen Edward Roysden, 56, and Patricia Roysden, 43, of Tennessee, were arrested outside the Fort Lauderdale Pain Management Center on April 22, 2010. She was charged with possession of oxycodone and alprazolam, while he was charged with possession of marijuana and oxycodone.

According to the lawsuit, the Street Crimes Unit officers who stopped them, Brian Dodge and Billy Koepke, seized their pain medications, \$3,017 from Patricia Roysden's purse, and \$5,417 from Glen Roysden's pockets. The larger sum, according to the lawsuit, was pocketed by Koepke and never officially acknowledged again.

The officers told the Roysdens "something to the effect of, 'The money's gone. You can just forget that. ... The money is gone as well as your vehicle. It's gone. You just want to find another way home,'" the lawsuit alleges.

The lawsuit did not list the address of the pain center. The officers allegedly mocked the couple for being from Tennessee. "Get the hell out of my city, get the hell out of Florida and go back home," Dodge is accused of saying. "Don't ever come back." The \$3,017 was eventually returned to the couple. They got their 1998 Ford Explorer back, too, but it was severely damaged both inside and out, according to the lawsuit.

The following year, Dodge and Koepke were arrested and accused of stealing drugs and cash from pain clinic customers -- including the Roysdens. The charges against them include official misconduct, false imprisonment, kidnapping, extortion, perjury and grand theft. "Officers Dodge and Koepke were involved in an ongoing pattern of criminal conduct that focused on stealing money and pills from patrons of pain clinics," Ron Ishoy, a spokesman for Broward State Attorney Mike Satz, said at the time of their arrest in November 2011.

They are scheduled to go to trial in September. The officers are currently suspended without pay, said Koepke's criminal defense lawyer, James Stark. The Roysdens are listed as witnesses in that case, but Glen Roysden died last month. His attorney on the civil case, Benedict Kuehne, did not disclose the cause of death.

Most of the charges against the Roysdens were dropped just weeks after their arrest -- Glen Roysden pleaded no contest to the marijuana charge. "People have been getting charged with

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crimes, getting arrest records or having their money taken away from them because, in many cases, the police acted in an unconstitutional manner," said Kuehne, who filed the suit with co-counsel Jon Herskowitz. "How could these officers have been out of control for such a long period of time, and what did their supervisors do to rein them in?" he said.

The suit names the city, the police department and the two officers as defendants. "It's our policy not to comment on ongoing litigation," said Fort Lauderdale Assistant City Attorney **Alain Boileau**.

Stark, Koepke's lawyer, said he didn't think Patricia Roysden's testimony would fare well in front of a jury. "To count on the Roysdens to be credible witnesses -- I have a hard time accepting that," Stark said. He said his client is eager to be exonerated. "It's wearing on him, but under the circumstances he's holding up pretty well." Dodge's criminal defense lawyer, Michael Dutko, could not be reached for comment Thursday despite a voicemail left at his office.

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[CB&A Note: Mr. Boileau is not mentioned in the article below and was an associate attorney (not a partner) with Adorna & Yoss, LLP in 2004 when the “Lucky Seven” law suit was settled. Still we felt you should be made aware of the matter, in case you are not already.]

Sun-Sentinel  
March 14, 2011

**Yoss law firm to close at end of March**

By James H. Burnett III, The Miami Herald

Yoss LLP, the remnants of a once powerful and politically connected law firm at the center of Miami's fire fee scandal several years ago, is closing.

The firm once known as Adorno & Yoss issued a statement Monday confirming that it will continue to provide legal services to its clients and conduct its regular business through March 31, in its Miami and Fort Lauderdale offices, but after that would go out of business permanently.

Calls to Yoss LLP Monday were referred to Coral Gables-based Becker Public Relations, and calls to Becker were not returned Monday afternoon, so it was unclear how many Yoss employees would be out of work at the end of the month.

Then known as Adorno & Yoss, the firm made national headlines in the early 2000s, when it was revealed that it stood to collect a \$2 million fee for representing the so-called "Lucky Seven" residents who had successfully sued the City of Miami over \$90 million in illegal fire fees. While the fees were determined to be illegal for more than 80,000 people, only the seven represented by Adorno & Yoss shared in the \$7 million the firm negotiated with the city. The "Lucky Seven" had collectively paid less than \$100,000 in illegal fire fees.

Driven by public outrage, the city sued Adorno & Ross and recovered the money awarded to the "Lucky Seven." In 2008, Adorno & Ross agreed to pay \$1.6 million, as part of a \$17.1 million settlement with taxpayers in Miami, to put the matter to rest once and for all. When the dust settled, the law firm was awarded \$400,000 in fees.

In October, the Florida Supreme Court suspended the firm's co-founder and former namesake Henry "Hank" Adorno, for orchestrating the lopsided fire fee payouts to the "Lucky Seven" and the law firm.

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South Florida Times (Ft. Lauderdale, FL)  
December 31, 2010

**Homeless woman shot by police represents herself in lawsuit after attorney withdraws**

Author: ELGIN JONES

FORT LAUDERDALE — Sheila McCray, a 55-year-old homeless woman who suffers from a bipolar mental condition and was shot five times by police in a case of mistaken identity, is representing herself in a federal excessive-force lawsuit after her lawyer pulled out of the case. A Sept. 19 ruling from U.S. District Court Judge Federico A. Moreno allowed McCray's former attorney, Marcos Gonzalez-Balboa, to withdraw from the case.

The ruling means McCray is pro se, or acting as her own attorney and representing herself in the lawsuit, filed on March 13, 2008, which alleges that police used excessive force and violated her civil rights.

The case grew out of an incident more than four years ago in which police believed she was the armed-and-dangerous male suspect they were pursuing. She was shot as she slept under a blanket behind an apartment complex, after police say she reached from under the blanket for a shiny object – as yet unidentified – that officers mistakenly thought was a gun. She suffered multiple injuries, including a broken left arm that required surgery, as well as a broken leg.

In her first interview about the incident, McCray disputed the officers' accounts and said she wants justice. "I remember seeing the police running at me and screaming when they just started shooting," McCray told the South Florida Times in an exclusive interview. "I didn't know what was going on, and they never told me come out until after they had pepper sprayed and shot me. I couldn't talk or breathe and that's why I was not able to move."

In addition to the city, officers John Loges, Jim Polan, Raul Diaz, Rafael Fernandez and Paul Cristafano are named as defendants in the case. Attorney **Alain Boileau** of the Adorno & Yoss law firm, is defending the city of Fort Lauderdale.

**Boileau** declined comment but has filed several motions to have the case dismissed. According to federal court records, the judge has yet to rule on the motions, and no counter motions have been filed by, or on, McCray's behalf. On Sept. 25, McCray wrote to the judge, asking how much time she will be given to find another attorney. The judge has yet to respond to that letter, but a ruling on the city's motion to dismiss could come at any time, possibly ending McCray's efforts to be compensated.

**POLICE ACCOUNT**

The incident began to unfold in northwest Fort Lauderdale on March 19, 2004 and into the early hours of the next morning. A man known to police to be violent had reportedly fired gunshots into the air as the police department's anti-drug Northwest Raiders unit was working the area.

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Officers cordoned off streets and began a block-by-block search of the area. That's when they happened upon someone covered with a blanket behind an apartment building at 1233 N.W. 5th Ave.

According to investigative files and court documents, after officers issued repeated calls for the person to come out, they released canisters of a chemical pepper spray. They then set off flash explosives next to the person. The explosives are designed to stun suspects with loud noise and light. Police did not get any reaction. After nearly two hours, officers say they saw the person reach from under the blanket to retrieve something. They described it as shiny and cylindrical. Some news accounts said the object could have been anything from a vegetable can without a label to a wine bottle, items that were found later at the scene.

At the time of the shooting, however, police said they believed it was a gun, and one officer fired his assault rifle. Another emptied his Sage gun, a weapon that lobbs non-lethal but powerful oblong rubber bullets. Another officer climbed atop the roof of an adjacent apartment building to get a better view and confirmed the person under the blanket was a woman, not the suspect they were seeking.

When officers removed the blanket, they found McCray, disoriented and nude from the waist down. The shot fired from the assault rifle had apparently missed, but McCray suffered numerous other injuries. She was transported to Broward General Medical Center.

Instead of treating her injuries, workers involuntarily hospitalized her under the Baker Act, out of fear she could be a danger to herself due to a mental disorder. As a result, she was taken to a mental hospital, but doctors sent her back to Broward General for treatment. For more than 12 days, McCray said, she was in pain and did not receive treatment for her injuries until her family got involved.

Her family's involvement led to surgery on her arm, where screws now hold her bones together. Her arm bears the tell-tale scars from the surgery, and she strides with a limp and an uneven gait due to the broken leg.

#### **OFFICERS CLEARED**

The Internal Affairs investigation cleared the officers and found the shooting was justified. John Loges, the officer who fired the assault rifle, told investigators he was "distracted" over his missed shot because he believed officers were in danger and were about to be shot themselves. He was required to take 24 hours of training on discretionary shooting.

McCray's former attorney said she has a compelling case, but due to costs involved and other circumstances, both of them agreed she should seek new counsel. "I represented her initially when the lawsuit was filed, but some of the officers involved were shipped out to Iraq," Gonzalez-Balboa said. "The original judge abated and delayed the case, so I dismissed it, and when they came back, I re-filed it so we could try to get punitive damages."

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**LAWYER WITHDRAWS**

But, he said, “when the second lawsuit was filed, she and I had some differences, so I had to withdraw. She has a good case, and even before I withdrew, I talked to several people and other lawyers to see if I could get her some help, but no one wants to take the case.”

McCray said she was seeking a new attorney due to her inability to reach Gonzalez-Balboa, and because of her concerns about the lack of updates and progress in the case. “I tried to find him for months, and when I did, he didn’t have any explanations for me, so I told him I would find a new lawyer,” McCray said.

In addition to those issues, McCray said she wanted to take legal action against the hospital for refusing to treat her injuries. She believes the delay contributed to the permanent disfiguration of her limbs, and she was under the impression Gonzalez-Balboa was addressing it. Gonzalez-Balboa said he had his own challenges with McCray.

**SOVEREIGN IMMUNITY**

“I’ve had to track her down and it’s been very difficult to find her, because she is homeless at times,” he said. “She has some expectations that are not realistic. Even if we get a judgment, there is the question if she can ever collect due to the sovereign immunity issue. I’m always anxious to help her out, but there is only so much I can do.”

Under Florida law, sovereign immunity limits an injured person’s ability to recover damages to \$100,000. Any amount above this must be approved by the state Legislature through a special law called a Claims Bill. McCray said her efforts to get local churches and civil rights organizations involved in her case have been unsuccessful, but she intends to press on alone, if she must. “This has been a rough time,” McCray said. “I mean really rough. For someone to be shot up and permanently hurt and no one cares is not right. I didn’t do anything wrong.”

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