

*Poinciana West  
Community Development District*

*Agenda Package*

*January 7, 2020*

# AGENDA

# *Poinciana West*

## *Community Development District*

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219 E. Livingston Street, Orlando, Florida 32801  
Phone: 407-841-5524 – Fax: 407-839-1526

December 31, 2019

**Board of Supervisors  
Poinciana West Community  
Development District**

Dear Board Members:

The Board of Supervisors of Poinciana West Community Development District will hold a Special Meeting on Tuesday, January 7, 2020 at 9:30 AM at Rivera Spa and Fitness Center, 2<sup>nd</sup> Floor, 394 Village Drive, Poinciana, Florida. **PLEASE NOTE THE DATE AND LOCATION OF THE MEETING.** Following is the advance agenda for the meeting:

1. Roll Call
2. Pledge of Allegiance
3. Public Comment Period on Agenda Items
4. Consideration of Proposals for Legal Services
  - A. Appleton Reiss
  - B. Clark & Albaugh, LLP
  - C. Latham, Luna, Eden & Beaudine, LLP
  - D. Persson, Cohen & Mooney, P.A.
  - E. Straley Robin Vericker
5. Approval of Agreement with Selected Firm to Provide District Legal Services
6. Termination of Agreement with Hopping Green & Sams for Legal Services
7. Authorization of Chair or Vice Chair to Execute Consent to Substitution of Counsel
8. Next Meeting Date - January 15, 2020
9. Adjournment

The second order of business is the reciting of the Pledge of Allegiance.

The third order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items.

The fourth order of business is the consideration of proposals for Legal Services. Proposals from the listed firms are enclosed under Sections A - E. Each firm will present their proposals at the meeting and provide time for question and answers.

The fifth order of business is the approval of agreement with the selected firm to provide District legal services.

The sixth order of business is the consideration of the termination of agreement with Hopping Green & Sams for legal services.

The seventh order of business is the authorization for the Chair or Vice Chair to execute a Consent to Substitution of Legal Counsel. Once new District Counsel is selected and engaged, the consent will be prepared.

The balance of the agenda will be discussed at the meeting. In the meantime, if you have any questions, please contact me.

Sincerely,



George S. Flint  
District Manager

CC: Michael Eckert, District Counsel  
Kathleen Leo, District Engineer  
Alan Scheerer, Field Manager  
Clayton Smith, Assistant Field Manager  
Darrin Mossing, GMS

Enclosures

## SECTION IV

# SECTION A

December 13, 2019

**VIA E-MAIL**

**(GFLINT@GMSCFL.COM)**

**Poinciana West Community Development District**

**Re:    Legal Services for Poinciana West Community Development District**

**Dear Board of Supervisors:**

**Thank you for your interest in having Appleton Reiss, PLLC ("Appleton Reiss") represent Poinciana West Community Development District (the "District"). We are pleased to present you with information about our firm.**

**Appleton Reiss was formed in 2018 to specialize in providing legal services to community organizations of all kinds, including condominium associations, homeowner's associations, community development districts, special taxing districts, and other similar and related entities. Our attorneys and staff have worked together in this field for several years and are very familiar with the statutes, case law, and documents that govern these respective entities. Our goal is to provide our clients with effective solutions and legal strategies to resolve the many types of issues and problems that arise in planned, shared communities. We understand that the governing boards of the communities we represent consist of homeowners and neighbors, like yourselves, who volunteer their time to support their community and seek practical and cost-effective solutions and advice. We prioritize and promote such solutions and advice.**

**I have enclosed information about our firm and our lawyers with this correspondence. You'll see from our biographies that our attorneys have extensive experience in all aspects of community representation. In addition to our experience in community representation, our lawyers also specialize in other areas that help to support our practice including trial and appellate law, construction and other litigation, bankruptcy, pre and post-judgment collections, and other matters. We also have an excellent team of support staff who are very knowledgeable and dedicated. If the District selects Appleton Reiss as its counsel, I would be attorney responsible for providing legal services to the District. My current hourly rate is \$350/hour and the current hour rate for my legal assistant, Nicole R. Jaromin, is \$135/hour. The following rates currently apply to the other attorneys in the firm who may provide assistance in representing the District on an as needed basis:**

**Eric N. Appleton - \$375/hr  
Karen S. Cox - \$350/hr  
Keith D. Skorewicz - \$350/hr  
Maria S. Chapman - \$300/hr**



Since the District is a quasi-governmental entity, our firm will provide services at a reduced rate of \$300/hour for all attorneys and \$125/hour for all staff and paralegals.

I look forward to the opportunity to meet with the Board and further discuss our Firm's credentials and how we can advise and assist the District with its legal matters. If you have any questions, please do not hesitate to contact me directly at 813-542-5029. In addition to the attorney biographies, I am enclosing a copy of the Firm's engagement letter for the Board's consideration. I also encourage you to check out our website at [www.appletonreiss.com](http://www.appletonreiss.com)."

Sincerely,



Michelle T. Reiss, Esq .



December 13, 2019

**VIA EMAIL ONLY (eflint@gmscfl.com)**  
Poinciana West Community Development District

Re:    Legal Services Agreement

Dear Board of Directors:

Thank you for your interest in having Appleton Reiss, PLLC (“AR” or “we” or “Firm”) represent Poinciana West Community Development District (the “Client” or “you”) in connection with general corporate matters and other issues that you may refer to us in writing from time to time. We are delighted that you selected AR, and we look forward to a mutually beneficial relationship.

This agreement sets forth the scope, terms and conditions of AR’s engagement as counsel. Although we do not wish to be overly formal in our relationship with you, we have found it a helpful practice to confirm with our clients the terms of our representation.

**Limited Scope of Engagement**

AR has been retained by the Client with respect to the matter or matters described above. Any new or expanded engagement beyond such matter or matters will require our prior written agreement. AR is entering into this attorney-client relationship only with the Client named above. Any representation of a person or entity other than the Client will require our prior written agreement. Nothing in this agreement and nothing in our statements to you should be construed as a promise or guarantee about possible results relating to our representation of the Client. Indeed, although we may offer opinions about possible results, we can neither predict nor guarantee any outcome, and we make no such prediction or guarantee.

**Contact Person, Staffing, and Communications**

You have designated the Client’s President as the primary contact from whom we will take direction and to whom we will report in connection with this engagement. I will be the Partner generally responsible for the Firm’s representation of the Client, including matters relating to billing and staffing, and I will have primary day-to-day responsibility for the Client’s matters. I will be assisted by such other attorneys and personnel as I deem appropriate from time to time, in order to provide the highest quality service in a cost-effective manner.

The legal privilege for attorney-client communications exists to encourage candid and complete communication between attorneys and their clients. We can truly perform beneficial services for a client only if we are aware of all information that might be relevant to our representation. Consequently, we trust that our attorney-client relationship with you will be based on mutual confidence and unrestrained communication that will facilitate our representation of you. In that regard, for as long as we represent you, we agree to inform you of the status of any matters in which we represent you, to respond to your inquiries, and to include you in any important strategies or decisions relating to such representation. Likewise, you agree to keep AR informed about any events that might affect our ability to perform the services required of us by this agreement and to cooperate with us and comply with all reasonable requests related to our provision of services.

**Fees and Expenses**

Our fees are generally determined by the time devoted by each attorney or legal assistant involved in the engagement and the hourly billing rates assigned to each such person. Currently, the rates for attorneys at AR range from \$225.00 per hour to \$375.00 per hour. The rates for our paralegals are \$135.00 to \$150.00 per hour. Our hourly rates are revised periodically, and we reserve the right to revise them from time to time during the course of this engagement. In situations involving extraordinary risks, efforts or results, we may request that the Client give consideration to a supplemental fee over and above our hourly rates. Unless we specifically agree in writing, any fee estimate that we may provide is not a commitment to perform the services within a fixed time or for a fixed fee.

In addition to our fees, we expect our clients to defray certain costs incurred during our representation of them. These costs generally are advanced or incurred as a result of long distance telephone calls, postage, photocopying, travel, computer research services, messenger services, and fees charged by governmental entities for filing, recording, certification and registration. We may request an advance cost deposit if we anticipate that we will be required to incur substantial costs on your behalf. We also may forward to you, for direct payment by you, certain expenses or charges such as fees of experts, court reporters, corporate filing fees, etc., received by us from third party vendors of services or goods for the benefit of the Client. The Client will be responsible for making such direct payments in a timely fashion.

We may bill bi-monthly or monthly throughout an engagement for a particular matter, and our invoices to the Client are due when rendered. If our invoices to the Client are not paid when due, we reserve the right to discontinue services until the account is brought current. We are entitled to attorneys' fees and costs if collection activities are necessary to recover amounts due from the Client. We may require a retainer at any time, which we will apply to any unpaid fees or costs or as we may otherwise agree with the Client. Any unused portion of a retainer is fully refundable when our representation is completed or terminated.

Notwithstanding the foregoing, to the extent that we take action to you to collect unpaid assessments, fines or debts due to the Client, we will defer billing of legal fees incurred by the Client until such time as the collection of the assessments is resolved with the party indebted to the Association, or until such time as a judgment is entered against the party who is indebted to the Association. The foregoing deferred billing arrangement shall not apply to counterclaims raised by debtors, the defense of mortgage foreclosure actions, appeals or administrative hearings of any kind.

**Advance Waiver of Potential Conflicts of Interest**

AR represents, and in the future will represent, many other clients. Some may be direct competitors of the Client or otherwise may have business interests that are contrary to the Client's interests. It is also possible that, during the time we are representing you, an existing or future client may seek to engage us in connection with an actual or potential transaction or pending or potential litigation or other dispute resolution proceeding in which such client's interests are or potentially may become adverse to the Client's interests. AR cannot enter into this engagement if it could interfere with our ability to represent existing or future clients that have interests adverse to the Client. We therefore ask you to confirm that AR may continue to represent or may undertake in the future to represent any existing or future client in any matter (including transactions, litigation or other dispute resolutions), even if the interests of that client in that other matter are directly adverse to AR's representation of the Client, as long as that other matter is not substantially related to this or our other engagements on behalf of the Client. Specifically, we request that the Client agree that (a) no engagement that we have undertaken or may undertake on behalf of the Client will be asserted by the Client either as a conflict of interest with respect to, or as a basis to preclude, challenge or otherwise disqualify AR from, any current or future representation of any client in any matter,

*Poinciana West Community Development District*

including without limitation any representations in negotiations, transactions, counseling or litigation adverse to the Client, as long as that other matter is not substantially related to any of our engagements on behalf of the Client, (b) the Client has been advised by AR, and has had the opportunity to consult with other counsel, with respect to the terms and conditions of these provisions and the Client's prospective waiver, (c) the Client's consent to these provisions is both voluntary and fully informed, and (d) the Client intends for its consent to be effective and fully enforceable, and to be relied upon by AR.

Termination and Retention of Documents

Our engagement is terminable at will by either AR or the Client, subject to payment of all fees for services performed and costs advanced or incurred through the date of termination. Unless previously terminated, our representation of the Client will terminate upon our sending you our final statement for services rendered. Upon termination, our files pertaining to the engagement will be retained by AR in accordance with our document retention policy, as amended from time to time. Subject to our obligations under applicable law, we reserve the right to destroy or otherwise dispose of any documents or other materials retained by us after the termination of the engagement.

If this agreement accurately reflects the scope, terms and conditions of your engagement with AR, please sign the agreement and return the original countersigned agreement to me. Thank you for providing us the opportunity to work with you, and please do not hesitate to call me if you have any questions concerning any aspect of this agreement.

Very truly yours,

APPLETON REISS, PLLC

  
\_\_\_\_\_  
Michelle T. Reiss, Esquire  
For the Firm

The undersigned accepts and agrees to the terms of this Legal Services Agreement on behalf of Client.

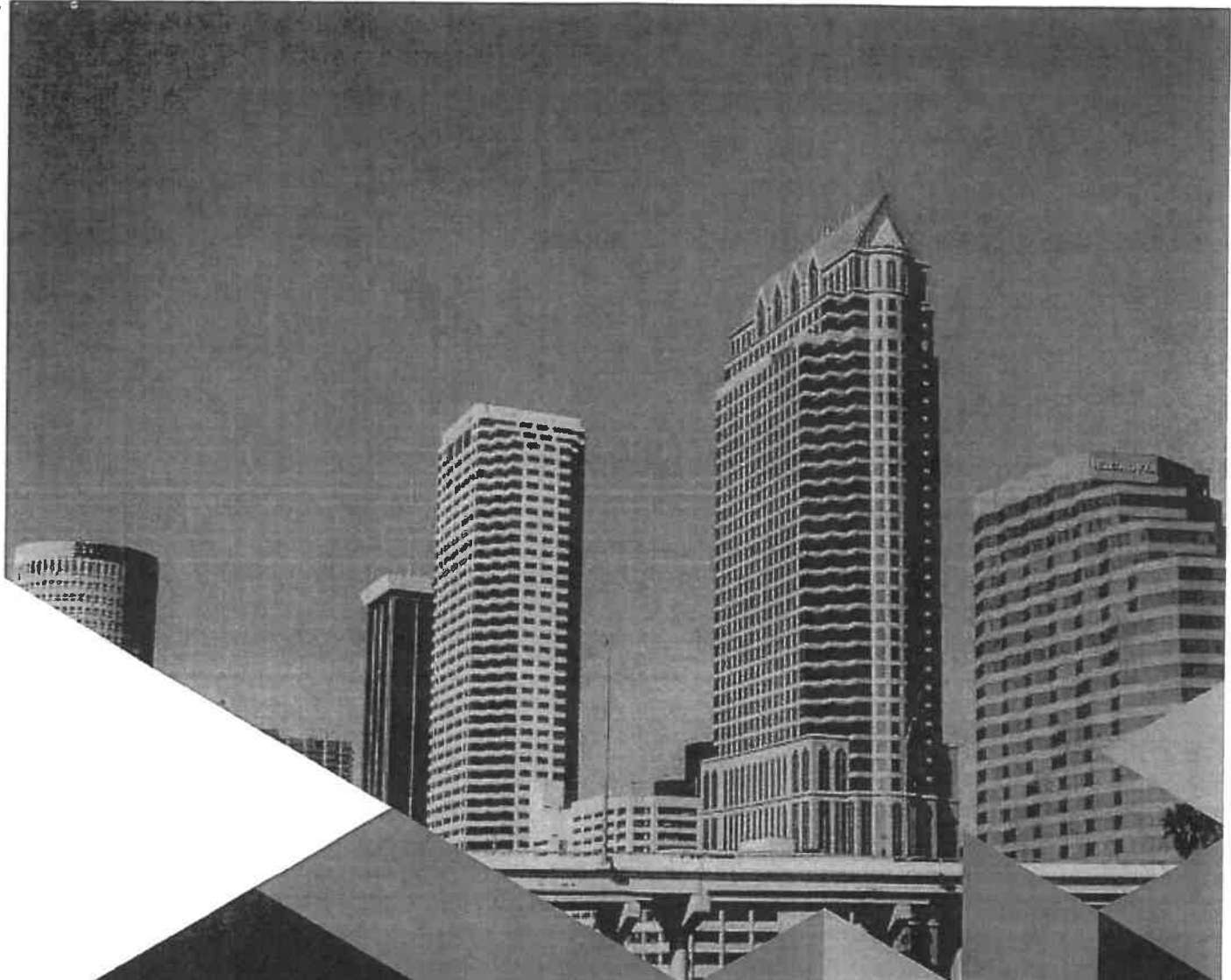
Poinciana West Community Development District

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_



APPLETON REISS  
ATTORNEYS AT LAW APPLETONREISS.COM

[www.appletonreiss.com](http://www.appletonreiss.com)

2019

# OUR PRACTICE

Appleton Reiss, PLLC provides full-service representation for homeowners associations, condominium associations, civic associations, commercial associations, community development districts, special taxing districts, and property owners at all stages of community development. Our attorneys are recognized as individual leaders in association law due to their broad and diverse experience and expertise in real estate and community association matters. Our attorneys and staff have decades of experience handling community association matters. With several hundred condominium and homeowners' association clients, Appleton Reiss, PLLC is the preeminent full-service legal solution for Florida community associations.

**Appleton Reiss, PLLC provides all aspects of community association legal services. Our areas of experience include:**

- Arbitration and Mediation
- Association Disputes
- Association Lien Foreclosure and Mortgage Foreclosure
- Bankruptcy
- Board governance, corporate operations, and enforcement of bylaws and articles of incorporation
- Budgeting and Financial matters
- Collection of Maintenance and Special Assessments, Fines and Fees
- Community Association Administration
- Common area and common element maintenance, repair, alteration, and improvement
- Compliance with Marketable Record Title Act
- Construction and Defect Litigation
- Contract Drafting and Preparation, Review, and Litigation and Enforcement
- Coordination among master associations, sub-associations, and community development districts
- Election disputes and recalls
- Eminent domain, land use, and zoning matters and litigation
- Enforcement of Covenants and Rules
- Fair Housing Act complaints and compliance
- Governing Document Preparation, Interpretation and Amendment
- Insurance matters and litigation
- Labor and Employment Issues and Litigation
- Landlord/Tenant
- Litigation and Appeals
- Meeting and election notice, preparation and advice
- Meeting and election administration and supervision
- Preparation of governing documents and restrictions for condominiums and homeowners associations
- Resolution of Title Issues
- Special assessments and loans
- Termination of Condominiums
- Turnover and transition from Developer

## CONTACT US

### APPLETON REISS, PLLC

#### TAMPA OFFICE:

- 📍 501 E. Kennedy Blvd., Suite 802, Tampa, FL 33602
- ☎ 813-542-8888

#### ST. PETERSBURG OFFICE:

- 📍 360 Central Avenue, Suite 800, St. Petersburg, FL 33701

# ATTORNEYS



**ERIC APPLETON**

is a founding partner and member of Appleton Reiss, PLLC.



**MICHELLE REISS**

is a founding partner and member of Appleton Reiss, PLLC.



**KEITH SKOREWICZ**

is a shareholder with Appleton Reiss, PLLC.



**NADINE APPLETON**

is a shareholder with Appleton Reiss, PLLC.



**KAREN COX**

is a shareholder with Appleton Reiss, PLLC.



**MARIA CHAPMAN**

is a shareholder with Appleton Reiss, PLLC.



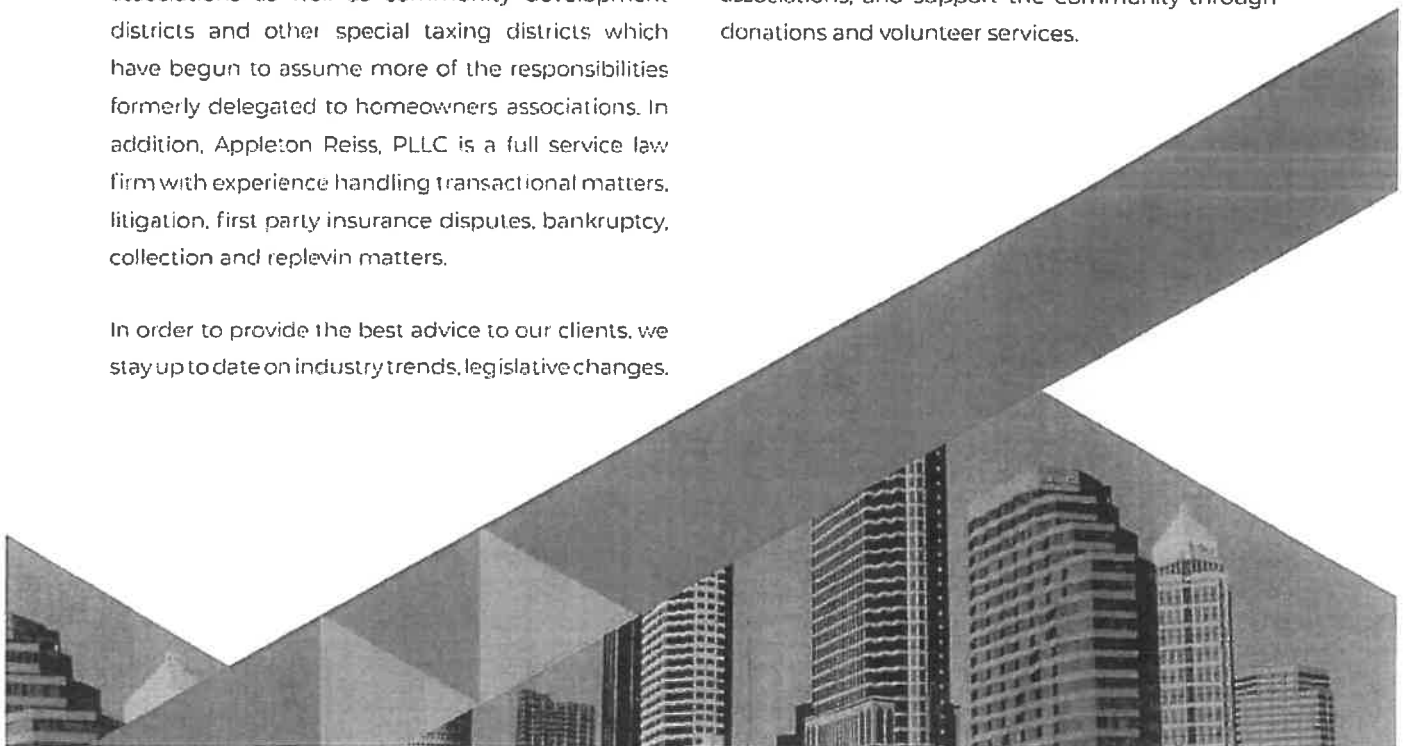
# ABOUT US

Appleton Reiss, PLLC was founded in 2018 to provide innovative, effective, and affordable legal services to community associations and other entities. Our lawyers have decades of experience providing legal advice and practical solutions for community associations. We represent homeowners associations, condominium associations, community development districts, special taxing districts, developers, and individuals throughout Florida. Our lawyers have experience drafting, amending and interpreting governing documents, implementing strategies for collecting past due assessments, minimizing delinquencies, and avoiding and resolving non-monetary violations, addressing contract and vendor issues, resolving disputes with developers, and helping associations strategize, plan, and finance capital improvement projects and deferred maintenance expenditures. While we represent hundreds of associations of all sizes and needs throughout Florida, we strive to provide personal service and expedient advice to each and every client. Appleton Reiss, PLLC is one of few firms in Florida with experience representing community associations as well as community development districts and other special taxing districts which have begun to assume more of the responsibilities formerly delegated to homeowners associations. In addition, Appleton Reiss, PLLC is a full service law firm with experience handling transactional matters, litigation, first party insurance disputes, bankruptcy, collection and replevin matters.

In order to provide the best advice to our clients, we stay up to date on industry trends, legislative changes,

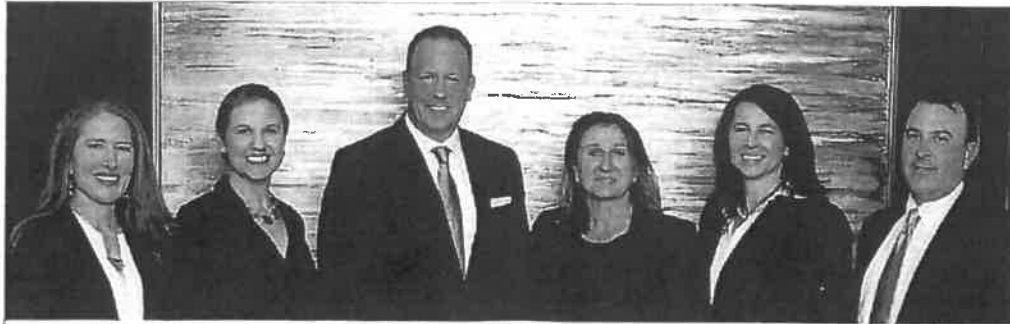
and evolutions in the law affecting our clients. We share this information with our clients and their community association managers through daily representation in their legal and corporate matters and through free seminars. In addition to publishing periodic updates regarding changes in Chapters 718 and 720 and other Florida Statutes affecting our clients, we are approved by the Florida Department of Business and Professional Regulation to provide a Board Certification Course for new and existing condominium and homeowners association board members. We host courses throughout the year at our office and other locations in the community for the benefit of existing and potential clients. Please contact us to find out when we will be hosting a course in your area. For all of your other legal needs and community association matters, please contact us today to find out how we can help you.

In addition to supporting the legal needs of community associations and other clients, we are also active in our community. We provide pro bono services, attend and participate in local bar associations, and support the community through donations and volunteer services.



# Super Lawyers

2019



LEFT TO RIGHT: Michelle T. Reiss, Maria S. Chapman, Eric N. Appleton\*, Karen S. Cox, Nadine M. Appleton, Keith D. Skorewicz\*  
\*CHOSEN TO SUPER LAWYERS

**10 YEARS**  
SELECTED TO  
Super Lawyers

Eric N. Appleton

## APPLETON REISS

TAMPA/ST. PETERSBURG

### INNOVATIVE, RESOURCEFUL AND HIGHLY EFFECTIVE LEGAL SERVICES

Appleton Reiss proactively represents hundreds of commercial associations, community development districts, special taxing districts, homeowners' associations, condominium associations, civic associations, and property owners in all aspects and stages of community and real estate development. The lawyers of Appleton Reiss are well established in the community, and they are widely known and regarded for their significant expertise and high professional standards.

Hundreds of clients rely upon Appleton Reiss for their legal needs, including those involving litigation, trials, appeals, and transactional matters. Among other services offered to clientele of the firm, Appleton Reiss actively engages in drafting,

amending, restating and interpreting governing documents; enforcement of covenants, conditions and easements; collection of delinquent accounts; development of corporate policies and procedures; litigation of contract, construction and insurance claims; condominium terminations and property redevelopment. With many years of practice in their field, the attorneys of Appleton Reiss are the preeminent full-service legal solution for Florida's common interest associations and real estate owners.



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St. Petersburg, FL 33701

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## **Eric Appleton**



Mr. Appleton is a founding partner and member of Appleton Reiss.

Mr. Appleton has practiced association and real estate law in Florida, including litigation and transactional matters, since 1999. He has substantial experience representing real estate owners, developers, office parks, commercial associations and residential condominium and homeowners' associations throughout Florida.

Mr. Appleton's law practice focuses on assisting association officers, directors and community managers with corporate operations, including litigation, arbitration, mediation and transactions. Mr. Appleton has represented real property owners, commercial associations and residential community associations in complex disputes with residents, tenants, lenders, insurance carriers, neighboring property owners, vendors and developers at mediation, arbitration and trial.

Mr. Appleton also has considerable experience with condominium terminations, collection and foreclosure litigation, as well as property damage and construction defect claims in Florida.

In addition to having significant and well-known experience as a community association attorney in Florida, Mr. Appleton is certified by the Supreme Court of Florida as a Circuit Court and Appellate Court Mediator.

Mr. Appleton offers common interest community certification courses to board members and their management teams on a regular basis. Mr. Appleton also has appeared as a lecturer at various events sponsored by The Florida Bar, the Community Associations Institute, the Hillsborough County Bar Association and Lorman Education Services.

## **EDUCATION**

- University of Florida, J.D., 1998
  - University of Florida Alumni Merit Scholarship Recipient
  - Certified Legal Intern, Office of the State Attorney for the Thirteenth Judicial Circuit
- University of Florida, B.S., with Honors, 1995
  - Anderson Scholar with Distinction. This award is the highest recognition for academic merit bestowed to undergraduate students enrolled in the College of Liberal Arts and Sciences at the University of Florida.
  - Presidential Service Award. This award recognizes undergraduate students who dedicate themselves to promoting social justice, community awareness and civic engagement at the University of Florida and in the community.

## **BAR ADMISSIONS**

- Florida Bar, Admitted 1999
- The United States District Court for the Middle District of Florida
- The United States Court of Appeals for the Eleventh Circuit
- Certified Circuit Court and Appellate Mediator by the Florida Supreme Court

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

- The Florida Bar Thirteenth Judicial Circuit Grievance Committee 13 "C", Vice Chair 2019
- The Florida Bar Condominium and Planned Development Law Committee
- The Florida Bar Construction Law Committee
- American Bar Association
- Hillsborough County Bar Association
- Real Property Probate and Trust Law Section, Co-Chairman 2006-2009
- Hillsborough County Bar Association Leadership Institute
- Community Associations Institute, Suncoast Chapter

## **HONORS & RECOGNITIONS**

- Named to the Best Lawyers in America, 2016-2019
- Named to the "Florida Super Lawyers" list by Super Lawyers Magazine, 2010-2019
- Named to Florida's "Legal Elite" by Florida Trend Magazine
- Recognized as a member of Florida's "Up & Coming Legal Elite" by Florida Trend Magazine
- Recognized as a "Rising Star" by Florida Super Lawyers Magazine

## Michelle Reiss



Ms. Reiss is a founding partner and member of Appleton Reiss.

Ms. Reiss focuses her law practice on the representation of condominium associations, homeowners' associations, community development districts, special taxing districts, and other common interest entities. She advises clients about interpreting and enforcing governing documents and statutes, and she represents them in litigation and alternative dispute resolution processes. Ms. Reiss developed and presents a state-approved certification course for new condominium and homeowners' association board members.

Ms. Reiss also has significant experience in real estate disputes, landlord/tenant matters, covenant and deed restriction enforcement, contract disputes, collection matters, and foreclosure and bankruptcy proceedings. She has represented clients in significant commercial foreclosure matters and attorney malpractice cases, as well as condominium termination and property damage cases.

Ms. Reiss is a member of the Hillsborough Association of Women Lawyers and the Hillsborough County Bar Association. In addition, Ms. Reiss serves the community as a pro-bono attorney for Crossroads for Florida Kids. She previously served on the Board of Directors for the Children's Home Society of Florida's Gulf Coast Division.

### **EDUCATION**

- University of Florida, JD, cum laude, 2006
- Florida International University, MSW, 2001
- Wake Forest University, B.A., magna cum laude, 1996

### **BAR ADMISSIONS**

- The Florida Bar, Admitted 2007
- The United States District Court for the Middle District of Florida

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

- The Florida Bar Condominium and Planned Development Law Committee
- Hillsborough Association of Women Lawyers
  - 2015 – 2017, Director
  - 2014 – 2015, FAWL Liaison
  - 2013 – 2016, Co-Chair, Judicial Relations Committee
  - 2012 – 2013 Chair, Legislative Committee
- Florida Association of Women Lawyers
  - 2014 – Member, Communications Committee
- Crossroads for Florida Kids
  - Pro bono attorney representing dependent and delinquent children
- Hillsborough County Bar Association, Member
- American Bar Association
- Tampa Connection, Class of 2013-2014

## **HONORS & RECOGNITIONS**

- Recognized as a "Rising Star" by Florida Super Lawyers Magazine
- Named as Florida's "Legal Elite" by Florida Trend Magazine
- Constitutional Law: Fact or Factor: The Supreme Court Eliminates Sentencing Factors and the Federal Sentencing Guidelines, 57 Fla. L. Rev. 987 (2005)
- What is merit retention and why do I care?, HAWL Journal (Sept. 2012)



## Keith Skorewicz



Mr. Skorewicz is a shareholder with Appleton Reiss. He currently operates the Firm's St. Petersburg, Florida office.

Mr. Skorewicz has represented community associations throughout the State of Florida for over a decade. He advises community boards and managers about all aspects of community association law, including covenant enforcement, covenant amendments, contracts, collections and foreclosures. He also counsels associations about the statutory and documentary guidelines for the daily administration of their communities. Mr. Skorewicz also regularly represents landlords, and small businesses throughout the state of Florida.

As the former law clerk to the Honorable Christopher W. Altenbernd of the Second District Court of Appeal, Mr. Skorewicz has significant appellate court experience, as well. Mr. Skorewicz has successfully briefed and argued landmark cases before the appellate courts in Florida on behalf of community associations.

Mr. Skorewicz has additionally handled matters on behalf secured creditors and lessors including obtaining replevin of and negotiating the return of aircraft, flight simulators, construction and agriculture equipment, antique coins and artifacts, and rare motor vehicles. Mr. Skorewicz assisted the Kingdom of Spain during five years of litigation successfully obtaining the return of coins and artifacts to Spain. Mr. Skorewicz also prevailed in arbitration representing a large national lender regarding a complex secured transaction while avoiding multimillion dollar lender liability claims. Mr. Skorewicz regularly represented clients in the defense of warranty claims under state Lemon Laws and the Magnuson Moss Warranty Act.

### **EDUCATION**

- Suffolk University Law School, J.D., *cum laude*, 2002
- Eckerd College, B.S., *with honors*, 1996

## **BAR ADMISSIONS**

- The Florida Bar, Admitted 2002
- Middle District of Florida
- Northern District of Florida
- Southern District of Florida

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

- The Florida Bar, Business Law and Litigation Sections
- Hillsborough County Bar Association
- Law clerk for two years to the Honorable Chris W. Altenbernd, Chief Judge, Florida District Court of Appeal, Second District.
- Former law clerk for the Department of Justice in Washington, D.C.
- Eckerd College Alumni Association
- The Bridgton Academy Alumni Association
- Sigma Xi Scientific Research Society
- Graduate of the Leadership Tampa Class of 2013

## **HONORS & RECOGNITIONS**

- Recognized as a "Super Lawyer" by Florida Super Lawyers Magazine
- Recognized as a member of Florida's "Up & Coming Legal Elite" by Florida Trend Magazine
- Recognized as a "Rising Star" by Florida Super Lawyers Magazine



## **Karen Cox**



Karen Cox is a shareholder with Appleton Reiss. She began her career as a prosecutor, first with the State Attorney's Office for the 13th Judicial Circuit, followed by the United States Attorney's Office for the Middle District of Florida. While a state court prosecutor, she was promoted through a variety of divisions and was ultimately appointed to be the head of the homicide department. While a federal prosecutor, Ms. Cox was recognized for having the most indictments returned in one year and was honored for her work by the United States Secret Service and Federal Bureau of Investigation. She has represented the United States of America in more than 100 cases before the Eleventh Circuit Court of Appeal.

In 2001, Ms. Cox began the private practice of law. As a private practitioner, she has represented court-appointed fiduciaries in Federal and State courts in a number of complex matters stemming from fraudulent schemes, most recently in the Botfly case, a Ponzi scheme based on purported Forex trading.

Ms. Cox has extensive experience as a trial lawyer in Federal and State courts and has litigated hundreds of jury trials to verdict. She also has extensive experience as appellate lawyer in Federal and State courts.

For more than ten years, Ms. Cox's practice has included representation of community associations.

### **EDUCATION**

- Georgetown University, J.D., 1984
- Arkansas State University, B.S., with High Honors, 1981

### **BAR ADMISSIONS**

- The Florida Bar, Admitted 1985
- United States District Courts for the Middle, Northern and Southern Districts of Florida
- United States Court of Appeals for the Eleventh Circuit

## PROFESSIONAL & COMMUNITY AFFILIATIONS

- The Florida Bar Condominium and Planned Development Law Committee
- Hillsborough County Bar Association
- William Reece Smith, Jr. Litigation American Inn of Court
- The Eleventh Circuit Historical Society

## HONORS & RECOGNITIONS

AV Preeminent® Peer Review Rated, by Martindale-Hubbell®

## PUBLISHED APPELLATE DECISIONS

- Santa Lucia v. Levine, 198 So. 3d 803 (Fla. 2d DCA 2016)
- Smith v. Lakewood Ranch Gymnastics, LLC 254 So. 3d 339 (Fla. 2d DCA 2018)
- Saunders v. Cessna Aircraft, Co., 242 So. 3d 1088 (Fla. 2d DCA 2018)
- Villasol Cmty. Dev. Dist. v. TC 12, LLC, 226 So. 3d 854 (Fla. 5<sup>th</sup> 2017)
- Caldwell v. Klinker, 646 Fed. Appx. 842 (11<sup>th</sup> Cir. 2016)
- Ballantrae Homeowners Association v. Fannie Mae, 203 So. 3d 938 (Fla. 2d DCA 2016)
- Magwitch, LLC v. Pusser's W. Indies Ltd., 200 So. 3d 216 (Fla. 2d DCA 2016)
- Estate of Elain Purcell v. Arauzo, 624 Fed. Appx. 743 (11<sup>th</sup> Cir. 2015)
- Grande Oasis at Carrollwood Condo. Ass'n. v. Riaz, 2015 Fla. Cir. LEXIS 61342 (13<sup>th</sup> Cir. 2015)
- Phillips v. Republic Fin. Corp., 157 So. 3d 320 (Fla. 5<sup>th</sup> DCA 2015)
- May v. HCA Health Servs. of Fla., Inc., 166 So. 3d 850 (Fla. 2d DCA 2015)
- Mich. State Univ. v. Asbestos Settlement Trust, 700 F. 3d 1262 (11<sup>th</sup> Cir. 2012)
- Southern Wesleyan University v. Asbestos Settlement Trust, 496 Fed. Appx. 3 (11<sup>th</sup> Cir. 2012)
- Cherry v. D.B. Zwim Special Opportunities Fund, L.P., 433 Fed. Appx. 870 (11<sup>th</sup> Cir. 2011)
- Claremont McKenna College v. Asbestos Settlement Trust, 613 F. 3d 1318 (11<sup>th</sup> Cir. 2010)
- Ostrenski v. Zhou, 51 So. 3d 1161 (Fla. 2d DCA 2010)
- JP Morgan v. New Millennial, LC, 6 So. 3d 681 (Fla. 2d DCA 2009)
- Swisher Int'l v. Schafer, 550 F. 3d 1046 (11<sup>th</sup> Cir. 2008)
- Zeeuw v. BFI Waste Svcs. of N. Am., Inc., 977 So. 2d 1218 (Fla. 2d DCA 2008)
- Fibreboard Corp. v. Celotex, 472 F. 3d 1318 (11<sup>th</sup> Cir. 2006)
- Cadle Co. v. Bergerud, 848 So. 2d 316 (Fla. 2d DCA 2003)
- US v. Acevedo, 285 F. 3d 1010 (11<sup>th</sup> Cir. 2002)
- US v. Carcione, 272 F. 3d 1297 (11<sup>th</sup> Cir. 2001)
- US v. Grant, 256 F. 3d 1146 (11<sup>th</sup> Cir. 2001)
- US v. Riley, 250 F. 3d 1303 (11<sup>th</sup> Cir. 2001)
- US v. Melvin, 187 F. 3d 1316 (11<sup>th</sup> Cir. 1999)
- US v. Pistone, 177 F. 3d 957 (11<sup>th</sup> Cir. 1999)





## Nadine Appleton



Nadine Appleton is a shareholder with Appleton Reiss. She acts as a lawyer with the Firm and leads its administration.

As a former state prosecutor, Ms. Appleton has extensive experience litigating non-jury and jury trials in Florida courts. She has successfully litigated hundreds of cases to verdict, including vehicular homicides, violent felonies, drug offenses and thefts. Ms. Appleton also has significant experience as a sole practitioner and a member of a small firm representing individuals charged with crimes.

Ms. Appleton joined Appleton Reiss, PLLC at its founding in 2018.

### EDUCATION

- Florida State University, J.D., 1998
  - *Certified Legal Intern, Office of the State Attorney for the Thirteenth Judicial Circuit*
- Samford University, B.S., 1996

### BAR ADMISSIONS

- The Florida Bar, Admitted 1999

### PROFESSIONAL & COMMUNITY AFFILIATIONS

- American Bar Association
- Hillsborough County Bar Association
- Hillsborough Association of Women Lawyers ("HAWL")
- New Suburb Beautiful Garden Club, Membership Chair



## **Maria Chapman**



Ms. Chapman is a shareholder in the Tampa office of Appleton Reiss. Prior to joining Appleton Reiss, Ms. Chapman was a lawyer with a large state-wide law firm in Florida.

Ms. Chapman represents community associations and other common interest entities managing real property in Florida. Ms. Chapman advises community boards and managers about all aspects of community association law, including covenant enforcement, covenant amendments, contracts, collections and foreclosures. She also counsels associations about the statutory and documentary guidelines for the daily administration of their communities.

In addition to representing community association clientele with routine legal problems, Ms. Chapman zealously represents clients in property damage claims, including insurance claims, sinkhole litigation, premises liability claims and property damage claims. With significant insurance industry experience, Ms. Chapman is exceptionally capable of protecting the interests of property owners, including community associations, with claims against their own insurance companies and others.

### **EDUCATION**

- University of Florida, J.D., 1999
  - Certified Legal Intern, Office of the State Attorney for the Thirteenth Judicial Circuit
  - Teaching Assistant, Legal Research & Writing and Appellate Advocacy
  - Elected Honor Committee Class Representative
- University of Florida, B.S. with honors, 1996
  - Member, Golden Key National Honor Society
  - Member, Concert Band

## **BAR ADMISSIONS**

- The Florida Bar, Admitted 2000
- The United States District Court for the Middle District of Florida

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

- The Florida Bar Condominium and Planned Development Law Committee
- Hillsborough County Bar Association
- Hillsborough Association of Women Lawyers ("HAWL")
- Junior League of St. Petersburg, 2003 – 2011
  - Communications Vice President, Junior League of St. Petersburg, 2008
- 2009 Junior League of Tampa, 2011 – Present

# SECTION B



## CLARK & ALBAUGH, LLP

SCOTT D. CLARK, ESQ.

December 20, 2019

Poinciana West Community Development District  
c/o George Flint  
135 West Central Boulevard, Suite 320  
Orlando, Florida 32801

RE: Potential engagement as District Counsel

Dear Supervisors:

George Flint recently told me that the Poinciana West Community Development District (“District”) was seeking proposals for the position of District Counsel. This letter and the attachments represent our proposal. The first attachment provides a statement of the firm’s qualifications and experience in representation of community development districts. The second is a form of engagement letter that would represent our agreement with the District, if engaged, including hourly rates and other policies.

As detailed in the statement of experience, I have been active in CDD representation for 25 years. Included in the list of representative districts are some that I have represented from inception for periods of 20 to 25 years. In some of the other listed districts I took over the position when the board transitioned from developer to resident control and have maintained the representation continuously for more than ten years. As indicated, some other engagements have been special purpose litigation engagements. Most of these arose from the CDD defaults that began to occur in 2007.

Through the years we have had great success in helping resident boards to navigate the challenges of running community development districts and to chart a long-term course for their

districts. I am proud to say that none of these engagements has ever ended because the board was dissatisfied and terminated our services.

I have chosen deliberately not to provide a list of references among these districts, since that can be self serving. Instead, I invite you to contact any board member, board chairman or district manager from any of these districts for a reference. Of the list, the Grand Haven CDD in Flagler County is the most similar, highly-amenitized community.

Thank you for considering this firm for the position of District Counsel. I would be happy to answer any questions you have or to provide additional information you might request.

Sincerely,



Scott D. Clark

SDC/enclosures

## QUALIFICATIONS AND EXPERIENCE

Scott D. Clark, founder of Clark & Albaugh, LLP, has been practicing in local government law since he began practicing law in 1980. Prior to that, he graduated second in his class at the University of Florida College of Law. In 1993, as community development districts were gaining popularity, Mr. Clark began to practice as general counsel to several them. In this part of the practice, the firm represents special district governmental clients in regulatory matters, bond financings and infrastructure construction contracts and disputes. In the latter capacity, the firm has assisted in the resolution of contractor disputes and construction defect matters, both through litigation and alternative dispute resolution methods.

Mr. Clark has served as counsel to several Community Development Districts from 1993 until the present, including:

- Country Club of Mount Dora Community Development District (1993-2012) (the CDD was dissolved in 2012 after paying its bond debt)
- Remington Community Development District (1994-present)
- ChampionsGate Community Development District (1998-present)
- Xentury City Community Development District (1998-present)
- Deer Island Community Development District (2001-2013)
- Stoneybrook West Community Development District (2000-present)
- Villa Sol Community Development District (2001-present)
- Golden Lakes Community Development District (2007-present)
- Tern Bay Community Development District (District and Litigation Counsel, 2007-2019)
- Monterra Community Development District (Special Litigation Counsel, 2008-2010)
- Islands at Doral III Community Development District (Special Litigation Counsel, 2008-2010)
- Islands at Doral Townhomes Community Development District (Special Litigation Counsel, 2008-2010)
- Waterford Estates Community Development District (Special Litigation Counsel, 2008-2010)
- Villages of Avignon Community Development District (District and Litigation Counsel, 2008-2019)

- Westridge Community Development District (District and I Litigation Counsel, 2008-present)
- Grand Haven Community Development District (District Counsel, 2008-present)
- Vista Lakes Community Development District (District Counsel, 2008-present)
- Golden Lakes Community Development District (District Counsel, 2008-present)
- Bella Verde Golf Community Development District (Special Litigation Counsel, 2009-2013)
- City Center Community Development District (Special Litigation Counsel, 2009-2014).
- Durbin Crossing Community Development District (Litigation Counsel 2017-2018)
- Country Greens Community Development District (District Counsel, 2018-present).

In serving these Districts, Mr. Clark's experience has included a broad range of duties. The following list is not exhaustive, but illustrates this experience:

- matters related to the formation of the District;
- hiring of bond counsel, engineers, financial advisors and other professionals;
- bidding, negotiation and drafting of contracts for public improvements;
- bid contests;
- mediation or litigation of disputes with contractors;
- bond validation proceedings;
- bond closings and other financings;
- expansion and contraction of District boundaries;



- disputes and negotiations with local governments related to utilities, infrastructure and other matters;
- disputes with the developer;
- handling of construction defect issues;
- negotiation and drafting of agreements, easements and other documents relating to District infrastructure;
- drafting and adoption of District Rules;
- handling of public hearings related to rule violations, budgets.
- Handling of hearings under Florida Statutes Chapter 120 related to rule adoption.
- Sunshine Law and public records issues;
- turnover of infrastructure to local government;
- matters related to the expansion, contraction or termination of Districts;
- special assessment adoption, enforcement and litigation.
- Matters related to firing and hiring of employees
- Matters related to Americans with Disabilities Act compliance.

Mr. Clark and his partner, Mr. Albaugh, have successfully litigated numerous disputes regarding the application, priority and collection of special assessment financing programs. In addition, they have handled complex disputes regarding construction contracts and local tax matters. A sampling of these matters includes the following:

The Firm worked with outside counsel for the Country Club of Mount Dora Community Development District in its successful litigation against the developer, engineering consultant and several contractors. The litigation arose after failure of

the stormwater system in that community. The District worked cooperatively with the City of Mount Dora to obtain damages, remedy the system and dedicate the roads to the city.

The Grand Haven Community Development District was sued by a contractor which had been engaged by the original developer when it controlled the Board of Supervisors (before the Firm's engagement) and had not been paid. The Firm litigated substantial issues related to site conditions, construction defects and sovereign immunity. Ultimately, the Firm helped the District obtain a reasonable settlement. After this, it assisted the District in obtaining full recovery of the settlement amount in the bankruptcy action of the original developer.

The Firm assisted the Tern Bay Community Development District in defending a \$2.3 million construction claim by a contractor. After a jury trial and appeal, this amount was reduced to \$109,000 (see *Tern Bay Community Development District v. Ryangolf Corporation*, 153 So. 3d 964 (Fla. 2<sup>nd</sup> DCA 2014)).

For the Tern Bay Community Development District, the firm also initiated litigation on behalf of its special purpose entity seeking cancellation of tax certificates which had expired, but which the tax collector had improperly sought to extend. The firm was able to obtain a settlement in which the tax collector cancelled \$1.8 million in ad valorem taxes against property that the District had foreclosed upon.

The Firm has also successfully litigated disputes regarding the application, priority and collection of special assessment financing programs. One such matter involved the foreclosure of assessments in the Deer Island Community Development District, Lake County, Florida. In this District, the bankruptcy of the original developer and inability of a subsequent developer to pay assessments and taxes led to a priority contest between tax deed purchasers and the District over its capital and maintenance assessments. This resulted in a default condition in the District's Bonds. After a favorable ruling from the trial court, the Firm was able to negotiate settlements between the bondholder and the tax deed purchasers, which paid off the bonds and caught up several years' delinquency in maintenance assessments.

In the Remington Community Development District, an assessment collection matter involved a dispute as to a charter school's claim of exemption from special assessments, which resulted in a favorable decision on appeal. (see *Remington Community Development District v. Education Foundation of Osceola, etc.*, 941 So. 2d 15 (Fla. 5<sup>th</sup> DCA 2006)).

In the Westridge Community Development District, Polk County, Florida, a developer brought a lawsuit against the District challenging the District's special assessment program. The Firm was successful in having the matter dismissed with prejudice in the early stages of the proceeding.

The Firm has been hired by several districts as counsel to pursue collection of assessment payments from the developer and handle certain construction litigation related to the developer's default. Collectively, these actions represented more than \$250,000,000 in bond debt.

The Firm was engaged in 2017 by the Durbin Creek Community Development District to bring an action against the Indenture Trustee and others seeking \$1.2 Million and other damages relating to cancellation of bond interest on a property that had been foreclosed and sold by the District's bondholders. That matter resulted in a favorable settlement.

In 2017, the Firm also assisted the Golden Lakes Community Development District, in Lakeland, Florida, in the purchase of a community golf course with associated bond financing.

Most recently, in 2019 the Firm was able to obtain a final judgment in a special assessment foreclosure for the Southern Hills Plantation II Community Development District, Hernando County, Florida. The case had languished for eight years in the hands of three prior attorneys.



# CLARK & ALBAUGH, LLP

December 20, 2019

Poinciana West Community Development District  
c/o George Flint  
135 West Central Boulevard, Suite 320  
Orlando, Florida 32801

Re: Poinciana West Community Development District (the "Client") /  
General Representation (the "Engagement")

Dear Supervisors:

Thank you for requesting assistance and consultation of Clark & Albaugh, LLP (the "Firm") regarding the above-referenced matter. The Florida Bar encourages attorneys to obtain a written retainer agreement to minimize possible misunderstandings concerning representation and billing and to confirm the scope of our engagement and billing arrangements. Our Firm's policy is that we shall not undertake any representation of the Client until we receive a signed copy of this engagement letter with a fee and cost retainer, if any is requested.

1. Scope of Representation. The Client has engaged our Firm to assist in the matters associated with the Role of District Counsel for the Client (the "Engagement") and matters related to such Engagement (the "Scope of Representation"). The scope of this initial representation may evolve to encompass related or different issues, tasks or representation and you hereby authorize our Firm in our judgment to pursue such related or different issues, tasks or representations as we deem to be in your interest. Our goal is to provide high quality legal service to the Client, rendered promptly and responsively to the Client's needs. Without limitation, it is anticipated that the Scope of Representation includes:

- a. attendance at Board of Supervisors' meetings;
- b. general legal advice concerning matters coming before or affecting the CDD;
- c. preparation or review of agreements involving the CDD;
- d. negotiations with parties or local governments concerning CDD matters;
- e. preparation and review of meeting materials as requested;
- f. representation of the CDD in disputes or litigation matters;
- g. advising the CDD concerning bond and assessment collection matters; and
- h. performance of other duties or tasks assigned by the Board of Supervisors.

2. Client Identity. The Client identified herein is a local unit of special purpose government of the State of Florida, and the named entity is considered by both of us to be the "Client" for purposes of this Engagement. The Florida Bar's Rules of Professional Responsibility provide that an attorney, by representing an entity, does not represent the individual owners, partners, shareholders, directors or officers of that entity. Although an attorney may work closely with those individuals, the attorney-client relationship is with the entity, and the firm does not represent any of those individuals unless such arrangements are made in writing. Such individuals are encouraged to get separate counsel, especially if they believe their interests conflict with the interests of the entity.

3. Staff. We perform our services for you through attorneys and skilled and experienced Paralegals. When appropriate, the Firm seeks to delegate work, tasks and legal assignments to Paralegals to lower the Client's hourly rate charges. All of the work performed by our Paralegals is supervised directly by an attorney in our firm. Supervising and reviewing the work product prepared by our Paralegals requires a high degree of communication between the attorney and the Paralegal. The time component of such communication will be added to our invoice at the rates for Paralegal and for Attorney specified herein.

4. Our charges, fees and costs.

Fees: The Firm will charge a Fee to the Client for Work, as defined. "Work" shall include, but not be limited to, any service, activity, task, undertaking, communication or action or occurrence, in furtherance of or related to the Scope of Representation, as we deem necessary to represent the Client. Examples of Work for which you will be charged Fees include, but are not limited to, our mental impressions, analyses or deliberations, creating, reviewing, editing, discussing and filing documents, discussions, conferences/communications/telephone calls, emails, messages, drafting, research of legal and nonlegal information, meetings, hearings and appearances, travel, conference or discussion time among attorneys and staff or other people, planning, scoping, and analyzing issues or problems for the Client. This confirms that you authorize the Work, consistent with the Scope of Representation, and with our understanding of your requests and goals.

Our Fees on our invoices are based on the time expended at agreed hourly rates, unless a separate arrangement is made between Firm and Client on a given matter. Matters related to bond financing or bond refunding may be billed at agreed fixed rates.

The minimum estimate of time that our Firm charges to perform any Work is one tenth (.1) of an hour. Our hourly rate for attorney time is \$300.00 per hour for Mr. Clark and \$285.00 to per hour for other attorneys in the Firm. Paralegal time will be charged at the hourly rate of \$100.00. The Client agrees that our Fees, hourly rates and our timekeeping and billing process are acceptable, reasonable, fair and appropriate for the Scope of Representation. We reserve the right to periodically increase or decrease our hourly billing rates by a reasonable amount from time to time, after advanced notice and consultation with the Client. Notwithstanding that, the rates set forth herein shall not be increased for a one-year period. No retainer is required at this time.

Costs: In addition to fees for services rendered on a time basis, the client shall reimburse the undersigned for actual out-of-pocket costs incurred in connection with the providing of legal services, such as courier and overnight delivery charges or travel expenses. However, we do not charge for routine postage, photocopies, facsimiles or long distance, unless the charges are significant. Significant charges would be something like a large copy job or multiparty long-distance phone conference. Depending upon the circumstances, we may request you to advance the amount of any significant charges that we are required to make on your behalf, or that you pay such expenses directly. We do not add an administrative fee or other factor onto the actual costs.

5. Invoices. We prepare our invoices monthly before they are transmitted to the Client. We may elect to mail, fax, email or transmit by any other means such invoices to the Client. Our invoices are payable in full upon receipt, but in any event, payment should be received by us within 30 days of the invoice date. The Client is encouraged to review the invoice and to ask any questions, and to communicate freely with us about billing matters. We strive to maintain good communication with our clients about these matters.

6. Communication. We will endeavor to keep the Client informed to the extent that the Client desires. We will provide the Client with copies of all important correspondence and documents that are received or prepared by the Firm. It is imperative that the Client notify the Firm immediately of any change in the Scope of Representation, Client's contact information, including street address, mailing address, email address, telephone and fax number. It is also very important that the Client respond promptly to all communications from the Firm, including payment of invoices.

7. Terminating Representation. The Client has the right to terminate our representation at any time for any reason. Under certain circumstances the Firm may be required

to terminate representation of the Client. Among the reasons for which we may terminate are: (i) nonpayment of our Fees after the Client has been given reasonable warning that we intend to withdraw unless we are paid; (ii) the Client's breach or failure to comply with the terms of the Firm's engagement; (iii) the Client's failure or refusal to be forthright, cooperative or supportive of the Firm's efforts; (iv) the Client's misrepresentation of, or failure or refusal to disclose, facts to the Firm which are necessary for, or relevant to, the engagement or Scope of Representation; (v) the Client's refusal to accept the Firm's advice; (vi) the Client's persistence in pursuing, or asking us to pursue, an objective which we consider to be criminal, fraudulent, actionable, repugnant, imprudent, not achievable given the resources available, or not achievable at all; (vii) discovery of a conflict with another Client of the Firm; and/or (viii) any other reason permitted, or required, under the Rules of Professional Conduct which govern the legal profession in Florida. Upon termination of the engagement, either by the Firm or by the Client, the Client, at the Firm's request, agrees to sign all papers and documents which we believe necessary for us to accomplish our withdrawal from the representation.

8. Email. Our Firm routinely receives and, upon request, transmits confidential attorney-Client communications through the Internet. As the Client knows, the Internet is a public domain environment, and communications transmitted through the Internet are not safe or protected from discovery by unintended recipients, including governmental agency personnel, adverse parties in litigation, business competitors, et cetera. While some software packages encrypt communications, we are not expert in evaluating the viability of these programs and therefore cannot represent or promise that encryption will safeguard sensitive communications from inadvertent disclosure or discovery.

The Firm believes it is obliged to advise its Clients that using the Internet for communications to and from our law Firm poses inherent risks. Nevertheless, the Firm recognizes that email is often the fastest and most efficient way to conduct attorney-client communications. Because it is cumbersome to confirm in every case a request to transmit information by email, we would therefore request that if the Client accepts the risk of relying on the Internet for transmission of information to and from our law Firm, the Client sign below where indicated. The Client's signature will constitute ongoing authorization for us to transmit and to receive information by email or other electronic Internet transmission. Of course, the Client can revoke this authorization at any time by writing to us. If we do not receive this signed form from the Client, we will take that as a declination on the Client's part either to transmit to us or to receive from us any email transmissions.

9. Retention Policy. During the course of the Engagement, you may be required to provide to us documents such as tax records, expense records, bank records, deeds, et cetera. Unless we need originals, we encourage you to retain your originals and provide us with copies. We will hold these records for you during the pendency of your Engagement and for six months

thereafter. At the conclusion of your matter, we will contact you and make arrangements for the return of the records you provided, we will retain the balance of your file for an appropriate time period, and it is your responsibility to secure the return of your records. If arrangements are not made for the return of your records within six years following the conclusion of your matter, they will be destroyed.

The Firm endeavors to maintain a policy of retaining records in digital form to the maximum extent possible. Except for original documents, we may maintain record in digital format and dispose of paper copies.

In view of the Florida Bar policy encouraging written fee arrangements, we request that the Client sign the enclosed duplicate of this letter and return it to our Firm.

We are pleased that you have asked us to represent you and look forward to a rewarding relationship.

Sincerely,



Scott D. Clark

Agreed to this \_\_\_\_ day of \_\_\_\_\_, 2019.

The use of email communications is hereby authorized until further notice.

Poinciana West Community Development District

By: \_\_\_\_\_  
Title:



# SECTION C

LATHAM, LUNA, EDEN & BEAUDINE, LLP  
ATTORNEYS AT LAW

MICHAEL J. BEAUDINE  
MICHAEL G. CANDIOTTI  
JAN ALBANESE CARPENTER  
DANIEL H. COULTOFF  
ANDREW C. D'ADESKY  
JENNIFER S. EDEN  
DOROTHY F. GREEN  
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PETER G. LATHAM  
MARC L. LEVINE  
JUSTIN M. LUNA  
PATRICIA R. MCCONNELL  
LORI T. MILVAIN  
CHRISTINA Y. TAYLOR  
KRISTEN E. TRUCCO  
DANIEL A. VELASQUEZ  
FRANK M. WOLFF,  
OF COUNSEL

January 15, 2020

*Sent via Electronic Mail*

Poinciana West CDD Board of Supervisors and  
c/o GMS-CFL, LLC  
290 E. Livingston Street  
Orlando, Florida 32801  
Attention: George Flint

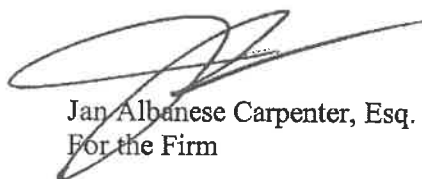
Re: **Latham, Luna, Eden & Beaudine, LLP regarding  
General Counsel Legal Services to the Poinciana West  
Community Development District**

Dear Supervisors and Mr. Flint:

We thank you for the opportunity to provide you with information on our firm in regard to legal services as general counsel for the Poinciana West Community Development District ("District"). We have reviewed the potential representation of the District and look forward to the opportunity to submit our qualifications as your general counsel. With our experience in public finance (particularly with community development districts) and our recent work with the District (although limited), our firm has the unique capability to assist you. Attached to this letter is an overview of our firm's experience and capabilities for your review.

We appreciate the opportunity to provide this proposal and look forward to working with you. Please feel free to contact us with any questions or requests for additional information.

Very truly yours,



Jan Albanese Carpenter, Esq.  
For the Firm

## **FIRM EXPERIENCE WITH COMMUNITY DEVELOPMENT DISTRICTS**

Latham, Luna, Eden & Beaudine, LLP (“LLEB”) has extensive experience representing governments, both state and local. LLEB provides a vast array of knowledge in such relevant areas as contracts, real estate, public finance, procurement, land use and planning, securities law, as well as the impact of litigation on government. Our firm provides clients with advice that is innovative and individualized to each governmental entity.

LLEB currently represents numerous community development districts and other special districts as further listed in the Representative Governmental Client section. In addition to being general counsel for various special districts, our firm is often engaged to provide legal assistance in complex public finance, real estate and governmental law matters for a variety of clients.

Jan Albanese Carpenter is Public Finance Chair for LLEB and has worked in the public finance and government area for over 25 years. She is a Martindale Hubbell AV Rated attorney and has extensive experience in representing community development districts, both in good economic times and bad. Ms. Carpenter’s government practice is ably assisted by Andrew d’Adesky and Kristen Trucco, public finance associate attorney’s, two paralegals, a legal assistant and experienced lawyers and partners from other practice areas.

Clients seek our firm’s services on a wide variety of public finance and governmental legal matters, including the following:

- Advise on general legal issues regarding day-to-day governmental operations
- Inform and advise clients on Sunshine Law, Ethics Law and Public Records Law
- Attend government board meetings, workshops and committee and advisory board meetings
- Establish, expand, contract, merge and terminate community development districts
- Issue and refinance tax exempt and taxable bonds (and notes), including bond validation proceedings
- Advise and consult regarding the restructuring of “defaulted” bond issues, and other forbearance and default-related settlement matters
- Negotiate with developers, third party lenders and tax certificate holders
- Develop loan programs for governmental entities
- Participate in rule-making, legislative lobbying efforts and following state legislative sessions to provide advice to clients
- Advise on land use issues related to real estate development
- Handle litigation matters for community development districts, including bond default and foreclosure litigation matters, as well as construction litigation, bankruptcy related issues and other commercial and governmental litigation matters
- Resolving bid protests and administrative challenges

- Review and draft requests for proposals, bid documents, legal contracts and contract amendments
- Process real estate transactions (from contract, through due diligence and closing) for property conveyances
- Finance projects through community redevelopment agencies
- Negotiate with numerous interlocal agreements among special districts and with counties and municipalities
- Address environmental issues for both private and governmental clients from basic real estate issues through cases litigated at the appellate level

In the area of governmental services, particularly in community development district representation, we feel it is essential that LLEB works as a “team” with the District’s board of supervisors, bond counsel, district manager, district engineer, underwriters, and financial advisors, as well as with other stakeholders in order to ensure a strong community.

Our firm is proud to offer personalized service to our clients and we strive to ensure that all our attorneys are readily accessible and responsive to each of our clients.

**GENERAL EXPERIENCE OF  
LATHAM, LUNA, EDEN & BEAUDINE, LLP**

Latham, Luna, Eden & Beaudine, LLP (“LLEB”) is a midsized, diverse law firm, located in downtown Orlando, Florida, and dedicated to the representation of businesses and governments. The firm consists of 19 Attorneys and all senior partners are Martindale Hubbell AV rated. The firm’s primary goal is to provide outstanding legal services for all clients, whether located in Florida or beyond, and to provide a challenging and rewarding work environment and career experience for our professionals.

In addition to our outstanding public finance practice group, the firm has exceptional attorneys practicing in most areas of business and commercial law, in areas that are critical for governmental clients with significant business interests in Central Florida. The firm represents a diverse group of clients from the real estate, public finance, government, securities, construction, manufacturing, bankruptcy, insurance, technology, franchising, agriculture, health care, professional sports representation and entertainment industries. Our firm’s real estate practice has experience in all areas of land development, acquisition and financing.

In addition to our governmental clients listed herein, the firm represents and has represented a number of private clients. Some clients include: a number of national home-builders; Universal City Property Management, III; Universal Studios Florida; Buena Vista Development; Buena Vista Corporation; Isleworth Country Club, Inc.; Ocean Reef Club; Prudential Palms Realty; Tavistock Group; Golden Gem Growers, Inc.; Rotadata, Inc.; Emerson International, Inc.; Isolyser, Inc.; Jostens, Inc.; Citrus World, Inc.; Southeast Milk, Inc.; Olympus Media; Kanye West; Sunoco Oil Company; Bill Heard Enterprises; Bill Heard Chevrolet; Sun State Ford; Bob Dance Dodge; Advanced Marketing Int’l., Inc.; Motion Picture Association of America, Inc.; Planet Hollywood; and Priority Transportation, Inc.

We also have a strong litigation team. Our experienced trial and appellate attorneys take pride in their ability to manage and resolve disputes in many different fields, including complex business litigation, construction litigation, business torts, commercial and governmental foreclosure matters, special assessment foreclosures, antitrust, contracts, general liability, intellectual property, general civil liability, products liability, bankruptcy, healthcare and employment. Our firm handles employee relation matters and has advised a number of municipalities on employee related claims.

Our real estate team handles real estate development for Universal Studios, as an example of the significant capacity and experience we have in real estate matters. The Firm takes real estate projects from concept to completion. Careful planning and experience are required. Our attorneys are well equipped to assist clients in turning proposed land acquisitions and developments into reality. We are experienced in all aspects of real estate development, including commercial and residential real estate development, finance, acquisition, commercial lending and public finance, planning and zoning, local government law, purchase and sale transactions, title matters and commercial leasing. As can be seen by the names of some of the clients listed above, this firm has significant experience in land planning, development, legislative and lobbying efforts related to real estate development, and governmental matters.

We are approved attorneys to write title insurance for real estate and lending transactions for: Fidelity Title Insurance Company; First American Title Insurance Company; and Old Republic National Title Insurance Company. We also represent Old Republic National Title Insurance Company in litigation claims and related matters.

#### **ACCESSABILITY AND RESPONSIVENESS**

- In terms of response time and general accessibility, all attorneys have email access seven (7) days a week, twenty-four (24) hours a day and provide all clients with both direct office numbers and cell phone numbers
- With two (2) attorneys working for the district, at least one (1) attorney is available at almost any time and date to attend board meetings or to handle emergency matters
- Our offices are located in downtown Orlando and in the case of an emergency or unscheduled meeting, we would be within approximately a one (1) hour drive from the Poinciana West Community Development District (with minor variation based on traffic and construction activity)
- All notations above as to response time, availability and lead time applies to both Lead Attorney and Associate Attorney(s)

## PROPOSED ATTORNEY TEAM

The following listed personnel will be made available to work with the Poinciana West Community Development District on a priority basis if LLEB is selected as General Counsel. Attached are detailed resumes describing the background, qualifications and experience of professionals in our firm that are involved in governmental and public finance matters and would be assigned to this engagement.

The lead attorney for the Poinciana West Community Development District would be Jan Albanese Carpenter, Partner and Public Finance Chair with over 25 years' experience. Ms. Carpenter oversees all activities of associates who work with her clients.

Andrew d'Adesky, the Associate Attorney in the Public Finance practice area, under the direct supervision of Jan Albanese Carpenter, will be the primary associate working with the Districts, with over 5 years' legal experience and 3 years' local governmental management experience as well as a Master's Degree in Public Administration.

Kristen E. Trucco, another of the Public Finance Associate Attorney's under the direct supervision of Jan Albanese Carpenter, will be assisting from time to time. Kristen has over 3 years legal experience.

One or two attorneys will attend all meetings as needed. If two attorneys are present, the client is generally only billed for one attorney as a matter of firm policy.

The Public Finance practice area will be assisted by the following attorneys on our real estate team: Peter G. Latham, Partner and Real Estate Development Chair with over 30 years' experience; Michael Candiotti, Stage 1 Partner in the Public Finance, Real Estate division with 7 years' real estate experience; Jennifer Eden, Litigation Partner who assists in many areas of litigation for our Public Finance clients (she and other litigation attorneys regularly handle bond validations and CDD freelance litigation).

We have a number of other partners and associates ready to work with the Poinciana West Community Development District, depending on the needs of the client and the experience necessary to complete the work promptly and cost effectively. Importantly our litigation team has attorneys with all experience levels who have worked with our governmental districts in real estate and litigation matters such as foreclosures, bond defaults, motion issues, bid protests, etc. Three paralegals work in the public finance and real estate department and will assist regularly with the District's legal matters. That assistance helps to reduce legal costs for our clients.

Detailed biographies of several of our attorneys are included on the next pages.

**JAN A. CARPENTER** practices in the area of public finance and local government law. She works primarily in the areas of affordable housing and local government law and has been involved in the issuance of millions of dollars of bond transactions for local housing authorities, the statewide Florida Housing Finance Corporation and numerous Florida community development districts such as the Celebration and Reunion districts. Ms. Carpenter has served as general counsel to special districts housing finance authorities, health facilities authorities and industrial development authorities, at the local and state level, and has represented various community development districts and public entities. Ms. Carpenter also has experience in general business law and counsels' clients in their commercial real estate transactions.

Ms. Carpenter is a Martindale-Hubbell Peer Review rated AV® attorney. She graduated cum laude from Albany Law School in 1988. In 1981, she received a Bachelor of Science degree with distinction from Cornell University's prestigious Cornell School of Hotel Administration. During law school, she worked as a law clerk with the New York State Attorney General's Office. Ms. Carpenter was admitted to practice law in Florida in 1988, and in New York in 1991. Before attending law school, Ms. Carpenter was a financial analyst and controller in the hotel and restaurant industry.

**PROFESSIONAL/COMMUNITY MEMBERSHIPS, ACTIVITIES, AND/OR HONORS:**

National Association of Bond Lawyers  
Florida Association of Local Housing Finance Authorities  
Legal Aid Society, Guardian Ad Litem  
Citrus Council of Girl Scouts, Former Board Member  
AV Rated by Martindale – Hubbell Law Directory



**ANDREW C. D'ADESKY** practices in the area of public finance and local government law. He works primarily in the areas of special districts and local government law, specializing in serving as counsel for Florida community development districts. Mr. d'Adesky also has experience in real estate law and counsels' clients on various aspects of real estate transactions.

Before attending law school, Mr. d'Adesky worked in local government and government consulting in North Carolina, particularly regarding municipal annexation and incorporation. While at law school, he was a distinguished member of the Florida Moot Court, both arguing before the Florida Supreme Court and winning best team and best oralist at the Boston Regional American Bar Association Competition. During law school, he clerked with the Alachua County Attorney's Office as well as the Aviation Division.

**KRISTEN E. TRUCCO** is a member of the Public Finance department. Kristen assists in a variety of public finance matters including affordable housing transactions and community development district governance. Prior to joining the Public Finance department Kristen worked with our litigation team and handled business matters including complex commercial and civil litigation, construction defect litigation, insurance defense litigation, property and real estate dispute litigation, contract dispute litigation, and garnishment.

Kristen graduated with honors from Rollins College in 2011 and graduated from Barry University School of Law in 2016, cum laude. Kristen served as the Executive Editor of Law Review.

**PROFESSIONAL/COMMUNITY MEMBERSHIPS, ACTIVITIES, AND/OR HONORS:**

Award of Excellence for Outstanding Service, Orange County Bar Association Young Lawyers Section, 2018 – 2019

Committee Chair, Orange County Bar Association Young Lawyers Section, 2018 – 2019

Committee Chair, Orange County Bar Association Young Lawyers Section, 2019 – 2020

Orange County Bar Association Construction Law Committee

American Bar Association

Central Florida Association of Women Lawyers (CFAWL)

**PETER G. LATHAM** has extensive experience in a variety of real estate development and agricultural interests and areas. Peter has particular expertise in Resort and Themed Development through his involvement with “Universal Orlando Resort” and “Hard Rock Cafes.” In the area of agri-business, he holds significant experience with matters involving agricultural developments, cooperative mergers, food and drug regulation, customs, trade regulation, and antitrust.

- Real estate development & financing
- Food and drug regulation
- Customs
- Trade regulations
- Anitrust
- Theme parks
- Shopping centers
- Hotels
- Commercial
- Industrial
- Multi-family projects
- Expansion of Universal Orlando Resort
- Developing, and financing a variety of projects ranging from theme parks, residential, office, commercial and agricultural developments.
- Acts as general counsel to numerous agri-businesses in this state, including the states largest citrus and dairy cooperatives.

**PROFESSIONAL/COMMUNITY MEMBERSHIPS, ACTIVITIES, AND/OR HONORS:**

American Bar Association, Real Estate and Land Use Division

Florida Bar – Real Estate and Land Use Division

Orange County Bar

Legal, Tax and Accounting division of NCFC Professional and Community Activities

Citizen Advisory Board for Comprehensive Planning for City of Orlando 1985

Mayor’s Naval Base Re-Use Committee

Housing and Neighborhood Development Services of Central Florida

Executive Committee – 1990-98

Universal Foundation Board 2012

**MICHAEL G. CANDIOTTI** is a Partner and vital member of the firm's corporate, land use, real estate, public finance and agribusiness practice groups.

General Business, Real Estate, Land Use, Corporate and Development Law. Mike's practice primarily focuses on real estate transactions and development, which includes advising developers on financing, land use, and construction issues for various projects throughout Florida. As part of such developments, Mike works closely with his client to develop financing arrangements, ventureship and other organization documentation, as well as navigating local and state development review processes. Resort and Theme Park Development, as part of his general practice, Mike routinely advises Universal Orlando Resort and its affiliates on themed-resort development and real estate issues related to such development, which includes conducting DRI analysis, land use approvals, as well as drafting and reviewing transactional documents, ground leases, and resort covenants. Public Finance and Association Law. Mike regularly oversees board meetings and otherwise acts as general counsel for Community Development Districts, condominium associations, and property owner associations throughout Florida on governance and policy setting. Agricultural Law, counseling agricultural cooperatives on corporate and real estate matters, Mike has helped develop significant programs for milk and citrus industries, including the Citrus World's Tree Planting Incentive Program aimed at funding the replanting of orange trees throughout Florida. Furthermore, Mike negotiates the acquisition of trucks and equipment for Southeast Milk, Inc. Title Claims, he joined this firm after an extensive period in-house with a nationally recognized title underwriter and is the firm primary contact for title related matters. This experience has provided him with a unique ability to navigate the most complicated title issues, which enables him to expedite closings and other development issues for his clients. Further, Mike acts as counsel for title underwriters and their insureds with respect to title claims.

**PROFESSIONAL/COMMUNITY MEMBERSHIPS, ACTIVITIES, AND/OR HONORS:**

Member, Florida Bar, Real Property and Probate Law Section  
Orange County Bar Association, Young Lawyers Section  
Quest Inc. Governance Committee and Board Member

**JENNIFER S. EDEN** concentrates her practices in the areas of complex civil and commercial litigation. She has represented numerous automobile dealerships, including the nation's largest Chevrolet dealership, in litigation, as well as in negotiating, drafting, and finalizing non-competition agreements, buy/sell agreements, joint ventures, corporation and various forms of partnerships. She has also represented one of the nation's largest oil companies in complex litigation, buy/sell agreements with extensive experience in environmental law. She has also handled significant bad faith litigation against insurance companies for both privately and publicly held companies. She is the Past President of the Auto Industry Defense League of Central Florida. She has served as counsel for Stetson University for more than 9 years, handling civil litigation, and counseling on tenure and employment decisions and policies. During law school, she was awarded first place in both state and national trial competitions and the 1990 American College of Trial Lawyers Kraft W. Eidmand Award for Excellence in Advocacy.

Jennifer is also an NFL Agent with Tier1 Sports Management. Although she is new to the sports representation business, Jennifer was one of a few agents to have a client drafted during her first year as a certified NFLPA agent. Prior to becoming a certified agent, Jennifer has helped a number of top NFL athletes negotiate representation and marketing contracts.

**NOTABLE CLIENT WORK:**

Sunoco, Inc. (R&M)  
Marathon Ashland Petroleum LLC  
Sun State Ford, Inc.  
Kia of America  
Lally Motors, Inc. (dealerships in England and India)  
Stetson University, Inc.  
Former Counsel for Bill Heard

**PROFESSIONAL/COMMUNITY MEMBERSHIPS, ACTIVITIES, AND/OR HONORS:**

NFL Agent with Tier1 Sports Management (offices in Wayne, PA; Los Angeles, CA and Orlando, FL)  
The Florida Bar Association  
The American Bar Association  
The Orange County Bar Association  
Past President of the Automobile Industry Defense League  
Past Member of the Board of Directors of Morning Star School  
The Best Lawyers in America – 2014-2019  
Orlando's Best Lawyers – 2016, 2017, 2018  
Secretary, Orlando Serve Foundation  
Board Member, He Got Up!  
Past Board of Director Member for Florida Citrus Sports, Sponsor of Capital One Bowl and Champs Bowl

## REPRESENTATIVE GOVERNMENTAL CLIENTS

### **COMMUNITY DEVELOPMENT DISTRICTS:**

Bella Collina Community Development District – Lake County  
Bonnet Creek Community Development District – Orange County  
Celebration Community Development District – Osceola County  
Dowden West Community Development District – Orange County  
Grande Pines Community Development District – Orange County  
Lake Ashton Community Development District – Polk County  
Overoaks Community Development District – Osceola County  
Paseo Community Development District – Lee County  
Preserve at South Branch Community Development District – Pasco County  
Poinciana Community Development District – Polk County  
Randal Park Community Development District – Orange County  
Reunion East Community Development District – Osceola County  
Reunion West Community Development District – Osceola County  
Shingle Creek Community Development District – Osceola County  
Shingle Creek at Bronson Community Development District – Osceola County  
Stoneybrook South at Championsgate Community Development District –  
Osceola County  
Storey Creek Community Development District – Osceola County  
Storey Park Community Development District – Orange County  
Tohoqua Community Development District – Osceola County  
Westside Community Development District – Osceola County  
Windward Community Development District – Osceola County

### **OTHER GOVERNMENTAL ENTITIES:**

Florida Housing Finance Corporation – Tallahassee, FL (includes statewide representation) (State Agency)

Osceola County Housing Finance Authority (Special District)

### **OTHER ENTITIES:**

Latham, Luna, Eden & Beaudine, LLP serves as Special Counsel to several local cities on employee related matters

**PROPOSED RATES FOR OUR LEAD ATTORNEY AND TEAM**

We are happy to offer our established (and reduced) “governmental client” rates for the Poinciana West Community Development District work. Based on our experience in this market, we believe the rates below are highly competitive for this type of legal work and significantly lower than our regular rates for private organizations.

Senior Partners (Jan Albanese Carpenter) <i>(Current private rate up to \$550)</i>	\$375
Associates (Andrew d’Adesky & Kristen E. Trucco) <i>(Current private rates up to \$350)</i>	\$265
Paralegals	\$105

**CONFLICT**

Latham, Luna, Eden & Beaudine, LLP has no apparent conflict of interest with regard to the proposed work with Poinciana West Community Development District.

# SECTION D





**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson\*\*  
Andrew H. Cohen  
Kelly M. Fernandez\*  
Maggie D. Mooney\*  
R. David Jackson\*  
Regina A. Kardash\*

\*. Board Certified City, County and Local Government Law  
\*\* Of Counsel

Telephone (941) 306-4730  
Facsimile (941) 306-4832  
Email: djackson@swflgovlaw.com

Reply to: Lakewood Ranch

December 19, 2019

Poinciana West Community Development District  
c/o George S. Flint, District Manager  
Governmental Management Services  
Central Florida, LLC.  
135 W. Central Boulevard, Suite 320  
Orlando, Florida 32801

Re: Poinciana West Community Development District

Dear Mr. Flint:

Please allow this correspondence to serve as Persson, Cohen & Mooney, P.A.'s proposal to provide District Attorney services for Poinciana West Community Development District. Our firm appreciates the opportunity of being considered for the position.

Currently, our firm represents over twenty (20) community development districts ("CDDs") across southwest Florida, with the primary focus on resident-controlled districts. Additionally, we serve as counsel to several other local governmental entities and special districts including various fire districts. Kelly Fernandez is the City Attorney for the City of Venice and Maggie Mooney is the Town Attorney for the Town of Longboat Key, while I serve as the Assistant City Attorney and Assistant Town Attorney to these municipalities, respectively.

As noted above, I am Board Certified by the Florida Bar in City, County and Local Government Law. Currently, approximately ninety-five percent (95%) of my personal practice is dedicated to CDD, municipal and other governmental work. Our firm's collective experience covers all facets of municipal, special district and CDD representation including financing and assessment support. Our firm has performed numerous bond validations and represented multiple CDDs in the issuance and refinancing of

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Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
236 Pedro Street  
Venice, Florida 34285

bonds as well as the implementation and revisions to assessments for both bond debt and operations and maintenance. We are very well-versed in Chapter 190, Florida Statutes, as well as Florida's Sunshine and Public Records laws.

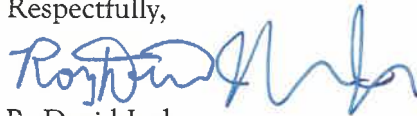
I would be the primary counsel for the District with Andrew Cohen and Maggie Mooney as alternate counsel. I would respectfully submit that our firm's background in representing community development districts, other local government entities and special districts would be an asset and benefit to our representation of Poinciana West Community Development District.

Our firm would propose to provide services to the District on an hourly basis. The rate of compensation for routine work that we would perform including, but not limited to, contract review, research, consulting and attendance at meetings is currently \$285.00 per hour for attorney time (applicable to all attorneys in the firm) whether for litigation or non-litigation matters. Travel time would be billed at our regular hourly rate, but would be limited to no more than one hour in each direction when attending a meeting. Paralegal time would be billed at \$95 per hour. We do not bill clients for incidental costs such as copies and regular postage. Non-routine matters such as bond refinancings would be billed separately. If you or the Board have any questions about our billing practices or client representation, we would be happy to respond or put the Board in contact with other local government clients with whom we work.

I have included my resume along with the resumes of Andrew Cohen and Maggie Mooney for your review. In addition, I have included a list of the community development districts we currently represent as well as a representative sample of references with contact information. I would encourage you or members of the Board of Supervisors to contact any of my references.

I will be pleased to answer any additional questions you or the Board may have and would appreciate the opportunity to meet with you and/or the Board at your convenience if it is appropriate.

Respectfully,



R. David Jackson

RDJ/ag  
Enclosures



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**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

**R. DAVID JACKSON**

6853 Energy Court, Lakewood Ranch, Florida 34240

Tel: (941) 244-5351

E-Mail: [djackson@swflgovlaw.com](mailto:djackson@swflgovlaw.com)

Practice areas include: Governmental Law, Special Districts  
and Environmental Law

Education:

Stetson University College of Law  
Gulfport, Florida  
Juris Doctorate, 1999

University of Florida  
Gainesville, Florida  
B.S. Civil Engineering, 1994

Qualifications:

- Board Certified in City, County and Local Government Law
- Over 20 years of legal practice
- Representation of public and private clients on a variety of issues including, but not limited to, civil and administrative proceedings
- Lecturer on Florida's Public Records and Sunshine Laws
- Formerly served as Assistant General Counsel to the Southwest Florida Water Management District

Affiliations:

Florida Bar Association  
United States Patent and Trademark Office, registered Attorney  
Chair - Leadership Manatee Board of Governors  
Member, Executive Board of Directors - Braden River Soccer Club  
Member, Board of Directors - United Soccer Association



**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

**ANDREW H. COHEN**

6853 Energy Court, Lakewood Ranch, Florida 34240

Tel: (941) 306-4730 Fax: (941) 306-4832

E-Mail: [acohen@swflgovlaw.com](mailto:acohen@swflgovlaw.com)

Practice areas include: Governmental Law, Special Districts  
and Community Association collections

Education:

University of Florida College of Law  
Gainesville, Florida  
Juris Doctorate, 1996

New College (Honors College  
for the State University System)  
Sarasota, Florida  
B.A. Political Science, 1993

Qualifications:

- Over 22 years of legal practice
- Representation of multiple special districts across Southwest Florida
- Representation of numerous community associations in the collection of past-due assessments
- Lecturer on community association collections and Florida's Public Records, Ethics and Sunshine laws

Affiliations:

- Florida Bar Association; Sarasota County Bar Association
- Trustee of the Hershorn Schiff Community Day School Board of Trustees

Awards:

Evan J. Yegelwel Book Award in Environmental Law, Spring 1996



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**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

**MAGGIE D. MOONEY**

6853 Energy Court, Lakewood Ranch, Florida 34240

Tel: (941) 306-4730 Fax: (941) 306-4832

E-Mail: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

Practice areas include: Local Government and Special  
Districts, Zoning and Land Use Law

Education: University of Florida College of Law, Gainesville, Florida  
J.D. and Certificate in Environmental & Land Use, 2001

Florida State University, Tallahassee, Florida,  
B.S. in Communications, Cum Laude, 1997

Qualifications:

- Board Certified in City, County and Local Government Law
- Represented private and government clients before all courts in Florida, including Florida federal district Courts
- Lecturer on Florida's Public Records and Sunshine Laws, Ethics Laws, Public Procurement, the Legislative Process, Special Districts, Intergovernmental Relations and Conflict

Affiliations: The Florida Bar, May 2001 - present  
Florida Bar City, County and Local Government Section,  
Executive Council Board Member (2011-2014)  
Manatee and Sarasota County Bar Associations  
Chair, Sarasota County Bar Association's Local & State  
Government Section (2016-present)

Awards: Biz941 Magazine's "Top 25 People to Watch" (2009)  
Government/Cities/Municipalities by Super Lawyers  
Magazine (2011-2015)  
"AV" Rated by Martindale Hubbell

## REFERENCES

Lakewood Ranch Community Development Districts  
Ms. Anne Ross - Executive Director  
8175 Lakewood Ranch Boulevard  
Bradenton, Florida 34202-5208  
941/907-0202  
[anne.ross@lwrtownhall.com](mailto:anne.ross@lwrtownhall.com)

Brian Gorski, Fire Chief  
Southern Manatee Fire District  
Post Office Box 20216  
Bradenton, Florida 34204  
941/751-7675  
[bgorski@smfr.com](mailto:bgorski@smfr.com)

Edward F. Lavalley, City Manager  
City of Venice  
401 West Venice Ave.  
Venice, Florida 34285  
941/882-7398  
[elavalley@venicegov.com](mailto:elavalley@venicegov.com)

Community Development District List

Aqua One Community Development District Bradenton, Florida	Lakewood Ranch Community Development Dist. 4 Lakewood Ranch, Florida
Bobcat Trail Community Development District North Port, Florida	Lakewood Ranch Community Development Dist. 5 Lakewood Ranch, Florida
Buckhead Trails Community Development District Palmetto, Florida	Lakewood Ranch Community Development Dist. 6 Lakewood Ranch, Florida
Cone Ranch Community Development District Parrish, Florida	Legends Bay Community Development Dist. Manatee County, Florida
Copperstone Community Development District Parrish, Florida	Lexington Community Development District Parrish, Florida
Cross Creek Community Development District Bradenton, Florida	Mandarin Grove Community Development District Palmetto, Florida
Greyhawk Landing Community Development Dist. Bradenton, Florida	Meadow Pointe II Community Development District Wesley Chapel, Florida
Heritage Lake Park Community Development Dist. Port Charlotte, Florida	Stoneybrook at Venice Community Development District Sarasota County, Florida
Heritage Harbour South Comm. Development Dist. Bradenton, Florida	University Place Community Development Dist. Bradenton, Florida
Heritage Isles Community Development District Tampa, Florida	Venetian Community Development District Venice, Florida
Heritage Oak Park Community Development Dist. Port Charlotte, Florida	Waterlefe Community Development District Bradenton, Florida
K-Bar Ranch II Community Development District Tampa, Florida	Wildcat Preserve Community Development District Parrish, Florida
Laguna Lakes Community Development District Ft. Myers, Florida	
Lake St. Charles Community Development District Riverview, Florida	
Lakewood Ranch Community Development Dist. 2 Lakewood Ranch, Florida	

### Fire Districts

Bonita Springs Fire Control & Rescue District  
Bonita Springs, Florida

Cedar Hammock Fire Control District  
Manatee County, Florida

East Manatee Fire Rescue District  
Manatee County, Florida

Lealman Fire District  
Pinellas County, Florida

Manatee County Fire Chief Association  
Manatee County, Florida

North River Fire District  
Manatee County, Florida

Parrish Fire Rescue District  
Manatee County, Florida

Southern Manatee Fire District  
Manatee County, Florida

Trailer Estates Fire Control District  
Manatee County, Florida

West Manatee Fire Rescue District  
Manatee County, Florida

### Other Special Districts

Holiday Park - Park and Recreation District  
Sarasota County, Florida

Lehigh Acres Municipal Services Improvement District  
Lee County, Florida

Longboat Key Beach Erosion Control District A (Beachside)  
Longboat Key, Florida

Longboat Key Beach Erosion Control District B (Bayside)  
Longboat Key, Florida



Tri-Par Estates Park & Recreation District  
Sarasota County, Florida

Westchester Special Dependent District  
Hillsborough County, Florida

**Firm Municipal Clients**

City Attorney for Belleair Shore  
Pinellas County, Florida

Town Attorney for Town of Longboat Key  
Longboat Key, Florida

City Attorney for City of Venice  
Venice, Florida

City Attorney for Town of Indian Shores  
Pinellas County, Florida

Special Magistrate for City of Bradenton  
Manatee County, Florida

Special Counsel for City of North Port  
Sarasota County, Florida

Special Magistrate for City of Palmetto  
Manatee County, Florida

Board Counsel for City of Punta Gorda Building Board  
Charlotte County, Florida

Manatee County Hearing Officer  
Manatee County, Florida

Board Attorney for City of Sarasota Nuisance Abatement Board  
Sarasota, Florida

**Other**

Pinellas County Homeless Leadership Board  
Pinellas County, Florida

# SECTION E

# STRALEY ROBIN VERICKER

Attorneys At Law

1510 W. Cleveland St.  
Tampa, Florida 33606  
Tel: (813) 223-9400  
Fax: (813) 223-5043

Writer's Direct Dial: (813) 901-4945  
Writer's E-mail: [jvericker@srvlegal.com](mailto:jvericker@srvlegal.com)  
Website: [www.srvlegal.com](http://www.srvlegal.com)

December 12, 2019

RECEIVED

DEC 23 2019

*Via Email and First Class Mail*

BY: \_\_\_\_\_

Poinciana West Community Development District  
135 W Central Boulevard, Suite 320  
Orlando, FL 32801  
Attn: George S. Flint, District Manager

**Re: Poinciana West Community Development District  
Proposal for District Counsel Services**

Dear George:

Our law firm is pleased to have this opportunity to submit a proposal to serve as District Counsel for the Poinciana West Community Development District located in Polk County. Our law firm's practice is focused on the representation of Community Development Districts ("CDD"). We currently represent approximately 100 CDDs located throughout west central Florida, and are intimately familiar with all phases of CDD operations, from formation, through the issuance of bonds and construction of capital infrastructure, the transition from developer to resident control upon build out of the community, the ongoing representation of resident-controlled districts, and even existing CDDs in analyzing the pros and cons of a merger with another CDD. In addition, we have also guided numerous CDDs during bond refundings in many of those communities.

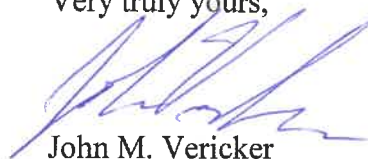
With respect to legal fees and costs, we understand that the Board expects District Counsel to provide legal services in a cost effective and efficient manner. Because of the firm's extensive experience with CDDs and our familiarity with the various issues facing community development districts, we believe we can provide legal services efficiently and in a cost effective manner.

We are enclosing biographical information about the firm and our lawyers, which is also available on our firm's website at [www.srvlegal.com](http://www.srvlegal.com). Our firm currently has five lawyers, one Registered Florida Bar paralegal and one legal assistant. We are also enclosing our firm's current rate sheet reflecting the firm's hourly rates for services.

Poinciana West Community Development District  
December 12, 2019  
Page 2

On behalf of the firm, we appreciate this opportunity to submit a proposal to serve as your District Counsel, with one of our attorneys serving as lead counsel, and look forward to meeting with you in the future.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John M. Vericker", is written over the typed name.

John M. Vericker

JMV/blw  
Enclosures

## **About the Firm**

Straley Robin Vericker is a commercial real estate law firm located in Tampa, Florida that practices primarily in the areas of community development district law, real estate law, and local government law. As a boutique law firm, the firm offers the sophistication of a large firm, with small firm economy and responsiveness. The firm represents approximately 100 community development districts or "CDDs" and assists clients with commercial real estate transactions throughout Central and Southwest Florida.

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## **Areas of Practice**

Community Development District and Local Government Law

Commercial Real Estate Law

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## **MARK K. STRALEY**

### **Experience:**

Mark K. Straley has practiced law in Tampa, Florida since 1976, and is a shareholder in the law firm, *Straley Robin Vericker* (established 2004). For the past 20 years, Mark has focused his practice on the representation of community development districts (CDDs). He has written and lectured extensively on community development districts and enjoys a statewide reputation with respect to CDDs. Mark is *AV Rated*, the highest rating awarded by the *Martindale-Hubbell* law directory. He serves as lead counsel to numerous Community Development Districts represented by the firm. As one of the first CDD lawyers in Florida, Mark has many years of experience in all facets of special district and local government law, including the formation and operation of CDDs, construction of public infrastructure, issuance of tax exempt bonds, contracts and competitive bidding requirements, sunshine law, public records law, and real property law. In addition to his legal training, Mark also holds a masters degree in public administration. His graduate work focused on public finance, budgeting and the administration of local governments, including special districts.

### **Background:**

Mark is a member of the Hillsborough County Bar Association and The Florida Bar; he is also admitted to practice in the *United States District Court for the Middle District of Florida*, and the *United States Eleventh Circuit Court of Appeals*. Prior to forming his own firm, he was a partner in the statewide law firm, *Akerman Senterfitt* (1991-2004), and also practiced with the *Bush Ross* law firm (1981-1990) and *Holland & Knight* (1976-1980). [Admitted to The Florida Bar, December 1976]

### **Education:**

- Kenyon College, A.B. *cum laude* with high honors in Political Science (1971)
- Wayne State University, M.P.A. (1973)
- University of Michigan Law School, J.D. *cum laude* (1976)

## **TRACY J. ROBIN**

### **Experience:**

Tracy J. Robin is a native of Tampa, Florida, and a shareholder in the law firm, *Straley Robin Vericker* (established 2004). He is *AV Rated*, the highest rating awarded by the *Martindale-Hubbell* law directory, and focuses his practice in real property, land use, and local government law. Tracy serves as lead counsel to numerous community development districts represented by the firm, and has extensive experience with the formation and operation of special districts, construction of public infrastructure, issuance of tax exempt bonds, contracts, public records law, sunshine law, statutory requirements governing the conduct of public officers, competitive bidding, and other aspects of local government law. Since 1991, he has served as General Counsel to the Hillsborough County City-County Planning Commission, an independent land planning agency created by the Florida legislature to provide comprehensive planning services for unincorporated Hillsborough County, and its three municipalities, the City of Tampa, the City of Temple Terrace, and Plant City, Florida. Tracy also has extensive experience in the area of real property law, which includes commercial real estate transactions, institutional mortgage lending, title insurance, workouts and foreclosure, landlord tenant law, and land use.

### **Background:**

Tracy is a member of the Hillsborough County Bar Association and The Florida Bar; he is also admitted to practice in the *United States District Court for the Middle District of Florida*, and the *United States Eleventh Circuit Court of Appeals*. Prior to forming his own firm, he was a partner in the statewide firm, *Akerman Senterfitt* (1991-2004), and practiced with *Moffitt, Hart & Herron* (1989-1990). [Admitted to The Florida Bar, April 1989] Before attending law school, he had a career in the title insurance industry (1975-1986), and served as the Branch Manager for the Tampa office of Lawyers Title Insurance Corporation.

### **Education:**

- Mercer University, B.A. (Economics & History, 1975)
- Shepard Broad Law Center, Nova Southeastern University, J.D. (1989)

## **JOHN M. VERICKER**

### **Experience:**

John M. Vericker is a shareholder with *Straley Robin Vericker*, and has practiced with the firm since 2005. John is Board Certified in City, County and Local Government Law and he is *AV Rated*, the highest rating awarded by the Martindale-Hubbell law directory. His practice focuses primarily in local government, real property, and land use law. John serves as lead counsel to numerous community development districts represented by the firm, and has significant experience in the formation and operation of special districts, construction of public infrastructure, issuance of tax exempt bonds, government contracts, public records law, sunshine law, statutory requirements governing the conduct of public officers, elections laws, competitive bidding, and other aspects of local government law. John has also appeared in court and before various local government boards with respect to CDD issues. John also represents clients in commercial real estate transactions and foreclosure litigation.

### **Background:**

John is a member of the Hillsborough County Bar Association, the Florida Bar Association, the Environmental and Land Use Law Section of the Florida Bar, the City, County and Local Government Law Section of the Florida Bar, and the Real Property Probate and Trust Law Section of the Florida Bar. He is also admitted to practice in the *United States District Court for the Middle District of Florida*. In May of 2009, John graduated from the Hillsborough County Bar Association Leadership Institute, and he served on the Hillsborough County Bar Association Leadership Institute Executive Committee from 2010-2011. [Admitted to the Florida Bar, September 2004] During law school, John served as a law clerk with the Pinellas County Attorney's Office. Prior to attending law school, John was a Senior Coordinator with Seminole County, Florida.

### **Education:**

- University of Florida - Fisher School of Accounting  
B.S. in Accounting (1997)
- University of Florida - School of Forest Resources and Conservation  
Master of Forest Resources and Conservation, (1999)
- University of Florida – Levin College of Law  
J.D. *cum laude* (2004)



## **VIVEK K. BABBAR**

### **Experience:**

Vivek K. Babbar is an associate with Straley Robin Vericker, and has practiced with the firm since March of 2014. Vivek serves as lead counsel to numerous community development districts represented by the firm, and has experience in the formation and operation of special districts, construction of public infrastructure, issuance of tax exempt bonds, government contracts, public records law, sunshine law, statutory requirements governing the conduct of public officers, elections laws, competitive bidding, and other aspects of local government law. Vivek has also appeared before various local government boards with respect to CDD issues.

### **Background:**

Vivek is a member of the Hillsborough County Bar Association and the Florida Bar; he is also admitted to practice in the United States District Court for the Middle District of Florida. [Admitted to the Florida Bar in October 2013]

### **Education:**

- University of Florida - B.A. in Anthropology (2010)
- University of Florida - Levin College of Law, J.D. cum laude (2013)

## **KRISTEN M. SCHALTER**

### **Experience:**

Kristen M. Schalter is an associate with Straley Robin Vericker and joined the firm in 2018. Kristen serves as assistant counsel to the firm's community development district practice.

### **Background:**

Kristen is a member of the Hillsborough Bar Association and the Florida Bar, a member of the HCBA Young Lawyers Division, and a member of the Local Government Law and Real Property Probate and Trust Law Sections of the Florida Bar. During law school, Kristen served as a law clerk with the Florida Department of Agriculture, Universal Orlando Creative, and United Soccer Leagues, LLC. Kristen also served as an articles and notes editor for the FSU Journal of Land Use and Environmental Law and was a member of FSU Law's chapter of the Phi Delta Phi academic fraternity. Prior to attending law school, Kristen was a teacher in Osceola and Hillsborough Counties. [Admitted to the Florida Bar in September 2018]

### **Education:**

- Grand Valley State University - B.A. in English Language and Literature (2008)
- Cornerstone University - M.A. in Teaching English to Speakers of Other Languages (2012)
- Florida State University College of Law - J.D. with Environmental Law Certificate (2018)

## STRALEY ROBIN VERICKER

### Current Standard Billing Rates:

Mark Straley - \$355 per hour

Tracy J. Robin- \$330/hour

John M. Vericker - \$315/hour

Vivek Babbar -- \$275/hour

Kristen Schalter -- \$250/hour

Lynn Butler, Paralegal - \$150/hour

Barbara Williams, Legal Assistant - \$100/hour