



June 15, 2015

## MEMORANDUM

**TO:** District Board of Trustees

**FROM:** Jim Murdaugh, President 

**SUBJECT:** Attorney Invoice - Andrews, Crabtree, Knox & Andrews, LLP. May 22, 2015

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### Item Description

Request for approval to pay the Board's attorney.

### Overview and Background

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

### Past Actions by the Board

The Board of Trustees approved the contract at the October 18, 2010 Board meeting and shall be 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 five (5) of the contract at the October 20, 2014 Board meeting which shall be effective until October 31, 2015. The Board shall be billed on an annual flat fee of \$175,000 for services of the firm as approved by the Board at the October 21, 2013 Board meeting.

### Funding/Financial Implications

Funding is budgeted in Fund 1, the Current Unrestricted Fund. The current amount due is \$14,583.33.

### Staff Resource

Bobby Jones

### Recommended Action

Authorize payment of invoice as presented.

# ANDREWS, CRABTREE, KNOX & ANDREWS, LLP

1558 VILLAGE SQUARE BLVD.

SUITE 1

TALLAHASSEE, FL 32309

TAX ID #59-3621660

May 26, 2015

Bobby Jones  
Interim Vice President for Administrative Services and Chief  
Financial Officer  
Tallahassee Community College  
444 Appleyard Drive  
Tallahassee, FL 32304

Invoice# 13014 JCK  
Our file# T00007 02276  
Billing through 05/22/2015

Tallahassee Community College (General)

P.O. Number: PO-000023

## FOR PROFESSIONAL SERVICES RENDERED

04/28/2015	MK	Communicate with A. Moran on what the law says TCC must pay taxes on related to advertisements (.6); Review and analysis of Florida case law discussing what taxes TCC must pay for income and/or revenue for concessions or advertisements on their property (1.5);	2.10 hrs.
04/28/2015	JCK	Review and analysis of legal analysis re taxation of TCC billboard revenue (.8); Conference with A. Moran re billboard taxation issues (.7); Conference with J. Longfellow re employee issue at Gadsden Re-entry Center (.8); Review and analysis of emails from C. Summers re public records request (.2);	2.50 hrs.
04/28/2015	BJL	Review and analysis of contracts re re-entry program in Gadsden County (1.0); Attend meeting re re-entry program in Gadsden County (2.5)	3.50 hrs.
04/29/2015	JCK	Receipt and review of email from C. Summers re public records request (.1); Receipt and review of correspondence from B. Sloan re license agreement review (.1); Review and	1.90 hrs.

analysis of Ovid Technologies, Inc. eBook Perpetual License Agreement (1.3); Email to B. Sloan re Ovid License review (.4);

04/30/2015	JCK	<p>Receipt and review of email from Ki. Moore re lease agreement modifications (.1); Review and analysis of lease agreement (.8); Revise lease agreement (.9); Email to Ki. Moore re lease agreement (.1); Telephone conference (2) with Ki. Moore's assistant re lease (.2); Telephone conference with Ki. Moore re lease revisions (.1); Revise lease agreement (.3); Receipt and review of email from B. Sloan re Ovid Contract (.1); Receipt and review of email from J. Chaires-Lacey re employee overpayment (.1); Review revised Promissory Note (.4); Email to J. Chaires-Lacey re Promissory Note review (.1); Receipt and review of email from Ki. Moore re revised lease agreement (.1); Receipt and review of email from E. Jones with attachments for public records request (.1); Email to E. Jones re public records request (.7);</p>	4.10 hrs.
04/30/2015	MK	<p>Review and analysis of commercial lease draft that was for Pink Dove as the tenant and TCC as the landlord in preparation for adding provision discussing operating costs (.8); Review and analysis of case law &amp; secondary sources discussing what the best operating cost provision would best fit into TCC's rental agreement in preparation for adding this provision to TCC's rental agreement (.9); Contacted Ki. Moore to discuss what operating costs she was looking to add to the standard contract that they have with Pink Dove as a tenant (.1); Review and analysis of draft language added to the lease with Pink Dove with C. Knox (.4); Review and analysis of case law re whether lecture notes from a professor constitute public records under Florida law in preparation for answering A. Nelson's request (.8); Review and analysis of case law re whether essays or former tests for a class</p>	4.40 hrs.

constitute public records under Florida law in preparation for answering A. Nelson's request (.8); Review and analysis of case law re whether text book materials for a class constitute public records under Florida law in preparation for answering A. Nelson's request (.6);

05/01/2015	JCK	<p>Review public records request re professor notes and essays (.5); Telephone conference with E. Jones re public records request (.3); Receipt and review of emails from B. Ingerman re HIPAA and FMLA information (.3); Review HIPAA cloud storage security requests for PHI (1.2); Email to B. Ingerman re PHI cloud storage and HIPAA (.4); Receipt and review of email from B. Jones re disclaimer content for Career Source (.1); Review proposed disclaimer content for Career Source (.2); Revise disclaimer content for Career Source (.4); Email to B. Jones re revised disclaimer content for Career Source (.1); Receipt and review of email from B. Jones re disclaimer content for Career Source (.1); Preparation of Current Administrative Actions and Litigation Involving TCC (.4); Receipt and review of correspondence from C. Stringer re TCC Dual Enrollment Articulation Agreement (.2) Review and analysis of TCC Dual Enrollment Articulation Agreement (1.4); Review Section 1007.271, Florida Statute re current dual enrollment requests (1.2); Email to C. Stringer re Articulation Agreement (.2);</p>	7.00 hrs.
05/04/2015	JCK	<p>Receipt and review of emails from S. Search re FAMU Grant Collaboration Agreement (.2); Review and analysis of MOU between FAMU and TCC (1.0); Email to S. Search re MOU between FAMU and TCC (.1); Receipt and review of email from S. Search re FAMU and TCC MOU (.1); Receipt and review of email from B. Sloan re ADA issue with attachments (.4); Receipt and review of email from S. Search re ADA issue (.1);</p>	1.90 hrs.

05/05/2015	JCK	Receipt and review of email from S. Search re ADA issue (.1); Receipt and review of email from A. Nied re ADA issue (.1); Conference call with S. Search, A. Nied, and B. Sloan re ADA issue (.6); Receipt and review of emails from A. Moran re Marquee (.2); Review and analysis of Florida law re college conformity to local codes (1.4); Telephone call from A. Moran re public records request, invoice collection and marquee construction (.4); Receipt and review of email from E. Jones re Gadsden sign ordinance (.1); Review and analysis of Gadsden sign ordinance (.7); Receipt and review of email string from A. Moran re customer delinquent accounts (.3);	3.90 hrs.
05/05/2015	MK	Review and analysis of Florida case law re whether a college is exempt from building codes due to sovereign immunity (1.6); Review and analysis of 8 chapters of Gadsden County Land Development Code to see if there were any exemptions so that a college doesn't have to follow building codes for signs (.8); Review and analysis of 10 chapters of Gadsden County Comprehensive Plan to see if there were any exemptions so that a college doesn't have to follow building codes for signs (.7);	3.10 hrs.
05/06/2015	JCK	Receipt and review of email from Ki. Moore re Independent Contractor Agreement (.1); Review and analysis of revised Independent Contractor Agreement (.4); Revise Independent Contractor Agreement (.9); Email to Ki. Moore re Independent Contractor Agreement (.2); Preparation of opinion letter to A. Moran re TCC's compliance with sign ordinance and effect of 1013.01 (.6); Email from J. Chaires-Lacey re dismissal of probation employee (.1); Review and analysis of TCC policies re dismissal of probation employee (.4); Email to J. Chaires-Lacey re employee dismissal (.2);	2.90 hrs.

05/07/2015	JCK	Receipt and review of emails from J. Chaires-Lacey re employee dismissal and rehire (.1); Telephone conference with J. Chaires-Lacey re employee dismissal and rehire (.3); Receipt and review of email from D. Robinson re OVID Technologies Agreement (.1); Review and analysis of OVID Technologies Agreement (1.5); Email to D. Robinson re contract provisions (.4); Receipt and review of email from R. Frazier re dismissal of employee (.1); Review and analysis of proposed response letter from R. Frazier re employee dismissal request (.4);	2.90 hrs.
05/08/2015	JCK	Receipt and review of email from E. Jones re public records request (.1); Review and analysis of public records request for law enforcement records (.4); Review Public Records Act (.8); Email to E. Jones re response to public records request (.2);	1.50 hrs.
05/11/2015	JCK	Receipt and review of email from S. Search re student accommodation claim (.1); Review and analysis of student accommodation file (.8); Preparation of correspondence to S. Search re response to request for records (.2); Receipt and review of emails from B. Sloan re attorney Notice of Potential Claims (.2); Review and analysis of Attorney Notice Claim (.4); Telephone conference with B. Sloan re Attorney Notice Letter (.2); Receipt and review of correspondence from S. search re student accommodation claim (.1);	2.00 hrs.
05/12/2015	JCK	Receipt and review of email from D. Robinson re requested revisions for OVID Contract (.1); Review and analysis of Florida Virtual Campus Guidelines for E Resources License Agreement (.9); Receipt and review of email from R. Frasier (.1); Email to D. Robinson re OVID contract (.1); Revise OVID contract (1.4); Receipt and review of email from D. Robinson re OVID contract (.1); Receipt and	3.70 hrs.

review of email from Ki. Moore re Independent Contractors Agreement (.1); Receipt and review of email from A. Moran re sign location lease (.1); Review sign location lease (.7); Email to A. Moran re sign location lease review (.1);

05/12/2015	MK	Review and analysis of case law re whether a state agency can indemnify a private third party in preparation for preparing contract language for TCC (1.9);	1.90 hrs.
05/13/2015	JCK	Receipt and review of email from C. Summers re public records request for information in DAVID system (.1); Receipt and review of email communications with public records requester and TCC (.4); Email to C. Summers re public records request (.1); Receipt and review of email from B. Jones re memo on invocation prayer (.1); Review and analysis of prior memorandum re prayer at invocation (.5); Email to B. Jones re school prayer (.1); Telephone conference with C. Summers re public records request (.3);	1.60 hrs.
05/13/2015	BJL	Telephone call to R. Frazier and email to R. Frazier re Unlimited Path Contract (.1);	0.10 hrs.
05/14/2015	JCK	Receipt and review of emails (3) from B. Jones re invocation prayer (.3); Email to A. Moran re student directory issue (.1);	0.40 hrs.
05/14/2015	MK	Review and analysis of Florida and Federal case law re FERPA and whether or not a student's physical address must be disclosed under civil litigation discovery (.9);	0.90 hrs.
05/15/2015	JCK	Receipt and review of email from A. Moran re out-of-state online marketing of classes (.1); Conference with M. Kelly re federal and state regulations of marketing out-of-state of online classes (.4); Review applicable Federal and state law re online class marketing out-of-state (.8); Email to A. Moran re Federal and state law of online class marketing (.4); Receipt and	4.70 hrs.

review of email from A. Moran re student directory (.1); Receipt and review of email from E. Jones re WEI public records request (.1); Review and analysis of public records request from WEI (.3); Email to E. Jones re WEI records request (.2); Telephone calls (2) from J. Young re information request (.2); Receipt and review of email from D. Wildes re Kent Street property (.1); Review and analysis of Kent Street Purchase Agreement (.4); Review and analysis of TCC District Board of Trustees Agenda for May 18, 2015 (1.6);

05/15/2015	MK	Review and analysis of federal regulations and case law re whether new authorizations have occurred for distance education regulations since 2010 (1.1); Review and analysis of state regulations and case law re what regulations Florida colleges have to follow in other states before performing any regulated activity in that state related to marketing (.5); Review and analysis of Florida regulations and case law re what the existing legislation/restrictions are in place for marketing purposes of a college's selection of online classes (.7);	2.30 hrs.
05/17/2015	BJL	Revise/edit letter to Unlimited Path (.4);	0.40 hrs.
05/18/2015	JCK	Attend meeting at TCC re billboards (1.8); Attend TCC Board of Trustees Meeting at WEI (4.6); Review and analysis of email from E. Jones re public records request (.1); Review and analysis of Review and analysis of public records request with subpoenas (.2); Review and analysis of employment records sent with subpoenas (.8); Email to E. Perkins re subpoenas (.1);	7.60 hrs.
05/19/2015	JCK	Telephone conference with B. Jones re overpayment issue (.3); Receipt and review of email from A. Moran re public records request (.1); Receipt and review of emails re communications with public records requester (.4); Review Public Records Act re public	2.40 hrs.

		records duplication costs (.8); Receipt and review of email from A. Moran re MOU and TCC Prime Display (.1); Review and analysis of MOU between TCC and GCDC (.7);	
05/19/2015	BJL	Review and analysis of ITN for Gadsden Re-Entry Center and corresponding policies and procedures in the Florida Administrative Code (2.8); Emails to/from R. Frazier re ITN and Contract for Re-Entry Center in Gadsden County (.3);	3.10 hrs.
05/19/2015	MK	Review and analysis of case law and Florida statutes re whether a public request, each containing multiple requests is considered on record or if each request is a separate and distinct request in preparation for deciding whether the 30 minute free time limit applies (.8);	0.80 hrs.
05/20/2015	JCK	Email to A. Moran re public records request (.1); Receipt and review of email from A. Moran re public records request with email string of communications with requester (.2); Review and analysis of DAVID Audit (.2); Review and analysis of DAVID MOU (.4); Email to A. Moran re TCC's response to public records request for DAVID information (.1); Receipt and review of email from R. Frazier re J. Young information requests (.2); Review and analysis of J. Young information requests since March 2015 (1.2);	2.80 hrs.
05/20/2015	BJL	Preparation of correspondence to R. Frazier re Unlimited Path Contract (.1);	0.10 hrs.
05/20/2015	MK	Review and analysis of Florida case law re whether a public entity can ignore a party who habitually requests the same documents from the entity (.9);	0.90 hrs.
05/21/2015	BJL	Conference with R. Frazier and Ki. Moore re compliance with Unlimited Path Contract (.4);	0.40 hrs.
05/21/2015	MK	Review and analysis of state requirements for	1.80 hrs.

educational facilities to see how and when various sections used the language "this section" to see if the language was referencing "this section" to mean a subsection or the entire section (1.0); Review and analysis of Florida law to see whether a board does not have to approve the granting of easements (.8);

05/22/2015 JCK Receipt and review of emails from B. Sloan re Amalgam use in dental health programs (.1); Review and analysis of Amalgam Usage Documents in TCC dental health programs (1.2); Review and analysis of FDA summary of changes to the classification of dental amalgam and mercury (.7); Preparation of email to B. Sloan re dental amalgam (.2); Receipt and review of email from E. Perkins re public records request for student names in specific class not yet begun (.1); Review and analysis of FERPA and case law re definition of student (1.4); Email to E. Perkins (.4); Telephone call from A. Moran re potential conflict of interest (.2); Review ethics code for Florida College Trustees (.8); Telephone conference with A. Moran re conflict of interest (.3); Receipt and review of email from B. Sloan re amalgam usage (.1); Email to A. Moran re applicant information and public record act (.1); Receipt and review of email from A. Moran re applicant records (.2); Receipt and review of email from D. Wildes re WEI easement (.1); Review WEI proposed easement and legal description and map (.4); Email to D. Wildes re easement (.2);

6.50 hrs.

05/22/2015	JCK	Portion of Monthly Fee;	10,264.99
05/22/2015	MK	Portion of Monthly Fee;	3,103.09
05/22/2015	BJL	Portion of Monthly Fee;	1,215.25

Fees for this matter \$14,583.33

Bobby Jones

Invoice# 13014

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BILLING SUMMARY

Longfellow, B. Joe	Partner	7.60 hrs	\$1,215.25
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Knox, J. Craig	Partner	60.30 hrs	\$10,264.99
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Kelly, Michael	Attorney	18.20 hrs	\$3,103.09
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Fees		86.10 hrs	<hr/> \$14,583.33
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Disbursements			<hr/> \$0.00
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TOTAL CHARGES FOR THIS BILL

\$14,583.33