

BLALOCK WALTERS REVIEW

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Litigation group successfully defends \$209M claim at trial



Charles Johnson, Business Litigation



Mary LeVine, Business Litigation

A contract signed without legal review may place you at risk

Among trial lawyers, it is called a “bet the company” case, which simply means if you lose the case you are out of business and bankrupt. Chuck Johnson and Mary LeVine recently went to trial on a true “bet the company” case and prevailed.

In 2013, our client, a specialty manufacturer, was approached by a provider of welding and related services in the power generation industry. The parties discussed how they might work together for their mutual benefit. The other side mentioned that they thought a “contract of sorts” would be appropriate. The contract the other side prepared without counsel was only four pages and seemed straightforward enough. Indeed, it seemed so straightforward that the client signed it without counsel.

After the honeymoon ended, the other side filed for arbitration in Minnesota per the terms of the contract. Initially, the claim was for \$130,000. In September, 2014, the first depositions were taken in Florida. The parties also had an unsuccessful settlement meeting. As an aside, the other side travelled to the Florida meeting and depositions in their \$3,000,000 jet. Later that month, things got more interesting. The other side paid a \$40,000 filing fee with the American Arbitration Association and amended their claim to seek \$209,000,000 in damages. The new claim sought damages for lost profits on a nationwide basis over 10 years. The reaction to the new enormous claim was mixed. On one hand, the claim seemed absurd and overreaching. How could a rational arbitrator award \$209,000,000? On the other hand, if the arbitrator agreed with the claim – or even a small percentage of the claim – or even the methodology of the claim, then the life’s work of the client would be lost. To add to the risks, there is almost no right of appeal from an adverse arbitration ruling.

The case went to trial in a Minneapolis conference room at the American Arbitration Association. The arbitrator heard from 15 witnesses and received almost 400 exhibits in evidence. At the end of the trial, the arbitrator took the matter under advisement and indicated he would email his ruling to the parties within 30 days. In the ruling, the arbitrator evidenced a superficial understanding of the facts, but he got the main point exactly right. The arbitrator found no breach of the contract and that our client was no longer bound by the 10-year term of the contract.

The moral of the story is in two parts. First, a contract signed without legal review may place you at significant risk. Sometimes the risks are concealed by legal jargon and sometimes they are so obvious they are overlooked. Second, arbitration is risky. There is almost no ability to “fix” an adverse arbitration decision. You should only give up your right to a trial by Judge/Jury with a complete understanding of the consequences. ■



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OUR ATTORNEYS



**BLALOCK
WALTERS**
ATTORNEYS AT LAW

WE MAKE A DIFFERENCE

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Land Use, Real Estate Law;
Florida Board Certified in City,
County & Local Government Law

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Estate Planning, Tax Law

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Estate Planning, Real Estate Law

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Business;
Florida Board Certified
in Health Care Law

Dana Gentry

Florida Board Certified in
Wills, Trusts & Estates

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Business,
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Business Litigation

Keith Larkins

Business, Insurance

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Amanda Tullidge

Real Estate Law

Clifford Walters

Business, Estate Planning,
Real Estate Law

A Message from the Principals



BY MARK BARNEBEY, ESQ.

*"The only person who likes change
is a baby with a wet diaper."*

- MARK TWAIN

Change can be challenging, as we are all comfortable in familiar surroundings. We, at Blalock Walters, are constantly striving to improve our facilities and services to assist our clients, and recent changes have brought this quote to light. For example, in past two months, we installed an upgraded and improved computer system which will provide increased capacity for our firm, more efficiency, and better protect the privacy and security of our clients. It is faster, bigger and more secure than our prior system. Admittedly, we have the urge occasionally to chuck the system out the window and to utter colorful metaphors when it does not perform as we are used to or prefer. However, we know must try to embrace the benefits of the system and look for the opportunities to better serve and help our clients through the use of this new technology.

Similarly, we know that many of our clients are facing challenges in a world that is changing every day. Laws, people, and situations change constantly and, while occasionally frustrating, it provides new opportunities to address long simmering issues, as well as new matters that have recently appeared. We see this in a variety of diverse areas, such as government regulation, tax, corporate law, and societal expectations, and we work with our clients to aid and advise them on the best legal and practical solutions to address these changes.

Further, it is also our goal to attempt to turn a negative into a positive. As such, we enjoy the opportunity to work with a client to try to find a solution that has a potential benefit as well as resolving any problem. Our goal is to look at all potential options available to help the people we work with resolve challenges that are arising in their lives, both at work and at home. It is the basis for our simple saying that "We Make a Difference."

We know that change will occur and the key is the attitude that one takes in dealing with those changes. We find change often provides long-term opportunities and benefits for our clients, although it is not always initially apparent. It is important to embrace the possibilities that come with change, even if unexpected. Thus, as you encounter changes, always remember:

"The world hates change, yet it is the only thing that has brought progress."

- INVENTOR CHARLES F. KETTERING



Mark Barnebey, Land Use,
Real Estate Law; Florida Board
Certified in City, County & Local
Government Law

We welcome Keith Larkins to our Business Services Practice Group

We are pleased to welcome attorney Keith T. Larkins to our Firm. Keith is a principal in the Business Services Practice Group, and will lead the new insurance industry section of the Business Services Group.

Keith has extensive experience advising on regulatory and compliance issues in the insurance industry. He has provided advice on numerous matters in the claims, underwriting, product development, premium audit and billing areas. He has also assisted in obtaining regulatory approvals of forms, certificates of authority, and line of business approvals. Keith has experience advising on managing risk, including assisting in enterprise risk management development and monitoring,



Keith Larkins, Business Insurance

performing internal audits and addressing identified areas of concern from both internal and external audits and market conduct exams, and developing and testing internal controls. His legal practice has also included assisting in pursuing potential premium fraud and premium evasion, as well as investigating claims of the use of uninsured subcontractors.

He also counsels commercial clients on corporate governance and business transactions. His services include drafting and negotiating transaction documents, as well as providing legal advice on general business issues. Keith also has experiences litigating commercial disputes.

Keith joins Blalock Walters from FCCI Insurance Group, based in Sarasota, Florida, where his tenure included serving as Regulatory Compliance Attorney, Corporate Counsel, and Supervisor, Corporate Counsel. He was also an Associate Attorney at Icard Merrill in Sarasota. He received his Juris Doctor with honors from the University of Florida Levin College of Law.

"The Firm is thrilled to have Keith join our Business Services Group and lead our insurance practice area," says Robert Stroud, Business Services and Health Care Group Leader. "The insurance industry is a complicated and highly regulated area. Keith brings experience in the property and casualty industry and understands the operational side of the business. Keith's combined experience, skills, and commitment to our community make him a perfect addition to the Blalock Walters team."

Keith is a member of Manatee County Bar Association and Sarasota County Bar Association. He can be reached at 941.748.0100 or klarkins@blalockwalters.com. ■

BLALOCK WALTERS REVIEW

Address Change? To update your contact information or add a co-worker or friend to this newsletter mailing list, please contact Marketing Director Jill McGarry at 941.748.0100 or email us at sorendorff@blalockwalters.com.



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WE MAKE A DIFFERENCE

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FOR OVER
years

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SARASOTA

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The information in this newsletter is not intended as legal advice, but rather as a service to our clients, friends and other Internet users. If you have questions about any of the information contained in the newsletter, please contact an attorney for a consult. Please keep in mind that contacting us by itself does not establish an attorney-client relationship. Therefore, you should not convey any confidential information to us until a formal attorney-client relationship has been established after our thorough conflict of interest procedures have been completed. We welcome your inquiries, but please keep the above information in mind, as well as the fact that electronic mail on the Internet is not secure in most instances. Accordingly, you should not send confidential or sensitive information in e-mail messages. Thank you for your interest in Blalock Walters.

TAX DISCLAIMER

Our firm provides the information in this Newsletter for general guidance only, and does not constitute the provision of legal advice, tax advice, accounting services, investment advice, or professional consulting of any kind. The information provided herein should not be used as a substitute for consultation with professional tax, accounting, legal, or other competent advisers. Before making any decision or taking any action, you should consult a professional adviser who has been provided with all pertinent facts relevant to your particular situation. Tax articles in this Newsletter are not intended to be used, and cannot be used by any taxpayer, for the purpose of avoiding accuracy-related penalties that may be imposed on the taxpayer.

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein. This publication is not intended as legal advice, which may often turn on specific facts. Readers should seek legal advice before acting with regard to the subjects mentioned herein. Citations omitted due to space limitations but available upon request.



Are your beneficiary designations up to date?



Dana Gentry, Florida Board
Certified in Wills, Trusts & Estates

BY DANA C. GENTRY, ESQ.

If you have a small life insurance policy or small IRA worth between \$2,500 and \$15,000, have you checked your beneficiary designation on these assets lately?

One situation I see in my practice after the death of a client is the family's discovery of an insurance policy or IRA which has no living primary or contingent beneficiary. This occurrence necessitates the opening of a small probate estate summary administration to distribute such assets to the intended individual beneficiaries. Summary proceedings are not simple anymore. Between court costs, attorneys' and other fees such a small asset's value will be reduced even more.

You should review these assets and your beneficiary designations periodically, especially after a significant life changing event (such as the death of a spouse). You should make sure you have both a primary and a contingent beneficiary listed, obtain from the custodian of the asset or company the proper change of beneficiary forms, and complete those forms so the intended individual beneficiary or charity of your choice receives the funds.

Sometimes through no one's fault the custodian or company where the asset is located cannot find the beneficiary designation form that a decedent's relatives know has been completed. The custodian or company must place the burden of proof on the family members to present written evidence (that they no longer have) showing the policy or IRA is payable to someone other than the estate. In making changes to designated beneficiaries or verifying designated beneficiaries, during your lifetime, you should always insist on a written verification from the company or custodian that the designated beneficiary change you have requested has in fact been made. That written confirmation should be kept with your policy or other documentation showing the asset's existence.

If you have other questions about the legal aspects of life insurance or IRA designations, please call any of our estate planning lawyers at 941-748-0100 and we will be glad to assist you.

To contact Dana Carlson Gentry, Board Certified in Wills, Trusts and Estates, email her at dgentry@blalockwalters.com. ■

Review the beneficiary designation of your life insurance policies and IRAs now to be sure you have both a primary and a contingent beneficiary listed.

Written confirmation should be kept with your policy or other documentation showing the asset's existence.

No designation may require the opening of a small probate estate summary administration to distribute those assets, and that can be costly.



Let us help you be prepared.
Call if you have questions about
your estate planning.

Foreign investment in Real Property Tax Act: increase in withholding rate

BY MATTHEW R. PLUMMER, ESQ. and AMANDA C. TULLIDGE, ESQ.

Buyers and sellers of United States real estate should be aware of new changes to the Foreign Investment in Real Property Tax Act (FIRPTA) which affects closings occurring on or after February 16, 2016.

When a foreign seller disposes of a United States real property interest, FIRPTA requires the buyer to deduct and withhold a percentage of the amount realized by the seller on the sale. Under the prior version of the law, 10 percent of the amount realized from the sale was withheld. Under the new version of the law, the amount of withholding may increase to 15 percent based on the amount realized and whether the buyer plans to occupy the property as his or her residence. Please note that "residence" is strictly defined by IRS regulations and an attorney or tax professional should be consulted if the parties plan to claim an exemption or reduced withholding amount on this basis.

If the buyer intends to occupy the property as his or her residence and the amount realized is less than \$300,000, then the parties continue to be exempt from FIRPTA withholding (see the commonly used exception below). If the buyer intends to occupy the property as his or her residence and the amount realized is greater than \$300,000, but not over \$1,000,000, the new 15 percent withholding rate will take effect. Additionally, if the buyer does not intend to occupy the property as his or her residence, then the new 15 percent withholding rate will apply regardless of the amount realized on the sale.

EXCEPTIONS TO FIRPTA

Parties in transactions including foreign sellers should also be aware of FIRPTA's application and its possible exceptions, which remain unchanged. **The two most common exceptions are as follows:**

1. The buyer does not need to withhold funds if the seller has already received a "Withholding Certificate" or "Qualifying Statement" from the IRS stating that seller is exempt from the withholding requirement or qualifies for a lower withholding rate. A foreign seller should work with their accountant to start this process early since obtaining this certificate can take several months.
2. As mentioned previously, the buyer will not need to withhold funds if the amount realized on the sale does not exceed \$300,000, and the buyer intends to use the property as his or her residence (as defined by the IRS regulations). The buyer will be required to sign an affidavit to this effect at closing.

BUYER LIABILITY

FIRPTA withholding is not just critical for a foreign seller, but for the buyer in these transactions as well. While the closing agent typically collects and remits the withheld amount to the IRS, the buyer is the party held legally responsible for the remittance and any violation.

Since this law has such a significant effect on buyers and sellers, both parties in a FIRPTA transaction should fully understand the scope of FIRPTA, its possible exceptions, and the new legislative changes. If you are involved in such a transaction, we recommend seeking the advice of a qualified real estate attorney to discuss how these matters may affect you.

For more information on FIRPTA and real estate tax law, please contact our office at 941.748.0100. ■



Matthew Plummer
Banking, Real Estate Law



Amanda Tullidge
Real Estate Law



Is your company's employee handbook up to date?

Employee handbooks should be periodically reviewed to ensure accuracy and legal compliance

BY ANNE W. CHAPMAN, ESQ

Employee Handbooks can be a useful tool to assist employers in explaining policies and procedures to employees. However, in order to provide the maximum benefit to an employer, handbooks should be periodically reviewed to ensure accuracy and legal compliance.

Failing to follow written policies is often cited by employees as evidence in litigation. (e.g. the employer's failure to follow a progressive discipline policy is evidence that the employer's stated reason for the termination of employment is not truthful). Furthermore, having out-of-date policies can cause morale problems for the employer with employees being upset that written policies are not being followed. Below is a list of some of the considerations for assessing and updating your Employee Handbook.

Vacation/Sick/PTO Policy: Employers in Florida are not required to provide Vacation, Sick or PTO. However, if your Company has a Vacation, Sick and/or PTO Policy, it should be included in the Handbook. The Handbook should clearly identify when an employee is eligible for benefits, when the employee accrues benefits, the amount of benefits that the employee accrues, and what happens to employee's vacation, sick and/or PTO benefits upon certain events (e.g. end of year, termination of employment.)

Non-Discrimination/Anti-Harassment Policy: The Handbook should include a statement that the Company prohibits discrimination and harassment based on any legally protected characteristic. State and Federal law protects employees of covered employers from discrimination and harassment based on several characteristics, including but not limited to, race, color, sex, religion, national origin, disability, age and genetic condition. Some jurisdictions (e.g. City of Sarasota, City of Tampa) have local ordinances that offer greater protections.

Complaint Procedure/Open Door Policy: The Handbook should include a complaint procedure related to complaints of discrimination and harassment. However, many employers also include

a separate "Open Door" policy that invites employees to address any issues, complaints or concerns in accordance with a set procedure. This policy is a good way for employers to learn about and address issues in the workplace before they develop into bigger problems.

Americans with Disabilities Act (ADA):

In addition to the non-discrimination and anti-harassment, it is a good practice of employers to advise employees that it accommodates requests for reasonable accommodations by employees with disabilities, as required by the ADA.

Family and Medical Leave Act (FMLA): Employers with 50 or more employees are covered by the federal leave statute, the FMLA. One requirement of the FMLA is that any covered employer has a comprehensive FMLA policy. Accordingly, this is a legally required policy for employers and legal liability can result if the Employee Handbook does not contain this policy.

Reference Policy: A policy that identifies who can provide references and the type of reference that will be provided (e.g. neutral – limited to dates of employment and position held) is helpful to many employers.

Progressive Discipline: A policy identifying the process for addressing performance issues can be beneficial to both employees and managers or supervisors.

The above list is simply a highlight of some of the most common issues for Employee Handbooks and far from comprehensive. Employers can, and often do, have policies on numerous other issues impacting the workplace.

If you have any questions or concerns about developing employment policies or ensuring legal compliance, feel free to contact Anne Chapman at 941.748.0100 or achapman@blalockwalters.com. ■



Anne Chapman, Labor and Employment Law

Employee Handbook

Medicare overpayment rule finalized: key points for healthcare providers

BY ANN K. BREITINGER, ESQ

Medicare's long awaited final rule regarding the overpayment of Medicare Part A and Part B payments is finally here. The scope, requirements, and impact of Section 6402(d) of the Affordable Care Act has been in question since its inception.

Section 6402(a) of the Affordable Care Act requires a person who has received an overpayment to report and return the overpayment within 60 days of identification or the date any corresponding cost report is due. A provider or supplier who retains overpayments beyond that 60-day period risks liability under the reverse false claims provisions of the False Claims Act.

These requirements left many open questions such as, what does it mean to identify and what the look back period was for the overpayments. Relating to the definition of identify, commenters expressed their concern in the ability of providers to investigate potential overpayments without "starting the clock" on the 60-day time frame. The final rule addressed these concerns in the definition of "identify." The Final Rule defines "identification" as when a person "has, or should have through the exercise of reasonable diligence," determined and quantified the amount of the overpayment. This definition, through the inclusion of the phrase "quantified" signals that performing the calculations necessary to determine whether an overpayment occurred does not start the 60-day clock.

The look back period

Via the proposed rules, CMS required a 10-year look back period. This requirement was relaxed in the final rule to a lower, 6-year look back requirement.

How does this ruling affect providers?

An additional important concept discussed in the final rule is the idea and requirement of "reasonable diligence" as used in the definition of "identification." Pursuant to the final rule, "Reasonable diligence includes both proactive compliance activities conducted in good faith by qualified individuals to monitor for the receipt of overpayments and investigations conducted in good faith and in a timely manner by qualified individuals in response to obtaining credible information of a potential overpayment."



Ann Breiting, Business and Health Care Law

This concept of "reasonable diligence" is required to be both proactive in working to prevent overpayments and reactive once overpayments are discovered. A provider's lack of proactive reasonable diligence may open the provider up for liability.

The final rule states that, **We believe that undertaking no or minimal compliance activities to monitor the accuracy and appropriateness of a provider or supplier's Medicare claims would expose a provider or supplier to liability under the identified standard articulated in this rule based on the failure to exercise reasonable diligence if the provider or supplier received an overpayment.**

These reasonable diligence compliance programs are not static or uniform but instead are intended to function differently based on the size and type of provider.

What should providers consider based on the final rule?

- Create policies and procedures for Medicare overpayments
- Systems for reporting and investigating overpayments
- Compliance programs to review billing

Action steps for providers in response to the final rule:

- Document all proactive reasonable diligence steps taken to prevent overpayments
- Have a system **and use it** to determine if an overpayment occurred once one is suspected
- Act promptly on any credible information suggesting an overpayment

We are here to help:

For more information regarding how your practice can proactively guard against overpayments and react when they do occur, please contact a member of our health care law team. ■



About Us...



Amanda Tullidge featured in residential real estate article in 'Femme Rouge' magazine

Blalock Walters' real estate attorney, Amanda Tullidge, was featured in a three-page article on residential real estate. The question and answer piece, published in the January 2016 edition of *Femme Rouge* magazine, helped readers better understand the legal underpinnings of home ownership. To read the full article, visit www.blalockwalters.com.



Amanda Tullidge, Real Estate Law

For questions about real estate law or to contact Amanda, please call 941.748.0100 or email atullidge@blalockwalters.com.

About *Femme Rouge*: with a desire to empower and enlighten women of all ages, *Femme Rouge* is committed to providing artfully expressed, female-focused content that both moves and motivates. All subject matter is carefully selected, based on merit, and reviewed by field experts including physicians, psychologists, and educational organizations to ensure that they bring their readers only the best. ■



Martin Forbes joins firm as Office Manager

After 21 dedicated years, Carol Massey has announced her retirement. We thank Carol for her loyalty to the firm, pride in our staff, and commitment to our successes.

Martin Forbes joins the firm with 25 years of experience ranging in several industries – banking, public relations, law firm and accounting. Martin demonstrates a true appreciation for the firm's Pillars of Success and our commitment to making a positive difference in the lives of our staff, clients and community. His skills, personality and demeanor make him a great fit for our organization. Welcome, Martin! ■



Martin Forbes, Office Manager

Mary LeVine recognized by Port Manatee Propeller Club

Mary LeVine has served on the Port Manatee Propeller Club board of directors for five years. She was recognized as "Member of the Year" in 2012 and served as president in 2013-2014. Most recently, Mary received the Distinguished Past Presidents pin from current club President David St. Pierre (see right).



The Port Manatee Propeller Club, chartered by the Propeller Club of the United States, is dedicated to the enhancement and well-being of all maritime community interests on a local, national and international basis. The club aggressively promotes the maritime industry through its many programs and by partnering with similar organizations. Its goal is to educate legislators and the public on the importance and necessity of all waterborne commerce. ■



'Foundations – the Basis of Giving'

Bob Blalock is panelist at SRQ Magazine symposium

Bob Blalock, principal and attorney in Banking Law, Real Estate, Business & Corporate, and Estate Planning practice groups, served as one of the featured panelists at the SRQ Magazine Symposium: "Foundations – the Basis of Giving".

More than 130 community leaders attended to listen to the discussion on how foundations impact the philanthropic climate of our region. They learned about the resources available to family foundations, community foundations and the organizations that benefit from them the most.

Bob has a long-standing commitment to non-profits in our communities. He has served as Chair or President of the following organizations: The Ringling Museum, Sarasota Symphony, Manatee Community Foundation, Manatee Chamber of Commerce, Bradenton Area Economic Development Corporation, and United Way of Manatee County. He has also served as a Trustee of Westover School, Middlebury, Connecticut, New College of Florida and its Foundation, as well as various private foundations.



The SRQ SB2 Symposium series is a bi-monthly community and business initiative produced by SRQ Magazine featuring a series of collaborative symposiums on key regional issues and topics.

Hosted as a breakfast series in Sarasota at The Francis, SB2 focuses on the collaboration between Sarasota and Bradenton and catalyzes relevant and future-focused regional dialogue through a keynote presentation and facilitated panel discussion with representatives from both counties on topics impacting our regional economy: education, the environment, economic development, philanthropy, health care and tourism.

Each symposium features an in-depth keynote presentation from a notable regional expert in the field

who joins the panel to expand on the context of the topic and deliver fresh perspective on how our community fits into the broader picture of the state, region and country. Topics, opening presentations, panelists and speakers will be confirmed one to two months in advance of the symposium date as relevant community dialogue evolves. ■

Bob Blalock serves on a panel alongside

Roxie Jerde, President and CEO, Community Foundation of Sarasota County;

Mark Brewer, President and CEO, Central Florida Foundation;

Mark Pritchett, President and CEO, Gulf Coast Community Foundation;

Alexandra Quarles, President, CEO and Trustee, Sarasota Memorial Healthcare Foundation;

and Teri Hansen, Charles and Margery Barancik Foundation.





Save the date!

WEDNESDAY, JUNE 1, 2016

9:00 TO 11:00 AM

MANATEE CHAMBER BRADENTON OFFICE

NEW OVERTIME REGULATIONS

MANDATED BY THE DEPARTMENT OF LABOR – HOW CAN I PLAN AHEAD?

BY ANNE CHAPMAN & MARISA POWERS

BLALOCK WALTERS, P.A.

The DOL's proposed revisions to overtime regulations will likely take effect shortly. Employers need to plan ahead to implement changes to absorb the anticipated increased cost of legally required overtime pay and reorganize their business structure in order to minimize the impact of the revised regulations.

Learn more from these two prominent attorneys about the proposed regulations which are expected to significantly increase the number of employees eligible for overtime compensation by reducing the number of "exempt" employees under the Fair Labor Standards Act (FLSA).

YOU CAN'T AFFORD TO MISS THIS PRESENTATION ~ SEE HOW THIS WILL AFFECT YOUR BUSINESS, YOUR EMPLOYEES, YOUR CUSTOMERS AND THE LOCAL ECONOMY



Anne Chapman is a principal in the firm's Labor & Employment and Business Litigation practice areas. Her practice focuses on representing clients in a wide range of labor and employment law issues including defending public and private sector employers in discrimination, harassment, retaliation and wage-hour litigation in state and federal court and before administrative agencies.

Her practice also involves providing companies with advice and counsel concerning day-to-day employee relations issues and legal compliance.



Marisa Powers is a member of the firm's Labor & Employment and Business Litigation practice areas. Her practice involves the litigation of businesses disputes, probate, estate and trust disputes, employment, and construction law related controversies. Marisa represents individuals, developers, builders, retail stores, non-profit organizations, title companies, and other businesses.

Marisa aids business clients in the performing of internal audits, drafting of employee handbooks and other employee-related documents, as well as the filing of trademark applications.

Cost: \$28 Manatee Chamber and MYP Members, \$25 Non-Profit Members; \$38 non-members
Held at the **Manatee Chamber 222 10th Street West, Bradenton.**

Reservations Required to Lisa at 748-4842, ext. 123 or www.ManateeChamber.com/events by May 29
Cancellations after May 29 will be invoiced as guarantees have already been made on your behalf.



Above photographs courtesy of Realize Bradenton

Chefs at the Market

Attorney Ann Breiting and her husband Alex (a dedicated foodie), were "Chefs at the Market", demonstrating how to make Zesty Lime Shrimp and Avocado Salad, using the freshest ingredients from the Realize Bradenton Farmers' Market. Annie is a dedicated member of the Realize Bradenton board of directors and loves to help AI in the kitchen.

Zesty Lime Shrimp and Avocado Salad

INGREDIENTS:

- 1/4 cup chopped red onion
- 1/4 tsp kosher salt, black pepper to taste
- 1 lb jumbo cooked, peeled shrimp, chopped
- 1 medium hass avocado, diced (about 5 oz)
- 1 tbsp chopped cilantro
- 2 limes, juice of
- 1 tsp olive oil
- 1 medium tomato, diced
- 1 jalapeno, seeds removed, diced fine

DIRECTIONS:

Combine red onions, lime juice, olive oil, salt and pepper. Let sit for 5 minutes. In another bowl, combine chopped shrimp, avocado, tomato, and jalapeno. Pour the onion, lime juice, olive oil, salt and pepper mixture over the other ingredients. Toss. Add cilantro, salt and pepper as you wish.



The Realize Bradenton Farmers' Market is every Saturday, from October through May, 9 a.m. to 2 p.m. on Old Main Street in Downtown Bradenton. The Bradenton Farmers' Market is a place where the community meets each week to enjoy fresh produce, local art, upbeat music, demonstrations by local chefs, and family activities. Parking is free on weekends, and dogs on leashes are always welcome. ■



BEHIND THE *Suit*

With Chuck Johnson



Chris, Lisa, Chuck and Charlie Johnson while in Paris



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What are your proudest accomplishments? Raising my two sons and being married to Lisa for 24 years. Charlie is a sophomore at the University of Florida. Chris will be starting at Florida State in the fall.

My favorite holiday is... I do not have a favorite holiday. My favorite part is getting our family together. The more people and more chaos the better.

What's the most daring thing you've ever done? Skydiving

One of my favorite quotes is... "Perfection is not attainable, but if we chase perfection we can catch excellence" by Vince Lombardi.

What was your first job? I worked on a golf course. As the "new guy" I got all the worst and dirtiest jobs. I laid sod, placed mulch and cleaned the bathrooms. Once I had to pull weeds for two straight weeks, eight hours a day.

What motivates you to work hard? I was unemployed when I graduated from law school and got married. Not knowing how you are going to pay the rent is highly motivating . . . and stays in your memory.

What is your favorite food? My favorite food is at our dining room table on Sunday night – probably pot roast.

What has been your favorite vacation? My family went on a guided raft trip through the Grand Canyon for five days and four nights. My wife had significant reservations about the accommodations – a tent. Her reservations grew when another member of our trip discovered a rattlesnake about 20 feet from Lisa's tent the first night!

In my free time, I... like to travel. Last summer we took a cruise from Budapest to Nuremberg.

To relax... I go for a walk. Often, during the day at work, I take a few minutes and walk through the Village of the Arts to clear my head.

On weekends... I like to spend time on my boat, sometimes fishing and sometimes watching the sunset.

A moment that changed my life was... When my father-in-law passed away from cancer at age 53. The message that stayed with me is "Never miss family events and never put off vacations."

The most unusual thing I've ever eaten was... Termites in a Costa Rican rainforest.

If you had a warning label, what would it say? Warning, Low Patience Zone

What's the craziest thing you've done in the name of love? I stood up in a crowded restaurant and asked for everyone's attention and then proceeded to propose to my beautiful wife, Lisa – who was more surprised than the patrons in the restaurant. ■

COMMUNITY INVOLVEMENT

Johnette Isham, Realize Bradenton; Dr. Diana Greene, Superintendent of Manatee County Schools; Larry Winegar, Meal on Wheels PLUS of Manatee



Blalock Walters Attorneys Anne Chapman, Amanda Tullidge and Ann Breitingner and Law Clerk Dan VanEtten



Blalock Walters Attorneys Anthony Bartirome and Anne Chapman; Emmalee Legler, Jon F. Swift



Pier 22 Staff



Blalock Walters Attorneys Will Robinson and Anne Chapman; Chris Perkins, Fifth Third Bank



Blalock Walters Attorney Mark Barnebey and his wife Marianne

Bradenton Area Economic Development Corporation's annual HOB NOB Bar-B-Que

For the sixth year in a row, Blalock Walters hosted a booth at the Bradenton Area Economic Development Corporation's annual HOB NOB Bar-B-Que. Our "grill team" partnered with Pier 22 to serve delicious Jambalaya to more than 800 attendees. Held inside a hangar at Dolphin Aviation, Hob Nob Bar-B-Que is the area's

marquee casual business mixer. It brings business leaders from Manatee and Sarasota counties together in a relaxed atmosphere. Cowboy hats, boots and denim are recommended. Almost mandatory! We were able to mix and mingle with familiar faces and enjoyed meeting new friends.

Making a Difference...

Supporting Take Stock in Children



We were proud sponsors of the 9th Annual Leadership Prayer Breakfast, benefiting Take Stock in Children - Manatee. This inspirational event, featuring keynote speaker **Kenneth Feld, Chairman and CEO of Feld Entertainment, Inc.**, provided an opportunity to network with community leaders and learn about Take Stock in

Children's mission and the children they serve.

Take Stock in Children (TSIC) of Manatee is a local college scholarship and mentor program. With community support, TSIC is making a dramatic difference in helping low-income, at-risk children stay in school, earn a high school diploma, graduate from college and enter the workforce. In 2015, 100% of their scholars graduated from high school and matriculated to college. They also retained 96% of their mentors in Manatee County. In 2016, TSIC was recognized by the State Take Stock in Children organization with the President's Award for exceptional leadership as well as the Gold Award for excellence in program management.

Land use, local government and education law attorney Mark Barnebey serves on the Take Stock in Children board of directors.

For more information about Take Stock in Children or to become a mentor, contact Mark Barnebey at 941.748.0100. ■

Land use, local government and education law attorney Mark Barnebey serves on the Take Stock in Children board of directors.



Young Lawyers Division of Manatee County Bar Association help make Big Brothers Big Sisters Manatee End of Year Beach Bash a success

The Young Lawyers Division (YLD) has donated \$500 to the Big Brother Big Sisters Manatee "End of the Year Beach Bash." The donation helps offset the cost of the Coquina Beach pavilion rental, food, and games for the event. Members of YLD attend the event, help grill hot dogs and hamburgers and engage with the more than 50 children who attend.

"We appreciate not only the donation of money, but the fact that they come to the event, interact with the kids and participate in games," said Brandi McArthur, Quality Assurance Senior Manager, BBBS of the Suncoast-Manatee. "The kids look forward to playing with them each year!" Business and health care attorneys Ann Breitingner and Alexander John and litigation attorney Jason Levy are members of the Manatee County Bar Association's Young Lawyers Division Board of Directors. Amanda Tullidge, real estate attorney, serves as Secretary after having served on the Young Lawyers Board since 2013.

The purposes of Young Lawyers Division are to orient recently admitted lawyers to their responsibilities as members of the Manatee County Bar Association (MCBA) and to promote continuing legal education and professional development. The Division also provides opportunities for social activities, pro bono activities, and participation in projects for the betterment of the MCBA, the Bench, the legal community, and the community in general. Litigation attorney Marisa Powers serves on the Manatee County Bar Association board of directors. ■

Supporting Suncoast Blood Bank with donations

Blalock Walters hosted the SunCoast Blood Bank's mobile unit this spring. Many of our staff and attorneys donated blood in an effort to help SunCoast Blood Bank's mission of providing a reliable supply of quality blood to our local hospitals and health centers in need.

"LIVE HERE. GIVE HERE. STAYS HERE." ■



Nicole Carlock and Amanda Fister in front of the SunCoast mobile blood bank before making their donation.

Amanda Tullidge and Ann Breitinger of Cheers for Charity Women's Giving Circle featured in *East County Observer*

BY AMANDA SEBASTIANO, CONTRIBUTOR,
EAST COUNTY OBSERVER

Although they don't have a building with office hours or troops of volunteers, women's giving circles are some of the Lakewood Ranch's most up-and-coming charitable groups. Giving circles are a group of individuals who pool their resources to raise at least \$10,000 over five years, which they donate to local charities. Each year, members donate an amount, which is tax deductible and contingent on how many members are in that group.

Circles aren't nonprofit organizations; they help support them, says Amanda Tullidge, founder of the Cheers for Charity Giving Circle. Cheers for Charity is the newest circle on the block. The giving circle was formed nearly a year ago and consists of mostly 20- to 40-somethings. All circles vary in age, causes supported, number of members and other factors. "The circles are pretty flexible groups of women who band together to combine their resources, time and money, so they can give back to the community in a greater amount than they could by themselves," Tullidge says. Tullidge's group is aimed at professional women, such as attorneys, nurses, accountants and leaders of nonprofits.



Clockwise, from back left: Christy Parker Cardillo, Ann Breitinger, Margi Angyal Dawson, Nadine Baez, Janel Shinn, Amanda Tullidge and Jill Stalpes show their patriotic pride during Cheers for Charity's first major fundraising event last June.

Giving circle members also agree on causes on which they focus. Cheers for Charity tends to help groups targeted at helping the homeless, women and children. The 14-member group hosted its first fundraiser last May and raised more than \$2,000.

The ladies donated \$500 to four groups: Turning Points, a homeless shelter in Bradenton; We Care Manatee, which

provides health care to those who can't afford insurance; Stillpoint House of Prayer, a food pantry in Bradenton; and Women's Resource Center of Manatee, which helps women stabilize their lives after a traumatic incident. It also generated \$500 over the holidays, which members used to take underprivileged children on a shopping trip to Sears for clothing and toys.

"Each child maybe got \$75 to \$100 to spend," Tullidge says. "With all the discounts the store offered, the children walked out with piles of clothes and shoes, pajamas, Dora the Explorer backpacks and other things to put under the Christmas tree. It was so special, and you could tell parents were grateful, too."

Tullidge's creation of the Ranch's sixth women's giving circle is an example of her following in her mother's footsteps. Her mother, Julie Smith, founded the first giving circle in 2011.

"Just seeing her and her friends inspired me," Tullidge says. "I was impressed with what they could do collectively and how much more of an impact they had than just one person writing a check."

Smith's group, named Lakewood Ranch Women's Charitable Fund, has grown from 10 members to 30. "We didn't pick a jazzy name like everyone else," Smith says. "We've since nicknamed ourselves Chicks with Checks."

It wasn't Smith's intention to start a tradition in the Ranch, or to create a following. Smith created the giving circle concept in 2010 without even knowing she had. She talked with friends about creating a group of 10 women who each donate \$200 per year for five years, and then donate those dollars to a charity of their choice.

No husbands allowed, though — women only, Smith says.

"All of a sudden I had four women interested," Smith says. "And now we have 30. My thought was by pooling money together, creating that synergy, we're building a mass that is greater than just one person."

To date, Ranch women's giving circles include: Lakewood Ranch Women's Charitable Fund; Ten Women Golfers Giving Circle; Sisterhood for Good; Lakewood Ranch Women Giving for Hope; The Lake Club (TLC) Women's Giving Circle; and Cheers for Charity Giving Circle.

Now that her giving circle has gained momentum, Tullidge plans for it to grow to 30 members and to surpass the minimum \$10,000 fundraising goal set by the Manatee Community Foundation, the umbrella organization that oversees giving circles.

"In time, I could see a realistic goal being to raise \$50,000 over 10 years," Tullidge says.

Cheers for Charity also hopes to encourage members to visit nonprofit groups in their spare time, not just when donating money.

"A few of us gave out food at Stillpoint, and we still go back on our own," Tullidge says. "I hope circles can help us grow as a community and create a stronger appreciation for charities in our community. The group is greater than just one person donating money." ■



L to R: Cheers for Charity Members Amanda Tullidge, Alexis Georgiou, Annie Breitinger, Erin Boihem, Janel Shinn



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