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I-Team 10 Investigation: Divided loyalties



A local business owner tries to fight off an eviction in a landlord-tenant dispute. How did the attorney get involved? And was it a conflict of interest?

Louis Povio is effectively out of business.

"So here I am shutting down and moving out," says Povio.

To many, his business site may look like a junkyard. To Povio, it's his livelihood.

He collects pallets and crates, plastic and metal drums, and other recyclable items and sells them for other businesses. He's been leasing space at the old Jell-O factory site in LeRoy for several years.

But when the building got a new owner in 2006, she wanted to break the lease, saying Povio had expanded beyond the agreed-upon space and violated the terms of a special use permit.

"The first day she came in with her husband, immediately told me she didn't want to discuss the lease on this property. I don't want you here," Povio explains.

For the next year and a half, the dispute would play out between lawyers, with Povio being evicted.

But this isn't a story about a landlord-tenant dispute. Instead, it's about how a village leader in LeRoy got involved in the process, creating what some might consider a conflict of interest.

You see, Laurence Boylan, the lawyer for the evicting property owner, is also the village attorney.

"He was using the code enforcement officer for the town of LeRoy," says Povio. "(He) told him to go out every day as possible every day of the week and find something wrong and tag me so they had something to go on."

According to court transcripts from the eviction trial obtained by I-Team 10, the town code enforcer asked him to visit Povio's business and make a list of violations of his special use permit. Boylan used that list in his client's eviction proceeding.

"It definitely has the appearance of impropriety," says Professor James Gardner. Gardner is Vice Dean at Buffalo Law School and teaches law ethics.

"What sounds to me like it shouldn't be common, I don't know if it is, but it shouldn't be common for a lawyer to be involved in enforcement with respect to matters in which they have an employment business interest," he says.

Boylan declined an on-camera interview, but by phone told I-Team 10 he doesn't view his divided loyalties as a conflict of interest. He says just the opposite is true, that his client and the village had a common interest in the building's operation.

But if that's the case, it's news to the outgoing mayor who tells us the village board never initiated an investigation. This day, Povio has never received a citation or a fine for violating village codes. And his special use permit was never revoked.

"It suggests that if you want to get the most effective representation, hire the guy who's the village attorney."

When we visited with Povio last, he was resigned to trying to get his inventory off the property. But a \$200,000 in re-sellable items that he wouldn't be able to move in time.

When asked his assessment of justice in LeRoy, Povio says, "Ha. In my opinion, it's crooked. You ha

Povio says he doesn't have the money to appeal the eviction ruling. He has filed a complaint with th committee.