

November 21, 2011

MEMORANDUM

TO:

District Board of Trustees

FROM:

Jim Murdaugh, President

SUBJECT:

Attorney Invoice - Andrews, Crabtree, Knox & Andrews, LLP.

Item Description:

Request for approval to pay the Board's attorney.

Overview:

On a monthly basis, the Board's attorney submits an invoice for services provided.

Salient Facts:

The College's attorney is hired by the Board under the authority of Section 1001.64(25), Florida Statutes, and for this reason invoices are brought for approval.

Past Actions:

The Board of Trustees approved the contract at the October 18, 2010 Board meeting and it was effective through October 31, 2011. The contract may be renewed on an annual basis with four (4) consecutive one (1) year renewals for a total contract period of five (5) years. The Board approved year two (2) of the contract at the September 19, 2011 Board meeting which shall be effective until October 2012. The Board shall be billed on an annual flat fee of \$160,000 for services of the firm.

Future Actions:

Monthly Invoices will be presented as they are submitted by the attorney.

Funding/Financial Matters:

Funding is budgeted in Fund 1, the Current Unrestricted Fund. The current amount due is \$ 13,333.33.

Staff Resource:

Teresa Smith

Recommended Action:

Authorize payment of invoices as presented.

ANDREWS, CRABTREE, KNOX & ANDREWS, LLP

P.O. BOX 12800 TALLAHASSEE, FL 32317 TAX ID #59-3621660

October 31, 2011

Jerry Schilling
Assistant Vice President for Administrative Services
Tallahassee Community College
444 Appleyard Drive
Tallahassee, FL 32304

Invoice# 10205 WRM
Our file# T00007 02276
Billing through 10/27/2011

3.50 hrs.

Tallahassee Community College (General)

P.O. Number: 2011 00001580

FOR PROFESSIONAL SERVICES RENDERED

09/29/2011 WRM Receipt and review of e-mail from A. Bryant

re: pre-mediation conference in H.E. v. TCC (.1); Receipt and review of e-mail from G. Wells re: Winning Properties lease (.1); E-mail to G. Wells re: Winning Properties lease (.1); Receipt and review of e-mail from M. Turner re: conference call/pre-mediation conference in H.E. v. TCC (.1); Telephone conference with M. Turner re: teleconference in H.E. v. TCC (.1); Conference with A. Bryant, R. Tolson, T. Smith (by phone) re: H.E. v. TCC (1.0); Conference with R. Tolson re: employee use of computer (.5); Receipt and review of e-mail from M. Turner re: motion for rehearing in

H.E. v. TCC with motion (.2); Receipt and review of e-mails (3) from B. Lesko re: students overseas (.3); E-mails (2) to B. Lesko re: students overseas (.2); Conference call with B. Ellison, D. Standish, A. Bryant, R. Bush, J. Schilling, others re: H.E. v. TCC mediation (.6); E-mail to R. Bush re: H.E. v. TCC mediation (.1); Receipt and review of e-mail

from R. Bush re: H.E. v. TCC mediation (.1);

09/30/2011 WRM Attend mediation in H.E. v. TCC (3.7);

Receipt and review of e-mail from B. Holliman re: Trademark protection (.1);

3.80 hrs.

10/03/2011

WRM E-mail to T. Smith/R. Tolson re: resolution of H.E. v. TCC (.1); Receipt and review of e-mail from T. Smith re: resolution of H.E. v. TCC (.1); E-mails (2) to J. Schilling re: resolution of H.E. v. TCC (.2); Receipt and review of e-mail from J. Schilling re: resolution of H.E. v. TCC (.1); E-mail to S. Heath re: Avalanche v. Pro-Steel litigation (.1); Receipt and review of e-mail from T. Smith re: addition to draft computer use policy (.1); Review revision to draft computer use policy (.1); E-mail to T. Smith re: addition to draft computer use policy (.1); Receipt and review of e-mail from R. Tolson re: addition of draft computer use policy (.1); Receipt and review of e-mails (2) from D. Ashburn re: windstorm mitigation RFP (.2); E-mails (2) to J. Schilling re: windstorm mitigation RFP (.2); Receipt and review of case law re: Brogan noise complaint (1.2); Receipt and review of e-mail from A. Bryant re: release for H.E. v. TCC (.1); Review and analysis of proposed release in H.E. v. TCC (.2); E-mail to A. Bryant re: release in H.E. v. TCC (.1); Receipt and review of e-mails (3) from J. Schilling re: windstorm mitigation RFP (.3); Telephone conference with J. Schilling re: windstorm mitigation RFP (.1); Telephone conference with R. Tolson re: employee absenteeism (.3); Review revisions to RFP 2012-2 - windstorm mitigation (.3); E-mail to D. Ashburn re: RFP 2012-2 windstorm mitigation (.1); Receipt and review of e-mail from R. Tolson re: employee absenteeism (.1);

10/04/2011 WRM Analysis of case law - nuisance re: Brogan noise issue (1.1); Receipt and review of e-mail from B. Sloan re: student travel abroad (.1): Receipt and review of e-mails (2) from B. Sloan re: Family Medical and Leave Act (.2); Telephone conference with R. Tolson re: FMLA questions (.1); Receipt and review of e-mail from B. Sloan re: nursing preceptors

4.20 hrs.

6.60 hrs.

(.1); E-mails to K. Stewart re: FMLA question (.2); Receipt and review of e-mail from K. Stewart re: FMLA question (.1); Analysis - FMLA intermittent leave, employee responsibility (2.6); Analysis - student study abroad liability (2.1);

10/05/2011

WRM

Receipt and review of e-mail from J. Schilling re: windstorm mitigation RFP (.1); E-mail to D. Ashburn, E. Steinmeyer re: windstorm mitigation RFP (.1); Receipt and review of e-mail from E. Steinmeyer re: windstorm RFP (.1); Receipt and review of e-mail from G. Wells re: consultant contract (.1); Receipt and review of e-mail from G. Wells re: Marguis Media agreement (.1); Receipt and review of e-mail from G. Wells re: Clutch Performance contract (.1); Receipt and review of e-mail from G. Wells re: Hurricane Sports Properties agreement (.1); Receipt and review of e-mail from G. Wells re: U of F contract (.1); Dictation and preparation of Litigation Report (.3); Continued analysis/research - study abroad issues (.8); Continued analysis/research - FMLA issues (1.7); Review and sign Litigation Report (.1); Review and analysis of Nursing Preceptor draft agreement (1.1); E-mail to B. Sloan re: Nursing Preceptor draft agreement (.2); Review and analysis of Law Enforcement Liaison Consultant agreement (.2); E-mail to Consultant agreement (.1); Review and analysis of Marquis Media agreement (.2); E-mail to G. Wells re: Marquis Media agreement (.1); Receipt and review of Clutch Performance agreement (.2); E-mail to G. Wells re: Clutch Performance agreement (.1);

10/06/2011

WRM

Receipt and review of e-mail from B. Sloan re: nursing preceptor agreement (.1); Review and analysis of Hurricane Sports Properties agreement (.2); E-mail to G. Wells re: Hurricane Sports Properties agreement (.1); Receipt, review and analysis of University of

5.90 hrs.

6.70 hrs.

Page 4 Invoice# 10205 Jerry Schilling

> Florida agreement (.2); E-mail to G. Wells re: University of Florida agreement (.1); E-mails (2) to R. Tolson re: FMLA medical certificate (.2); Receipt and review of e-mails (2) from R.Tolson re: FMLA medical certificate (.2); Telephone conference with R. Tolson re: FMLA questions, submission of new hires to Board (.3); Continued analysis: FMLA questions (2.3); Receipt and review of e-mail from G. Wells re: revised Winning Properties Lease (.1); Receipt and review of e-mails (3) from B. Hinson re: bid protest (.3); Receipt and review of e-mail from T. Smith re: bid protest (.1); Receipt and review of e-mails (2) from R. Tolson re: Board review of hires (.2); Analysis: Board review of hires (.5); E-mail to R. Tolson re: Board review of hires (.2); Receipt and review of e-mail from D. Ashburn re: bid protest (.1); E-mail to T. Smith, J. Schilling re: bid protest (.1); Receipt and review of e-mail from D. Wildes re: Gadsden solar farm (.1); Receipt and review of e-mail from J. Kiker re: Gadsden solar farm (.1); Analysis: liability of TCC for students for study abroad provisions (1.2):

10/07/2011 WT Review docket sheet re: domestic violence

hearing between A.F. and S.M. (students);

10/07/2011 WRM Telephone conferences (2) with J.

Chaires-Lace re: FMLA issues (.2); Prepare presentation for B. Sloan, Deans re: student travel abroad liability (1.6); Prepare presentation for B. Sloan/Dean re: FMLA issues (.3); Review and analysis of revised Winning Properties Lease (.3); E-mail to G. Wells re: Winning Properties Lease (revised) (.1); Review employee file re: FMLA use (.6); Conferences (2) with B. Sloan, Deans re: student abroad liability, FMLA use (1.7); Receipt and review of e-mail from T. Smith re: public records request (.1); Receipt and review of e-mail from D. Ashburn re: public records request (.1); Review court docket re:

0.10 hrs.

5.10 hrs.

Page 5 Jerry Schilling Invoice# 10205

injunction hearing - TCC students (.1);

10/10/2011 WRM Receipt and review of e-mail from S. Heath re: 5.20 hrs.

Avalanche/TCC v. Pro-Steel (.1); E-mail to J. Murdaugh re: Avalanche/TCC v. Pro-Steel (.1); Preparation for students (2) injunction hearing (.4); Telephone conference with R. Tolson re: FMLA - employee lease (.3); Receipt and review of e-mail from W. Patterson re: decision letter (.1); E-mail to W. Patterson re: decision letter (.1); Legal analysis - use of intermediate FMLA lease (1.7); Telephone conference with W. Patterson re: decision letter - nursing student, injunction hearing - 2 students (.3); Attend injunction hearing - 2 students (2.0); Review students (2) injunction order (.1);

10/11/2011 WRM Receipt and review of e-mail from B. Hinson 6.60 hrs.

> re: RFP specification protest and public record request (.1); Continued analysis - FMLA leave,

use of intermittent leave, leave patterns (6.5);

10/12/2011 WRM Telephone conference with E. Eunice re: 7.20 hrs.

> former student defamation (.2); Telephone conferences (2) with R. Johnston re: former student defamation (.3); E-mails (2) to J. Murdaugh, E. Eunice re: former student defamation (.2); Receipt and review of e-mail from K. Gardner re: Brogan noise issue (.1); E-mail to T. Smith/D. Wildes re: Brogan noise issue (.1); Telephone conference with R. Tolson re: intermittent FMLA lease (.1); Receipt and review of e-mail from R. Johnston re: former student defamation (.1); E-mail to

> R. Johnston re: former student defamation (.1);

Analysis - FMLA - eligibility, certification, re-certification, intermittent lease (5.9);

Receipt and review of e-mail from J. Murdaugh re: former student defamation (.1);

10/13/2011 Receipt and review of e-mail from R. Johnston WRM

re: former student issue (.1); Receipt and review of e-mail from G. Wells re: provision 5.30 hrs.

20 of Winning Properties Lease (.1); Review and analysis of provision 20 of Winning Properties Lease (.1); E-mail to G. Wells re: provision 20 of Winning Properties Lease (.1); Telephone conference with E. Eunice re: former student issue (.2); Internet search re: former student issue (.2); Review Board Meeting agenda for 10/17/11 (.5); Receipt and review of e-mail from E. Eunice re; former student issue (.1); Receipt and review of e-mail from D. Ashburn re: questions concerning windstorm RFP (.1); Receipt and review of e-mail from J. Shuler re: question concerning windstorm RFP (.1); Review D. Ashburn questions re: windstorm RFP (.1); Analysis employee leave use, notice, justification, verification (3.6);

10/14/2011 WRM

Telephone conferences (2) with J. Schilling re: windstorm RFP (.3); Analysis of RFP proposers questions re: windstorm RFP (.2); Analysis - employee's leave, reasons for leave, certification (1.7);

2.20 hrs.

10/17/2011 WRM Receipt and review of e-mails (2) from B. 7.70 hrs.

Receipt and review of e-mails (2) from B. Hinson re: windstorm RFP questions (.2): Receipt and review of e-mails (2) from T. Smith re: N. Adams property (.2); Receipt and review of e-mail from G. Wells re: International Speedway Agreement (.1): Receipt and review of e-mail from G. Wells re: St. Pete Times forum/Tampa Bay agreement (.1); Analysis: acquisition of real property through auction (1.9); E-mail to T. Smith re: acquisition of real property through auction (.1); Analysis: windstorm RFP answers to questions, specifications protest (.4); E-mail to B. Hinson re: RFP answers to questions, impact on specifications (.1); Conference with R. Tolson re: FMLA employee use (1.2); Conference with J. Schilling re: windstorm RFP (.1); Conference with T. Smith re: employee issues, RFP (.4); Attend Board Workshop and Business Meeting (2.8);

Receipt and review of e-mail from J. Schilling re: N. Adams property (.1);

10/18/2011 WRM

5.10 hrs.

WRM Review and analysis of St. Pete Times Forum/Tampa Bay agreement (.4); E-mail to G. Wells re: St. Pete Times Forum/Tampa Bay agreement (.1); Analysis of indemnity provision in International Speedway Agreement (.2); E-mail to G. Wells re: indemnity provision in International Speedway Agreement (.1); Review and analysis of Attorney General opinions re: real property purchase at auction (.7); Westlaw research re: real property acquisition at auction (.5); E-mail to M.I. re: FPSI allegations (.2); Receipt, review and analysis of correspondence from S. Fisher re: Network Security matter (.1); E-mails (2) to B. Lesko re: use of FMLA lease (.2); Receipt and review of e-mail from C. Easley re: Society For Home Resources agreement (.1); Review and analysis of caselaw re: noise issue - Brogan (1.0); Telephone conference with M.I. re: FPSI allegations (.2); Receipt and review of e-mail from E. Eunice re: FPSI allegations (.1); Receipt and review of e-mails (2) from A. Bacjoczky re: Windstorm RFP (.2); Telephone conference with E. Eunice re: FPSI allegation (.1); Receipt and review of e-mail from M.I. re: FPSI allegations (.1); Review and analysis of proposed responses to Windstorm RFP questions (.6); E-mail to A. Bacjoczky re: proposal responses to Windstorm RFP questions (.1); Receipt and review of e-mail from B. Lesko re: employee use of FMLA leave (.1);

10/19/2011 WRM

Receipt and review of e-mail from D. Wildes re: 2 North Adams (.2); Review and analysis of Society for Human Resource Management Agreement (.4); E-mail to C. Easley re: Society for Human Resource Management Agreement (.1); Receipt and review of e-mail from T. Smith re: 2 North Adams (.1);

1.00 hrs.

Telephone conference with E. Eunice re: former FPSI student (.2);

10/20/2011

WT

Preparation of correspondence to S. Fisher re: hearing on motion to dismiss and motion to amend (.1); Prepare notice of hearing on motion to dismiss (.2) (both for Network Security v. TCC Foundation);

0.30 hrs.

10/20/2011

WRM

Telephone conferences (2) with J. Schilling re: public request and policy promulgation question (.3); Receipt and review of e-mail from G. Wells re: International Speedway agreement (.1); Receipt and review of e-mail from J. Schilling re: 2 North Adams (.1); Receipt and review of e-mail from F.D. re: 2 North Adams (.1); Receipt and review of e-mails (2) from T. Smith re: 2 North Adams (.2); Receipt and review of e-mails (3) from D. Wildes re: 2 North Adams (.3); Review provision in International Speedway agreement (.1); E-mail to G. Wells re: International Speedway agreement (.1); Receipt and review of e-mail from J. Schilling re: rules question (.1); Review and sign correspondence to S. Fisher re: Network Security case (.1); E-mail to R. Johnston re: Network Security case (.1); Review and sign notice of hearing on motion to dismiss in Network Security case (.1); E-mail to T. Smith re: 2 North Adams (.1); Receipt, review and analysis of correspondence from J. Oates re: Section 120.74 report (.1); Receipt and review of e-mail from M. Turnball re: Network Security case (.1); E-mail to E. Eunice re: former FPSI student (.1); E-mails (2) from F.D. re: 2 North Adams (.2); Telephone conference with R. Johnston re: Network Security case (.1); Analysis: request for Section 120.74 report (2.4); Receipt and review of e-mail from R. Tolson re: TCC/DOH employee (.1); Telephone conference with R. Tolson re: TCC/DOH employees (.1); Analysis: public records request, drafts of RFPs (.5);

5.50 hrs.

10/21/2011

WRM

Telephone conference with J. Schilling re: public records exemption (.1); Receipt and review of e-mail from R. Tolson re: employee discipline with action memo (.2); Receipt and review of e-mail from F.D. re: 2 North Adams (.1); Receipt and review of e-mail from D. Wildes re: 2 North Adams (.1); Receipt and review of e-mail from D. Wildes re: Solar Farm project (.1); Receipt and review of e-mail from G. Christian re: recommended order M.B. vs. DMS (.1); E-mail to D. Wildes re: 2 North Adams (.1); Telephone conference with R. Tolson re: employee discipline action, grant employee issue, retirement question (.4); E-mail to S. McKenzie re: rule review report (.1); Telephone conference with L. Kling re: rule review report (.1); Telephone conference with B. Leinback re: rule review report (.1); Telephone conference with S. Schroeder re: rule review report (.1); Telephone conference with J. Schilling re: RFP - public records request (.2); Receipt and review of e-mail from G. Wells re: Think Creative agreement (.1); Review and analysis of Think Creative agreement (.2); E-mail to G. Wells re: Think Creative agreement (.1); Receipt and review of e-mail from B. Mullowney re: rule review report (.1); E-mail to J. Schilling re: rule review report (.1); Receipt and review of plaintiff's notice of Resolution - H.E. v. TCC (.1); Analysis RFP public records request (1.7); E-mail to J. Schilling re: RFP public record request (.1);

10/24/2011

WRM

Receipt and review of e-mail from K. Stewart re: FMLA leave (.1); Telephone conferences (2) with R. Tolson re: FPSI employee incident (.2); E-mail to K. Stewart re: FMLA lease (.3); E-mails (3) to W. Rabon re: campus student incident (.2); Review and analysis of recommended order in M.B. v. Division of Retirement (.3); E-mail to P. Brown, others re: recommended order (.1); E-mail to R. Tolson

4.30 hrs.

7.00 hrs.

re: FPSI employee incident (.1); E-mail to G. Christian re: recommended order in M.B. v. Division of Retirement (.1); Receipt and review of e-mail from W. Rabon re: student campus incident (.1); Receipt and review of documents re: TCC PD investigation of FPSI employee incident (.2); Conference with R. Tolson, E. Eunice, B. Bierbaum re: FPSI incident, management response (3.0); Receipt and review of incident report, follow-up documents re: campus student incident (.3); Receipt and review of e-mail from R. Tolson re: employee use of leave (.1); Receipt and review of e-mails (2) from T. Smith re: Gadsden County BBBS agreement (.2); Receipt and review of e-mail from R. Tolson re: FPSI employee issue (.1); Review and analysis of BBBS agreement and communities in schools MOU (.7); E-mails (2) to T. Smith re: BBBS agreement and communities in Schools MOU (.2); E-mail to D. Wildes re: campus student incident (.1); Telephone conference with T. Smith re: BBBS agreement and CIS MOU (.2); Receipt and review of e-mail from J. Schilling re: response to RFP public record request (.1); Review documents to be produced in response to RFP public record request (.2); E-mail to J. Schilling re:

10/25/2011 WRM

Receipt and review of e-mail from D. Wildes re: campus student incident (.1); Receipt and review of e-mail from K. Stewart re: employee leave use (.1); Receipt and review of e-mail from J. Schilling re: windstorm mitigation RFP (.1); Receipt and review of memos/notes re: employee leave use (.2); Telephone conference with R. Tolson re: FPSI employee action (.1); Telephone conferences (2) with E. Eunice re: FPSI employee action (.3); Review and analysis of organizational climate report for FPSI (.5); Telephone conference with B. Bierbaum re: FPSI employee complaint (.2);

RFP public record request (.1);

3.20 hrs.

Receipt and review of e-mails (2) from M. Turner re: executed release in H.E. v. TCC (.2); E-mail to R. Tolson re: FPSI employee complaint (.1); Preparation for employee interviews re: FPSI employee complaint (1.3);

10/26/2011 WRM

Telephone conferences (2) with R. Tolson re: FPSI employee action and complaint (.2); Telephone conference with R. Tolson re: employees (2) FMLA use (.2); E-mail to E. Eunice re: FPSI employee complaint (.1); E-mails (2) to B. Bierbaum re: FPSI employee complaint (.2); Receipt and review of e-mails (2) from B. Bierbaum re: FPSI employee complaint (.2); Receipt and review of e-mail from T. Smith re: TABE agreement (.1); Review and analysis of TABE agreement (.2): E-mail to T. Smith re: TABE agreement (.1); Conferences (6) with FPSI managers re: FPSI employee complaint (3.3); Conference with T. Smith/J. Schilling re: consultant (.3); Conference with J. Schilling re: windstorm mitigation RFP (.1); Conference with R. Tolson re: FPSI employee complaint, FMLA usages (.6); Conference with D. Wildes re: Ghazvini electrical construction bond (.2);

10/27/2011 WRM

E-mail to R. Tolson re: response to employee complaint (.1); Receipt and review of e-mail from D. Ashburn re: windstorm mitigation RFP proposals opening (.1); E-mails (3) to J. Schilling re: windstorm mitigation RFP proposals opening (.3); Receipt and review of e-mail from C. Jones re; return of TCC property (.1); Review and analysis of response to request for information re: windstorm mitigation property (.2); Telephone conference with R. Tolson re: meeting with complaining employee (.1); Receipt and review of e-mails (3) from R. Tolson re: meeting with complaining employee (.3); Dictation and preparation of report re: interviews concerning FPSI employee complaints (1.3); Receipt and review of e-mails (3) from J. Schilling re:

5.80 hrs.

8.70 hrs.

windstorm mitigation RFP opening (.3); Telephone conference with R. Tolson re: complaining employee appeal to TCC Board (.1); E-mail to D. Ashburn re: windstorm mitigation RFP proposals opening (.1); E-mail to Board members re: employee termination (.1); Receipt and review of e-mail from R. Tolson re: employee leave issue (.1); E-mail to R. Tolson re: employee leave use (.1); Review construction manager contract re: electrical work pay (.8); E-mail to D. Wildes re: agreement with CM for Ghazvini (.1); Receipt and review of e-mail from T. Smith re: CM agreement for Ghazvini (.1): Receipt and review of e-mail from P. Mitchell re: G. Crawford subpoena (.1); E-mail to T. Smith re: G. Crawford subpoena (.1); Receipt and review of e-mail from D. Wildes re: CM agreement for Ghazvini (.1); Receipt and review of e-mail from G. Wells re: G. Crawford lawsuit (.1); Brief scan review of G. Crawford complaint (.2); E-mail to T. Smith, others re: G. Crawford complaint (.1); Receipt, review and analysis of correspondence from J. Kiker re: Gadsden solar project (.1); Receipt and review of e-mails (2) from R. Tolson re: TCC employee return of property (.2); Receipt and review of e-mail from R. Tolson re: employee leave use (.1); Receipt and review of e-mail from C. Jones re: response to employee action, with three attachments (.2); Receipt and review of e-mails (2) from K. Stewart re: employee outside employment with attachments (.4); Receipt and review of e-mail from D. Wildes re: agreement with CM for Ghazvini (.1); Receipt and review of e-mails (2) from B. Sloan re: employee outside employment (.2); Receipt and review of e-mail from L. Jones re: employee action (.1); Review windstrom mitigation documents and photos (.3); E-mails (2) to J. Schilling re: windstorm mitigation RFP (.2); Receipt and review of e-mail from J. Schilling re: request for

windstorm mitigation contract information (.1); Telephone conferences (2) with R. Tolson re: employee outside employment and employee action (.4); Review internet information re: employee outside employment (.3); Telephone conferences (2) with E. Eunice at FPSI employee complaint (.2); E-mail to E. Eunice re: FPSI employee complaint (.1); Receipt and review of employee FMLA leave documents (.1); Review and analysis of issues re: employee complaint (.6);

Flat Fee for October \$13,333.33

BILLING SUMMARY

Mabile, William R	Attorney	110.60	hrs	
Taylor, Winifred	Paralegal	0.40	hrs	
Total Fees		111.00	hrs	\$13,333.33