

ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING
FRIDAY, NOVEMBER 12, 2019 – 11:00 A.M. TO 3:00 P.M.
PENNINGTON LAW FIRM
TALLAHASSEE, FLORIDA

Present at the meeting were: Brian Newman, Chair; Judge Gar Chisenhall, Jr, Immediate Past Chair; Stephen Emmanuel, Secretary; Chief Judge J. John McIver; Judge Suzanne Van Wyk; Larry Sellers, Board Liaison; Jowanna Oates; Clark Jennings; Colin Roopmarine; Lyyli Van Whittle; Judge Francine Ffolkes; Cindy Miller; Kristen Bigham; Gregg Morton; Marc Ito; Richard Shoop; Louise St. Laurent; Katelyn Boswell; Matt Bryant; Greg Pitt; Matt Bryant; Kathy Hood. In addition, the following appeared by phone: Tabitha Jackson, Treasurer; Paul Drake; Gigi Rollini; Patti Nelson; Mike Barry; Sharlee Edwards.

I. Call to Order

II. Preliminary Matters

- A. Consideration of Minutes. The minutes of the June 28, 2019 Executive Council Meeting were moved for approval by Richard Shoop, seconded by Suzanne Van Wyk, and adopted by acclamation.
- B. Treasurer's Report. Tabitha Jackson gave the Treasurer's report. She reported that the Section's budget was on track and that no amendments were needed at this time.
- C. Bar Foundation Donation. Suzanne Van Wyk asked that the Section consider a donation to The Florida Bar Foundation. She noted that at the Long-Range Planning Meeting a \$500.00 donation had been discussed. Brian Newman said that he would like to see the donation be a recurring one if future budgets allow. A motion to amend the budget to make a \$500.00 donation to the Foundation was made by Lyyli Van Whittle, seconded by Gigi Rollini and passed unanimously.
- D. Recognition of Calbrail Banner. Brian Newman asked that the Executive Council recognize the extraordinary support the Section receives from its Program Administrator, Calbrail Banner. By acclamation, the much-appreciated contributions by Calbrail were recognized.
- E. Chair's Report. In his Chair's Report, Brian Newman discussed the following past and upcoming events.
 1. DOAH Trial Academy. The first DOAH Trial Academy was held September 9-13, 2019. Twenty students participated in the program and all earned 42 hours of CLE credit, all of which applies toward Board Certification qualification. Awards were given as follows: Best Opening Statement – Virginia Edwards, Department of Health; Best Direct Examination – Amanda McKibben, Department of Agriculture; Best Cross Examination – Johnny ElHachem, Division of Pari-Mutuel Wagering. The

transcript of the mock hearing held before Judge Cohen has been circulated and PROs are due November 4. An award will be given for the best PRO submitted. After the PRO award is announced, a meeting will be held with the students to get feedback for improving the program next year. Additionally, Richard Shoop designed a mentor program and many of the Trial Academy Students are participating in the program as a pilot project.

2. Update on ALS mixer events. The Young Lawyers Committee has been working hard. In particular, Tabitha Jackson, Brittany Dambly, Paul Drake, James Ross, Ross Vickers and Kelly Kibbey have been doing a great job for the ALS.

A Back to School Drive was held August 8 at Happy Motoring Benefiting Boys Town. More than 40 backpacks filled with assorted school supplies were collected at the event.

A Guardian Ad Litem event held October 4 at El Jalisco. ALS collected \$525.00 in cash and \$280.00 in gift cards to benefit GAL.

There will be a Thanksgiving food-drive event November 12 at Harry's to benefit Pineview Elementary students and families.

Events in progress for the spring with the FSU College of Law Student Bar Association include a possible lunch with an ALS panel/speakers, a table-for-eight- style event in the law school rotunda with a guest speaker, and participation in the SBA golf tournament with requested sponsorship.

Calbrail has worked with the Young Lawyers Committee to update and improve the email list, and fliers for events are now being distributed to all ALS members.

3. ALS Christmas party. Brian Newman generously volunteered to host a Christmas party at his house. Calbrail is going to assist with a poll to gauge interest in an ALS Christmas party. More details to follow.
4. Florida Government Bar Association. The Florida Government Bar Association is a non-Florida-Bar organization that hosts monthly networking CLE luncheons for members and other CLE events and fundraisers for local charities. The President of FGBA, Amanda McKibben, is an ALS member as are its Treasurer, Kelly Kibbey, and its Young Lawyers Chair, Annie Prescott. FGBA and the ALS jointly sponsored a CLE program on Administrative Practice for Young Lawyers on October 4 at the First DCA that was very well attended. Speakers included ALS past chair Jowanna Oates, ALS member Paul Drake, ALJ Jessica Varn, Chief Judge MacIver, and ALS member Amy Schrader. FGBA is sponsoring another CLE on November 8 on Advanced Topics in

Administrative Practice that will be held at DOAH. Speakers include ALJs John Van Laningham, Hetal Desai, Robert Telfer and Andrew Manko. A happy hour will be held at the Brass Tap following the event.

III. Committee/Liaison Reports

- A. Nominating Committee. The first report was from Jowanna Oates as Chair of the Nominating Committee. She said the Committee would be seeking nominations for its highest awards: The S. Curtis Kiser Administrative Lawyer of the Year and The Section's Outstanding Service Award. Additionally, the Committee will be working on a proposed slate of officers and nominations for Executive Council openings to be voted on in June. She encouraged anyone that is interested to contact her.
- B. Continuing Education Committee. In Bruce Lamb's absence, Calbrail reported that planning is underway for the Pat Dore Conference and also on a 12-part webinar series. Details to be forthcoming.
- C. Publications.
 - 1. Newsletter. Jowanna reported that she is working on the December issue. The deadline for the March issue is January 17, 2020. She encouraged everyone to author either an article or an agency snapshot.
 - 2. Bar Journal. Lyyli Van Whittle reported that Richard Shoop had authored a recent article on qualified representatives, and that an article on agency deference would be appearing in the January/February edition. A number of other interesting articles are in the works.
 - 3. Florida Administrative Practice Manual. There was no report as a new Twelfth Edition was recently published.
- D. Legislative Report. There was no legislative report.
- E. Public Utilities Law. Cynthia Miller reported that she and Mike Cook were working on a half day CLE program to be held in Gainesville on February 20, 2020. The CLE will be on cyber security and the privatization of the energy framework in Puerto Rico.
- F. Board of Governors Liaison Report. Larry Sellers began his comments by noting that agenda materials included written reports of the last two Board of Governors meetings. He next discussed the upcoming legislative session and that the Bar plans to again ask the legislature to authorize payment of Bar dues for government lawyers as it has in the past. He also discussed the contributions by the Young Lawyers Section.

- G. Ad Hoc Rules Committee. Larry Sellers also reported on behalf of the Ad Hoc Rules Committee which consists of a number of ALJs and administrative law practitioners. The Committee has met approximately 10 times and has circulated several drafts and has spent time reviewing comments it received on the drafts. He said that there had been some discussion regarding whether agencies should be required to accept e-filings, but ultimately decided against that, leaving up to each agency to decide whether it will accept e-filings. He discussed a number of other issues they considered, including qualified representatives, intervention, state holidays, service of pleadings after 5pm, whether discovery should be allowed in informal proceedings, and motions to disqualify. One item still under consideration is a possible rule regarding vacation of final orders. The Committee is planning to prepare a final report for consideration by the Executive Council, but any changes must ultimately be approved by the Administration Commission.
- H. Law School Liaison. No report.
- I. Council of Sections. Clark Jennings gave the report. He noted that the Council of Sections has raised its fees from \$300 to \$500. There was a brief discussion of the Section Leadership training that is offered every other year, and which is very good.
- J. Section/Division Liaison Reports.
1. Environmental and Land Use Law. Judge Francine Ffolkes gave the report. She stated that the latest edition of the Environmental and Land Use Law Reporter just came out. The feature article is on hemp. It also includes a section on recent appeals.
 2. Health Law. There was no report.
 3. Government Lawyer. There was no report.
 4. YLD Liaison. Tabitha Jackson reported for YLD. She initially asked that Council members let Paul Drake know if any of their contact information has changed so the Section's website information could be updated. Regarding YLD, she reported that YLD is now an affiliate of the Bar, and as an affiliate it can now apply for grant money for health and wellness events, that she hopes they will apply for.
 5. RPPTL. There was no report.
 6. Labor and Employment. There was no report.
 7. Animal Law. Gregg Morton gave the report for the Animal Law Section. He said they were doing some judicial outreach and was looking into a joint happy hour with our Section. He briefly discussed legislative issues such as opposing a bear hunt and supporting a ban on shark finning. After he

finished his report on the Animal Law Section, there was some discussion about possible outreach to the Education Law Standing Committee, and the Chair asked that topic be added to the long-range planning agenda.

8. TFB Diversity and Inclusion. There was no report.
 9. Appellate Court Rules. Gigi Rollini said there are currently no referrals to the administrative law subcommittee, but that Rule 9.190 continues to get pulled into proposed revisions by other subcommittees of the Appellate Rules Committee. She gave as a recent example an issue involving Rule 9.400 and motions for attorneys' fees.
 - K. DOAH Update. Judge Van Wyk gave the DOAH update. She began by recognizing Judge McIvor's appointment as the new Chief Judge. She next stated that Judge Scott Boyd had recently retired and that he was presented with a Section award at his retirement party. She also stated that there were currently four ALJ openings and that Chief Judge McIvor was interviewing candidates. Chief Judge McIvor stated that there were a large number of really good applicants.
 - L. South Florida Chapter Update. Sharlee Edwards gave the update. The Chapter recently gave a CLE last month that several law firms assisted with, and is currently working with the National African American Insurance Association on a joint event which will include work force diversity and insurance regulatory issues. They are also planning a holiday event for December. The Chair thanked her for her contributions.
- IV. Old Business. There was no old business.
 - V. New Business. There was no new business.
 - VI. Time and Place of Next Meeting. The next meeting will be the long-range planning retreat which will take place sometime in April. The next meeting after that will take place at the Annual Convention which will be held in Orlando this year in June.

The meeting was then adjourned.