



Elder Law Section
EXECUTIVE COUNCIL AGENDA
Omni Amelia Island Plantation Resort
Thursday, October 27, 2016
5:00 p.m. – 7:00 p.m.

I. Call to Order - Welcome Ellen Morris, Chair

Meeting called to order at 5:15 p.m. by Ellen Morris.

Ms. Morris began by welcoming everyone in attendance to the meeting.

In attendance: Ellen Morris, Chair; Collett Small, Chair-Elect; Scott Selis, Vice Chair; Javier Centonzio, John Clardy, Kara Evans, John Frazier, Jill Ginsberg, Matthew Rheingans, Evett Simmons, CLE Committee Chair; Matthew Thibaut, Enrique Zamora

Bar Staff: Christopher Hargrett

No call-in capabilities for this meeting.

II. Approval of Minutes Carolyn Landon, Secretary (**Exhibit A**)

Minutes from June 17, 2017 Executive Council meeting approved unanimously.

III. Chair's Report Ellen Morris, Chair

Ellen discussed the state of the Section, in which financials show that the Section has over \$130,000 in its fund balance. In addition, Ellen mentioned that the Special Needs Trust CLE in June was a great event and that the next CLE at The Florida Bar's Annual Convention will be a Veterans Affairs Benefits CLE as well as a Guardianship CLE webinar. The goal is to put on more substantive CLEs. Enrique Zamora mentioned that the Real Property Probate Trust Law Section (RPPTL) is planning to hold a Guardianship seminar as well.

Ellen continued and mentioned that the Section is in the process of composing a positioning statement to present to Justice Jorge Labarga regarding upcoming legislation.

IV. Past Chairs Report David Hook, Immediate Past Chair (**Exhibit B**)

David Hook was unable to attend, but asked that Chris Hargrett present the proposal for updating the Section website. Proposal was presented to the Council for approval. A motion was made and then

passed with a unanimous vote.

In addition, Steven Hitchcock was unable to attend and asked Chris to present the budget amendment proposal to cover the cost of updating the website. The original amount in the Public Info & Website budget line is \$3,000, and the amendment would be to move an additional \$5,000 from the operating reserve to the website budget. A motion was made and the budget amendment was approved.

V. Chair Elect Report

Collett Small, Chair-elect

Collett Small discussed the Essentials of Elder Law and Annual Update programs, which will take place in January. A Save the Date would be sent to the entire Section on Friday, October 28, 2016 at 8:00 a.m. Collett reviewed The Florida Bar's Diversity & Inclusion Committee and its initiatives. In addition, Collett wants to work with Enrique, Co-Law School Liaison, to connect with the law schools in Florida. Collett stated that she held a conference call with Steve Hitchcock and Chris Hargrett to go over the CLE Planning Forms and that the Guardianship Committee oversees coming up with speaking points for the webinar.

Enrique and John Clardy both suggested offering scholarships to law students in exchange for articles for the newsletter and other opportunities to serve in the Section.

A question was asked if law students were able to join the Section for free. Chris responded that according to the Section bylaws it appears that law students are considered affiliate members and that all affiliate members pay the annual membership fee. Chris then explained that the Executive Council decides how many affiliate members can join the Section. Ellen recommended that the bylaws be amended to allow an unlimited number of affiliate members and that law students will pay an annual membership fee of \$25. A motion was made and passed unanimously.

Ellen briefly paused from the agenda and asked that everyone introduce themselves. Everyone introduced themselves including Matthew Thiabaut who said that he joined the Elder Law Section because Ellen came to a Leadership Academy program a year ago, and spoke to the audience about the Section.

Ellen proceeded with the agenda.

VI. Treasurer's Report

Steve Hitchcock, Treasurer (**Exhibit C**)

See minutes from the Past Chair Report section.

VII. Substantive Divisions

Jason Waddell, Vice Chair

Jason Waddell was unable to attend, but Ellen turned the time over to the Committee Chairs in attendance to give their report.

(Committees in bold to give oral presentations)

- a. **Exploitation and Abuse Committee**
- b. Estate Planning & Probate Committee

Erika Dine/ David Weintraub
Horacio Sosa/ Amy Collins (Exhibit D)

- c. Guardianship Committee
- d. Legislative Committee

Victoria Heuler/ Debra Slater
William Johnson/ Scott Selis

Scott Selis reported that the Legislative Committee strived to assist the task force to raise funds for the legislation and POLST meeting and that Bill Johnson was doing a great job.

- e. Medicaid /Government Benefits Committee John Clardy/ Heidi Brown

John Clardy stated that he and Heidi were working on getting their new committee members involved.

- f. **Special Needs Trust Committee**

Travis Finchum/ Howie Krooks

Ellen reported for Travis Finchum and Howard Krooks that the Committee is evaluating legislation for Special Needs Trust and is working on the Workers' Compensation Planning, which is expected to be held in August 2017.

- g. **UPL Special Committee**

John Frazier/ Leonard Mondschein (Exhibit E)

John Frazier reported that he participated in a webinar and that he wrote an article that was published regarding UPL. According to John F., there were over 20 UPL complaints filed in Florida, but the Bar has taken no action on them. John F. mentioned that litigation maybe moving forward on UPL, but Leonard Mondschein would have more information.

Collett asked John F. if the company Coastal Income Properties was on the UPL list of complaints that were filed. She mentioned that there is a board-certified attorney with this company, but John F. was unsure.

- h. Financial Products Special Committee

Jill Ginsberg (**Exhibit F**)

Jill Ginsberg state that she is still working hard. Matthew Thibaut recently joined this Committee.

- i. Veterans Benefits Committee

Javier Centonzo/ Elizabeth Moneymaker

Javier Centonzo reported that him and Elizabeth Moneymaker are working on the VA Benefits CLE in June 2017, which will be held at the Bar's Annual Convention. They are working on getting people involved.

- j. Mentoring Special Committee

Stephanie Villavicencio (**Exhibit G**)

Stephanie Villavicencio sent in her report, which Ellen covered briefly. The focus is on getting the new admitted members to be more involved by joining a committee. In addition, Stephanie is striving to work with the law schools to get them involved.

VIII. Administrative Division

Scott Selis, Vice Chair

Scott covered the various Committees he oversees as Administrative Division Vice Chair.

(Committees in bold to give oral presentations)

- a. **CLE Committee** **Sam Boone**
- b. Newsletter Kristina Tilson (**Exhibit H**)

Scott reported that Kristina is moving the deadline for the Spring issue to February 1 due to prior engagements. Scott iterated the need for articles from the substantive committee chairs and others. He mentioned that the articles do not have to be law review articles.

- c. Council of Sections Report Ellen Morris
- d. Certification Special Committee Ed Boyer (Bar Committee)
- e. **Law School Liaison Special Committee** **Enrique Zamora/Alex Cuello**

Enrique reported that the next symposium will be in March 2017 and that he will give a specific date by next week. Enrique is reaching out to all law schools. In addition, Alex Cuello will be a professor at St. Thomas Law School. In regards to the newsletter, Enrique sends a letter to each law school dean and sends a hard copy of the Advocate.

- f. Web Page Report David Hook (see Exhibit B)
- g. Sponsorship Special Committee Jason Waddell
- h. Membership Special Committee Donna McMillan (**Exhibit I**)

Scott mentioned that Donna McMillan is holding a conference call for anyone who wants to join the Section and provide them with the necessary information. Donna has reached out to FSGA, which posts the guardianship standard. Scott suggested we sit down with FSGA to address Section's concerns and to build an affiliate. It was reported that an Elder Law Section table was not at the last FSGA conference.

Ellen asked Scott to contact Victoria Heuler and discuss the concerns about FSGA first. FSGA is a trade organization to ensure that their members are still working, however, the Section's views often do not align with FSGA.

- i. Budget Committee **Steve Hitchcock**

IX. Board of Governors Report Sandy Diamond (16-17 Liaison)

X. Liaison Reports

- a. AFELA Report Matt Rheingans

Matt Rheingans reported that new board members were brought on: David Jacoby, Sam Boone, and Britton Swack is the treasurer. Matt discussed briefly the amicus brief by Scott Solkoff, who submitted an appeal. AFELA voted not to support the brief. The Un-Program CLE will be held at the Orlando Hyatt Hotel the first week in December.

- b. FSGA Report Scott Greenberg/David Hook
- c. RPPTL Report Charlie Robinson/Marjorie Wolasky
- d. NAELA Report Howard Krooks
- e. Task Force Update Ellen Morris/Sam Boone

XI. New Business

- a. Website

XII. Adjournment

Ellen mentioned that the Executive Committee agreed not to support the amicus brief of Scott Solkoff as well and to possibly have a webinar for an amicus brief.

Collett referenced that next year's Retreat will be in Jamaica. Either the first week of October or November.

Ellen thanked everyone in attendance.

Meeting adjournment at 6:40 p.m.