

MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING  
June 23, 2006  
Boca Raton, Florida

**I. CALL TO ORDER:** Executive Council Chair Debby Kearney called the meeting to order at 10:30 a.m.

Members Present: Debby Kearney, Booter Imhof, Seann Frazier, Andy Bertron, Charlie Stampelos, Mary Ellen Clark, Linda Rigot, Clark Jennings, Larry Sellers, Cathy Sellers, Cathy Lannon, Elizabeth McArthur, Chris Moore, Allen Grossman, Li Nelson, Bill Williams.

Members Absent: Cynthia Miller, Rick Ellis, Donna Blanton, and Dave Watkins.

Others Present: Kent Wetherell, Bruce Lamb, Scott Boyd, Josie Tomayo, Barbara Staros, Adrian Rodgers, and Jackie Werndli.

**II. PRELIMINARY MATTERS:**

A. Minutes — January 5, 2006

The minutes of the January 5, 2006, Executive Council meeting were approved with one change: Section II. A was changed to read: "The minutes of the October 14, 2005, Executive Council Meeting were approved with one abstention."

B. Minutes – January 6, 2006

The minutes of the January 6, 2006, Executive Council retreat were approved.

C. Minutes – February 24, 2006

The minutes of the February 24, 2006, Executive Council meeting were approved.

D. Treasurer's Report

The Treasurer's Report was presented by Chris Moore and approved.

E. Chair's Report

Debby Kearney provided a brief Chair's report and deferred the rest of her report to closing comments.

**III. COMMITTEE/LIAISON REPORTS**

A. Continuing Legal Education

Andy Bertron reported that the Section made a profit of \$74 on the Public Utilities Law CLE in January 2006. The Administrative Appeals CLE lost \$1,239 which was absorbed by the Appellate Practice Section. The Pat Dore Administrative Law Conference will be held on October 19 and 20, 2006, in Tallahassee, with Seann Frazier and Andy Bertron serving as co-chairs. The Young Lawyers Division ("YLD") will conduct a basic administrative law CLE on December 6, 2006, in Tallahassee, with video replays around the state to follow. The Administrative Law Section will work with the YLD to provide assistance.

B. Publications

Elizabeth McArthur (after ten years of hard and dedicated work) announced that she would like to transition the newsletter to a new editor within one year. Mary Ellen Clark reported that sixteen agency snapshots have been completed. Debby Kearney and Booter Imhof volunteer to collaborate on agency

snapshots covering various departments within the Legislature that would be of interest to administrative practitioners.

C. Legislative

Bill Williams reported extensively on the provisions of Senate Bill 262 that was passed in the 2006 Session of the Florida Legislature and signed by the Governor on July 1. Debby Kearney reported that she has seen bills that include language purporting to amend administrative rules.

D. Public Utilities Law

No report was presented.

E. Membership

Charlie Stampelos reported that the Section membership increased slightly from 1182 members to 1197 members.

F. Webpage

Cathy Lannon reported that many updates have been added to the webpage thanks to the work of Daniel Nordby. Section newsletters will now be posted to the website after publication.

G. Uniform Rules of Procedure

Debby Kearney reported that the analysis of revisions to the Uniform Rules of Procedure has been assigned to a new attorney in the Governor's Office, and will be a summer project. Linda Rigot reported that the Uniform Rules Subcommittee met to discuss comments received from the Department of Revenue and after consideration, decided not to submit any further amendments or comments to the Governor's Office.

H. Long Range Planning

Booter Imhof reported that the Board of Governors approved the changes to the Section's by-laws that were first discussed and drafted at the last long range planning retreat.

I. Board of Governors Liaison

Larry Sellers reported that the Board of Governors approved the Bar's budget with no change in dues. Larry also reported that the Board is considering amending the new inventory rule to create a possible exemption for government lawyers.

J. Law School Liaison

Cathy Sellers reported that she has narrowed the dates for the Section's panel discussion and reception at the FSU College of Law to four dates in late September and early October. She anticipates a four-person panel with representatives from DOAH, state agencies, and private practice. Cathy also reported that she has ten law school students in her administrative law class that are seeking mentors. Anyone interested in mentoring a student should contact Cathy at csellers@broadandcassel.com.

| +K. CLE Committee Liaison

Andy Bertron reported that The Florida Bar CLE Committee voted to endorse a proposal by the Equal Opportunities Law Section to amend Rule 6-10.3(b) of the Rules Regulating The Florida Bar by adding bias elimination to the five-hour requirement for ethics and professionalism.

L. Council of Sections

Clark Jennings reported that the Council of Sections will conduct a leadership seminar in July at The Florida Bar and Florida Supreme Court for new Section officers.

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M. Section Liaison

2-Environmental and Land Use Law – No report.  
Health Law – No report.

**IV. OLD BUSINESS**

A. Uniform Rules of Procedure

The Uniform Rules of Procedure were discussed during Committee Reports. (See III.G above.)

B. Administrative Subcommittee, Appellate Court Rules Committee

The Subcommittee recommended that the Executive Council not take a position on potential amendments to Rule 9.310(b)(2) of the Rules of Appellate Procedure. After discussion, it was agreed to make Charlie Stampelos, Cathy Lannon and Bill Williams available to the Appellate Court Rules Committee for consultation.

**V. NEW BUSINESS**

A. Officer/Executive Council Elections

The Nominating Committee nominated the following candidates for Executive Council officers in 2006-2007: Chair-elect – Andy Bertron; Secretary – Elizabeth McArthur; Treasurer – Seann Frazier. The Nominating Committee nominated the following candidates to terms on the Executive Council beginning in June 2006 and expiring in June 2008: Scott Boyd, Clark Jennings, Bruce Lamb, Cathy Lannon, Wellington Meffert, Cathy Sellers and Kent Wetherell. Li Nelson moved both slates of nominees and after second by Booter Imhof, all nominations were approved by unanimous vote.

B. Sunsetting of Legislative Positions – 2004-2006 Biennium

Jackie Werndli reported that the Section must readopt legislative positions every two years. Cathy Lannon expressed concern that some of the Section's legislative positions were blanket positions that were too broad, such as opposing all exemptions from the APA. After discussion, Bill Williams moved to readopt the Section's legislative positions without change. Linda Rigot seconded and the motion passed with Cathy Lannon voting in opposition and Scott Boyd abstaining.

**VI. INFORMATIONAL**

No report.

**VII. FINAL REMARKS AND PRESENTATION OF AWARDS – Outgoing Chair**

Debby Kearney thanked the Council members for their hard work and recapped the year's activities.

**VIII. PROGRAM OUTLINE & CLOSING COMMENTS – Incoming Chair**

Booter Imhof reported that he has been working with current Council members on new committee assignments and will be contacting new Council members in the coming weeks about their committee preferences.

Debby Kearney moved that the Council adjourn at 12:20 p.m.

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