

**Manning, Deborah**

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**From:** Gabriel, Jason  
**Sent:** Wednesday, November 25, 2015 3:19 PM  
**To:** Schmitt, Lawrence V.  
**Cc:** William Scheu (WScheu@rtlaw.com); Adam Herbert, PhD (awh@indiana.edu); RTuten3@cs.com; 'n.glover@ewc.edu' (n.glover@ewc.edu); Carter, Devin; Keane, John; Hazouri, Thomas; Manning, Deborah; richard\_patsy@csx.com; Beth McCague (bmccague@comcast.net)  
**Subject:** RE: OGC LEGAL SERVICES

Chairman Schmitt –

I appreciate your concern here. The City Charter (special law) may trump the statutory provisions (general law) you cite below. I will elaborate in a more informative response that I will prepare on this issue. In the interim I wanted to acknowledge your concern.

Thank you and hope you all have a Happy Thanksgiving. I will respond to you next week with more information.

-Jason G.

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**From:** Schmitt, Lawrence V. [<mailto:Lawrence.Schmitt@jaxsheriff.org>]  
**Sent:** Wednesday, November 25, 2015 8:23 AM  
**To:** Gabriel, Jason  
**Cc:** William Scheu ([WScheu@rtlaw.com](mailto:WScheu@rtlaw.com)); Adam Herbert, PhD ([awh@indiana.edu](mailto:awh@indiana.edu)); [RTuten3@cs.com](mailto:RTuten3@cs.com); 'n.glover@ewc.edu' ([n.glover@ewc.edu](mailto:n.glover@ewc.edu)); Carter, Devin; Keane, John; Hazouri, Thomas; Manning, Deborah; [richard\\_patsy@csx.com](mailto:richard_patsy@csx.com); Beth McCague ([bmccague@comcast.net](mailto:bmccague@comcast.net))  
**Subject:** OGC LEGAL SERVICES

FELLOW TRUSTEES : THIS IS MEANT TO BE A ONE WAY COMMUNICATION FOR INFORMATIONAL PURPOSES. PLEASE DO NOT RESPOND TO ME OR OTHER TRUSTEES REGARDING THIS EMAIL.

Mr. Gabriel,

In light of the suit filed against the Fund by the OGC, it would be inappropriate for the OGC to provide any legal services to the Fund during the pendency of the litigation. As I am sure you are aware, and in a memo previously provided to members of your office, Florida Statutes expressly provide that if a police and fire pension fund is to utilize the services of the municipal attorney, it shall do so “only under terms and conditions acceptable to the Board.” See, Fla Stat 175.071(7) and 185.06(6). The Board has not given consent to be sued by the OGC, which had been providing transactional legal services to the Board.

The issue of future legal services from the OGC will be on the agenda of the Board at its next meeting scheduled for December 18th.

VR,  
**Lawrence V. Schmitt, Chairman**  
**Police and Fire Pension Fund**