

# *The Bulletin*

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



## *What's New*

### UPCOMING EVENTS

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ALS CUTEST PET  
CONTEST  
.....

ALS SPOTLIGHTS

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THE ALS BOOK REPORT

.....

FOOD & FITNESS  
COLUMNS

## *Summer Fun!*

Tabitha G. Jackson, ALS Secretary

Summer Fun!

As we get closer to Summer and closer to some sense of normalcy, we no doubt have the urge to be outside! Pack your SPF and head outdoors. The Administrative Law Section has a jam-packed Summer for you all. We have several events including our 3rd Annual Back Pack Drive at Happy Motoring in August! See our calendar further down in the bulletin for more details.

## *More Summer Fun*

Here are some ideas for fun and affordable/free things to do around town:

- Biking/roller skating down the St. Marks Trail <https://www.floridastateparks.org/parks-and-trails/tallahassee-st-marks-historic-railroad-state-trail>
- Visit Maclay Gardens <https://www.floridastateparks.org/MaclayGardens>
- Canoeing/kayaking on the Wacissa River <http://www.wacissarivercanoerentals.com/>
- Day trips from Tallahassee <https://www.florida-backroads-travel.com/tallahassee-florida-day-trips.html>
- Downtown Thomasville, GA <https://thomasvillega.com/downtown-thomasville>
- Lake Imonia <https://bassonline.com/fl/lakes/lake-iamonia/>
- Camps for kids: [https://fun4tallykids.com/Camps/\\*Camps-Offered-ALL-Summer/](https://fun4tallykids.com/Camps/*Camps-Offered-ALL-Summer/)
- <https://www.busytourist.com/things-to-do-in-tallahassee-florida/>

We recently took the boat out on Lake Imonia on the North side of town. It is so beautiful and the Lily Pads were in full bloom. It was a nice break from the daily grind for sure. Coco says “safety first” with her cute life jacket!



# *General Counsel Spotlight*



**John MacIver, Esq.**

*Department of  
Financial Services*

John MacIver is the General Counsel for the Department of Financial Services. In that role he oversees the legal office for the Department and serves as chief legal counsel for one of Florida's four statewide elected officials—CFO Jimmy Patronis.

John came to the Department after serving as Director and Chief Judge for the Division of Administrative Hearings. Prior to his appointment as Chief ALJ, John served as Deputy General Counsel in the Executive Office of Governor Ron DeSantis where he oversaw the legal offices of Florida's executive branch health welfare and business regulatory agencies. John served in the same role throughout the second term of then-Governor, now United States Senator, Rick Scott. He has also served as the Director of Florida's Office of Fiscal Accountability and Regulatory Reform, a position housed within the Governor's Office of General Counsel; a rules attorney for Florida's Department of Business and Professional Regulation; and a legislative assistant to then State Senator, now Congressman, Bill Posey. He is a graduate of Northwestern University School of Law and the University of Central Florida. He resides in Tallahassee with his wife Abigail and their daughter Scarlett.

**How large is the DFS legal office?** Fully staffed we have just over 50 attorneys and 30 administrative staff members.

**What types of practice areas do your attorneys address?** The Office is divided into our service of process section and 6 attorney sections. (1) The Litigation and Special Projects section addresses complex regulatory and personnel issues affecting the Department, conducts informal administrative hearings, and drafts the Department's final orders. (2) The Prosecution and Enforcement section defends license denials, prosecutes disciplinary actions against licensees, initiates emergency actions, and represents the Department in appellate proceedings. (3) The Criminal Law and False Claims section provides legal support and training for the Department's criminal investigators. They also prosecute certain actions and initiate civil recoveries for the state under the Florida False Claims Act. (4) The Worker's Compensation section prosecutes workers' compensation compliance cases in formal and informal administrative proceedings and final order appeals. The section also provides counsel to the Division of Workers' Compensation in trust fund matters and in determinations made by the division's Medical Services Section. (5) The Financial Accountability section represents the Divisions of Treasury, Unclaimed Property, and Accounting and Auditing in administrative, circuit, and appellate proceedings, and provides general legal support to those divisions. The section also represents the Chief Financial Officer (CFO) in legal proceedings of all types arising out of the CFO's constitutional duties. (6) The Contracts and Rulemaking section reviews and assists with drafting the Department's procurements, contracts, and administrative rules.

## *General Counsel Spotlight*

**What has been your favorite aspect of being a general counsel so far?** I work with a great team, both at the Capitol and within OGC.

**What do you look for in the attorneys you hire?** First, of course, the threshold qualifications. Once those are met my priority is finding attorneys with the right attitude. What I really want to see are indications that the attorney is going to be eager to excel at what they do. In most cases I would prefer someone with the minimum qualifications who I know is going to conscientiously give 100%, rather than someone with the best resume who isn't as eager to excel.

**What is it like working for Florida's Chief Financial Officer, Jimmy Patronis?** It is an extraordinary amount of responsibility that is truly rewarding. The CFO is a true servant-leader who genuinely cares about the people our state. Being trusted to carry the responsibility of serving as his principal legal adviser is an incredible honor.

**What has been your biggest contribution to the CFO's executive team so far?** I try my best to offer an additional thoughtful perspective to the myriad policy decisions that the executive team fields on any given day.

**Do you participate in any leadership roles outside the office?** I currently serve in a leadership role with the Tallahassee Lawyer's Chapter of the Federalist Society.

**What keeps you busy (or not busy) after work?** My daughter turns four in about a month. I spend most of my time outside the office watching her grow into her amazing little self.

**What career would you hold if you were not a lawyer?** I think I would be an outstanding trust fund baby, but unfortunately lack the basic qualifications. Joking aside, I enjoy public service so if I were not a lawyer, I would almost certainly be pursuing some sort of political, judicial, or public service role.

**What advice would you give lawyers who one day hope to rise to a general counsel position?** Don't become so entrenched in your own fiefdom within state government that you can't think of issues from a big picture perspective. Develop your area of expertise but stay conscious of how your role fits into the overall objectives of your agency and its leadership. It is very easy when the work of an agency is divided into separate sections to let team loyalty develop into shortsightedness regarding the agencies overall function. Having a big picture perspective makes you both more responsive to your ultimate clients' needs and a more versatile asset to your agency.

# Upcoming ALS Events

## **SATURDAY, JUNE 5TH**

ALS Summer Band Jam Feat. Highway 85  
3 PM to 6 PM at Proof Brewing Company

## **THURSDAY, JUNE 10TH**

ALS Annual Meeting & Election of Officers

12:30 PM to 2:30 PM via Zoom

## **THURSDAY, JUNE 22ND**

ALS & Animal Law Section Trivia Night  
5:30 PM to 7:30 PM at Happy Motoring  
Sponsored by Grossman, Furlow & Bayó , LLC

## **THURSDAY, JULY 29TH**

ALS Long Range Planning Meeting  
3 PM to 5 PM at The Edison Restaurant

## **THURSDAY, AUGUST 5TH**

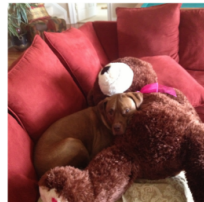
ALS Back Pack Drive  
Happy Motoring

*Please be sure to check out our social media for more information about these great upcoming events!*

# *Introducing the ALS Cutest Pet Contest*

Tabitha G. Jackson, ALS Secretary

Coco Jackson, ALS Chief of Pets



Make sure to  
check out our  
updated link to  
VOTE for the  
cutest pet of the  
Section!

CUTEST  
PET  
CONTEST

[Click HERE to  
VOTE!](#)

The Administrative Law Section is excited to announce its first-ever Cutest Pet Contest. Between now and June 30, 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](mailto: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, we have updated our voting process to make it easier for everyone! You can simply click [HERE](#) to vote! No login or social media account required, but please be sure to still like and follow our social media accounts.

# ***DBPR Attorney Spotlight***

Compiled by the Department of Business and Professional Regulation



## **Allison McDonald**

### **Executive Director, Florida Real Estate Appraisal Board**

Division of Real Estate  
400 W. Robinson Street, N801  
Orlando, FL 32801  
(407) 650-4365

Allison McDonald's role in the Division of Real Estate is to ensure that real estate appraisers are trained and tested according to federal law. This is an extremely important role because certain real estate transactions have the potential to expose consumers, the United States government and lenders, to a tremendous financial loss. Every two years, the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council comes to Florida and conducts a field review of the appraisal program of the Department of Business and Professional Regulation (DBPR) to ensure the program complies with federal standards.

Due to the COVID-19 pandemic, the federal assessment was conducted virtually from February 8-11th. This meant that Ms. McDonald was tasked with coordinating nine sections and ensuring that thousands of documents from the following units within DBPR were shared in a consistent and uniform manner: the Office of the General Counsel, Technology, the Central Intake Unit, the Bureau of Education, Licensing, Public Records, Enforcement, Real Estate, and the Florida Real Estate Appraisal Board (FREAB).

During the assessment, Ms. McDonald arranged for the auditors to attend a virtual FREAB meeting and a probable cause meeting to assess Florida's effectiveness in carrying out federal laws and standards. At the end of the audit, Ms. McDonald was complemented on her thoroughness, accuracy and preparedness. During the COVID-19 Pandemic, she was commended for creating the Appraisal Outreach Program- using real estate investigators to personally reach out to over +1,000 trainees to avoid deficiencies and delays when upgrading licenses during the pandemic. She was also recognized for her response to the COVID-19 pandemic via Florida's adoption of the ASC recommendation that appraisal courses be taught virtually.

Ms. McDonald earned a B.A. from the University of Florida and a J.D. cum laude from Nova Southeastern University's Shepard Broad Law Center. In 2008, she began prosecuting license law violations for DBPR's Division of Real Estate. She next served as Deputy Chief Attorney for the Division of Real Estate. Based on her expertise and knowledge of the appraisal industry, she was promoted to the Executive Director of the Florida Real Estate Appraisal Board within the Division of Real Estate and appointed to The Appraisal Foundation's State Regulatory Advisory Group.

# *The ALS Book Report*

Elizabeth M. Fernandez, Esq.

## GET UP! Why Your Chair is Killing You and What You Can Do About It.

By James A. Levine, MD, PhD

Over the last year or so, everyone who works in an office has had the chance to re-think their office environment in relation to their physical and mental health. For my part, I decided to learn a bit more about the benefits of my standing desk. Excluding transoceanic flights, I have probably never been seated for so long that I thought a chair might actually kill me. So I started the book, *Get Up!*, - as a relatively healthy eater with an averagely active lifestyle, and a regular-ish exercise routine - expecting that this book was not really targeted to me. The title seemed so alarmist that I imagined the book would be discussing the dangers of the type of fictional totally-sedentary lifestyles that movies, like *Wall-E*, warned against. In the first few pages, the author claimed, “sitting is the new smoking” and in those early pages I was not ready to make that leap. However, I quickly discovered that this thoroughly researched book was less alarmist, and more alarming. *Get Up!* reviews the changes in human history that has led to our entire society suffering from “chair addiction”. In this ambitious book, the author sets out not just to change the reader’s lives, but to change society. He wants a revolution! And it all comes down to chairs. An item so ubiquitous and seemingly essential that we do not think twice about taking a seat.

*Get Up!* is not a typical motivational health and lifestyle book. Instead, it is a scientific study of sitting and its impact on human health similar to studies of sugar on human health, or trans fats, or, yes, smoking. The author writes to change the mentality about viewing sitting as a harmless inactivity, to something more sinister. *Get Up!* ultimately encourages the reader to see sitting as an activity in which people should indulge conscientiously and relatively sparingly. Backed by data and studies conducted in labs on both rats and human subjects, the book is an insightful and terrifying study into how sitting is NOT in fact neutral or harmless but is instead rather damaging and certainly not an activity that should be taken lightly. Even super-healthy individuals, with regular exercise routines, would benefit from the information about the perils of sitting. *Get Up!* was extremely informative and well-researched. Unlike many other health and lifestyle books, it mostly uses results from formal studies, rather than anecdotal evidence as the basis for advice. While the book does discuss social changes to our chair-bound society, it also motivated me personally to make some changes. Now I think of taking “chair-breaks”, meaning a break from standing to sit down, instead of vice-versa, and to question whether the activity I am currently doing can be done standing. I have come to appreciate much more the standing-desk I have at work, and even started using a cardboard box at my home desk to bring my laptop up to standing height. I have read a few books about mental-health and fitness, but I really appreciated the way this book stopped me from thinking of sitting as neutral, and instead encouraged me to think of standing or walking as status-quo. It has, in just a few weeks, already given me a noticeable improvement in my physical and mental health.

# *Healthy Recipe of the Month*

Brittany Dambly, Esq.

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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!

## **Spicy Black Bean Burger**

### **Ingredients:**

- 15 oz. Black Beans
- 1 Red Bell Pepper
- 1 Yellow Onion
- 1/2 cup Fresh Cilantro
- 3/4 cup Breadcrumbs
- 1 tbsp. Minced Garlic
- 1 Large Egg

### **Burger Seasonings:**

- 1 tsp. Oregano
- 1/2 tsp. Black Pepper
- 1/2 tsp. Garlic Powder
- 1/2 tsp. Paprika
- 1/2 tsp. Chili Powder
- 1/2 tbs. cumin



### **Instructions:**

1. Rinse and drain canned black beans and allow to sit for 10 to 15 minutes. Blot them with a paper towel to remove any extra moisture.
2. Add black beans to a large bowl and mash using a fork or potato masher until the texture is smooth.
3. Cut the red pepper into large chunks, removing the seeds. Cut the onion into large pieces after removing the outside skin of the onion. Pull cilantro leaves from the stem, gathering half of a cup.
4. Add the red pepper, onions, garlic, and cilantro into a food processor and blend well. Drain any excess liquid and add to the same bowl as the beans.
5. Add the burger seasonings to the beans and mix everything together.
6. Add a beaten egg and mix. Then stir in the bread crumbs.
7. Place your bean mixture in the refrigerator for 30 minutes.
8. Form your patties around 2 inches thick. If building thinner patties, decrease the cooking time in 1-minute increments.
9. Grill the burgers for 5 minutes each side.
10. Add cheese and your favorite toppings and enjoy!
11. If you're not ready to cook, you can freeze the burgers for future use. Stack them between parchment paper in a freezer safe container or zipped-top bag.

# ***Fitness, Adminsitratively Speaking***

Maria P. McCorkle, Fitness Fanatic

This month, let's go for a walk! If you are new to fitness, this is a great way to ease into cardio. If you are a fitness nut, this is a great rest day exercise! As always, please consult with your physican prior to engaging in any physical activity, and remember that this column is for entertainment purposes only.

This month, we have a helpful guide from UC Berkley. Their program, "[Exercise: Starting a Walking Program](#)" offers ideas for beginner, intermediate, and advanced walkers/runners. You can visit the link [here](#) for the full details, while the "General Guidelines" are provided below:

## **General Guidelines**

Please check with you physician before starting a regular exercise program.

- **Beginner**
- Try walking briskly at a 3 to 3.5-mph pace (walking a mile in 17-20 minutes), beginning with 10 minutes per day for the first three weeks. Slowly increase the time you walk by 5 minutes per week until you are able to walk 30 minutes per day, six days per week.
- **Intermediate**
- If you are already in good shape, start at this level. If not, you can continue here after about a month of the "Beginner" program. Aiming for a pace of 3.5 to 4.5 mph (13-17 minutes per mile), walk 3 miles (about 45 minutes), 3-5 times per week. If you find that you can't walk that fast, increase the distance that you walk instead.
- **Advanced**
- If you already do fitness walking and/or are in excellent shape, increase the intensity of your workout by doing the following:
  - Walk/hike with a 10-15 lb. backpack
  - Add uphill/downhill and stairclimbing to your regular walks
  - Walk on the beach; the sand will increase your intensity level
  - Use 2-3 lb hand weights and continue your arm swing motion
  - Try racewalking (5-9 mph). There are many local organizations and competitions you can join.

Make sure to stay hydrated- it will only get hotter from here! Have any questions? Want to share a fitness win? Email me at [mvpmmcorkle@gmail.com](mailto:mvpmmcorkle@gmail.com). You can also follow me on Strava at @0hmaria or on Instagram @SaltWaterRun. Oh, and finally, if you're sitting down right now, stand up and stretch (if you can safely do so!).

Until the next run.



# *Coming in the July/August Edition!*

*ALS Award Winners!*  
*DBPR Attorney Spotlight!*  
*ALS Pet Contest Winner Declared!*

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## *The ALS Bulletin*

*A monthly publication from the Administrative Law  
Section of the Florida Bar*

Want to contribute? Have a question?

Email Maria Pecoraro-McCorkle at  
[mvpmmcorkle@gmail.com](mailto:mvpmmcorkle@gmail.com).

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***ALS IS ONLINE***

[www.fladminlaw.org](http://www.fladminlaw.org)

