

Meyers, Robert (COE)

INQ 07-78

From: Meyers, Robert (COE)
Sent: Wednesday, May 23, 2007 3:26 PM
To: Meyers, Robert (COE)
Subject: Inquiry

I spoke to Tom Logue, Assistant County Attorney, and he asked whether members of the Vizcaya Trust would have a voting conflict if they voted to support the lawsuit the Vizcayans were contemplating filing against Mercy Hospital over a development matter. Mr. Logue perceived this as a possible conflict for those board members of the Vizcaya Trust who also are on the board of the Vizcayans. A voting conflict would exist if two conditions were met: 1) An enumerated relationship exists between members of the Trust and another party or entity affected by the Trust's actions and 2) The Trust members were directly affected by the action taken. I found that the first condition was met – some Trust members were directors of the Vizcayans – but the second condition failed, as the Trust members were not directly affected by the decision to support the lawsuit. Even if the lawsuit were successful, there would be no damages paid to the Vizcayans.

Robert Meyers
5/23/07

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