

Administrative Law Section Executive Council
Meeting Minutes
June 27, 2014
Gaylord Palms Resort, Orlando

I. CALL TO ORDER – Amy W. Schrader, Chair

Members Present: Andy Bertron, Garnett Chisenhall, Stephen Emmanuel, Francine Ffolkes, Allen Grossman, Robert Hosay, Clark Jennings, Bruce Lamb, Brent McNeal, Patti Nelson, Brian Newman, Daniel Nordby, Jowanna Oates, Honorable Lynne Quimby-Pennock, Amy Schrader, Richard Shoop, Honorable Suzanne Van Wyk

Members Absent: Honorable F. Scott Boyd, Fredrick Dudley, Fredrick Springer

Others Present: Calbrail Bennett, Section Administrator

II. PRELIMINARY MATTERS

A. Consideration of Minutes

Judge Quimby-Pennock had a couple of corrections. First, under the DOAH update section, she said that the minutes should state that Judge McKinney is the current president of the National Association of Administrative Law Judiciary. Second, she noted that her name is misspelled on the first page. Judge Van Wyk stated her name was also misspelled on the first page.

Judge Quimby-Pennock made a motion to approve the minutes with the noted corrections. Mr. Nordby seconded the motion. The Council then unanimously voted to approve the minutes with the corrections noted.

B. Treasurer's Report

Ms. Oates presented the Treasurer's Report. She stated not much has changed since the May meeting, and noted that the Section is in sound financial shape.

C. Chair's Report

Ms. Schrader presented the Chair's Report. She stated that she and Ms. Oates are helping to update the Florida Style Manual and asked those that had concerns with it to let them know. Ms. Schrader stated that she was happy about what all the committees have done this year. Ms. Schrader also stated she was pleased about the General Counsels' Directory in the current newsletter. There was then a discussion about updates needed for that directory due to recent developments.

III. LIAISON/COMMITTEE REPORTS

A. Continuing Legal Education

Mr. Lamb presented the Continuing Legal Education report. He reported that the preparations for the upcoming Pat Dore Conference are moving along well. The steering committee is in place, Cathy Sellers is chairing it, and Mr. Chisenhall is co-chairing it. The dates are October 2-3, 2014, and the speakers and theme are in place. Mr. Lamb said that the next CLE after the Pat Dore Conference will be the Certification Review CLE in the spring, and he is working on setting up a committee for that. Judge Van Wyk asked if the committee could reach out to the Environmental Section early and see if they would co-sponsor the Certification Review CLE in order to share costs. Mr. Lamb also mentioned that he is looking for topics for the webinars. Mr. Nordby asked if Mr. Lamb needed a series or just stand-alone topics, and Mr. Lamb stated that stand-alone topics are fine.

B. Publications

1. Newsletter - Ms. Oates mentioned that the deadline for the next newsletter was July 19th. She also stated that she needs articles for the October newsletter.
2. Bar Journal - Mr. Emmanuel stated that Mr. Nordby is working on a Journal article concerning ethics for government officers.
3. Administrative Practice Manual – No update was given.

C. Legislative

Mr. Nordby presented the report. He stated that the two bills being tracked by Ms. Rigot had been signed by the Governor.

D. Public Utilities Law

No report was given.

E. Membership

No report was given.

F. Board of Governor's Liaison

No report was given.

G. Law School Liaison

Ms. Nelson presented on behalf of the Committee. She stated that there was nothing new to report from the May meeting.

H. CLE Committee Liaison

Mr. Chisenhall presented the report, and stated that the CLE Committee moves very deliberately. It has formed some subcommittees, but there has been no substantive actions taken. Mr. Chisenhall did learn that sections can break-up a day-long CLE into segments and sell those individually instead of the entire course, and suggested that the Council consider doing that for the upcoming Pat Dore Conference. Ms. Ffolkes asked if there has been any movement concerning “freeriders” (those that post CLE credits but do not pay for the CLEs). Mr. Chisenhall stated that the Committee has discussed the problems but not done anything in that regard. Judge Van Wyk stated that the City, County and Local Government section is seriously looking into this issue and has formed a subcommittee on it. She also mentioned some statistics on this issue. Mr. Grossman suggested the Council of Sections may want to take this issue up as well.

I. Council of Sections

Mr. Jennings had nothing to report.

J. Section/Division Liaison

1. Environmental and Land Use Law

Ms. Ffolkes reminded the Council about the upcoming Annual Update August 7-9, 2014.

2. Health Law

Mr. Lamb stated that the Health Law Section was amenable to a joint membership option with the Section. Mr. Grossman also stated that the Health Law Section may be interested in doing a CLE on rulemaking with the Section.

3. Government Lawyer

Judge Quimby-Pennock mentioned that the Government Lawyer’s Section’s Lifetime Achievement Award presentation to Bob Graham was this afternoon, and that the Section was having its executive council meeting this afternoon as well.

4. YLD Liaison

No report was given.

5. RPPTL

No report was given.

K. DOAH Update

Judge Van Wyk stated that Judge Susan Kirkland is retiring in August, and would thus create an ALJ vacancy.

L. Budget Committee

Ms. Oates stated that there was nothing new to report. She would touch base with the members of the Committee prior to the November budget conference call.

M. Pro Se Consultation Ad Hoc Committee

Mr. Shoop presented the report for the Committee, and stated that there was nothing new to report.

N. Orders Access Ad Hoc Committee

Mr. Shoop presented the report for the Committee, and stated that there was nothing new to report.

IV. OLD BUSINESS

A. Joint Membership Option with ELUL – this issue was tabled and will be taken up at the next Council meeting.

B. Pat Dore Administrative Law Conference (October 2-3, 2014) – this issue was covered under the CLE Committee Report.

V. NEW BUSINESS

A. Renewal/Amendment of Legislative Positions

Ms. Schrader had the Council members review the positions and opened the floor for discussion on them. Ms. Nelson asked if the Section actively lobbied concerning Position Number 2. Mr. Grossman said the Section does not, and cannot unless it gets permission from the Bar. Ms. Nelson also asked if that position could be morphed a bit, and wondered if another phrase should be added to cover a new wave of exemptions that has been occurring since changes to the APA in 2010 in regard to rulemaking and economic analysis. Mr. Grossman said it might be worthwhile for the Section to consider creating a legislative position on the issue of ratification of rules. Ms. Schrader asked if one of the existing committees could look at the issue. Mr. Nordby suggested it could be addressed

by the Legislative Committee or an ad hoc committee. Mr. Jennings asked if there have been many exemption requests, and Ms. Nelson said no, but thought that the wider issue of ratification should be considered and the concerns go to that issue. Judge Van Wyk asked what the difference was between Position 1 and 4. Mr. Nordby said Position 1 was directed toward point of entry and Position 4 was directed more toward attorney's fees. Mr. Grossman stated Position 4 concerned other barriers to entry. Ms. Ffolkes made a motion to roll over the positions and Mr. Lamb seconded the motion. The Council members then unanimously voted to roll over the positions.

B. Increasing the amount of Ms. Rigot's contract – Ms. Schrader asked if Ms. Oates had a chance to research this issue, and she said that she had not. Ms. Schrader then stated that this issue should be tabled for a later meeting.

C. Election of Officers and Council Members

Mr. Nordby presented the Officers and Council Members to be elected. He stated that the Nominating Committee recommends, and made a motion, that all the Council members whose terms expire in 2014 be re-elected, and that Mr. Hosay be nominated as Treasurer. Judge Van Wyk seconded the motion, and the Council members then voted unanimously in favor of the motion. He noted that Mr. Hosay's elevation to Treasurer would leave a vacancy on the Executive Council, and stated that the Nominating Committee would address this vacancy in a conference call at a later date. Mr. Nordby then made a motion to elect himself Chair, Mr. Shoop Chair-Elect, and Ms. Oates Secretary. Mr. Grossman seconded the motion. The Council then unanimously voted in favor of the motion.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:33am.

Respectfully submitted,

Richard J. Shoop
Secretary