

The Bulletin

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



What's New

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.....

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JOB OPPORTUNITY
.....

**FOOD & FITNESS
COLUMNS**

Happy Fall, Y'all!

Tabitha G. Jackson, Chair-Elect

As I am sure you all are, I am celebrating all we have to be grateful for. Family, friends, health, happiness, employment, clean air, electricity, internet, Netflix – I could go on and on. It's refreshing to take a break now and then and focus on and be appreciative and thankful for all that we have. It's easy to take many things for granted and I am the first to admit I have done this. Even today, as I drove my SUV, to the nice private firm I work for, and had a nice lunch catered from a local restaurant - I really didn't stop and realize how blessed we really all are. Not in a silly, facetious way – but really, Blessed.

As our Section is aware of and strives to help with, our community struggles with many insecurities including that of food and other basic needs. Spearheaded by Virginia Ponder and Brittany Dambly, our Section participated in its Second Annual food drive benefitting Oak Ridge Elementary School in November. To hear how grateful those children and families were after the fact really cemented in us that we have more work to do. This is also a reminder that no matter how many cases we have, how many zoom meetings we have to attend, or how much we contributed to some charity monetarily – there are those right here in town that need our help and we need to make more of an effort.

There are equally as many organizations that have the infrastructure already set up and ready for volunteers. Executive Council Members have been involved in the Kearny Center. Learn how you can help here <https://kearneycenter.org/get-involved/>. Likewise, Executive Council Member and Member Chair Gigi Rollini and Former ALS Chair Jowanna Oats are both greatly involved with the Second Harvest of the Big Bend. Learn how to volunteer or donate to Second Harvest here <https://fightinghunger.org/>

Gather 'round as we brace for the cooler weather. Grab your PSLs, felt hats, and riding boots – the weather has hit below 70! It may sound funny, but I am as basic as that, as I am assured some of you are too (in the best possible way!). Where else but the South can you have an almost immediate shift in wardrobe that screams “let’s go get a pumpkin spice latte” or “where’s the wine tasting?”

Whether you’re in the office, at home working, or a combination of both – it’s been a welcome and nice change to be able to stay in comfy work-out clothes or PJs while checking those early emails and having a cup of hot fresh coffee (again, probably with pumpkin creamer). The benefit of being able to take a break to feed the farm animals or water my roses during the day permits a brief reprieve from the never-ending stress of litigation. Lawyering these days is exciting and very stimulating, though it is nice to have a brief pardon from the anxiety of deadlines, an upcoming OA, or another trial. Let us take advantage of working remotely (even if only one-day per week) and appreciate our health, ability to work at great firms and make good lives for ourselves, and our family.

Embrace the cool weather and the constant desire to buy more wood from the guy on the side of Thomasville Road for your fire place, and go enjoy the high from the FSU v. UM game. It’s near the end of another odd year, but things are continuing to look up and our lives are starting to seem more normal.

Note that we will continue to hold in-person events and below are a few exciting happenings coming up. We hope to continue to see you all there.

- Outdoor fitness event, followed by brunch & mimosas
- Day at DOAH
- Food Drive / Happy Hour benefitting Second Harvest of the Big Bend
- Mid-Summer Night's Dream movie night

We wish you all health, wealth, and so much happiness as we end this year and into the next!



grateful cheers!

Tabitha G. Jackson, Chair Elect
Luks, Santaniello, Petrillo, Cohen & Peterfriend

*Happy
& Fall &
Y'all*

DOAH Trial Academy Recap

The Honorable Gar Chisenhall, ALJ

After many months of broadcasting CLE over Zoom, the Administrative Law Section made an eagerly anticipated return to in-person CLE this Fall with the DOAH Trial Academy and the Pat Dore Conference.

The DOAH Trial Academy (“the Trial Academy”) is an intense, week-long course intended to teach litigation skills to Administrative Law practitioners. The second edition of the Trial Academy was held at DOAH’s Tallahassee headquarters during the week of September 27, 2021, with approximately 40 students. The program began with an address from Pete Antonacci, DOAH’s Chief Judge, and was followed by a full day of lectures from Administrative Law Judges on topics such as opening statements, writing proposed orders, evidence, depositions, examining lay witnesses, experts and trial notebooks, and building a record. The students were divided into teams of 6 to 7 people and spent the next 2.5 days in intensive workshops to practice basic trial skills such as taking depositions, direct examination, cross-examination, and questioning expert witnesses. The aforementioned exercises were based on a common set of facts and written materials. During the second half of the fourth day, the students competed in an opening statement contest. On the fifth and final day, the students participated in a mock trial before a live audience. While the Trial Academy took a year off in 2020 due to the pandemic, DOAH is already deep into planning for the third edition of the Trial Academy in 2022. If you are interested in developing your litigation skills, you should strongly consider submitting an application to be part of the 2022 Trial Academy.

This Fall also saw the return of the Pat Dore Conference which took place on October 14 and 15, 2021, in Tallahassee at Florida State University. The first day was a half day that began with remarks from the Section Chair, Stephen Emmanuel, that were followed by presentations on constitutional rulemaking, agency deference, mentoring the next generation of Administrative Law practitioners, and rulemaking. The second day was a full day that began with presentations on examining witnesses, evidentiary issues in administrative hearings, a discussion on the top 10 Administrative Law cases over the past 25 years, and an update on recent case law. During the lunchtime intermission, former State Senator Curtis Kiser (the namesake behind the Section’s practitioner of the year award) discussed how the modern version of the APA came into existence and received a standing ovation.

The intermission was immediately followed by a panel discussion with Judges Stephanie Ray, Ross Bilbrey, and Rachel Nordby of the First District Court of Appeal. The Conference closed with an ALJ panel discussion lead by ALJ Robert Cohen and the fourth edition of APA Jeopardy. This edition of APA Jeopardy was noteworthy because the team led by three-time defending champion ALJ John VanLaningham (who had thoroughly dominated the previous contests) was upset by a team led by ALJ Li Nelson.

DOAH Trial Academy Photos



Attorney Spotlight

By the Honorable Gar Chisenhall, ALJ

Jonathan “Jon” Zachem is a fellow Section member who has had a very diverse career despite having practiced law for just 11 years.

After earning his law degree from Barry University, Jon began his legal career prosecuting medical professionals before the Florida Board of Medicine. Jon’s success as a prosecutor caught the attention of senior management at other agencies and led to him becoming the chief legal counsel for the Division of Pari-Mutuel Wagering within the Florida Department of Business and Professional Regulation in 2014. While Jon had no prior experience with pari-mutuel wagering, he skillfully and competently dealt with opposing counsel that had decades of experience in the industry.



Jon’s success running the Division’s legal operation led to him being appointed Division Director and ultimately the Secretary of the Department in 2017. While in the latter position, Jon licensed and regulated over one million entities in several industries such as alcoholic beverages and tobacco, pari-mutuel wagering, real estate, hotels and restaurants, construction contracting, cosmetology, engineers, and veterinarians.

Jon transitioned to the private sector by founding Zachem Law, P.A. in 2019. Jon’s practice focuses on: (a) representing professionals seeking licensure from the Department of Health or the Department of Business and Professional Regulation; (b) defending license holders against administrative prosecution; (c) providing consulting services to clients seeking assistance with regulatory guidelines; and (d) advocating for his clients before executive branch agencies. Jon says that the most challenging aspect of transitioning to solo practice has been “definitely, the business behind the practice of law. In the beginning, it was challenging to manage a business while focusing on practicing law.”

While Jon has come a long way professionally since being admitted to the Florida Bar in 2010, he has still managed to maintain a healthy balance between life and work. He and his wife Betty have three sons who are 8, 6, and 5 years old. In fact, Betty also has a successful legal career representing the Florida Housing Finance Corporation in bid protests before the Division of Administrative Hearings. When asked how he and Betty are able to balance their professional and family lives, Jon said, “It really boils down to three key things: humor, communication, and a good calendaring system.”

Job Opportunity!

The Florida Department of Financial Services, Office of the General Counsel, is seeking to hire attorneys and senior attorneys in Tallahassee for both litigation and transactional positions. Primary duties for the litigation positions include providing legal counsel in the administration of statutory programs and in regulatory and compliance matters, and representing the Department in circuit court, administrative proceedings, and appellate proceedings. Primary duties for the transactional positions include drafting, negotiating, reviewing, and providing legal counsel on the Department's procurements, contracts, and administrative rules.

The selected candidates will work closely with client divisions within the Department. Selected candidates must work well with others as part of an effective and cohesive legal team, while independently managing an individual case load.

All positions include an excellent benefits package with optional health, life, and dental insurance benefits, paid annual and sick leave, paid state holidays, and a state funded retirement package. Depending on the type of position, job duties, and experience, the expected salary range is \$44,164 to \$75,000.

These positions are located in Tallahassee. If interested, please email a resume and writing sample to Beverley DiGirolamo at Beverley.DiGirolamo@myfloridacfo.com.

THANK YOU FOR YOUR READERSHIP!

Wishing you and yours a wonderful holiday season from The
Bulletin!



OUTSIDE THE LAW

Section Members Are on the Move!



Last month, Richard Shoop, a past chair of the Section and an avid mountain biker, got the opportunity to ride some fantastic bike trails near Bryson City, North Carolina. "I was fortunate enough to ride the Left Loop and Right Loop at Tsali Recreation Area. They are an IMBA-designated Epic Ride with amazing flow and incredible views of Fontana Lake. The weather and trail conditions were perfect and it was an incredible experience. A definite must-ride for any mountain biker."

Richard is also stoked to resume his role as an assistant coach for the Tallahassee Thunder, A NICA Composite Youth Mountain Biking Team, which kicks off its second season on December 2nd. When he is not on the bike, Richard enjoys writing about mountain biking for Singletracks.com and his own blog, sunsandandsingletrack.com.

Ever wonder what it takes to run several half marathons per month? According to Maria McCorkle, our runner-in-chief, it takes a lot of... not running? Maria is a half marathon pacer for the West Volusia Pacers and Elevated Pacing and Running. She paces the 3:00 hour half marathon.

How does she stay ready for 13.1-mile runs? Cross-training. Maria breaks up her training with weekly runs, Orange Theory Fitness, yoga, and rock climbing. "I like to shake things up, so having options for cross-training ensures I am never bored." Find Maria running half marathons two to three times a month during the running season. You can follow her adventures on Instagram @SaltWaterRun.



Administrative Law Section in the Community

By Brittany Dambly, Esq.

Our Section came together to assemble bags of food to be donated to local children in need for Thanksgiving. Thank you to all our volunteers for your help and Flowers Bakery in Thomasville for donating bread! And thank you to Mom & Dad's Italian Restaurant for letting us use your beautiful private dining room! When Section members dropped off the bags, there were smiles all around!



Healthy Recipe of the Month

Brittany Dambly, Esq.

It's fall, and you know what that means – Pumpkin Spice everything! Even for this Meatless Monday recipe. For those interested in reducing their meat intake, or just trying a fantastic pumpkin flavored dish, consider making this fantastic pumpkin pasta. It's perfect fall weather comfort food!

Pumpkin Pasta

Ingredients

- 4 cups low-sodium vegetable broth
- 1 cup pumpkin puree
- 1/2 cup dry white wine
- 8 ounces pasta. Try linguini
- 2 tablespoons olive oil
- 1/2 medium chopped onion (about 1 cup)
- 3-4 large cloves garlic peeled & minced (about 2 tablespoons)
- 1/2 teaspoon ground nutmeg
- 1/8 teaspoon crushed red pepper flakes (or more or less to taste)
- 1 teaspoon kosher salt plus more to taste
- 1/4 teaspoon freshly ground black pepper plus more to taste
- 1 4-ounce log of fresh goat cheese



Instructions

1. Take all ingredients, except the goat cheese, and add to a large, heavy pot like a dutch oven.
2. Place the pot over high heat and bring to a rolling boil. Set the timer for 9 minutes once it comes to the rolling boil. As it cooks, stir frequently for the first few minutes, and then stir constantly as it thickens and begins to stick to the bottom of the pot. At the end of the 9 minutes, the pasta should be tender and the sauce will have thickened slightly. If the pasta is not yet cooked, continue for one more minute. Then remove from heat.
3. Crumble goat cheese into the pasta and stir until melted. Let the pasta sit for 5 minutes, allowing to thicken.
4. Stir and taste, adding additional salt and pepper if desired.

Recipe courtesy of Kitchen Treaty.

<https://www.kitchentreaty.com/one-pot-creamy-pumpkin-pasta/>

Fitness, Adminsitatively Speaking

Maria P. McCorkle, Runner-In-Chief

I had an #epicfail in November. For the first time in a long time, I absolutely DNF'd (did not finish) a goal race. I had trained for this race. I was ready for the distance, a 50k (31.5 miles). I had my gear. I had a plan. I had a crew to run with.

And then the weather happened.

It was 40°F and pouring rain. As we Floridians know all too well... Florida cold is much worse than other types of cold. This race morning was no exception- the cold went straight through my layers of running gear to my bones.

The race started. Within minutes, I was damp and cold and questioning all the life decisions that led me to that moment... muddy, in the woods, in the bitter, wet cold. Physically, I was still okay. Mentally, however, I was already running low on motivation to keep going. I was 20 minutes into a twelve-hour race and already ready to go home.

I lasted another loop or two before my crew, and I collectively said, "No thanks." We packed it up after roughly seven miles to find a hot breakfast. To say we were disappointed is an understatement. That heavy feeling of quitting hung over us, despite warming up with hot coffee and fresh pancakes.

My friend looked at me. "Why did we quit?"

I stared off for a moment and then responded, "because we could."

"That doesn't make it a good decision."

"But it was the right decision."

"How can you say that?"

Because, as I waxed poetic, it is not a crime nor a sin to walk away from what wasn't suiting us. We signed up to race a very different race that day. When it did not turn out as we expected, walking away was not the wrong decision. Instead, in the totality of circumstances, it probably was the wisest decision. Two of us had suffered minor injuries already due to the muddy, uneven terrain. We did not want to risk getting sick, and for me, catching pneumonia. We chose to live and race another day instead of letting our ego lead us down what would have been a very long, cold, wet, miserable day.

And therein is the lesson. There will be times in fitness, races, and life when our ego will compel us to keep going when the wiser decision is to take a step back. It is okay to look at your fitness regiment and say, *this no longer suits me*. Your health is essential- no exercise, regiment, or race is worth your health and safety. While it's a disappointment, and this was undoubtedly a disappointment, I don't regret it. There is always the next day and the next race.

For me, that race was the Legends of Central Florida Half Marathon, which I paced for the 3:00 Half. I came in at 2:59:41. I do not doubt that I made the right call in sacrificing my 50k attempt for my upcoming half marathons. Even though the 50k still eludes me, I have a plan for the next one in February. Hopefully, the weather will be on my side.

Until the next run,
Maria

Coming in the Next Edition!

Hello 2022!

**Have ideas? Good news to share? Email Maria at
mvpmmcorkle@gmail.com!**

The ALS Bulletin

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*With Special Thanks to the Honorable Gar Chisenhall,
Administrative Law Judge*

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