




April 17, 2017

## MEMORANDUM

**TO:** District Board of Trustees

**FROM:** Jim Murdaugh, President 

**SUBJECT:** Attorney Invoice - Andrews, Crabtree, Knox & Longfellow, LLP: March 27, 2017

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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 19, 2015 Board meeting and shall be effective through October 31, 2016. 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 shall be billed on an annual flat fee of \$195,000 for services of the firm as approved by the Board at the October 19, 2015 meeting. The Board approved the first annual renewal of this contract effective November 1, 2016 through October 31, 2017 at the September 19, 2016 Board meeting.

### Funding/Financial Implications

Funding is budgeted in Fund 1, the Current Unrestricted Fund. The current amount due is \$16,250.00.

### Staff Resource

Barbara Wills

### Recommended Action

Authorize payment of invoice as presented.

ANDREWS, CRABTREE, KNOX & LONGFELLOW, LLP

1558 VILLAGE SQUARE BLVD.

SUITE 1

TALLAHASSEE, FL 32309

TAX ID #59-3621660

March 27, 2017

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

Invoice# 14412 JCK  
Our file# T00007 02276  
Billing through 03/24/2017

Tallahassee Community College (General)  
P.O. Number: PO-005527

02/20/2017	JCK	Review Board of Trustees Agenda (1.8); Receipt, review and analysis of email from A Moran re Video Boards Review Ordinance (.1); Email to A Moran re Video Boards (.2); Receipt and review of emails (x2) from Judge Clark re exhibits and Faculty Dismissal hearing (.2); Receipt and review of email from J Murdaugh re Faculty Dismissal procedure (.1); Email to J Murdaugh re Faculty Dismissal procedure (.2); Receipt and review of email from B Jones re Collection contract (.1); Receipt and review of Collection contract (.4); Revise Collection Contract (.4); Attend Board of Trustees Meeting (3.7)	7.20 hrs.
02/21/2017	JCK	Attend Faculty Dismissal Hearing (9.8)	9.80 hrs.
02/22/2017	JCK	Receipt and review of email from B Knight re former student communications (.2); Receipt and review of email from R Frazier re former student communications (.1); Email to R Frazier re former student communications (.1); Receipt and review of emails (x3) from A Moran re public records request (.4); Emails (x2) to A Moran re public records request (.2); Receipt and review of email from S Mathew's office re counterclaim of faculty dismissal hearing (.1); Email to Judge N Clark re Continuation of Hearing on March 1 (.1);	4.50 hrs.

Email to parties re continuation of faculty (.1); Receipt and review of emails (x2) from H Mitchell re TSF (.2); Receipt and review of revised TSF Agreement (.4); Email to H Mitchell re TSF meeting (.1); Receipt and review of email from A Bradbury re Marlin's contract (.1); Receipt and review of Marlin's contract with TCC and FDOT (.5); Revise Marlin's contract with TCC and FDOT (.4); Email to A Bradbury re Marlin's contract (.1); Continue review of TCC contract with Williams and Fudge, Inc (.8); Receipt and review of email from A Bradbury re Marline contract (.1); Email to A Bradbury re Marlin contract (.1); Telephone conference with B Wills re boat shed, lift station and public record requests (.4)

02/23/2017	JCK	Review memorandum re Application of SS 1013.371, Fla. Stat. (1.3); Preparation of opinion re Application of Section 1013.371, Fla. Stat. to TCC to A Moran (.8); Receipt and review of email string from A Moran re public record request (.2); Receipt and review of email from M Hackathorn re public record request (.1); Receipt and review of email from B Wills re lift station and boat shed (.1); Receipt and review of emails (.3) from C Dwyer re Ecotourism Program (.3); Receipt and review of email to B Wills re Ecotourism Program (.1); Email to B Wills re food permit and license (.4)	3.30 hrs.
02/23/2017	MK	Review and analysis of case law discussing food service on campus (1.7); Review and analysis of Department of Health regulations re food service on campus (.9); Review and analysis of Department of Agriculture ordinances re food service on campus (.7); Review and analysis of DPBR policy re food service on campus (.8); Review and analysis of case law re campus protest activity (2.3)	6.40 hrs.
02/24/2017	JCK	Receipt and review of emails (x2) from C	5.90 hrs.

Dwyer re Ecotourism Meeting (.2); Revise Boat Shed Construction Contract (1.7); Receipt and review of email from B Wills re Ecotourism Meeting (.1); Receipt and review of information re Evans Lease (1.2); Email to B Wills re Boat Shed Contract (.2); Revise first draft of Bill of Sale and Lift Station (.8); Revise first draft of Quitclaim Deed for Lift Station (.6); Review memo re Department of Health requirements for food service (.6); Email to B Wills re food service (.3); Receipt and review of audit letter re claims (.4)

02/24/2017	MK	Communicate with P Roett from the Department of Health re food service on campus (.4); Review and analysis of 258 pgs of State Requirements for Education Facilities to make sure FWC contract with TCC complies with these requirements (1.6); Revise agreement between FWC and TCC under SREF (1.5); Revise Bill of Sale for Wakulla County Public Works (1.4); Draft Quit Claim Deed for Wakulla County Public Works (.9)	5.80 hrs.
02/27/2017	JCK	Receipt and review of email from B Ingerman re contract termination (.3); Telephone conference with B Ingerman re contract termination (.3); Receipt and review of IAM contracts (.6); Receipt and review of emails from A Moran re public record request (.2); Receipt, review and analysis of correspondence from President Murdaugh re audit letter (.4); Preparation of response to audit letter (1.2)	3.00 hrs.
02/27/2017	MK	Review and analysis of contract with iamcloud to determine whether a breach occurred, what remedies we can pursue, what damages we can recover and where suit must be brought (1.0); Review and analysis of case law re when a foreign corporation can remove a case to Federal Court and/or ignore a lawsuit brought in Florida for breach of contract (.8); Review and analysis of case law re proper venue in	2.70 hrs.

Florida against a foreign corporation for breach of contract (.5); Communicate with R Presnell at Gadsden County Health Department re food service on campus (.4)

02/28/2017	JCK	Review letter to auditor (.9); Receipt and review of email from B Wills re lawsuit (.1); Receipt and review of emails (x2) from B Wills re public records request (.4); Receipt and review of email from B Jones re lawsuit (.1); Receipt and review of email from R Tolson re lawsuit (.1); Emails (x2) to B Wills re public records request (.2); Receipt and review of emails (x2) from B Wills re public records request (.2); Receipt and review of email from B Wills re refinancing issue (.1); Receipt and review of email from G Smith re refinancing issue (.1); Telephone conference with B Ingerman re contract termination (.3); Receipt and review of background information re proposed lease (1.2); Attend conference re proposed lease at TCC (1.6); Attend conference at TCC re public records request (1.0); Telephone conference with N Clark re faculty dismissal hearing (.1); Receipt and review of email from S Cole re refinancing payment (.1)	6.50 hrs.
02/28/2017	MK	Review and analysis of case law re content and time restrictions for protest activity on campus (1.3)	1.30 hrs.
03/01/2017	JCK	Attend Faculty Dismissal Hearing (4.5); Telephone conference with R Sniffen re Hearing (.3); Preparation of Post Hearing Deadline Orders (.3); Review and analysis of email from B Wills re refinancing documents (.1); Receipt and review of email from President Murdaugh re audit statement (.1); Telephone conference with Judge Clark re Issue of Order in Faculty Dismissal case (.2); Telephone conferences (x2) with R Sniffen re Extension of Issue of Order in Faculty Dismissal case (.3); Telephone conference	8.10 hrs.

with S Mathews re Extension of Issue of Order in Faculty Dismissal case (.2); Receipt and review of email from T Harmon re deadline extension (.1); Preparation of email to Judge Clark re Faulty Dismissal deadline extension (.2); Preparation of email to parties re Proposed Order for deadlines in Second Faculty Dismissal Hearing (.2); Conference with M Kelly re food distribution on campus (.3); Preparation of email to B Wills re public record requests (.2); Receipt and review of emails from B Wills re Boat Shed (.3); Receipt and review of email from B Jones re audit letter (.1); Receipt and review of email from B Jones re contract review (.1); Review and analysis of email from F Moore-Davis re Articulation Agreement (.2); Receipt and review of Articulation Agreement (.3); Preparation of email to B Wills re Boat Shed (.1)

03/01/2017	MK	Review and analysis of contract drafted by FSU's attorney that would provide TCC student information for students not accepted to FSU (.4); Review and analysis of case law and school policy for FSU and TCC re whether FSU can agree to agency relation with TCC (1.2); Communicate with A Brooks and B Presnell at the Gadsden County Health Department to discuss food service on campus (.6); Review and analysis of topographic survey of proposed TCC Boat Shed property and corresponding documents for construction agreement with FWC (.4)	2.60 hrs.
03/02/2017	JCK	Telephone conference with A Moran re public records issue (.5); Telephone conference with R Tolson re EEOC Response (.3); Receipt and review of documents responsive to EEOC Complaint (.4); Receipt and review of email from J Barr re Release (.1); Receipt and review of Proposed Release (.6); Email to J Barr re Proposed Release (.1); Receipt and review of information re Proposed Release (.4)	2.40 hrs.

03/02/2017	MK	Telephone conference with L Stephens re food service on campus (.7)	0.70 hrs.
03/03/2017	JCK	Telephone conference with H Mitchell re Foundation Gift (.4); Receipt and review of documents re Foundation Gifts (.8); Receipt and review of email from R Tolson re EEOC Response (.1); Receipt and review of proposed EEOC Response (1.4); Telephone conference with R Tolson re EEOC Response (.4); Receipt and review of email L Kling re President's correspondence (.1); Receipt and review of correspondence to President Murdaugh (.2); Receipt and review of Hearing Examiner's proposed filing of Fact, Conclusion of Law, and Recommendation in Faculty Dismissal Hearing (1.2); Email to Counsel in Faculty Dismissal Hearing (.1); Email to Hearing Examiner re Proposed Findings (.1); Receipt and review of email from Hearing Examiner's proposed findings (.1); Telephone conference with L Kling re President Murdaugh's correspondence (.2); Email to R Frazier re Workforce issue (.1); Telephone conference with H Mitchell re Foundation Gift (.1); Receipt and review of email from F Moore-Davis re Clinical issue (.1); Receipt and review of Clinic MOU (.8); Email to F Moore-Davis re clinical issue (.3); Receipt and review of email from B Ingerman re counsel issue (.4); Telephone conference with B Ingerman re contract issue (.1); Telephone conference with A Moran re Faculty Dismissal issue (.3)	7.30 hrs.
03/03/2017	MK	Review and analysis of letter from Legislature (.4); Review and analysis of scholarship fund agreement with anonymous donors (.6); Review and analysis of case law re anonymous donor's names (1.9); Review and analysis of case law re a conservation easement (.8)	3.70 hrs.
03/06/2017	JCK	Telephone conference with H Mitchell re gift	8.10 hrs.

to Foundation (.3); Receipt and review of emails from A Moran re public records request (.2); Email to counsel re Scheduling Order in Faculty Dismissal Action (.1); Receipt and review of email from K Moore re contract review (.1); Receipt and review of records contract with FRF (.8); Email to K Moore re contract with FRF (.1); Receipt and review of email from S Mathews re proposed Order (.1); Receipt and review of email from B Jones re Collection Agency contract (.1); Receipt and review of email from A Bradbury re WMI contract (.1); Receipt and review of WMI contract (.6); Receipt and review of Frier Home Sales contract (.6); Receipt and review of email from H Mitchell re donations (.4); Review revised Collection Agency contract (.7); Receipt and review of email from B Wills re Sparxoo contract (.1); Receipt and review of Sparxoo contract (1.2); Telephone conference with H Mitchell re gifts to Foundation (.2); Revise Sparxoo contract (.4); Receipt, review and analysis of email and legal invoice from Sniffen & Spellman from Faculty Dismissal Hearing (.2); Receipt and review of email from B Jones re employee discipline (.4); Preparation of Administrative Actions and Litigation Involving TCC (.7); Receipt and review of email from President Murdaugh re BOT issue (.1); Email to President Murdaugh re BOT issue (.5)

03/06/2017	MK	Review and analysis of case law re the Florida Legislature and public records can be withheld or if all information must be disclosed (1.5)	1.50 hrs.
03/07/2017	JCK	Receipt, review and analysis of email from President Murdaugh re Faculty Dismissal procedure (.1); Receipt and review of email from T Harmon re Faculty Scheduling Order (.1); Email to Judge Clark re proposed Order with scheduling deadlines (.1); Receipt and review of email from R Hathaway re Sparxoo contract (.1); Receipt and review of email from	1.90 hrs.



K Moore re Retail Federation contract (.1);  
 Review Retail Federation contract (.5); Email  
 to K Moore re Retail Federation contract (.1);  
 Telephone conference with B Jones re  
 Employee Discipline issue (.3); Telephone  
 conference with B Wills re boat shed (.3);  
 Email to B Wills re Sparxoo contract (.2)

03/07/2017	MK	Review and analysis of 30 pgs of documents for conservation project prior to drafting lease (1.6); Begin drafting lease for conservation project (1.4)	3.00 hrs.
03/08/2017	MK	Finish first draft of Lease Agreement for conservation contract (5.8); Review county records online to see if conservation contract would even be feasible or if land is strictly to be used for agriculture purposes (.8)	6.60 hrs.
03/09/2017	JCK	Modify proposed lease (1.4); Telephone conference with B Ballard re WEI issue (.4); Receipt and review of email for EE Eunice re FPSI issue (.1); Receipt and review of email from R Moore re FPSI (.1); Telephone conference with F Moore-Davis re HIM issue (.1); Receipt and review of email from A Bradburry re contract review (.1); Receipt and review of On Call Agreement (.7); Revise On Call Agreement (.4); Email to A Bradburry re On Call Agreement (.1); Receipt and review of email from B Jones re TCC Foundation (.1); Receipt and review of Advertising contract (.8); Revise Advertising contract (.4); Email to B Jones re Advertising contract (.1); Receipt and review of email to J Barr re Victim Release (.1); Receipt and review of second draft of Victim Release (.4); Revise Victim Release (.2); Email to J Barr re Victim Release (.1); Receipt and review of email from B Jones re revised plan (.1); Receipt and review of proposed lease information (.6); Email re proposed lease (.2); Telephone conference with B Ingerman re potential Breach of Contract (.3); Receipt and review of email	6.90 hrs.

		form A Moran re advertising contract (.1)	
03/09/2017	MK	Revise lease agreement to include property description, change requirement for prescriptive burns, add provisions on ability to add homes to the property, mediation and good faith negotiation (1.5); Organize and draft exhibit A to lease agreement describing parcel description of all 7 parcels (1.3); Review and analysis of map and legal description of all 7 parcels being leased in lease agreement to determine whether the owner of the parcels covers all acreage we intend to lease (1.2)	4.00 hrs.
03/10/2017	JCK	Receipt and review of email from proposed lease issue (.1); Receipt and review of email from G Hawthorne re PFSI issue (.1); Receipt and review of email from A Bradburry (.1); Receipt and review of emails (x2) from A Bradburry re On Call contract (.4); Email to A Bradburry re On Call contract (.2)	0.90 hrs.
03/14/2017	JCK	Receipt and review of email from Judge Clark re entry of Order in the Faculty Dismissal case (.1)	0.10 hrs.
03/15/2017	JCK	Receipt and review of email from B Ingerman re IMCloud contacts with multiple conversations re contract (1.2); Receipt and review of email from S Boyd re 2015-2016 audit (.1); Email to S Boyd re 2015-2016 audit (.2)	1.50 hrs.
03/16/2017	JCK	Receipt, review and analysis of TCC Board of Trustee Agenda (1.3); Conference with R Pople (1.2); Telephone conference with B Ingerman re IAMCloud contract (.3); Receipt and review of email from faculty member's counsel (.1); Receipt and review of faculty member's response to hearing officer's recommended order (.8)	3.70 hrs.
03/17/2017	JCK	Receipt and review of email with attachments from B Ingerman re DMCA Registration (.2); Review DMCA (1.4); Email to B Ingerman re	1.70 hrs.

## DMCA Registration (.1)

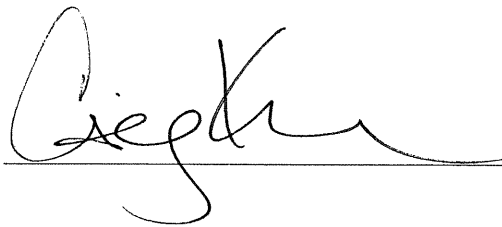
03/20/2017	JCK	Receipt and review of email from G Smith re refinancing (.1); Receipt and review of refinancing documents (.4); Email to G Smith re refinancing documents (.1); Receipt and review of email from B Ingerman re DMCA registration (.1); Receipt and review of email from G Smith re refinancing (.1); Email to Judge Clark re Response to proposed Order in Faculty Dismissal Hearing (.2); Telephone conference with F Moore-Davis re student issue (.3); Attend Board of Trustee Meeting (4.0)	5.30 hrs.
03/21/2017	JCK	Revise proposed lease (.8); Receipt and review of email form Friday conference (.1); Receipt and review of email from R Hathaway re conference (.1); Preparation of correspondence to G Smith re refinancing (.2); Telephone conference with F Moore-Davis re HIM student issue (.2); Receipt and review of emails form B Jones re employee issue (.2); Receipt and review of emails from S Rowland re employee issues (.1); Receipt and review of emails (x2) from B Wills re proposed lease (.3); Email to B Wills re proposed lease (.1); Receipt and review of email from R Sniffen's office re written closing argument (.1); Receipt and review of TCC's written closing argument in faculty dismissal case (.4); Receipt and review of email from S Mathews' office re closing argument (.1); Receipt and review of faculty member's written closing argument (.6); Email to Judge Clark re written closing arguments in faculty dismissal case (.1); Receipt and review of email from Judge Clark re Closing Argument (.1)	3.50 hrs.
03/21/2017	MK	Review and analysis of TCC policy and procedures re student benefit (.8); Review and analysis of case law re student benefit (1.2)	2.00 hrs.
03/22/2017	JCK	Receipt and review of email from G Smith re	0.20 hrs.

		refinancing (.1); Receipt and review of email from B Wills re refinancing (.1)	
03/22/2017	JCK	Receipt and review of email from G Smith re refinancing (.1); Receipt and review of emails (x2) from B Wills re refinancing (.2); Receipt and review of email from B Wills re boat shed (.1); Receipt and review of email from B Wills re lift station (.1); Review boat shed contract (1.8); Conference with M Kelly re lift station issue (.8); Email to B Wills re lift station (.2); Receipt and review of email from H Mitchell re scholarship agreement (.1); Receipt and review of proposed scholarship agreement (.4); Revise proposed scholarship agreement (.8); Email to H Mitchell re scholarship agreement (.2); Email to B Wills re boat shed (.1); Email to B Wills re lift station (.1)	5.20 hrs.
03/22/2017	MK	Communicate with H Encinosa about lift station (.2); Communicate with D Preble about lift station (.4); Communicate with A Platt who was the land surveyor on boat shed (.2); Communicate with R George who was the engineer/consultant on boat shed (.2); Review survey plat for boat shed provided by George & Associates to determine the US Survey Foot measurements (1.6); Revise agreement with FWC to include location of project, including measurements from architect (.5)	3.90 hrs.
03/24/2017	JCK	Receipt and review of email from H Mitchell re scholarship agreement (.1); Attend conference with B Jones and S Rowland re employee issue (1.7); Attend conference with B Wills and B Ballard re WEI (2.3)	4.10 hrs.
03/27/17	JCK	Portion of Monthly Fee	\$11,307.00
03/27/17	MK	Portion of Monthly Fee	\$4,943.00
		Fees for this matter	\$16,250.00

BILLING SUMMARY

Knox, J. Craig	Partner	101.10 hrs	\$11,307.00
Kelly, Michael	Attorney	44.20 hrs	\$4,943.00
Fees		145.30 hrs	<hr/> \$16,250.00
Disbursements			\$0.00
TOTAL CHARGES FOR THIS BILL			<hr/> \$16,250.00

*I certify that all costs and fees claimed for payment are accurate and were performed in furtherance of the Agreement between Andrews, Crabtree, Knox & Longfellow, LLP and the BOARD.*

A handwritten signature in black ink, appearing to be 'C. J. K.', written over a horizontal line.

*, Firm Contract Administrator*