



September 21, 2015

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: Attorney Invoice - Andrews, Crabtree, Knox & Andrews, LLP August 28, 2015

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

Barbara Wills

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

August 31, 2015

Barbara Wills
Vice President for Administrative Services & CBO
Tallahassee Community College
444 Appleyard Drive
Tallahassee, FL 32304

Invoice# 13221 JCK
Our file# T00007 02276
Billing through 08/28/2015

Tallahassee Community College (General)

P.O. Number: PO-002478

FOR PROFESSIONAL SERVICES RENDERED

07/28/2015	JCK	Telephone conference with A. Mathews re employee demotion, EEOC charge received, and operational audit (.3); Receipt and review of email from A. Mathews re severance pay issue, EEOC charge by E. Hudson (.6); Review and analysis of EEOC charge from E. Hudson (.2);	1.10 hrs.
07/29/2015	JCK	Receipt, review and analysis of email from A. Moran re public records request (.2); Review and analysis of case law under Public Records Act re bids (1.2); Receipt, review and analysis of RFI for website design (.4); Email to A. Moran re Public Records Request for RFI submissions (.4); Receipt and review of email from A. Mathews re basis for dismissal of employees and severance pay (.1); Review case law and statutes re severance pay (.7); Preparation of opinion email to A. Mathews re severance pay (.4); Email to A. Moran re public records request (.1); Receipt and review of email from A. Mathews re severance pay (.1);	3.60 hrs.
07/29/2015	MK	Begin review and analysis of case law re: severance pay in preparation for TCC's	1.60 hrs.

		operational auditing (.5); Review and analysis of case law re: whether PRR asking for all responses to a TCC RFI on providing web redesign are protected from disclosure (1.1);	
07/30/2015	JCK	Receipt and review of email from Ki. Moore re modification of admission policies for online students and traditional students (.1); Review and analysis of online application screenshot re disciplinary/criminal conduct disclosure (.1); Receipt and review of email from B. Jones re contract review (.1); Review and analysis of TCC letter of agreement with the Zachary Group (.7); Email to B. Jones re contract review (.1);	1.10 hrs.
07/31/2015	JCK	Preparation of monthly report on current administrative actions and litigation involving TCC (1.0); Receipt and review of email from A. Mathews re proposed employee discipline letter (.1); Review and analysis of proposed letter of demotion with attachments (1.2); Revise proposed letter of demotion with attachments (.8); Email to A. Mathews re revisions to employee demotion letter (.1); Receipt and review of email from A. Mathews re demotion letter (.1); Receipt and review of email string from A. Mathews re employee salaries (.4); Telephone conference with A. Mathews and J. Chaires-Lacey re employee pay issue (.4);	4.10 hrs.
07/31/2015	MK	Review and analysis of H. Wright and S. Traxler's salary increases to see if violation of Equal Pay Act has occurred (.4); Review and analysis of case law re: when the statute of limitations runs on filing a claim with the EEOC and when a civil action must be commenced after EEOC gives its right to sue notice under Title VII (.6); Review and analysis of case law re: when the statute of limitations runs on filing a claim with the EEOC and when a civil action must be commenced after EEOC gives its right to sue	4.20 hrs.

notice under the ADA in preparation for adding this information to each TCC case assessment with this issue (.5); Review and analysis of case law re: when the statute of limitations runs on filing a claim with the EEOC and when a civil action must be commenced after EEOC gives its right to sue notice under the ADEA in preparation for adding this information to each TCC case assessment with this issue (.7); Review and analysis of case law re: when the statute of limitations runs on filing a claim with the EEOC and when a civil action must be commenced after EEOC gives its right to sue notice under retaliation claims in preparation for adding this information to each TCC case assessment with this issue (.4); Review and analysis of case law re: when the statute of limitations runs on filing a claim with the EEOC and when a civil action must be commenced after EEOC gives its right to sue notice under the Florida Civil Rights Act in preparation for adding this information to each TCC case assessment with this issue (.5); (A. Cunningham) Review and analysis of EEOC charge sheet by plaintiff and timeline of cause of action to see whether or not statute of limitations had accrued on all of plaintiff's claims and drafted a memo reflecting this information (.5); (S. Young) Review and analysis of EEOC charge sheet by plaintiff and timeline of cause of action to see whether or not statute of limitations had accrued on all of plaintiff's claims and drafted a memo reflecting this information (.6);

08/05/2015	BAA	Receipt, review and analysis of correspondence from Ki. Moore re revisions to hiring policy for Gadsden Re-Entry Center (x3) (.3); Review and analysis of current hiring policy requiring Board Approval (.2); Review and analysis of memo from J. Murdaugh to Board re hiring authority for Gadsden Center	1.60 hrs.
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(.2); Preparation of correspondence to Ki. Moore re questions as to permanent hiring (x2) (.5); Dictation and preparation of suggested language for policy revision (.2); Telephone conference with Ki. Moore re questions on policy (.2);

08/07/2015	BAA	Begin review and analysis of information from B. Ingerman re text notification system, compliance with TCPA Act, recent FCC Ruling (.8);	0.80 hrs.
08/10/2015	BAA	Receipt and review of correspondence from B. Sloan re text system (.1); Receipt and review of correspondence from S. Search re 21st Century Agreement (.2); Review and analysis of draft lease/user agreement between Wakulla County and TCC, review as to clarification and follow up (.7); Review and analysis of 21st Century grant documents and budget as to lease issues (.5); Preparation of correspondence to S. Search re preliminary review (.2); Receipt and review of correspondence from B. Ingerman re TCPA implications on text notification system, emergency and non-emergency messages (.3); Preparation of correspondence to B. Ingerman re preliminary review, additional questions and issues (.3);	2.30 hrs.
08/11/2015	BAA	Preparation of correspondence to S. Search re conference to discuss Agreement (.2); Telephone conference with S. Search and W. Johnson re 21st Century Agreement, terms, issues (x2) (.5); Receipt and review of correspondence from S. Search re revisions to agreement (.1); Review and analysis of revisions to 21st Century Agreement by W. Johnson, make additional revisions (.7); Dictation and preparation of correspondence to S. Search re questions on wording of Agreement, areas of concern, suggested changes (x2) (.4);	1.90 hrs.

08/11/2015	MK	Review and analysis of case law and draft of letter to send to vehicle owners who left vehicles on campus to make sure that letter complied with Florida law (.5);	0.50 hrs.
08/12/2015	BAA	Review and revise Lease/User Agreement between Wakulla County and 21st Century TCC, issues as to indemnity, maintenance, exclusive possession, costs (.8); Receipt and review of correspondence from W. Johnson re revisions to agreement (x2) (.1); Receipt and review of correspondence from S. Search re agreement with revisions (.1); Preparation of correspondence to W. Jones and S. Search re 21st Century Agreement, revisions, issues back to County (x2) (.3); Review and analysis of FCC 15-152 Ruling on application of TCPA Act to texts and automated calls issued by TCC to students and faculty (178 page opinion) (.7); Receipt and review of correspondence from B. Sloan re student issue with Ghazvini Health Center (.2); Review and analysis of file material on student disclosure forms, background and criminal screening, confidentiality (.7); Dictation and preparation of correspondence to B. Sloan re response to student's request for screening history from provider (.4); Receipt and review of correspondence from S. Search re student issue, denying re-enrollment, consultation needed (.2); Receipt and review of correspondence from B. Sloan re applicant issue (.1); Review and analysis of information, police reports, trespass warnings, regarding student trespass, attempts at re-enrollment of former student requesting re-enrollment (.5);	4.10 hrs.
08/13/2015	BAA	Preparation of correspondence to B. Wills re revisions to 21st Century Agreement with Wakulla County (x2) (.3);	0.30 hrs.
08/13/2015	MK	Review and analysis of case law re: time frame for filing suit after filing claim with the FCHR or EEOC and receiving back a right to sue (.6);	1.10 hrs.

Review and analysis of case law re: time frame for filing suit for a claim under Fair Credit Reporting Act (.5);

08/14/2015	BAA	Receipt and review of correspondence from B. Sloan re DOE Compliance monitoring and possible conflict of interest with memo from DOE (.2); Preparation of correspondence to B. Sloan re conflict issue, reassignment (.2); Review and analysis of 21st Century User Agreement re indemnity and insurance coverage, statutory compliance (.3); Receipt and review of correspondence from B. Wills re indemnity language (.1);	0.80 hrs.
08/14/2015	JCK	Receipt and review of email from Ki. Moore re non-disclosure agreement (.1); Review and analysis of Non-Disclosure Agreement with Starbucks (.8); Revise Non-Disclosure Agreement with Starbucks (.6); Email to Ki. Moore re revised Non-Disclosure Agreement (.2); Receipt and review of email from Ki. Moore re public records law revision (.1); Receipt and review of email from C. Summers re proposed letter to send to abandoned car owners (.1); Review and analysis of proposed letter (.2); Review and analysis of memo from M. Kelly re legal requests (.2); Email to C. Summers re approval of letter (.1); Receipt and review of email from S. Search re a student to be denied readmission (.4); Receipt and review of email from C. Summers re abandoned property letter (.1); Receipt and review of email from S. search outlining basis for denying former student readmission to college (.4); Receipt and review of email from A. Meadows re employee demotion (.1); Review and analysis of demotion letter to employee (.2); Receipt and review of email from A. Moran re OGSR College System Questionnaire (.1); Review and analysis of OGSR College System Questionnaire (.5); Review state and federal case law re exemption to public records request for records	6.60 hrs.

depicting the killing of a person (1.4); Email to A. Moran re legal responses to OGSR College System Questionnaire (.2); Receipt and review of email from A. Meadows re Young demotion (.1); Review and analysis of demotion letter (.2); Receipt and review of email from B. Jones re information relating to the process for filing suit (.1); Email to B. Jones re information relating to the process for filing a lawsuit (.4);

08/17/2015	BAA	<p>Review and analysis of indemnification and insurance issue with Wakulla County in 21st Century Agreement, whether request is permissible (.4); Review and analysis of sovereign immunity statute and indemnity in state agency contracts (.4); Preparation of correspondence to B. Wills re Wakulla County agreement (.2); Review and analysis of information from B. Sloan re student background check, request for more information (.3); Review and analysis of Florida Statutes re background checks, Level 2 screening, and any appeal provisions (.5); Attend conference call with B. Sloan and A. Nied re response to student with negative background check (.7);</p>	2.50 hrs.
08/17/2015	JCK	<p>Telephone conference with A. Mathews re employee dismissal issue (.3); Receipt and review of email from S. Search re readmission denial letter (.1); Review and analysis of readmission denial letter (.2); Revise readmission denial letter (.3); Email to S. Search re readmission denial letter (.1); Telephone conference with S. Culliton re TCC clinical trial rejection (.3); Receipt and review of email from B. Ingerman re HIPAA Agreement for Workday (.1); Review and analysis of HIPAA Business Associate Agreement (.9); Email to B. Ingerman re approval of HIPAA Business Agreement (.1); Receipt and review of email from S. Search re denial of readmission letter (.1); Receipt and</p>	4.00 hrs.

review of email from B. Ingerman re HIPAA Agreement for Workday (.1); Receipt and review of email from B. Jones re A. Cunningham lawsuit service (.1); Review and analysis of Complaint in Cunningham v. TCC (.8); Receipt and review of email from B. Jones re notice of Cunningham claim with FSCRMC (.1); Preparation of correspondence to FSCRMC re service of Cunningham v TCC lawsuit (.4);

08/17/2015	JCK	<p>Receipt and review of email from S. Search re denying a student readmission to college (.2); Receipt and review of prior incident reports re student to be denied readmission (.7); Receipt and review of email from B. Wills re having a lessor as an additional insured (.1); Review and analysis of memo from M. Kelly re adding state entity as additional insured (.4); Email to B. Wills re adding an additional insured under lease agreement (.2); Receipt and review of email from B. Wills re 768.28(19) Florida Statute (.1); Receipt and review of email string from D. Wildes re Kent Street property (.1); Review and analysis of PO for Smith Thompson (.3); Email to D. Wildes (.1); Receipt and review of email from S. Search re more documents to review on denial of student readmission (.1); Review and analysis of transcription of voicemail from 7/2/15 (.2); Receipt, review and analysis of correspondence from S. Search to student (.1); Review and analysis of notes from S. Search, S. Autry and J. Barr from August 10 meeting (.3); Receipt of emails from student (.2); Review and analysis of Maxient file with notes from STAT team (.2); Review and analysis of draft letter and contract for student (.1); Conference call with S. Search re denial of readmission to student (.5);</p>	3.90 hrs.
08/17/2015	MK	<p>Review and analysis of case law re whether TCC has to or is even allowed to add Wakulla County as an additional insured in a lease</p>	1.10 hrs.

agreement (1.1);

08/18/2015	JCK	Receipt and review of email from A. Mathews re employee discipline issue (.1); Receipt and review of email from A. Mathews re employee discipline (.1); Review and analysis of attached file materials for employee (1.2); Telephone conference with A. Mathews re employee discipline (.5);	1.90 hrs.
08/18/2015	MK	Review and analysis of case law and TCC policies discussing whether they are allowed to deny former students readmission due to behavior issues (.7);	0.70 hrs.
08/19/2015	BAA	Review initial sign ordinance proposal to Gadsden County Commission (.7);	0.70 hrs.
08/19/2015	JCK	Telephone conference with A. Moran re Gadsden Sign Ordinance (.6);	0.60 hrs.
08/19/2015	MK	Review and analysis of case law re whether TCC is required to include closed captioning in videos they produce and distribute to others (.9);	0.90 hrs.
08/20/2015	BAA	Receipt and review of correspondence to and from B. Sloan re student clinical certification and background check (.4);	0.40 hrs.
08/20/2015	JCK	Receipt and review of email from student requesting documents constituting public records (.3); Email to A. Nied and A. Moran re public records request (.2); Receipt and review of email from A. Nied re public records request (.1); Receipt and review of email from Ki. Moore re confidential and non-disclosure agreement (.1); Revise Non-Disclosure Agreement (.2); Email to Ki. Moore re Non-Disclosure Agreement (.1); Receipt and review of email from J. Murdaugh re appropriate change to Board Policy re new state civil rights amendment (.1); Review and analysis of new state civil rights amendment (.5); Review and analysis of email from R.	3.80 hrs.

Tolson re new state civil rights amendment (.1); Review and analysis of email from R. Tolson re new state civil rights amendment (.1); Review and analysis of TCC proposed policy modifications for new state civil rights amendment (.4); Email to R. Tolson re proposed policy change (.1); Receipt and review of email from R. Tolson re amendment to Policy 03-01 (.1); Receipt and review of email from A. Moran re close captioning on TCC video promotions (.2); Receipt and review of email from R. Palmer re closed captioning (.4); Telephone conference with S. Andrews re student disqualification issue (.3); Telephone conference with A. Nied re student clinical rejection (.3); Telephone conference with S. Andrews re student clinical rejection (.2);

08/21/2015	JCK	Email to R. Palmer re TCC's video productions (.1); Research re closed captioning legal requirements for educational institutions (2.2); Preparation of legal opinion re whether TCC should provide closed captioning for video presentations (.8);	3.10 hrs.
08/23/2015	BAA	Review and analysis of Florida Statutes re sign ordinance, FDOT permitting requirements, interpretation from Gadsden County Attorney on applicability (1.5);	1.50 hrs.
08/24/2015	BAA	Continued review of Gadsden County sign ordinance issues, review language of proposed ordinance (1.2); Attend TCC Board Meeting (1.5); Receipt and review of correspondence from S. Andrews re R.D. application to surgical tech program with attached letters (.3);	3.00 hrs.
08/24/2015	JCK	Review and analysis of Board of Trustees Agreement (1.6); Receipt and review of email from C. Summers re MOU for civil citation program (.1); Review and analysis of MOU for civil citation program (.8); Attend Board	7.50 hrs.

Meeting (3.8); Email to C. Summers re civil citation program (.2); Review Chapter 948, Florida Statutes (.8); Email to C. Summers re adult civil citation MOU reivew (.1); Receipt and review of email from C. Summers re MOU for adult civil citation (.1);

08/25/2015	JCK	<p>Receipt and review of email from R. Frazier re J. Young letters (.1); Review and analysis of J. Young letters (.2); Email to R. Frazier re J. Young letters (.1); Receipt and review of email from S. Search re denial of readmission for student (.1); Receipt and review of email from S. Search re denial of readmission for student with attachments for public records request (.4); Receipt and review of correspondence from attorney re student denied admission to clinical programs with attachments to support reconsideration (.8); Receipt and review of email from attorney for R. Downie re information for reconsideration of clinical admission denial (.1); Receipt and review of letter of character reference for R. Downie (.1); Email to A. Nied re R. Downie (.1); Receipt and review of email from C. Fagler (FCSRMC) re Academic Device Insurance Program (.6); Receipt and review of email from A. Nied re R. Downie documents (.1); Email to A. Nied re R. Downie documents (.1);</p>	2.80 hrs.
08/26/2015	JCK	<p>Receipt and review of email from A. Nied re student clinical rejection (.1); Email to A. Nied re student clinical rejection (.1); Receipt and review of email from B. Sloan re student clinical rejection (.1); Telephone call to B. Sloan re student clinical rejection (.4); Receipt and review of email from S. Search re denial of readmission to student (.1); Receipt and review of email from E. Jones re request for information (.1); Receipt and review of email from A. Moran re public records request (.1); Email to E. Jones re public records request (.2); Email to E. Jones re information in B.</p>	2.70 hrs.

Mabile's file (.1); Email to E. Jones re public records notice request (.2); Telephone conference with B. Sloan re hospital contract (.3); Email to A. Nied re hospital contract (.1); Telephone conference with B. Jones re billing records (.3); Receipt and review of email from S. Andrews re student clinical rejection (.2); Email to S. Andrews re student clinical rejection (.3);

08/26/2015	MK	Review and analysis of case law re whether or not TCC can receive money for providing referrals to a private entity (2.7);	2.70 hrs.
08/27/2015	JCK	Receipt and review of email from E. Perkins re public records request (.1); Receipt and review of email from Lt. Raybon re letter of denial for student and prior TCCPD incident reports (.1); Receipt and review of email from B. Sloan re CRMC agreement (.1); Review and analysis of TCC-CRMC Agreement (.6); Review and analysis of student background check policy (.3); Telephone conference with B. Sloan re CRMC Clinical Agreement (.3); Receipt and review of email from S. Andrews re his client's agreement to submit to random alcohol testing (.2); Email to B. Sloan and A. Nied re Plaintiff's agreement to have random alcohol testing (.1); Receipt and review of email from Ki. Moore re Comcast agreement and Comcast lease agreement (.1); Receipt and review of email from A. Nied re student's random alcohol testing (.1); Email to A. Nied re random alcohol testing (.1); Telephone conference with S. Andrews re initial reconsideration letter errors (.1); Receipt and review of email from B. Sloan re errors in student referral letter concerning clinical admission (.2); Email to S. Andrews re factual errors in his reconsideration letter (.2); Receipt and review of email from B. Sloan re documents to be submitted to clinical site for reconsideration (.1); Email to B. Sloan re corrected documents (.1); Review and analysis	3.70 hrs.

of Comcast lease agreement (.8); Email to Ki. Moore re Comcast lease agreement (.1);

08/27/2015	MK	Review and analysis of case law re whether or not TCC can receive gifts or donations from a private entity to determine whether or not they can receive money from referrals (.8);	0.80 hrs.
08/28/2015	JCK	Receipt and review of email from S. Andrews re rejected clinical student (.1); Receipt and review of email from S. Andrews re rejected clinical student (.1); Receipt and review of correspondence from S. Andrews for submission to clinical site with attachments (.4); Email to B. Sloan re letter from S. Andrews (.1); Receipt and review of email from Ki. Moore re admission policy (.4); Review current TCC admission policy (.7); Email to Ki. Moore re admission policy (.4); Receipt and review of email from Ki. Moore re Comcast lease (.1); Email to Ki. Moore re Comcast lease (.2);	2.50 hrs.
08/28/2015	JCK	Portion of Monthly Fee;	8,750.00
08/28/2015	BAA	Portion of Monthly Fee;	3,645.83
08/28/2015	MK	Portion of Monthly Fee;	2,187.50
		Fees for this matter	\$14,583.33

BILLING SUMMARY

Andrews, Ben A.	Partner	19.90 hrs	\$3,645.83
Knox, J. Craig	Partner	53.00 hrs	\$8,750.00
Kelly, Michael	Attorney	13.60 hrs	\$2,187.50
Fees		86.50 hrs	\$14,583.33

Disbursements

\$0.00

TOTAL CHARGES FOR THIS BILL

\$14,583.33