

October 20, 2008

MEMORANDUM

TO: District Board of Trustees

FROM: William D. Law, Jr., President

SUBJECT: Attorney Invoice

Attorney invoices totaling \$8,961.90 for the period July 27, 2008 through August 31, 2008 are recommended for approval.

Details are attached for information purposes.

STAFF RESOURCE: TERESA SMITH

RECOMMENDED ACTION:

Authorize payment of invoices as presented.

Johnson, Farrell & Mabile, LLC

115 N. Calhoun Street Tallahassee, FL 32301 Tax ID # 11-3799979

September 3, 2008		Invoice#	1008	WRM
Billing through	08/31/2008	Our file#	T00007	02276

Tallahassee Community College Jerry Schilling Assistant VP for Administrative Services 444 Appleyard Drive Tallahassee, FL 32304-2895

Tallahassee Community College - General Business

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PROFESSIONAL SERVICES			
07/27/2008 JS Review and analysis of NCIC background checks (analysis of employees working both exempt and no Fair Labor Standards Act (1.2);			80.00
07/29/2008 JS Review and analysis of credit checks;	0.30	hrs.	12.00
07/30/2008 JS Review and analysis of Family Medical Leave Act off;	1.20 and intermitten	hrs. at time	48.00
08/01/2008 WRM 3.70 hrs. 462.50 Preparation for meetings re: employee concerns (.5); Conference with S. Couch, L. Smitherman, and R. Tolson re: employee concerns (3.0); E-mail to J. Wahlen re: basis for personnel policy (.1); Telephone conference with J. Jones re: claim against SHS and Foundation (.1);			
08/04/2008 WRM Two e-mails to B. Hollimon re: trademark usage (); Two e-re: trademark usage (.2); Review two e-mails from trademark usage (.2); Telephone conference with J equipment claim (.3); Review e-mail from J. Wahle (.1); E-mail to R. Tolson re: personnel policy (.1); personnel policy (.1); Review e-mail from R. Tolso and being out of office (.1);	mails to J. Mur J. Murdaugh re . Jones re: lease en re: personnel E-mail to J. Wa	daugh :: d policy hlen re:	187.50
08/05/2008 WRM Review e-mail from R. Tolson re: employment pol	4.10 icy (.1); Teleph	hrs.	512.50

conference with L. Mathis re: FCHR response narrative (.2); Two e-mails to

H. Wright re: FCHR response narrative (.2); Review three e-mails from H. Wright re: FCHR response narrative (.3); Conference with R. Lipscomb re: employee concerns (2.4); Conference with H. Wright re: FCHR response narrative (.5); Review two e-mails from B. Sloan re: FCHR response narrative (.2); Review two e-mails from S. Search re: FCHR response narrative (.2);

08/06/2008 WRM

1.50 hrs.

187.50

Dictation and preparation of correspondence to L. Mathis re: response to FCHR complaint (.2); Review two e-mails from H. Wright re: FCHR response (.2); Dictation and preparation of correspondence to T. Smith re: trademark attorney invoice (.2); E-mail to H. Wright re: FCHR response (.1); Review two e-mails from T. Stallworth re: records request with attachments (.3); Telephone conference with T. Stallworth re: records request (.1); Dictation and preparation of response to records request (.2); E-mail to T. Smith re: trademark license agreement (.1); Review e-mail from T. Smith re: trademark license agreement (.1);

08/07/2008 WRM

3.60 hrs.

450.00

Review e-mail from R. Tolson re: employee transfer (.1); E-mail to R. Tolson re: employee transfer (.1); Analysis re: use of criminal history for employment background screening (1.1); Review two e-mails from B. Hollimon re: trademark licensing agreement (.2); Two e-mails to B. Hollimon re: trademark licensing agreement (.2); Review second trademark licensing agreement (.3); Two telephone conferences with J. Sauls re: contract collections attempt (.3); E-mail to T- Smith re: prospective employee background checks (.1); Review e-mail from T. Smith re: prospective employee background checks (.1); Review e-mail from T. Smith re: public records request (.1); Receipt and review of Freedom of Information Act request (.3); Telephone conference with V. Montgomery re: employee medical leave (.3); Two telephone conferences with T. Smith re: Freedom of Information Act request (.4);

08/07/2008 WRM

1.40 hrs.

175.00

Review e-mail from T. Smith re: second trademark licensing agreement (.1); E-mail to R. Tolson re: employee duties exempt and non-exempt (.2); Analysis of public records act and application to request from former contract employee (1.1);

08/07/2008 JS

1.00 hrs.

40.00

Review and analysis of exempt and non-exempt employees performing both exempt and non-exempt work within the same week;

08/08/2008 WRM

1.20 hrs.

150.00

Two telephone conferences with T. Smith re: public records request and Family Medical Leave Act leave (.3); Review and analysis of purchase and sale agreement, Portofino and TCC Housing, Inc., and SHS re: lease holder demand (.8); E-mail to V. Montgomery re: employee on Family Medical Leave Act leave (.1);

08/08/2008 **WRM** 4.10 512.50 hrs. Telephone conference with R. Lipscomb re: employee concerns/documents (.1); Review two e-mails from R. Johnston re: expiration of award (.2); E-mail to R. Johnston re: expiration of award (.1); Telephone conference with J. Jones re: lease payment demand (.1); Two e-mails to R. Johnston re: lease payment demand (.2); Review e-mail from R. Johnston re: lease payment demand (.1); Review e-mail from S. Rowland re: expiration of award (.1); Conference with T. Smith and V. Bahl re: response to public records request, litigation status, review file related to public records request (2.3); Review e-mail from B. Jensen re: expiration of award (.1); Review e-mail from C. Brewer re: lease payment demand (.1); Two telephone conferences with R. Rudolph re: response to public records request (.4); Telephone conference with V. Montgomery re: employee on Family Medical Leave Act leave (.3); 08/08/2008 0.70 hrs. 28.00 Review and analysis of federal background checks and whether Florida statutes authorize such checks; 08/11/2008 **WRM** 1.80 hrs. 225.00 Review three e-mails from V. Montgomery re: employee FMLA leave (.3); Review e-mail from M. Turnbull re: SHS/Portofino demand (.1); Three e-mails to V. Montgomery re: employee FMLA leave (.3); E-mail to T. Smith re: employee FMLA leave (.1); E-mail to M. Turnbull re: SHS/Portofino demand (.1); Review e-mail from T. Smith re: employee FMLA leave (.1); Review documents from V. Montgomery re: employee FMLA leave (.8); 08/12/2008 **WRM** hrs. 150.00 Telephone conference with S. Jefferson re: safety committee (.1); E-mail to V. Montgomery re: FMLA (.1); Telephone conference with R. Datillio re: SHS/Portofino payment demand (.2); Telephone conference with D. Fuller re: SHS/Portofino payment demand (.2); E-mail to M. Turnbull and R. Johnston re: SHS/Portofino payment demand (.1); Review e-mail from V. Montgomery re: FMLA (.1); Review e-mail from M. Turnbull re: SHS/Portofino payment demand (.1); Telephone conference with R. Tolson re: employee complaint and employee on extended leave (.3); 08/12/2008 JS 1.50 hrs. 60.00 Review and analysis of FMLA and adverse employment actions (.8); Review and analysis of employee work from home and factors to consider (.7);08/13/2008 **WRM** 3.40 hrs. 425.00 Telephone conference with R. Tolson re: FMLA questions (.2); E-mail to V. Montgomery re: FMLA leave (.1); Review legal issues re: employee

on FMLA leave and return and A.D.A. issues (1.8); Analysis re: facts and application of law re: employee on FMLA leave, return to work, and

A.D.A. (1.3);

08/13/2008 WRM

3.40 hrs.

425.00

Review e-mail from C. Brewer re: SHS/Portofino demand (.1); Review e-mail from R. Tolson re: public records request (.1); Review two e-mails from K. Nerona-Balog re: out-of-state tuition - PTLEA (.2); Review e-mails (11) from R. Lipscomb with attachments re: employee issues (.4); Review e-mail from S. Jefferson re: Portofino contract (.1); E-mail to R. Tolson re: employee issues (.1); E-mail to R. Lipscomb re: employee issues (.1); Review issue of out-of-state tuition - PTLEA (.9); E-mail to K. Nerona-Balog re: out-of-state tuition-PTLEA (.1); E-mail to T. Stallworth re: Ghazvini lease (.1); Review e-mail from T. Smith re: Ghazvini lease (.1); Review e-mail from R. Tolson re: employee issues (.1); Three telephone conferences with R. Tolson re: employee issues (.6); Telephone conference with R. Bell re: employee complaint (.1); Review e-mail from B. Law re: president's contract classification and analyze same (.2); E-mail to B. Law re: president's contract classification (.1);

08/14/2008 WRM

5.40 hrs

675.00

Review two e-mails from V. Montgomery re: FMLA use (.2); Review and analysis of documents re: use of FMLA leave (.5); Telephone conference with S. Jefferson re: Star-Metro agreement and Safety Committee questions (.2); Review two e-mails from S. Jefferson re: Star-Metro agreement (.2); Review e-mail from S. Jefferson re: Safety Committee question (.1); Analysis re: use of and return to work under the FMLA (.4); Review and analysis of proposed 2008-09 Star-Metro agreement (.5); E-mail. to S. Jefferson re: Star-Metro agreement (.1); Various conferences with T. Smith, R. Tolson, V. Montgomery, S. Jefferson, F. Broon and others re: public records request, employee FMLA/ADA issues, Star-Metro agreement, SHS agreement and other matters (3.2);

08/14/2008 WRM

2.90 hrs.

362.50

Review documents in response to public records request (.9); Review e-mail from C. Brewer re: SHS/Portofino demand for payment (.1); Telephone conference with R. Tolson re: employee issues (.2); Review e-mail from M. Turnbull re: SHS/Portofino demand for payment (.1); Review and analysis of documents received from C. Brewer and compare with invoice re: SHS/Portofino demand for payment (.5); Two e-mails to R. Tolson re: public records request (.2); Review Board of Trustees' agenda for August 18, 2008 (.8); Review e-mail from R. Tolson re: public records request (.1);

08/15/2008 WRM

1.10 hrs.

137.50

Dictation and preparation of TCC/SHS agreement re: student scholarship athletes' residences (.9); Review and analysis of out-of-state tuition (.2);

08/15/2008 WRM

6.40 hrs.

800.00

Analysis of municipality as political subdivision and impact on employee tuition (.5); E-mail to K. Nerona-Balog re: municipality status and employee tuition (.1); Telephone conference with R. Bell re: employee complaint (.2); Review e-mail from K. Nerona-Balog re:municipality

status (.1); E-mail to R. Tolson re: employee complaint (.1); Review e-mail from R. Tolson re: employee complaint (.1); Telephone conference with N. Sneed re: employee complaint (.1); Review e-mail from C. Stallworth re: Ghazvini lease (.1); E-mail to C. Stallworth re: Ghazvini lease (.1); Conference with H. Strawter re: employee complaint (.9); Conference with R. Tolson re: various employee issues (1.6); Attend TCC Board meeting (2.2); Conference with T. Smith and T. Stallsworth re: Ghazvini lease (.3);

08/15/2008 JS 1.20 hrs. 48.00

Review and analysis of municipality status for tuition purposes;

08/19/2008 WRM 7.80 hrs. 975.00

Review three e-mails from T. Smith re: Ghazvini lease (.3); Revise draft TCC/SHS student athlete residence agreement (.1); Dictation and preparation of correspondence to S. Jefferson re: TCC/SHS scholarship student athlete residence agreement (.2); Telephone conference with M. Moore re: Ghazvini lease (.2); E-mail to T. Smith re: Ghazvini lease (.1); E-mail to R. Tolson re: employee complaint (.1); Review two e-mails from T. Stallworth re: Ghazvini lease (.2); Two telephone conferences with N. Sneed re: employee complaint (.2); Preparation of report re: employee complaint (3.1); Conference with R. Tolson and others re: employee complaint (3.3);

08/20/2008 WRM 2.90 hrs. 362.50

Telephone conference with R. Tolson re: employee complaint and interviews (.2); Telephone conference with S. Jefferson (.1); Revise report re: employee complaint (.2); Review e-mail from J. Murdaugh re: Red/Vector agreement (.1); Review three e-mails from T. Smith re: public records request (.3); Review two e-mails from R. Tolson re: public records request (.2); Telephone conference with T. Smith re: public records request (.1); E-mail to T. Smith re: public records request (.1); Review and analyze Red/Vector agreement (.5); Telephone conference with J. Murdaugh re: Red/Vector agreement (.1); E-mail to J. Murdaugh re: Red/Vector agreement (.2); Review and sign president's contract (.2); Review and analysis of TMH/COT amended facility development agreement for application to Ghazvini lease (.6);

08/20/2008 JS 1.10 hrs. 44.00

Review and analysis of Florida laws regarding alcohol on community colleges;

08/27/2008 WRM 1.80 hrs. 225.00

Review e-mail from R. Tolson re: public records request (.1); Review e-mail from R. Tolson re: background check (.1); Review e-mail from J. Chapin re: copyright and statute questions (.1); Two e-mails to J. Chapin re: copyright and statute questions (.2); Review two e-mails from B. Sloan re: affiliation agreement with Doctors' Hospital (.2); Telephone conference with J. Murdaugh re: Red/Vector agreement (.1); Telephone

conference with R. Tolson re: various (5) human resources issues (.3); Two telephone conferences with T. Smith re: employee complaint (.3); Review and analysis of alternative language for Doctors' Hospital affiliation agreement (.1); E-mail to B. Sloan re: Doctors' Hospital affiliation agreement (.1); Review and analysis of form for employment background checks (.2);

08/27/2008 WRM

4.00 hrs.

500.00

E-mail to R. Tolson re: employee background information form (.1); Analysis re: use of alcohol at TCC sponsored on-campus events (1.9); Dictation and preparation of correspondence to R. Johnston re: use of alcohol at TCC sponsored on-campus events (.3); Analysis of Florida statutes re: possession of firearms in vehicles on campus (1.8);

08/28/2008 WRM

3.30 hrs.

412.50

Review e-mail from J. Chapin re: copyright and statutory questions (.1); Review e-mail from T. Smith re: memo of understanding and access to driver's license records (.1); Review and analysis of memo of understanding with FDHSMV for electronic access to driver's license records (.4); Continued analysis re: possession of firearms on campus (1.7); Dictation and preparation of correspondence to T. Smith re: possession of firearms on campus (.5); E-mail to K. Nerona-Balog re: memo of understanding and driver's license records (.1); Telephone conference with R. Tolson re: exempt employee emergency overtime (.2); Review e-mail from R. Tolson re: exempt employee emergency overtime (.1); Review e-mail from K. Nerona-Balog re: memo of understanding and driver's license records (.1);

08/28/2008 WRM

0.40 hrs.

50.00

Review and analysis of University of Florida's policy re: overtime for exempt employees and prior use policy (.3); E-mail to T. Smith re: memo of understanding and driver's license records (.1);

08/29/2008 WRM

1.90 hrs.

237.50

Review two e-mails from T. Smith re: personnel questions (.2); Review two e-mails from R. Tolson re: Learning Commons positions (.2); Two telephone conferences with T. Smith re: personnel questions (.3); Telephone conference with R. Tolson re: Learning Commons positions and Volunteer Florida's exempt employee overtime policy (.2); Analysis re: DMS rules re: Volunteer Florida exempt employee overtime rules (.9); E-mail to R. Tolson re: Volunteer Florida's exempt employee overtime policy (.1);

Total Fees \$8,960.00

EXPENSES	

08/14/2008	E101	1 Copy Charges - 10 copies at .10 each			1.00		
08/27/2008	E101	Copy Charges - 9 copies at .10 each				0.90	
Total Expens	es						\$1.90
Billing Summ	nary - Su	mmary by Timekeeper					
Mabile, Willi	iam R.		68.80	hrs	125.00	/hr	\$8,600.00
Spier, Jeremy	y		9.00	hrs	40.00	/hr	\$360.00
	TOTAL		77.80	hrs			\$8,960.00
Total fees	for this	matter					\$8,960.00
Total dish	ursemei	nts for this matter					\$1.90
Total bala	nce now	due					\$8,961.90