

**Memorandum Re: Mar-a-Lago Club  
Trump Residency**

To: Mayor and Town Council  
From: John C. Randolph, Town Attorney

Each of you are aware of the allegations of neighbors of the Mar-a-Lago Club that former President Donald J. Trump is not allowed to reside at Mar-a-Lago since it was converted in 1993 to a private club. In sum, it is argued that Mar-a-Lago is either a private residence or a club, but cannot be both.

I have previously provided you with historical documents relating to the conversion of Mar-a-Lago from a private residence to a private club, including the application, minutes of applicable meetings, the Declaration of Use Agreement relating to the Club, amendments to said Agreement and the zoning ordinance which defines private club. These documents shed light on the conditions of approval of the Club and the question of whether Trump may reside at Mar-a-Lago subsequent to it having been converted to a private club.

The Application for Special Exception 11-93 was submitted by the Mar-a-Lago Club, Inc. on April 29, 1993 requesting a special exception to convert Mar-a-Lago from a residential use to a private club. The application was filed pursuant to that section of the Town Zoning Code relating to District R-AA, Large Estate Residential, which allows "private social swimming, golf, tennis and yacht clubs" as a special exception use. Notably, the definition of private club under the zoning code provides, in part,

"Within residential zoning districts, a private club may provide living quarters for its *bona fide* employees only."

The purpose of this regulation prohibiting living quarters except for the Club's *bona fide* employees is to keep a club from turning into a multi-family residence or a commercial use such as a hotel, neither of which are permitted uses in this R-AA District.

The Application for Special Exception was first heard at a special meeting of the Town Council on May 13, 1993. The minutes of that meeting reflect the following regarding a statement of Paul Rampell representing the applicant:

"Another question asked of him is whether or not Mr. Trump will continue to live at Mar-a-Lago and the answer is 'No,' except that he will be a member of the Club and would be entitled to use the guest rooms."

Some have suggested that this statement is dispositive of the manner in which former President Trump may use the Club, i.e., only as a member using the guest suites for no more than three (3) non-consecutive seven (7) day periods during the year. It is important to note, however, that the Declaration of Use Agreement, ultimately agreed to and executed by the parties, did not incorporate a direct prohibition on former President

Re: Mar-a-Lago Club Trump Family Residency

Trump residing at the Club, the language in the Agreement pertaining only to the members' use of the guest suites. Because the Agreement is silent in regard to a specific prohibition on Trump residing at the Club, the Town should look to its Zoning Code to determine whether there is any prohibition on former President Trump residing at the Mar-a-Lago Club. The Code prohibits living quarters within a club except for its *bona fide* employees. The definition of Employee in the Town's Code provides as follows:

"Employee means any person generally working onsite for the establishment and includes sole proprietors, partners, limited partners, corporate officers and the like."

I believe this issue, therefore, hinges primarily on whether former President Trump is a *bona fide* employee of the Club. In that regard, please see the attached letter from John Marion, representing former President Trump and the Mar-a-Lago Club, Inc. This letter includes representations relating to former President Trump's residency at Mar-a-Lago both before and after its conversion to a Club, which, although of historical significance, are not as legally relevant, in my opinion, as the representations regarding whether or not former President Trump is a *bona fide* employee of the Club. If he is a *bona fide* employee of the Club, absent a specific restriction prohibiting former President Trump from residing at the Club, it appears the Zoning Code permits him to reside at the Club.

I recommend that the Mayor and Town Council hear presentations in regard to this matter from all interested parties including, but not limited to, the neighbors to Mar-a-Lago, their representatives, representatives of former President Trump, the Mar-a-Lago Club and other interested parties. After entertaining all of the relevant presentations, the Town Council should deliberate on this matter and determine what action, if any, should be taken.

I will be happy to answer any questions the Mayor and Town Council have in regard to this matter.

P:\DOCS\NEWJCR\DOC\21W0372.DOCX