

The Bulletin

THE OFFICIAL MONTHLY NEWSLETTER OF THE ADMINISTRATIVE LAW SECTION
OF THE FLORIDA BAR



What's New

CASE UPDATES

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FOOD & FITNESS COLUMNS

Showers, Flowers, and Mother's Day Vibes

Tabitha G. Jackson, ALS Secretary

As we start to regain our sense of normalcy, we have no doubt begun to make plans (or at least consider making plans) to visit our loved ones. This, of course, is just in time for Mother's Day! The history of Mother's Day is quite interesting and actually began with the "faithful" making their way back to their "mother" church for a special service during Lent. There are many variations of how and why we started to honor our Mothers on this day, but now, universally, we come together in May to celebrate our Mothers and show expressions of love and gratitude. President Woodrow Wilson and Anna Jarvis are among the "originators" of this Holiday.

Good Vibes, Continued



Whether you are celebrating your mother, grandmother, in-laws, or a close friend or family member who has shown you love in a motherly way, take the time to honor those who have shown constant selflessness to you in your life. Remember those who have made sacrifices to support you and make sure you have the best opportunities in life. Remember also, yourself as a mother. When you find yourself exhausted, out of steam, and praying for some short reprieve – remember all you do for your children (whether human, chicken, feline, canine, equine, etc.).

Mother's Day is a day to celebrate you and a reminder of how wonderful you all are. I am so grateful to have both my mother and grandmother at a close distance so we can enjoy spending time together. Above, here we are enjoying a beautiful (but chilly) Saturday antiques in Plant City.

Of course, April Showers are sure to bring May flowers. Coco has been a great help with our garden. Below, Coco stands beside our new pear tree. The soil in our area was extremely lacking in nutrients. For those of you with a green thumb, when/if you ever have this issue – a local nursery advised that lime was an amazing additive for this issue. Let's hope it works! The next photo is Coco helping me pick out another indoor plant for my office. You can never have too many plants! However you plan to spend Mother's Day, whether it is visiting family, spending time in your garden, or relaxing at the beach – enjoy this time. Spring is a beautiful season and an excellent reminder that change can be a positive thing. Regardless of how cold and harsh winter was (or 2020 as a whole) – 2021 is going to be a fabulous year!



ALS Monthly Case Updates

Compiled by the Honorable Gar Chisenhall, ALJ



Dep't of Agric. and Consumer Servs. v. Tampa Maid Foods, LLC, Case No. 20-5566 (Recommended Order April 12, 2021)-

The ALJ rejected Tampa Maid's argument that the Department's inspectors had no authority to utilize cameras during their inspection.

Lifestream Behavioral Ctr., Inc. v. Dep't of Children & Families and Metro Treatment of Fla., L.P., Case No. 20-4322 (Recommended Order Feb. 1, 2021) (adopted by a Final Order rendered on March 3, 2021)-

The ALJ rejected Lifestream's argument that the Department deviated from its own rule by overriding an evaluation team's scoring of Metro's application to open a Methadone Medication-Assisted Treatment clinic in Lake County.

Burnett Int'l College v. Bd. of Nursing, 1D19-2945 (Fla. 1st DCA April 14, 2021)-

In the course of ruling that the lack of a formal administrative hearing did not amount to a denial of due process, the Court held in part that the Appellant's generalized assertions that disputed issues of material fact existed did not create disputed issues of material fact

DGlobal Hookah Distrib. v. Dep't of Bus. & Prof'l Regulation, 1D20-822 (Fla. 1st DCA April 12, 2021)-

The Court ruled that the tax at issue was not a sale or use tax and thus did not violate the Commerce Clause

Job Opportunity

The Florida Department of Financial Services, Office of the General Counsel, is seeking to hire an Executive Senior Attorney to manage its Litigation and Special Projects section. This is a highly responsible position located in Tallahassee, Florida. Primary duties include direct and supervisory responsibility for state and federal litigation handled within the Department or by outside counsel, supervisory responsibility for final orders and informal administrative hearings arising from petitions within the Department's jurisdiction, and providing legal counsel to the Department on a variety of statutory programs.

For more information, please visit <http://flaadminlaw.org/resources/#employment>

Introducing the ALS Cutest Pet Contest

Tabitha G. Jackson, ALS Secretary

Coco Jackson, ALS Chief of Pets



IS YOUR

PET

*The Cutest
Pet in the
Section?*



The Administrative Law Section is excited to announce its first ever Cutest Pet Contest.

Between now and June 7, 2021, Section members can nominate their pets to be named the Section's "Cutest Pet." In order to nominate your pet, all you have to do is send an e-mail to mvpmmcorkle@gmail.com with "ALS Cutest Pet Nominee" in the subject line. Your e-mail should include at least one picture of your pet and up to a 100-word description of why your pet is the cutest one. That description can include information such as your pet's favorite toy, food, snack, music, and playtime activity. The description can also include things your pet dislikes such as baths, squirrels, delivery people, etc. Finally, feel free to include your pet's age and breed (if applicable). The pictures will be posted on the Section's website, Facebook, and Instagram pages.

As for the voting, Section members will be able to vote on the cutest pet by "liking" or "loving" particular photos, but a "like" will have the same value as a "love." Please do not vote more than once. After June 7, 2021, the votes will be tallied and the first, second, and third place finishers (along with pictures of them) will be published in the bulletin's June edition.

Easy Rider

The Honorable Robert Kilbride, Administrative Law Judge



With Springtime upon us and warmer weather just around the corner, now is a great time to enjoy the great outdoors in and around Tallahassee! In my opinion, there's no better way to do that than to hop on a mountain bike and enjoy an exhilarating ride on the many well-groomed MTB trails in and around the city. (Not to mention the great exercise and stress relief it provides.) Tallahassee boasts over 100 miles of mountain bike trails in the city alone. Added to that are several other trails in Leon County, creating one of the most renown and extensive system of bike and walking trails in our great state!

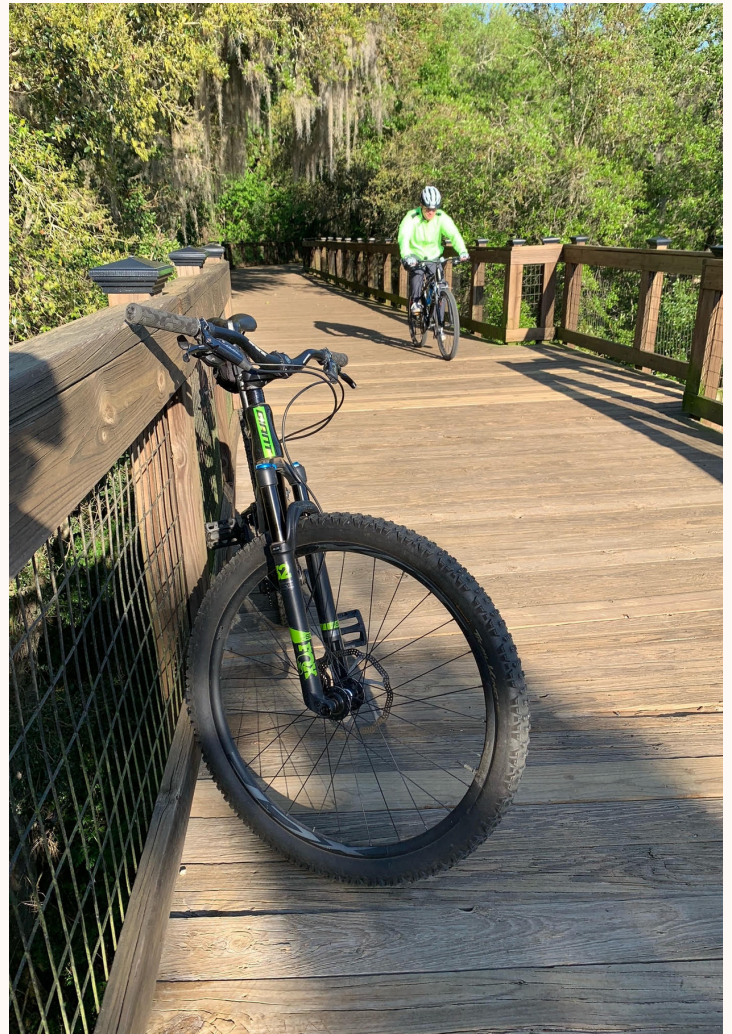
As an avid and frequent MTB rider, I can suggest a few trails. My favorite, for a more leisurely, undulating and beautiful ride in an open forest area is Munson Hills/Twilight Trail, south of town. On the other end of the scale is Redbug Trail, north of town. It presents a challenge for those who enjoy a more rigorous ride in the woods with lots of turns and occasional technical/rocky sections built up by the parks department.

Hands down, the most popular trail is the extensive trail system in and around Tom Brown Park. "Kudzilla", East and West Cadillac and Billy's Trail come to mind. Many of the Tom Brown trails offer great views of Lake Lafayette. Even better, the trail easily links you to other MTB trails on the other side of the lake at Alford Greenway. If you are the more adventurous type who appreciates feeling a bit more isolated there are several remote trails south and west of the city near and around Lake Talquin and Lake Munson.

[See photos, next page]

Easy Rider

Photos Courtesy of Judge Kilbride



Start slow and build up your stamina with a few rides at Munson Hills. Before you know it, you'll be shredding the trails at Redbug! Hope to see you out soon on a fun and exhilarating MTB ride!

*Interested in checking out local MTB trails in Tallahassee?
Check some trails out here:*

<https://www.alltrails.com/us/florida/tallahassee/mountain-biking>

DBPR Attorney Spotlight

Tabitha G. Jackson, ALS Secretary



Amanda Bova

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DBPR v Rivas #2020-007856 , DOAH Case #20-003889 Final Order issued 3/31/2021

DRE OGC attorney Amanda Sampaio Bova and former OGC attorney Nadia Hamade successfully prosecuted a licensee who wrongfully refused to return a consumer's earnest deposit, and who also acted as a broker without a license.

At each step in the case, Ms. Bova and Ms. Hamade aggressively advocated on behalf of the Department and in the interest of protecting the public. During the two-day formal hearing, they called 16 witnesses to testify, admitted 38 exhibits into evidence, and ultimately proved all three counts charged. They were also able to establish aggravating factors which resulted in a final order revoking the Respondent's license, a \$4,000.00 fine, and investigative costs.

Through the discovery process, they were able to convince the Respondent to agree to have the case heard as a summary proceeding, which allowed the Judge to have final order authority. Having the case heard as a summary proceeding saved crucial time and resources, and ultimately expedited the revocation of the Respondent's license. Through the prosecution of this case, justice was expeditiously served and the public will be protected from future harm.

Significant Dates

Complaint received: February 13, 2020

Received in Legal: March 25, 2020

AC Filed: June 10, 2020

DOAH Hearing: November 19, 2021 – November 23, 2020

Final Order issued: March 31, 2021

Healthy Recipe of the Month

Brittany Dambly, Esq.

Have you ever considered reducing your meat intake? Perhaps to eat healthier and reduce the risk of certain diseases? You may not be ready to give up meat all together, but eliminating meat once a week may be an option. Introducing your #MeatlessMonday recipe!

Crockpot chili

Ingredients:

- 19 oz can diced tomatoes
- 19 oz can black beans (drained & rinsed)
- 12 oz can corn kernels (drained)
- 13 oz can of tomato sauce
- 2 tablespoons chili powder
- 1 teaspoon cumin
- 1 teaspoon ground coriander
- ½ teaspoon salt
- 6 cups sweet potato cubes (1 ½- 2 inches)
- 1 onion (diced)

Instructions:

1. Combine all ingredients in the base of a 6 quart slow cooker.
2. Cook on low for 6-8 hours.
3. Serve with cheese, tortilla chips, yogurt, and avocado.



If you don't have a slow cooker but do have an instant pot, use the following instructions:

1. Add all of the ingredients (except for the tomatoes) into the stainless steel insert of the Instant Pot.
2. Next, add the diced tomatoes and do not stir in.
3. Place the lid on the Instant Pot and set the steam release handle to 'sealing'. Pressure cook on high pressure for 5 minutes.
4. Allow for a 10 minute natural pressure release before releasing the remaining pressure.
5. Stir and serve with cheese, tortilla chips, yogurt, and avocado.

If you like to meal prep, this recipe can be made ahead of time and frozen! Combine all the ingredients into a freezer bag, squeezing out as much air as possible. Store the bag upright in the freezer for up to three months. When you're ready to eat, thaw completely before cooking according to the applicable instructions.

This recipe is brought to you by [@SweetPeaSaffron](#)

Fitness, Adminsitratively Speaking

Maria P. McCorkle, Fitness Fanatic

I sit here at my desk in my kitchen, staring at the screen when my mind wanders to "have I run today?" No, I have not. I managed to make a second cup of coffee, which has been my significant achievement today. However, I know I need to find time to work out. It is imperative for me, even though, truth be told, I am not a reasonably good runner nor particularly strong or flexible, and honestly, I am not even "in the mood" to go work out today.

But I must. This is where I start this monthly column about fitness, administratively speaking. Fitness can be hard to get back into, to find your groove for the first time or after a long time. The first step is easy- I can sign up for any number of fitness apps, online videos, or the local gym. It's the next step, the next day, that becomes the challenge.

So let's start there- how do we find that motivation to go the next day? On the cold days? The rainy days? The "I just don't feel like it" days? Personally, and in no way whatsoever as a professional or in any sort of advice-giving capacity, I think back to when I had cancer. I distinctly remember being fettered to a recliner, unable to move due to pain and nausea and thinking what I would give to just go for a walk, to feel that exhausted feeling after a workout. During the long hours and weeks in the hospital or in the recliner, I'd fantasize about doing a triathlon or simply chasing my kids as a way to keep my mental health strong while my physical health was recovering.

Almost six years later, on those "don't feel like it" days, I remind myself, "Remember when this was your dream." My mindfulness practice is to actively look at my thoughts and excuses to change my mindset to "I get to work out today." This is my why.

What's your why? Maybe for you, it is a goal- run a K? A healthier weight? Perhaps you can run for someone or a cause- I know several runners who run for people who cannot run, dedicating their miles and bringing awareness to those causes. Or maybe just a ten-minute mindful walk to "not think" or to listen to your favorite song. Even if it is just one song (and may I suggest "Coming Back to Life" by Pink Floyd), that is a start. If that is all you ever feel inclined to do, that is enough. If there is one thing I have learned in eighteen years of running- no health journey is the same, and in no way should we compare our experiences.

But if you do take that first step today, know I am supporting and cheering you on for that second step tomorrow. If you have any questions you'd like to see discussed in this column, please email me at mvpmmcorkle@gmail.com. I will be talking with professionals in fitness to offer their insights as well. Just as a reminder- this column is for entertainment purposes only. It is not to be construed as any sort of professional advice in any way. Please be sure to check with your medical professional before starting any sort of fitness regimen, and please stay hydrated!

Until the next run.



Coming Next Month!

ALS Award Winner Profiles
DBPR Attorney Spotlight
Convention 2021 Updates
ALS Pet Contest Continues!

The ALS Bulletin

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Want to contribute? Have a question?

Email Maria Pecoraro-McCorkle at
mvpmmcorkle@gmail.com.

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