**Construction Law Committee**

**Memorandum of Committee Minutes**

To: All Construction Law Committee Members

The Florida Bar: Real Property, Probate and Trust Law Section

From: Robert E. Doan, Secretary

Re: Meeting Minutes – November 9, 2015

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**RECORDING ATTENDENCE:** Attendance **must** be recorded BY EACH MEMBER through the use of Google Documents. An email with the link to log attendance is sent out the day of each meeting. Please contact Hardy Roberts if you have not been receiving the links.

**1. Opening:** Vice-chair, Scott Pence filled in for Chair, Hardy Roberts, and called the meeting to order at 11:34 a.m.

Officers acknowledged in addition to Scott Pence and Hardy were vice-chair Reese Henderson and Secretary, Robert Doan.

The minutes from the October 12, 2015, meeting were approved as circulated this morning.

The Executive Council Meeting for RPPTL Section will take place in Boca on Friday. The Construction Committee will get together informally for a meeting. Reach out to Scott, Hardy or Reese Henderson for more information.

**2. Subcommittee Reports:**

A. ABA Forum on Construction Law Liaison:

Cary Wright reported. The mid-winter meeting will be in San Francisco in January (21-22) and the brochure is on the website. Next year’s annual meeting will be in Nashville in the end of April (28-30) 2016. Regional meetings will begin soon. Contact Cary for the date of the Jacksonville meeting. There is now an ABA Forum App available for mobile devices. There are 13 areas within the ABA forum on construction law. Contact Cary if you are interested in getting involved with the ABA Forum.

B. ADR Subcommittee: Deborah Mastin is chair. No report today.

C. Certification Exam: David Willis is the new chair. Fred Dudley reported. October 31 is the deadline to file for the 2016 exam. The exam is May 19, 2016.

D. Certification Review Course: Bryan Rendzio is chair. All speakers are confirmed. Speaker materials are due in December. March 10-12 next year. See below for location information.

E. Construction Law Institute: Reese Henderson is the chair. The 9th annual institute and review course will be at the JW Marriott/Ritz Grand Lakes again next year in early March (10-12). The luncheon speaker this year will be Kimberly Hurtado, speaking on legal issues arising from 3D printing in construction. The 2015 results are in and the event was profitable. Sponsorships are available for 2016. Speaker materials are currently due. Contract Reese or Jason Quintero.

F. Construction Litigation: Neal Sivyer is chair. They are presenting their webinar at the time of this meeting: “What a real estate practitioner should do when a client comes to them with a failed construction project,” will be the topic. The physical location of the event is Stetson Law School, in St. Pete. Registration is available on the website. If it goes well, there will be another in the Spring.

G. Construction Regulation: Fred Dudley reported on administration actions. The report circulated on the listserv included petitions for declaratory opinions on several licensure issues to CILB. There is also a proposed rule by the Board of Professional Engineers regarding the definition of “Traffic Engineer.” Steve Sellers will have a complete report next month.

H. Construction Transaction Subcommittee. Claramargaret Groover is chair. Contact her or Scott Pence to get involved. No formal written report this month. A survey of transactional tips is being put together for distribution. There are quarterly conference calls.

I. Contractors University Subcommittee: Lee Weintraub and Cary Wright reported the presentation for Fort Lauderdale took place and was successful. Tampa (moved to January 19 or 20) and Orlando (spring 2016) are set as future locations. The events are geared toward contractors, not attorneys. The committee will now focus on marketing the events. There will be 3 per year. The goal is to have up to 5 presenters and up to 15 contractors. Fred added that CLE credit approval is pending, and may have already been granted for the Tampa event.

J. Legislative Subcommittee: Scott Pence reported he is outgoing. Sanjay Kurian is the new chair. Anyone interested in participating in this or other legislative topics should contact Sanjay about joining the Legislative subcommittee. Two current issues include dealing with the termination and recommencement of a Notice of Commencement and the effect on priority of liens. Another issue up for discussion is a proposal to statutorily define a process for dealing with open/abandoned permits. Lee Weintraub is the chair of the task force for this matter and elaborated on the background.

K. Membership Subcommittee: Bryan Judah has taken over as chair. One new member joined in October, taking us to 641.

L. Newsletter: Jared Smith is chair. There is an article lined up for December. Jared would like to include information in each quarterly email regarding subcommittee news and updates, so subcommittee chairs please provide him with an executive summary of your subcommittee’s current activity, e.g. the information you provide in your telephonic report. The newsletter subcommittee is also seeking 1 to 2 article submissions of 250 words or less for the newsletter. Please email Jared at jsmith@rumberger.com.

M. Publications: **Please contact Sean Mickley if you have any ideas for articles or would like to peer review articles of others.** Sean’s article on the Jax Utility case will appear in the Winter edition of ActionLine. We would like to have a construction article in Action Line every quarter. In Spring, Steve Lesser will have an article on implementing 558 procedures in practice. Email Sean at [smickley@gouldcooksey.com](mailto:smickley@gouldcooksey.com) for ideas or to volunteer to peer review.

N. Small Business Programs: Lisa Colon Heron is the chair. There was no meeting last month. Please contact Lisa to get involved.

O. Tech Subcommittee: Hardy is the leader. Today’s call is being recorded for a podcast like the last few.

P. Website: Brent Zimmerman is chair. No report, but check the website which has the podcasts and notes available from past meetings.

Q. CLE: There are 5 new course numbers approved and were circulated via the list serv in August. We need speakers and topic ideas for all months. Please contact Angela Covington if you are interested in presenting or have any suggestions or email Hardy Roberts.

**REMINDER: Each committee member is responsible for posting their own CLE credits on TFB website; neither the committee nor subcommittee can do so.**

**3. New Business:** None.

**4. Continuing Legal Education Presentation:** (Started at 11:54 A.M. and ended at 12:47 P.M.)

Angela introduced William K. "Bill" Thomas, CPA, CFE (fraud examiner), CFF (financial forensics), of Hill International, Inc. and his presentation is entitled "Claims Analysis and Forensic Accounting Issues in Construction.”

NOTE: **Volunteer speakers for future CLE presentations are encouraged to notify Chair Angela Covington as soon as possible.** Presentations should be in 45-minute segments, but may be continued to a subsequent meeting if more time is required, and may include more than one speaker; discussion and debate will be welcome.

**5. Closing:**

No further business was conducted after conclusion of the CLE presentation and Q & A period following. The meeting was adjourned at 12:47 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **December 14, 2015,** beginning at 11:30 a.m., as a regular conference call. The dial in info is: 888-376-5050 / Pin ***7542148521#***