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SUNRISE: Sunrise attorney candidate has plenty of connections

Mayor Steven Feren wants Sunrise to hire his campaign treasurer, who is also the husband of a county commissioner, to be the next city attorney.
DAN CHRISTENSEN, dchristensen@MiamiHerald.com

The Sunrise City Commission is poised to award a no-bid legal contract worth at least \$432,000 a year to the husband and law associate of Broward Commissioner Ilene Lieberman, a deal unique for its price and political links between city and lawyer.

If approved at next Tuesday's meeting, the contract would put lawyer Stuart Michelson at or near the top of the highest paid city and county attorneys in the state.

Three Sunrise officials -- outgoing Mayor Steven Feren, Deputy Mayor Roger Wishner and Commissioner Sheila Alu -- voted last month to offer the job to Michelson. Over the objections of two fellow commissioners, they voted down the idea of conducting a search for other candidates.

Michelson's contract comes at a time of fevered government budget cutting. His supporters argue that changing the city attorney from a full-time, in-house position to a part-time post filled by an outside contractor will consolidate costs and ultimately save money.

At a pair of recent meetings, Michelson's commission supporters praised his work as outside counsel to Sunrise since 1985.

"He's the best of the best," said Wishner.

Feren, Wishner and, to a lesser extent, Alu, each have political or legal ties to Michelson -- connections that have received little or no airing amid the hiring push.

State records show Michelson is campaign treasurer for Feren's race to become a Broward circuit judge. Feren, who would earn \$145,080 a year if elected, did not disclose that relationship before advocating for Michelson from the dais, or before voting on May 27 to invite him to submit a proposal.

"There is no conflict," Feren said in an interview. "My campaign will be over in three months, and that relationship is gone. This is extra work he does for me as a favor. He doesn't get paid."

On Sunday, Michelson's wife, Lieberman, and fellow Broward Commissioner Stacy Ritter will host a campaign fundraiser for Feren at the home of Tamarac Mayor Beth Flansbaum-Talabisco.

Michelson, who specializes in defending public officials accused of ethics violations, also sees no conflict.

Florida law forbids city officials from voting on measures that would "inure to the special private gain or loss" of themselves, their employers, relatives or business associates.

"There's not an ethical problem that would prevent him from voting," said Michelson, the mayor's longtime friend. "I'm not a relative. I'm not a business associate."

Michelson, who at times has served as interim city attorney, has represented Wishner and Alu in various legal proceedings -- most recently defending them in a defamation lawsuit brought by a political opponent.

Last year, his written legal opinion convinced the city to finance their defense, lifting Wishner and Alu off the hook for his fees that now total about \$43,000. The decision to cover Wishner's legal expenses came even though Wishner hadn't been elected when the alleged defamation occurred, or when the suit was filed in February 2007.

Wishner, leading the charge to hire Michelson's Fort Lauderdale law firm, has other legal ties with him.

In 2004, Wishner, then a state legislator, hired Michelson to sue a political group that undermined his unsuccessful run for a seat on the County Commission. The suit was dismissed in 2006.

More than a decade earlier, Wishner employed Michelson to help him incorporate a private business.

Wishner said he saw no need to mention these matters before the 3-2 vote to invite Michelson's proposal.

"It's all public information. It's not like it's hidden," he said. "It has nothing to do with my vote or my decision."

The contract proposed at last Tuesday's meeting would oblige the city to pay Michelson \$37,000 a month -- in advance -- plus expenses to handle all legal services now provided by outgoing City Attorney Kim Register.

He later agreed to reduce it by \$1,000 a month, bringing the total to \$432,000 annually. Register's annual compensation is \$167,132, according to the city clerk's office.

Negotiations continue, but how much time Michelson would spend on city business isn't specified, nor would he have to give up existing private clients such as Lauderhill, the North Broward Hospital District and Nationwide Laboratories.

Once Michelson gets the nod, Sunrise will have to change the city's code, which prohibits the attorney from doing private legal work.

If hired, Michelson would put an associate in City Hall on a full-time basis at his own expense. He said his wife, whose district includes parts of Sunrise, would not do legal work for the city.

Michelson could also bill \$225 an hour for other Sunrise legal work he does outside the scope of the city attorney's duties, with lesser hourly fees for others in his office. Sunrise paid him \$126,607 for such services in the past year, records show.

The contract contains an escalator clause that "automatically" hikes the fees 4 percent each year.

The deal would eclipse the \$290,721 annual salary of Miami-Dade County Attorney R.A. Cuevas Jr., the state's highest paid city or county attorney.

Only a handful of city or county attorneys in Florida earn more than \$200,000, and none make more than \$300,000, according to a recent survey released by the Florida League of Cities.

How much Michelson ultimately takes home will depend on what he pays the second lawyer he promised the city, and how much work he does at \$225 an hour.

Lieberman, who uses her married name in her practice at her husband's office, said she doesn't think his hiring would create conflicts for her at County Hall. "If I do, I'll abstain," said Lieberman.