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MICHAEL FUINO, B.C.S.

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OBJECTIVE: To obtain a full-time position in public service as the City Attorney for Deltona, Florida.

SKILLS SUMMARY: Board-certified local government attorney with over a decade of experience in local government law, land use law, real property law, constitutional law, civil litigation, and transactional work. Working independently, I have conducted both trial and post-trial litigation, and have been represented municipal clients in transactional dealings. I have worked on many unique and difficult legal issues and have tried complex cases.

I have the following experience which makes me uniquely qualified for this position:

- Between April 2018 and May 2021, I was the head land use attorney for the City of Clearwater, Florida. In that role, I prepared all ordinances affecting land use, zoning, and growth management in the City. Additionally, I was responsible for negotiating and drafting all development agreements the City entered into.
- As the attorney for the Clearwater Community Redevelopment Agency, I have prepared regulations for the Agency's trustees—who are also the City's councilmembers—and the Agency's executive director which comport with Part III, Chapter 163, Florida Statutes and Chapter 189, Florida Statutes. Additionally, I have negotiated and drafted over a dozen development agreements for the Agency.
- I am also the lead attorney for the Clearwater Downtown Development Board, a dependent special district headed by the Clearwater City Council. In that role I advise both the Board and the Board's executive director on various legal matters; draft grant agreements between the Board and applicants; and ensure that the Board follows Florida's Special District Act found at Chapter 189, Florida Statutes.
- As Clearwater's chief litigator, I have represented the City in contested matters in both state and federal court at the trial and appellate levels, and before the State of Florida Department of Administrative Hearings. This includes *Giannikos v City of Clearwater*, (Fla. 6th Cir. Ct. Sep. 13, 2024) (finding plaintiff 55% liable for his own fault after 5-day jury trial); *McAffee v. City of Clearwater*, No. 22-12320, 2023 WL 2823392 (11th Cir. Apr. 7, 2023) (affirming order dismissing section 1983 lawsuit); *Holmes v. Illich-Hailey*, No. 8:21-CV-2803-SDM-TGW, 2024 WL 1328414 (M.D. Fla. Mar. 28, 2024) (granting summary judgment in police officers' favor in section 1983 lawsuit); *Watt v. City of Clearwater*, No. 19-13-AP (Fla. 6th Jud. Cir. App. Div. Dec. 9, 2020) (denying landowner's petition for writ of certiorari seeking to quash the City's decision to enter into a development agreement); and *Weschler, et al. v. City of Clearwater, et al.*, No. 19-

5045-CI (Fla. 6th Cir. Ct. 2019) (granting final judgment in City's favor and finding that a development agreement does not conflict with City's comprehensive plan).

- I am the lead attorney for the Clearwater Gas System, a wholly owned municipal utility company which services 32,600 accounts and covers 330 square miles in Pinellas and Pasco counties.
- For three years, I represented the City of Clearwater before two administrative boards: the Community Development Board, which is charged with implementing the City's land development code and granting development approval, and the Municipal Code Enforcement Board, which is charged with carrying out the statutory duties found in The Local Government Enforcement Boards Act, Part I, Chapter 162, Florida Statutes. Additionally, I have represented the City before The Building/Flood Board of Adjustment and Appeals, which has the power to hear appeals from the Building Official's decisions related to unsafe buildings, structures, and service systems.
- While in private practice, I successfully prosecuted claims municipal code enforcement lien claims for Hillsborough County and the City of St. Petersburg.
- I am a veteran of over 50 civil trials. As the lead defense attorney, I have won several lawsuit dismissals for my clients, including a dismissal of a claim with prejudice after full day trials in *Bayview Loan Servicing, LLC v. Finkelman, et al.*, Case No. 11-9527-CI (Fla. 6th Jud. 2017), and *Lakeview Loan Servicing, LLC v. Massaro, et al.*, Case No. 16-462-CI (Fla. 6th Jud. 2017).
- As my prior firm's head appellate attorney, I have drafted and argued over 30 appellate briefs and original proceedings, including petitions for writs of prohibition, mandamus, and certiorari. Acting as the lead appellate attorney, I successfully briefed and argued the cases of *Ali v. Wells Fargo Bank*, 264 So. 3d 1096 (Fla. 5th DCA 2019); *Cagwin v. Thifty Rents, Inc.*, 219 So. 3d 1003 (Fla. 2d DCA 2017); *Xbelaj v. McCormick*, 219 So. 3d 989 (Fla. 2d DCA 2017); *Buckley v. JPMorgan Chase Bank, N.A.*, 200 So. 3d 1297 (Fla. 2d DCA 2016). I have also appeared before appellate courts for oral arguments over ten times.
- I was responsible for managing an office staff of five that includes one attorney, two paralegals, and two office assistants at my prior firm.

I also believe the following additional skills make me an ideal candidate for the position:

- I am the current chairman of the Sixth Judicial Circuit Grievance Committee "E." The Committee is responsible for investigating possible lawyer misconduct referred to the Florida Bar's discipline counsel.
- I am a proficient and experienced legal writer. I authored a law review article titled *Foreclosing in a Hurricane: Florida Courts Struggle to Deal With a Crisis of Epic Proportions* published in the *Stetson Law Review* at 41 *Stetson L. Rev.* 679, 681 (2012). This article cited by Florida's First District Court of Appeal cited it as an authority in *Wells Fargo Bank, N.A. v. Bobatka*, 112 So. 3d 596 (Fla. 1st DCA 2013) and the article was also discussed during the Northern District of California 2014 Judicial Conference.

EMPLOYMENT HISTORY

I. Attorney Positions

City of Clearwater

Senior Assistant City Attorney

April 2018 – Current, Full Time Employment

- Current or former lead attorney to the directors of the Clearwater Community Redevelopment Agency; the Gas Department; the Official Records and Legislative Services Department; the Planning and Development Department; the Solid Waste/Recycling Department; the Marine and Aviation Department; the Risk Management Division; the Parking Division; and the Stormwater Division.
- Provide legal advice and opinions to the above-referenced City departments and special districts, and directly to the City Council. Official legal opinions are dispensed in writing, and informal advice may be given either orally or in writing.
- City's head land use attorney from April 2018 until May 2021.
- City's chief litigator responsible for representing the City in state and federal court.
- Prepare for and represent the City and its Departments before various administrative bodies, including the Clearwater Municipal Code Enforcement Board, the Clearwater Community Development Board, and the State of Florida Division of Administrative Hearings.
- Draft and negotiate development agreements, contracts for the sale and purchase of real property, and contracts for the sale and purchase of goods and services.
- Draft, review, and present ordinances and resolutions to City Council for Council's consideration.
- Responsible for managing a paralegal and a legal assistant.

Weidner Law, P.A.

Senior Associate Attorney

September 2010 – April 2018, Full Time Employment

- Appointed special assistant county attorney and special assistant city attorney, and prosecuted code enforcement lien foreclosures for Hillsborough County and the City of St. Petersburg.
- Civil litigation trial attorney who has tried over 50 civil trials as the lead lawyer and argued several hundred dispositive motion hearings.
- Firm's head appellate attorney responsible for drafting over 30 appellate briefs and original petitions, and experienced conducting oral arguments.
- Managed staff of five.

II. Non-Attorney Legal Positions

Weidner Law, P.A.

Law Clerk

January 2010 – September 2010

- Researched and drafted numerous pleadings, motions, and memorandums filed in civil court.
- Drafted a variety of wills, contracts, and corporate documents.

Eleventh Judicial Circuit, State of Florida

Judicial Law Clerk

August 2009 – November 2009

- Conducted legal research and drafted orders and judgments for the Honorable Robert N. Scola, former Circuit Court Judge for the Eleventh Judicial Circuit in and for Miami-Dade County and current judge for the United States Southern District of Florida.

The Pinkert Law Firm, P.A.

Law Clerk

March 2009 – August 2009

- Drafted pleadings and motions for insurance defense lawsuits.
- Conducted initial and supplemental discovery including, but not limited to: affidavit drafting; document production; and request for production motions.

Jet Card Plus, Inc.

Law Clerk

September 2008-February 2009

- Drafted pleadings and motions on behalf of company filed in State and Federal courts.
- Involvement with the corporate aspect of the business, including review of contracts and partnership/brokerage agreements.

Global Market Consultants, Inc.

Legal Analyst

May 2008-August 2008

- Performed a Federal and State regulatory analysis of the Direct Exchange Geothermal Heat Pump market utilizing secondary research from Federal and State Administrative Codes.

III. Non-Legal Positions

Click to Protect, LLC
Project Manager
May 2007-May 2008

- Drafted business plan for computer peripheral start-up company.
- Head of sales marketing team.

Citigroup, Inc.
Reporting and Licensing Analyst
October 2003-August 2004

- Researched and drafted annual licensing exams for CitiFinancial, Inc.
- Produced monthly, quarterly, and annual financial statements for CitiFinancial business units and individual branches.
- Wrote, tested, and implemented all written procedures used by Reporting and Licensing staff.

BOARD CERTIFICATION

I have been board certified in City, County and Local Government law by the Florida Bar since 2021.

COMMITTEE MEMBERSHIP

I am the Chairman of the Sixth Judicial Circuit Grievance Committee “E.”

COMPUTER SKILLS

I am proficient in Microsoft Word, Excel, PowerPoint, Access, and Outlook, as well as Aderant Total Office and CityLaw, legal software used by the City of Clearwater’s Legal Department.

EDUCATION

Juris Doctor – Certification in Business and Financial Law, University of Miami, 2010
Bachelor of Science – Economics, Villanova University, 2007, cum laude
Bachelor of Science – Business Administration, Villanova University, 2007, cum laude

REFERENCES

- Pam Akin, Esq., *professional and personal reference; former Clearwater City Attorney*
- Matthew D. Weidner, Esq., *professional and personal reference; former employer*
- Jay Daigneault, Esq., *professional reference; board certified local government attorney since 2020*
- John R. Cappa, II, Esq., *professional and personal reference; Florida Bar member since 1995*
- Marshall Reissman, Esq. , *professional and personal reference; Florida Bar member since 1980*
- Glenn Goldberg, Esq. , *professional and personal reference; Florida Bar member since 1998*