



## Department of Labor announces updates to Fair Labor Standard Act's overtime requirements

BY ANNE W. CHAPMAN, ESQ.

**Employers have until December 1, 2016 to revise their pay practices as the new regulations go into effect on this date.**

President Obama and the Department of Labor (DOL) announced the final rule updating the Fair Labor Standards Act's (FLSA) overtime requirements in May.

The primary change contained in the new regulations is to dramatically increase the salary requirement for the white collar exemptions to the minimum wage and overtime requirements of the FLSA. The impact of this change is anticipated to result in up to four million additional American workers being entitled to overtime compensation.

The changes provided by the new regulations include:

- Raising the salary threshold for white collar exemptions (executive, administrative, professional, and computer) from \$455/week (\$23,660 per year) to \$913 (\$47,476 per year);
- Providing that the pay for the computer exemption only can be paid in the alternative of \$27.63 per hour;
- Automatically updating the salary thresh-



Anne Chapman, Labor and Employment Law

old every three years, based on wage growth over time;

- Raising the annual salary for highly compensated employees exemption from \$100,000 to \$134,004; and
- Amending the salary basis test to allow employers to use non-discretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level (up to \$91 of the \$913 salary). However, this must be paid on at least a quarterly basis.

The revised regulations do not make any changes to the duties basis test for executive, administrative and professional employees. While many had speculated that this would be part of the DOL's revisions, the DOL has advised that it anticipates that impact of the revisions to salary basis portion of the exemptions to be sufficient to address its objective of modernizing overtime regulations and increasing the number of individuals eligible for overtime pay under the FLSA.

Bottom line – in response to the new regulations, employers have only a few options: (1) increase the salary of exempt employees that satisfy the duties portion of the exemption; (2) reclassify employees as non-exempt and pay these employees overtime; or (3) strictly limit the hours of employees to 40 or less.

**For questions regarding overtime regulations or any labor and employment matters, please contact Blalock Walters at 941.748.0100. To reach labor & employment attorney Anne Chapman, please email [achapman@blalockwalters.com](mailto:achapman@blalockwalters.com).** ■



WE MAKE A DIFFERENCE

**2** A message from the partners  
List of our attorneys

**5** Is my arbitration clause valid and  
tailored to my business?

**8** Florida votes: Amendment 2 and medical  
marijuana laws

**3** IRS proposes new estate and gift  
valuations rules for family businesses

**6** Florida Supreme Court recently clarifies  
homestead creditor protection rights

**9-13** About Us

**4** Florida enacts fiduciary access to  
Digital Assets Act

**7** Homestead Exemption:  
What you should know

**14-15** Making a Difference

## OUR ATTORNEYS



**BLALOCK  
WALTERS**  
ATTORNEYS AT LAW

WE MAKE A DIFFERENCE

**Mark Barnebey**

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

**Anthony Bartirome**

Estate Planning, Tax Law

**Robert Blalock**

Banking, Business,  
Estate Planning, Real Estate Law

**Ann Breitinger**

Business, Health Care Law

**Anne Chapman**

Labor & Employment Law

**Jonathan Fleece**

Business;  
Florida Board Certified  
in Health Care Law

**Dana Gentry**

Florida Board Certified in  
Wills, Trusts & Estates

**Alex John**

Business,  
Health Care Law

**Charles Johnson**

Business Litigation

**Mary LeVine**

Appellate Practice,  
Business Litigation

**Jason Levy**

Business

**Melanie Lutén**

Business,  
Real Estate Law

**Fred Moore**

Florida Board Certified in  
Business Litigation

**Stephen Perry**

Banking, Real Estate Law

**Matthew Plummer**

Banking, Real Estate Law

**Marisa Powers**

Business Litigation,  
Labor & Employment Law

**William Robinson**

Florida Board Certified in  
Real Estate Law

**Scott Rudacille**

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

**Jenifer Schembri**

Business, Estate Planning;  
Florida Board Certified  
in Tax Law

**Robert Stroud**

Business,  
Real Estate Law;  
Florida Board Certified in  
Health Care Law

**Amanda Tullidge**

Real Estate Law

**Daniel VanEtten**

Business, Business Litigation

**Clifford Walters**

Business, Estate Planning,  
Real Estate Law

# A Message from the Principals



## A celebration of Team Blalock Walters

BY ANTHONY BARTIROME, ESQ.



Anthony Bartirome,  
Estate Planning, Tax Law

As the fall football season is upon us and I watch my two favorite NFL teams, the Bucs and the Steelers (not necessarily in that order), I am reminded of the value of teamwork. So it is with great pride that I am taking this opportunity to celebrate "Team Blalock Walters"!

**Point of pride: Our young legal talent**

As an old-timer, I've got this to say about our group of young lawyers...THESE KIDS ARE GOOD! Perhaps law school methods have changed, perhaps its technology, or maybe they're just eating healthier than my generation...but whatever it is, it's impressive! Our young attorneys' diverse skill sets, work ethic and fresh ideas have positioned Blalock

Walters to continue to offer only the highest caliber professional services to our clients and this community. We applaud our bright young lawyers and their contributions to our team!

**Point of pride: Our legal assistants, paralegals, office manager and support staff**

If I may be so bold, our staff at Blalock Walters is the BEST OF THE BEST! Without question, this exceptional group of dedicated and hard-working individuals is the key to the successful day-to-day operations of this law firm and our ability to address the needs of our clients. Our folks exercise their responsibilities with diligence, precision and cheerful enthusiasm, and we deeply appreciate their commitment to this organization!

In closing, no celebration of Team Blalock Walters would be complete without an appreciation of why we "take the field" in the first place... and that's for you, our clients! We realize that you have many options available to you, and we thank you for choosing us as your legal counsel.

We wish all of you a wonderful holiday season. ■



## TAX LAW

## IRS proposes new estate, gift valuations rules for family owned businesses

BY JENIFER SCHEMBRI, ESQ.

The IRS issued long anticipated proposed regulations under Section 2704 of the Internal Revenue Code that, if finalized, will substantially impact the estate and gift tax planning of family owned businesses. Pursuant to the proposed 2704 regulations, no discounts would be available in valuing a family owned business, which would include lack of marketability and lack of control discounts.

Generally, here is what the proposed regulations provide:

- ✓ These rules will apply to businesses where family members hold more than 50 percent of the voting control.
- ✓ For estate and gift tax purposes, the value will be the net equity value of the asset transferred (i.e., fair market value of the assets minus liabilities), which does not allow for lack of control or minority interest discounts. Therefore 10 percent of a \$50 million dollar company will be \$5 million, regardless of any restrictions in a shareholder agreement or operating agreement which may impose real restrictions on the 10 percent ownership interest.
- ✓ There is a three-year look back period, meaning if a decedent's ownership or voting control is transferred within three years of death, no minority interest discounts are available for the estate in valuing the interest.



Jenifer Schembri, Business, Estate Planning;  
Florida Board Certified in Tax Law

**The proposed regulations are in the 90-day public comment period. The public hearing is scheduled for December 1, 2016, and they could become effective in their current form, or in a revised form, at the end of 2016 or in early 2017.** The treasury has provided that the proposed regulations will be effective 30 days after they are finalized. Republications in both the House and Senate have recently introduced bills in an attempt to derail the proposed regulations; this coupled with the recent election results may impact treasuries' issuance of final regulations.

If the proposed regulations are issued, this will leave family business owners a very short time frame to take advantage of the current valuation discounts to the extent possible, as business valuations are essential to the planning process. Therefore, we are encouraging families interested in planning to start early to ensure that the planning process can be completed prior to an effective date. If you would like to discuss this or any other estate planning matters, please contact one of our attorneys. ■

## 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](mailto:sorendorff@blalockwalters.com).



WE MAKE A DIFFERENCE



941.748.0100 941.745.2093 (fax)  
[www.blalockwalters.com](http://www.blalockwalters.com)

### BRADENTON

802 11th Street West, Bradenton, Florida 34205

### SARASOTA

2 North Tamiami Trail, Suite 408, Sarasota, FL 34236

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.



# Florida enacts fiduciary access to Digital Assets Act

In an increasingly digital world, access to a person's data and information has become an issue of growing concern.

BY ALEXANDER K. JOHN, ESQ.

Certain states have responded to this by adopting the Revised Uniform Fiduciary Access to Digital Assets Act (the "Uniform Act"). The Uniform Act allows individuals to plan for the disposition of their digital assets.

A digital asset is any electronic information that an individual stores on a computer or other form of technology. Today this includes photographs stored online, social media accounts, online investment and bank account statements, etc. **Because people tend to maintain numerous online accounts with passwords, this is problematic when they pass away before providing the password to someone to close their accounts or fail to provide some sort of directive as to what should be done with these accounts.** Therefore, certain digital assets remain online indefinitely. Florida recently passed its version of the Uniform Act called the Florida Fiduciary Access to Digital Assets Act (the "Florida Act"), which became effective July 1, 2016.



Alex John,  
Business and Healthcare Law

In the context of estate planning, the Florida Act is very important. The Florida Act allows fiduciaries to manage an individual's digital property and addresses his or her authority to manage digital assets. An individual may designate a representative using a web custodian's online tool, which provides instructions for how information may or may not be disclosed to a third party. One may also provide access to these accounts via traditional estate planning documents, such as a will, trust, or power of attorney. The Florida Act also provides custodians legal authority to interact with fiduciaries and provides those custodians immunity from liability for acts or omissions done in good faith compliance with the Florida Act. Additionally, it gives certain flexibility to custodians to decide whether to grant full or partial access to the assets.

Not all online custodians have an online tool, which allows for a designated individual to access a person's date or information. Sites like Facebook provide methods to terminate accounts but do not allow fiduciaries access to messages and emails. Therefore, providing a method to access these accounts in a will, trust, or power of attorney is still a viable practice. However, in the event of a conflict between the online tool and a designation in one of these estate planning documents, the designation made via the online tool controls assuming the tool allows the user to modify the designation at any time.

As it pertains to health care digital assets, the Florida Act does not address private online health care information with any clarity. Although separate HIPAA rules provide guidance and procedures on access to those records directly with a health care provider, there is still ambiguity as to how to manage health records stored online. How an individual wants these records handled should be clearly laid out in their estate planning documents.

If you have any questions or concerns about how to handle your online digital assets, please contact Alexander John or one of our estate planning attorneys at 941.748.0100.

To reach Alexander John, email [ajohn@blalockwalters.com](mailto:ajohn@blalockwalters.com). ■





Jason Levy  
Business Law

**There are many issues to consider in deciding whether to include an arbitration clause in your standard contracts. However, if arbitration is right for resolving your business disputes, it is important that the arbitration clause is drafted properly to ensure it is enforceable and covers only claims appropriate for arbitration.**

**Under both federal statutory provisions and Florida's arbitration code, there are several factors courts look at when determining if an arbitration clause is valid and covers a given dispute.**

### ❶ Unconscionability

A party to a contract seeking to invalidate an arbitration clause may argue there is no valid written agreement because the arbitration clause is unconscionable. Unconscionability concerns the manner in which the contract was entered. It involves consideration of facts such as the relative bargaining power of the parties or their ability to understand the contract terms. For example, a court could find a contract unconscionable if important terms were "hidden in a maze of fine print."

Unconscionability also concerns the actual fairness of the contract terms. Florida courts are hesitant to enforce arbitration agreements that severely limit plaintiffs' statutory remedies or include provisions that eliminate the right to seek punitive damages. Arbitration clauses that use standard boilerplate language are often too restrictive and can be invalidated on these grounds.

### ❷ Scope of the Arbitration Clause

Many arbitration clauses fail to articulate the types of claims the parties wish to submit to arbitration. If your arbitration clause is drafted too narrowly, you may not be able to compel arbitration of important claims. However, in drafting the clause, a balance must be reached. If the arbitration provision is drafted too broadly, you may be forced to arbitrate claims that are more easily handled in conventional litigation.

### ❸ Consistency

Courts have also invalidated arbitration clauses in situations where the contract language used by a business was inconsistent, as was the case in *Basulto v. Hialeah Auto*. In the *Basulto* case, the court noted that there were several inconsistencies between the various agreements drafted by the dealership and signed by the *Basultos* when they purchased a car. For example, one agreement called for arbitration by a single arbitrator while another required arbitration by a panel of three arbitrators. Additionally, the agreements contained jury waiver clauses, which implied a right to litigate all disputes in court.

### ❹ Understanding Your Arbitration Provision

The court in the *Basulto* case also noted that the sales representatives did not understand the arbitration process and therefore could not have been able to adequately explain to the *Basultos* the rights that they were waiving by signing the agreements, such as their waiver of the right to seek a class action status. Speaking with an attorney to develop an arbitration provision tailored to your specific business will ensure the right balance is reached to be considered a valid written agreement, cover the appropriate claims, and will help you understand the nature of the agreement so you can explain it if asked.

For more information, please contact our Business & Corporate department at 941.748.0100. One of our experienced attorneys is here to help with your business needs. ■

## *Is my arbitration clause valid and tailored to my business?*

*Under both federal statutory provisions and Florida's arbitration code, there are several factors courts look at when determining if an arbitration clause is valid and covers a given dispute.*

BY JASON LEVY, ESQ.

# Florida Supreme Court recently clarifies homestead creditor protection rights

*Revising an estate plan after a couple's divorce can present numerous challenges, especially where one of the individuals has outstanding debts unrelated to mortgages or liens which directly encumber the homestead property.*

BY DANA C. GENTRY, ESQ

The Florida Supreme Court has provided recent additional guidance relative to the preservation of homestead protection from such creditors.

In *JBK Associates, Inc. v. Sill Brothers, Inc.* 41 FLW S189 (Case No. SC15-977, April 28, 2016), the former homestead of the couple was sold as part of the divorce and the former husband placed his share of the proceeds in a separate account at a brokerage firm which he designated as "homestead account". These proceeds were segregated from the former husband's other assets.

Before purchasing a new homestead, he authorized his broker to invest in mutual funds and stocks in order to increase the earnings in the account. Although the Court did not say when, the former husband apparently used or attempted to use the proceeds to purchase a new homestead residence for himself. In the meantime a judgment creditor of the former husband had obtained a Writ of Garnishment against the account arguing that the creation of the account and subsequent investment in mutual funds and stocks divested the proceeds of any homestead protection. The former husband challenged the Writ of Garnishment.

In reviewing the Florida Constitution and the case law on the matter, the Florida Supreme Court stated that the former husband manifested his intent to reinvest the sales proceeds into a new homestead by



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

titling the account as "homestead account". The Court ruled that such investment was proper and that the judgment creditor could not access the proceeds of the investment account or challenge the way in which the former husband invested the assets, since the former husband did in fact purchase a new homestead within "a reasonable period of time."

The Court opinion does not disclose how much of the proceeds were used to purchase a new homestead, what amount of time constitutes a reasonable period of time, or whether the new homestead purchase was delayed in any way due to the Writ of Garnishment.

Thus, in the unfortunate circumstance of a divorce where the marital home is sold, each former spouse should segregate any proceeds of the sale received into an account entitled "homestead account"

prior to purchasing a new homestead. In so doing, the above case suggests that a former spouse can then invest the "homestead account" funds in assets other than a simple non-interest bearing

bank checking account or savings account earning minimal interest without compromising the protected nature of such funds.

If you have other questions about the legal aspects of homestead creditor protection rights, 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](mailto:dgentry@blalockwalters.com) ■





Amanda Tullidge  
Real Estate Law

***The Florida Homestead Exemption reduces the assessed value of your residential property up to \$50,000 and once a property owner establishes the homestead exemption, it automatically renews from year to year until the property is sold or no longer qualifies.***

***A thorough understanding of the Florida homestead laws is the key to saving on your property taxes.***

# Homestead Exemption: What you should know

BY AMANDA C. TULLIDGE, ESQ

As we near the end of the year, now is the time for purchasers of new residences to consider the Florida homestead exemption and the many benefits it offers.

To be entitled to receive a homestead exemption in 2017, you must be the owner of record of your property and have established Florida residency by January 1, 2017. If you purchased a property this year to be your homestead, you may apply for the exemption until March 1, 2017, to take effect for the 2017 tax bill. Applications can be found at your local property appraiser office or their website.

The primary homestead exemption reduces the assessed value of your residential property \$25,000 for qualified permanent residents and applies to all property taxes. A second \$25,000 exemption was added in 2008, but does not apply to school taxes. Additional exemptions are also available to widows, widowers, low income seniors, the disabled and the blind. Individuals with total and permanent disabilities are exempt from paying property taxes on their homestead. Recently passed amendments to the Florida Constitution will also offer exemptions to first responders disabled in the line of duty.

In addition to the two \$25,000 exemptions previously discussed, Florida law also provides homestead property with the "Save Our Homes" cap. This provision caps the annual increase of the assessed value of homesteaded property from year to year at the lesser of three percent or the change in the consumer price index for the previous year. The base year for the Save Our Homes cap is the year in which the property owner qualifies and receives their homestead exemption. If you purchased a property to be your homestead this summer, for example, the exemption would take effect in 2017 and this would be your base year. Your property taxes would then be subject to the cap for the first time in 2018.

Once a property owner establishes the homestead exemption, it automatically renews from year to year until the property is sold or no longer qualifies. When an existing Florida homeowner establishes a new homestead, he or she is entitled to "port" up to \$500,000 of their Save Our Homes tax benefits to their new home as long as they establish their new homestead within two years of abandoning their previous one. "Portability" benefits are not automatic, but must be filed for using the Form DR-501T by the same March 1 deadline.

A thorough understanding of the Florida homestead laws is the key to saving on your property taxes. Please feel free to contact Blalock Walters should you have any questions regarding homestead matters or any other real estate issues. ■



## ... FLORIDA VOTES ...

# Amendment 2 and medical marijuana laws

BY ANN K. BREITINGER, ESQ

Medical marijuana continues its pace as a hot topic in Florida since its defeat via a ballot measure in 2014 and subsequent approval in this unpredictable 2016 election. In 2014, the ballot measure failed with 58 percent approval, just shy of the 60 percent required for a constitutional amendment. This year, in a decisive result, Florida voters approved Amendment 2 by 71.3 percent, well above the 60 percent required.

The Florida legislature enacted Fla. Stat. § 381.986 in 2014 allowing properly licensed physicians to prescribe low THC cannabis to patients with cancer or a condition that causes chronic seizures or muscle spasms. Further these physicians may prescribe medical cannabis to patients suffering from a condition determined to be terminal by two physicians. The Florida Office for Compassionate Use offers many resources for both physicians and patients interested in the current options of low THC cannabis and medical marijuana. In order for physicians to order low THC cannabis or medical marijuana they must first successfully complete an eight hour course and examination. Additional requirements are placed on physicians to order these products for a patient. For example, physicians must treat the patient during the immediate preceding three months to the ordering of the low THC/medical marijuana. Additionally, the physician must determine that the risks of treating the patient with these treatment options are reasonable in light of the potential benefit to the patient. Specific informed consent requirements are also required to be obtained from the patients. As of September 2016 low THC and medical marijuana are available in Florida for qualifying patients.

The newly passed Amendment 2 expands Floridians' access to medical marijuana. Amendment 2 allows individuals with specific debilitating diseases or conditions to legally obtain medical marijuana. The Florida Department of Health is tasked with regis-

tering and regulating marijuana production and distribution centers. Patients, as well as caregivers, approved to receive medical marijuana will receive identification cards.

Amendment 2 defined "Debilitating Medical Condition" as "cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient."

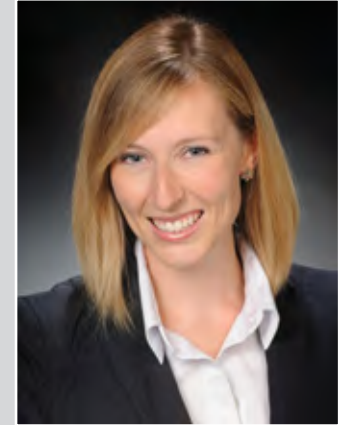
Similar to current low THC cannabis and medical marijuana laws, a physician must perform a physical examination and full assessment of medical history of the patient in order to certify the patient as eligible for medical marijuana.

Now, the Florida Department of Health will create regulations within the language of Amendment 2 in order to implement the changes. The Department has six months after the effective date in order to create such regulations.

For more information on how to become qualified to order low TCH cannabis and medical marijuana in Florida, please contact a member of our health care group. To reach Ann Breitinger, Corporate and Healthcare attorney, email [abreitinger@blalockwalters.com](mailto:abreitinger@blalockwalters.com). \*

### How will Amendment 2 effect employers?

The impact on Florida employers of the Amendment 2 is not entirely clear. While Amendment 2 does not provide much guidance concerning employer's obligations related to employees' medical marijuana use, it does make clear that on-site medical use of marijuana in the workplace is not required. Therefore, the new law does not impact smoke-free work place policies. For more information about addressing medical



Ann Breitinger, Business and Health Care Law

marijuana in the workplace, contact Labor and Employment attorney Anne Chapman at [achapman@blalockwalters.com](mailto:achapman@blalockwalters.com) or 941.748.0100

### What impact will Amendment 2 have on local ordinances?

The Constitutional Amendment also has resulted in a scurrying of local government action to enact land use regulations related to medical marijuana dispensaries. Some jurisdictions around the state, such as the City of Palmetto, were proactive and enacted zoning and land use regulations in 2014 when the issue was last on the ballot. This firm advised the City on the issue as City Attorney. Others have adopted short term moratoriums to allow time to get regulations crafted and in place and our land use attorneys can assist in reviewing how these regulations may impact your property and business.

For more information, please contact our Land Use attorneys, Scott Rudacille and Mark Barnebey, at 941.748.0100. ■

\*Federal law does not recognize or protect medicinal marijuana possession or use. For more information regarding Federal law and policy regarding medical marijuana, please contact a member of our health care team. Additionally, at this time it is unclear whether the Trump administration will continue or abandon the Obama administration's policy of noninterference with state marijuana laws.





# BEHIND THE *Suit*

## With Bob Blalock



Photographer Wendy Dewhurst Clark



Bob and Marlene support the South Florida Museum "Snooty Gala"

“  
Bob Blalock is not only the pillar of integrity and excellence in the practice of law, but he has chosen to give much of his time and talent to nonprofit organizations. Bob is an icon.”

– Late Senator Bob Johnson

Interview by Jill McGarry, Marketing & Client Relations Director

**Bob, I hear you are a great cook—what is your favorite dish to make?**

Well, I don't know who you've been talking to! (Chuckle) I do love to cook. My favorite dish to make is a toss-up between my Paella and my whole-baked Florida Red Fish. Marlene, "my bride" and I used to auction off my dinners for the Sarasota Orchestra to help their fundraising efforts. The *New York Times* got word about it and sent their Florida food editor to interview me and feature my Red Fish recipe.

**Impressive! Since you're such a good cook, perhaps The Ringling Museum should have named their restaurant after you instead of their Education Center!**

**You are a renowned fisherman --- how many fish do you think you have caught in your lifetime?** Some of my friends would dispute that statement. But, I have caught more fish than I can count. Hundreds. The skill is in hooking the fish. Any fool can reel a fish in. We always make sure we have a winder on board so that after we've hooked the fish, we can sit back and enjoy an ice-cold adult beverage. Preferably one that foams.

**What is your favorite childhood memory?** Summers spent on Bradenton beaches with my family.

**What is your worst childhood memory?** When I was four years old, I crashed my mother's car into the garage. There were no repair parts available, so she had to walk everywhere the rest of World War II. What distinguishes me from my brother is that I was forever "the one who totaled Mom's car." That, and I was the better looking one.

**This year, you and Marlene celebrated your 54th wedding anniversary. Why has she stuck with you after all these years?**

A good sense of humor. After the first month of being married to me, Marlene said she was fed up and was moving back in with her parents.

I brought her the suitcase and offered to help her pack. We looked at each other and broke out into uncontrollable laughter.

**What was your first job?** I had summer employment at a CPA firm and a bank, where I gained experience and knowledge that kick-started my career as a commercial lawyer.

**Did you always know you wanted to be a lawyer?** Not always. While as an undergraduate at Princeton, I produced and acted in operas. My parents were very concerned that I was going to choose a career in theater and stay in New York. The following year, I was enrolled in law school at University of Florida.

**What do you like doing in your spare time?** I enjoy spending time with Marlene, our children, and grandchildren—fishing, cooking, traveling and listening to opera and other forms of classical music.

**Who is your greatest inspiration?** My mom, Toodles, and dad, Dan, Sr., as well as the several partners at Blalock Walters I have worked with throughout the years.

**Do you ever wish you had super-hero powers?** Well, I do! Just ask my wife. ■

### KEY CIVIC AND PROFESSIONAL ACCOMPLISHMENTS

- Bob was instrumental in developing the strategic alliance between the Ringling Museum and Florida State University, thus securing the future of their educational institution within our community. In appreciation, the Ringling Education Center building bears his name.
- In the late 1980's, the Pittsburgh Pirates announced they were leaving Bradenton if the city did not provide a new stadium. Bob chaired a committee who, alongside Manatee Chamber of Commerce, Bradenton City Council and Manatee County Commission, helped convince the Pirates to give the city time to revamp their baseball park – what is now McKechnie Field.
- He was a Founding Board member and driving force behind the establishment of the Manatee Community Foundation. Bob "birthed" an organization whose mission is connecting the charitable interests of donors with ongoing needs in the community.
- Bob has either served on the Board or been a key figure in raising funds, starting endowments and working with clients to support numerous local nonprofit organizations, including: Southeastern Guide Dogs, Sarasota Orchestra, South Florida Museum, Manatee Players, New College Foundation, Just for Girls, Bishop Animal Shelter and The John and Mable Ringling Museum of Art.
- He is the proud recipient of the Manatee Community Foundation Lifetime Spirit Award.

# About Us...



**BLALOCK  
WALTERS**  
ATTORNEYS AT LAW



Clifford Walters, Business, Estate Planning, Real Estate Law



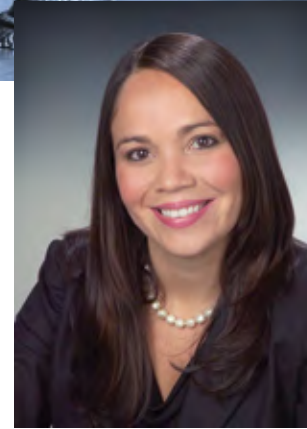
Robert Blalock, Banking, Business, Estate Planning, Real Estate Law



Charles Johnson  
Business Litigation



Anne Chapman, Labor & Employment Law



Marisa Powers, Business Litigation, Labor & Employment Law

## **Blalock Walters earns 'Best Law Firm' Ranking by U.S. News & World Report and Best Lawyers®**

**F**or the third consecutive year, the firm has been ranked as a "Best Law Firm" by *U.S. News & World Report* and *Best Lawyers*®.

The firm earned the recognition in the following areas: Real Estate Law, Trusts & Estates Law and Litigation – Real Estate.

Firms included in the 2017 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers.

Achieving a ranking signals a unique combination of quality law practice and breadth of legal expertise. To be eligible for a ranking, a firm must have a lawyer listed in *The Best Lawyers in America*, which recognizes the top four percent of practicing attorneys in the United States.

**Blalock Walters has three lawyers listed in The Best Lawyers in America: Clifford L. Walters, III, Robert G. Blalock and Charles F. Johnson.** The 2017 "Best Law Firms" rankings are based on a rigorous evaluation process that includes clients' and peers' evaluation of firms based on the following criteria: responsiveness, understanding of a business and its needs, cost-effectiveness, integrity and civility, as well as whether they would refer a matter to the firm and/or consider the firm a worthy competitor. Awards were given in 74 national practice areas and 120 metropolitan practice areas. ■



## **Anne Chapman and Marisa Powers present new overtime regulations to sold-out crowd**

**T**he proposed changes to overtime compensation, explained on Page 1, is a hot topic of conversation for business owners. The new regulations take effect on December 1, which leaves little time to implement changes to absorb the increasing cost of providing overtime pay and reorganize business structure.

Labor and Employment attorneys Anne Chapman and Marisa Powers spoke to a sold-out crowd about how these proposed changes will affect businesses, employers, customers and the local economy. The workshop, presented by the Manatee Chamber of Commerce, explained the regulations that 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).

*Attendees left with a better understanding of how they can plan ahead for these changes including:*

- General requirements of the FLSA for minimum wage and overtime to employees,
- ✓ Common pitfalls by employers that create liability under the FLSA,
- ✓ Changes to the salary requirement for white collar exemptions under the FLSA,
- ✓ Explanation of the policy behind the changes and discussion of ongoing increases to salary requirement.

For further information about these new regulations or any other labor and employment matter, please contact Anne or Marisa at (941) 748-0100. ■



### *Chuck Johnson, Bob Blalock and Cliff Walters listed in The Best Lawyers in America® 2017*

**W**e are proud to announce that three attorneys have been selected by their peers for inclusion in The Best Lawyers in America® 2017. For the fourth consecutive year, Cliff Walters has been selected in the field of Real Estate Law. For the third consecutive year, Chuck Johnson was selected in the practice area of Real Estate Litigation and Bob Blalock was selected for Trusts and Estate. A listing in Best Lawyers is widely regarded as a significant honor conferred on a lawyer by his or her peers. ■

### *Cliff Walters honored by Boy Scouts of America*

**T**he Boy Scouts of America's Southwest Florida Council named Cliff Walters their 2016 Distinguished Citizen during their Good Scout Awards Dinner. The event honored Cliff, who has distinguished himself for many years in our community with unselfish service and has exemplified those values held in such high regard by Scouting. Cliff first became involved with Boy Scouts of America in the 1960's in Louisville, Kentucky. He says it was important to his development. In a Bradenton Herald article featuring the event, Cliff said, "You learn self-sufficiency by being empowered to go in the woods and camp, and the adults very much let the youth provide the leadership as it was. If you didn't bring enough food, you went hungry. If you forgot to put enough firewood by the campsite, you got cold so it was a great learning experience." Cliff earned the Eagle Scout rank, the highest achievement or rank attainable in the Boy Scouts program. ■

### *Marisa Powers elected to Turning Points BOD*

**T**urning Points, Manatee County's largest organization to provide services to the homeless and those at risk of becoming homeless, elected Marisa Powers to their board of directors.

"Marisa will be a wonderful addition to the Turning Points board of directors," says Adell Erozer, Turning Points executive director. "She has been a fantastic committee member and we are excited that she is joining the board. We greatly appreciate the support of Blalock Walters as we move forward to serve our community."

Founded in 1990, Turning Points facilitates and coordinates services to men, women and children who are homeless or are at the risk of homelessness in Manatee County. It provides basic needs assistance, rent & utility assistance, and a medical and dental clinic. Marisa is a member of the firm's business litigation and labor & employment practice areas. Her practice involves the litigation of businesses disputes, probate, estate and trust disputes, employment, title defects

and construction law related controversies. Powers represents individuals, developers, builders, retail stores, non-profit organizations, title companies, and other businesses. She is AV® Preeminent™ Peer Review Rated by Martindale-Hubbell. ■

### *Labor & Employment Attorney Anne Chapman selected for Leadership Manatee Program*

**A**nne Chapman has been chosen by The Board of Governors of Leadership Manatee to participate in the 2016-2017 Leadership Manatee class. Anne is a principal in the firm's labor & employment and business litigation practice areas. Leadership Manatee is a program of the Manatee Chamber Foundation, in partnership with the Kiwanis Club of Bradenton, and is designed to expose business and community leaders to the opportunities and challenges facing Manatee County while honing their leadership skills to make a difference in our community.

"I look forward to gaining valuable insight into our local community and learning how local leaders are able to make positive impact regarding important issues affecting Manatee County," says Anne. Anne's 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. ■

### *Firm welcomes new attorney Daniel VanEtten*

**W**e are pleased to welcome Daniel P. VanEtten to the firm's corporate and business litigation service areas. Daniel's practice involves the litigation of business disputes, probate, estate and trust disputes, employment, and health law related controversies. He represents individuals, developers, builders, retail stores, non-profit organizations, title companies, and other businesses. Daniel earned his Juris Doctor from the University of Florida Levin College of Law and a Bachelor of Arts in Economics from University of South Florida.



"We are thrilled to have Daniel join our firm. With our growth in our corporate and business litigation practice groups, he will provide additional depth and support to better serve our clients," says Jonathan Fleece, Managing Partner. "Daniel's motivation, personality and deep roots in our community make him a perfect addition to the Blalock Walters team." ■

# Attorneys featured in Downtown Bradenton public art project



## Have you seen the larger-than-life pictures of attorneys Annie Breitinger, Alexander John and Amanda Tullidge in Downtown Bradenton building windows?

In effort to bring people together to create a more vibrant, attractive and prosperous Bradenton area, Realize Bradenton has featured young professionals, aka “Millennials” in their newest public art project, #SeeMeHearMe. Why Millennials? Because they represent the future of the city. Annie, Amanda and Alex, along with 20 other local young professionals, were interviewed about what is important to them about living in Bradenton. The words of these millennials certainly attest to their connection to the Bradenton area. Below are excerpts from our attorneys’ interviews explaining their thoughts on our community.

### -ANNIE BREITINGER-

*What is your connection to Bradenton?*

I was offered a job at Blalock Walters after graduating law school, took the risk and moved here. My husband moved here sight unseen. We love the life we’ve made here. We have great friends and great jobs. Plus it’s paradise!



*What’s important when moving somewhere new?*

1. Bike-able. 2. Local restaurant and entertainment scene. 3. Good schools.

*What is your favorite place to take others?*

Robinson Reserve, Motorworks and Darwin’s Breweries, a Pittsburgh Pirates or Bradenton Marauders ballgame at McKecknie Field, Bean Point, Sign of the Mermaid Restaurant and Bradenton Riverwalk.

### -ALEX JOHN-

*What is your connection to Bradenton?*

My family moved to this area before I started law school. When I finished law school, I moved down here to be closer to them. It’s great to be close to my family and I have a good job in this area.



*What’s important when moving somewhere new?*

1. Proximity to fun social spots in the area. 2. Safety. 3. Weather.

*Favorite places to show out-of-town guests?*

I enjoy taking people to the Siesta Key area because it’s a lovely beach and there are great restaurants, bars and other points of interest. I also enjoy walking around Downtown Sarasota and the Bradenton Riverwalk with guests.

### -AMANDA TULLIDGE-

*Where do you see yourself in five years?*

I feel like I have achieved a lot of my goals by graduating law school, establishing myself in the Bradenton legal community, and getting married to my law school sweetheart, Daniel. In the next few years, we are excited to start our family and put down roots here in town.



*What would be your perfect day in Bradenton?*

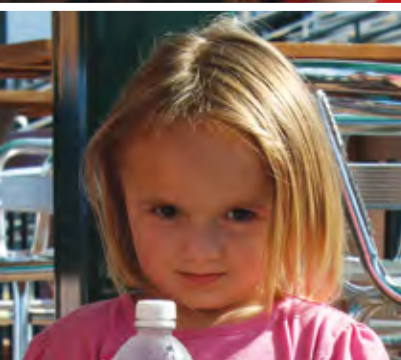
One of my favorite days was when I got to show off Bradenton to my friends from law school. They came from all around Florida and out-of-state to stay at my house for our Christmas party. We celebrated by going out to Motorworks Brewery and watching the Gators in the SEC Championship with the rest of the Manatee County Gator Club. They loved the local brews and playing cornhole and bocce ball in the beer garden.

*How do you typically commute?*

I have to drive everywhere. We live out in Lakewood Ranch, but I work in downtown Bradenton and my husband works in downtown Sarasota. Unfortunately, this means we each commute about an hour to an hour-and-a-half each day. I’d love if we could live closer to our work, but it’s tough finding affordable and safe housing near the downtown areas. ■



Our firm's **Family Fun Day** was at a Bradenton Marauders game at McKechnie Field. Attorneys, staff, family and friends enjoyed a fun evening of laughs, ballpark food, kids' activities and a great game.



# Making a Difference...



## 'Boy Wonder' becomes the firm's resident mascot

**S**outheastern Guide Dogs, the area's largest organization to provide guide dogs to people with visual impairments, recently unveiled their community sculpture campaign called "Superheroes on Parade."

**Blalock Walters sponsored a Superhero Pup, who we inevitably named "Boy Wonder" (or BW for short). He sits stoically in the middle of our lobby and has become our resident mascot.** People walking by pet him, visitors do double takes, and children enjoy posing for pictures with him.

Superheroes on Parade is a whimsical, dog-centered campaign featuring 50 life-size dog sculptures of a guide dog superhero, customized and painted by accomplished local and international artists and displayed in prominent locations throughout Sarasota and Manatee Counties.

Sponsored by generous individuals, businesses and media organizations, these Superheroes on Parade will benefit Southeastern Guide Dogs programs and bring awareness to our life-changing mission.

Boy Wonder was created by sculpture artist Scott Joseph Moore, owner, creative director and artist at Moore Art Expressions. Scott sculpted, molded and cast each caped superhero dog, modeling the figures on the Labrador retriever, one of three breeds of extraordinary dogs born, raised and trained at Southeastern Guide Dogs. Local Bradenton artist Lin Oakerson painted Boy Wonder's superhero costume.

Come on over and visit Boy Wonder. Better yet, give him a little scratch behind his ear! ■



Attorney Matt Plummer with daughter, Lily, and son, Luke

## We donate over 400 pounds of food to Food Bank of Manatee to help end summer hunger

**T**he Food Bank of Manatee recently challenged local businesses and organizations to collect non-perishable food items to help end "summer hunger." During a press conference, Cindy Sloan, the vice president of the Food Bank explained that **summer is a busy time because when school lets out, the food supply for families and children in need diminishes.**

Blalock Walters stepped up to the plate and issued our own internal challenge—to fill an entire barrel full of food. We did. Times three. **Altogether, attorneys and staff filled three barrels full of donations, collecting over 420 pounds of food.** With a little teamwork and a lot of fun, we built a shelter over our Southeastern Guide Dogs sculpture (Boy Wonder) using the cans, boxes and containers of food.



"The enthusiasm and generosity of the employees of Blalock Walters illustrates their commitment to our community and to the Food Bank of Manatee," said Maribeth Phillips, CEO of Meals on Wheels PLUS and Food Bank of Manatee. "We are sincerely grateful for this donation of food to feed those in need." ■

## Manatee Community Foundation Ribbon Cutting

**C**ongratulations Manatee Community Foundation (MCF) on your beautiful new building. It will be a great resource for our local nonprofit organizations. We were happy to be there to celebrate! A ribbon cutting was held at their new location, 2820 Manatee Avenue West in Bradenton. The organization's mission is to connect charitable interests of donors with the needs in the community and facilitates greater education, collaboration and philanthropy in Manatee County.

Attorney Bob Blalock was one of the founding members of MCF. For more information, call 941-747-7765 or visit [manateecf.org](http://manateecf.org). ■

# We support non-profits during 2016 Giving Challenge

Over \$13 million will support 559 local organizations serving Sarasota, Manatee, Charlotte and DeSoto counties. The 2016 Giving Challenge raised more than \$5.6 million through 63,567 gifts, with an added \$7.5 million in matching funding from The Patterson Foundation. More than \$200,000 in grant prizes from partner foundations including Manatee Community Foundation will be awarded to organizations. Participating organizations have a profile in The Giving Partner ([www.thegivingpartner.org](http://www.thegivingpartner.org)) which provides detailed information about financials, programmatic accomplishments, needs, governance and management.

## *\$500 matching grant to Take Stock in Children*

As a benefit of being a Corporate Ambassador of Manatee Community Foundation, we pledged a matching challenge grant of \$500 to help Take Stock in Children raise funds during the 2016 Giving Challenge. This match was made possible by the Manatee Community Foundation through its partnership with the John S. and James L. Knight Foundation.

"Blalock Walters and its Giving Challenge partnership with Take Stock in Children of Manatee was such a good example of how meaningful relationships exist between nonprofits and businesses for the greater good, resulting in even more giving," said Manatee Community Foundation Executive Director Susie Bowie. ■



Take Stock in Children Board Member Mark Barnebey with Executive Director Diana Dill

## *Turning Points, Humane Society create partnership*

Turning Points and the Humane Society of Manatee County (HSMC) formed a new partnership for the 2016 Giving Challenge and beyond. Turning Points provides, facilitates and coordinates services to men, women and children who are homeless or are at the risk of homelessness. The HSMC is committed to leading Manatee County in fostering compassion and respect for animals through care, education and collaboration.

This new partnership will provide resources for families and individuals to stay housed and to keep their pets during difficult times while receiving free or low cost services for their pets. "Compassion In Action. Be The One" was their theme for the 2016 Giving Challenge and we were proud to be a part of it. ■



Marisa Powers, Turning Points board member; Melanie Luten, 6-year former HSMC board member and Annie Breitinger, Turning Points supporter.



## *Ann Breitinger helps Cook Together Bradenton surpass fundraising goal by 50 percent*

Realize Bradenton Board Member Annie Breitinger was the co-leader for the organization's 2016 Giving Challenge campaign, **Cook Together Bradenton**. The genesis of the campaign came from Annie's (and co-chair Mimi's) work as "Foodie at the Market" as well as Annie's philanthropy group, Cheers for Charity, that volunteers at the market. Annie was effective at helping Realize Bradenton make new connections as well as strengthen existing donor relationships that Realize Bradenton surpassed its fundraising goal by 50 percent.

Great news for Realize Bradenton but even better news for the Bradenton area! Because this campaign was so successful, Cook Together Bradenton will expand programs like Chef at the Market that teach simple, tasty ways to prepare fresh, local produce as well as improve our market kitchen setup with durable, chef-recommended equipment like cutting boards, knives, counter-height tables and a new hand-washing station.

Cook Together Bradenton is millennial-led but it was designed to have a broader appeal and community benefit for people like those living in the 350 households in neighborhoods surrounding Downtown Bradenton that lack car transportation and no fresh food outlets within walking distance (half mile). Food brings people together and healthy food is the basis of a healthier community. Well done, Annie, for everything you do to support Realize Bradenton.

"Exemplary Realize Bradenton board member, donor, volunteer, downtown advocate, millennial advisor, Foodie at the Market cooking demonstration leader extraordinaire ... Annie Breitinger is a Realize Bradenton MVP!" said Realize Bradenton Executive Director Johnette Isham. ■



802 11th Street West, Bradenton, Florida 34205

PRESORTED  
STANDARD  
U.S. POSTAGE  
**PAID**  
PERMIT #1  
MANASOTA FL



Blalock Walters, P.A.

*In this time of gratitude during the holiday season, we give thanks to you. The success we have experienced over the years is due to loyal clients and friends like you, who faithfully support and trust in our firm. Our promise is to continue giving you the kind of exemplary service you deserve.*



WE MAKE A DIFFERENCE

