



INTER ALIA

OCTOBER 2022

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

Post Tragedies: A Chance to Help

By Daniel VanEtten, Esq. MCBA Director

Hurricanes are an unfortunate reality of living in Florida. Ian has left in its wake devastation and tragedy on a scale not seen along Southwest Florida's coast in more than a decade. Manatee County was spared a direct hit from Ian, which, undoubtedly, saved local homes, businesses, and lives. Whether you attribute Ian's shift in course away from Manatee County to good luck, a higher power, or native American legends, the result was the same; Manatee County suffered minimal impact while our southerly neighbors paid dearly for our good fortune.

From tragedy comes opportunity. For most, this opportunity is a chance to come together individually and as a community to help those more affected than us through charitable donations and work. The Florida Bar Young Lawyers Division staffs a disaster legal services hotline that allows lawyers to volunteer their time to help give affected individuals legal assistance which they otherwise could not afford. The Bradenton Kiwanis Club donated hundreds of meals that were earmarked for its 100th anniversary Gala to local first responders who had to be away from their homes as they worked to safeguard our community during the storm. These largescale charitable endeavors are merely high-profile examples of work that is going on in the community down to the individual level as people bring needed food, water, and fuel to those counties more severely affected to our south.

Unfortunately, a small subset of individuals see a financial opportunity to be reaped from tragedy. Some may intentionally engage in price gouging to try to make a profit off the suffering of others. Some others may unintentionally engage in price gouging as they seek to offset what may be their own increased cost of doing business after the storm. While still others may see this as an opportunity to extort honest businesses through threats of false price gouging claims. As lawyers, we owe our community and clients an understanding of what is, and what is not, permissible in relation to price changes after an emergency has been declared so that we can help safeguard our community and clients from harmful predatory or ignorant behavior.

Price gouging is controlled under Florida Statute 501.160 which kicks into effect during a declared state of emergency. This stat-



ute makes it unlawful to rent, sell, lease, offer to rent, sell, or lease essential commodities, dwelling units, or self-storage facilities at an unconscionable price. There is a presumption that a price is unconscionable if: there is a gross disparity between the price charged during the state of emergency and the average price during the 30 days before the state or emergency, or the price grossly exceeds the average price the same or similar commodity was available in the area during the 30 days before the declaration of the state of emergency. The statute takes

into account effects of increased costs and market trends, which seems important in light of today's high inflationary environment.

The statute covers lodging and storage facilities, and essential commodities necessary for use or consumption as a direct result of the emergency. A "commodity" means any good, service, material, merchandise, supplies, equipment, resources, or other article of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber. Commodities covered under the statute include those rented, sold or offered for rent or sale within the area of the declared state of emergency and necessary for consumption or use as a direct result of the emergency. The law also requires those selling goods and services to possess a business tax receipt. There are some real teeth behind this statute as it may result in hefty fines, as well as giving rise to claims under the Florida Deceptive and Unfair Trade Practices Act, which itself, has its own harsh set of penalties, including the potential for treble damages and attorneys' fees.

With the foregoing knowledge, we may be able to help guide our business minded clients into staying on the ethical side of sales after a tragedy has occurred. We may be able to help protect our business clients from fraudulent or extortionary threats of false price gouging complaints. And, we may be able to help our community by identifying and reporting instances of genuine and intentional price gouging. Through these steps, we may be able to help our community and those to our south recover from this tragedy by minimizing the additional harm that they may otherwise suffer as a result of bad business practices and predatory behavior.

**CAN YOU HELP US
REFRESH
THE CHILDREN'S
WAITING ROOM
OF THE MCJC?**

In September, the MCBA office received an urgent call that the furniture in the Children's Testimony Waiting Room of the MCJC was well worn and beyond repair. The Young Lawyers Division jumped into action and created a fundraiser to purchase new furnishings for the room. If you would like to donate and be part of the effort, please click on the flyer link or send your check, made payable to the MCBA, to PO Box 796 Bradenton, FL 34206. Please note it for "CWR" in the comments. Any amount is most appreciated. Donations are being accepted through October 15th, 2022.

**A LITTLE HELP
TO EASE THEIR
EXPERIENCE AT
THE MCJC!**



Let's help the children who visit the Children's Testimony Waiting Room at the MCJC!




The MCBA Young Lawyers Division is accepting monetary donations through October 15th to purchase new furnishings for the Children's Testimony Waiting Room....it's time!

Can YOU help us?



Please send your check, in any amount to the MCBA, PO Box 796 Bradenton, FL 34206. Or, to donate instantly with a credit card, click here: [HERE](#)

 Or use the QR Code!

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DATES TO REMEMBER:

- October 12, 2022** **YLD BOD Meeting on ZOOM**
- October 26, 2022** **October General Membership Luncheon at Kiwanis Hall**
- November 2, 2022** **Board of Directors Meeting - MCJC**
- November 3, 2022** **Family Law Section CLE w/Judge Dees – SAVE THE DATE**
- November 9, 2022** **YLD BOD Meeting on ZOOM**
- December 2, 2022** **Holiday Party at Heritage Harbour Golf Club**
- December 7, 2022** **Board of Directors Meeting – MCJC**
- December 14, 2022** **YLD BOD Meeting on ZOOM**

**Dates are subject to change*

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Keith McCarter, Esq.

Ohio Northern University
 Year Admitted to The Florida Bar, 2021
 Firm: McCarter Law Offices, P.A.
 Area(s) of Practice: Immigration Law, Real Estate, Litigation/
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Timothy J. Rudge, Esq.

Thomas M. Cooley Law School
 Year Admitted to The Florida Bar, 2012
 Firm: Michael A. France, P.A.
 Area(s) of Practice: Civil Litigation, Commercial Litigation,
 Civil Trial

Matthew F. Tympanick, Esq.

University of Massachusetts Law School
 Year Admitted to The Florida Bar, 2017
 Firm: Tympanick Law, P.A.
 Area(s) of Practice: Criminal Law, Litigation/Trial Advocacy/
 Advocacy, Civil Trial

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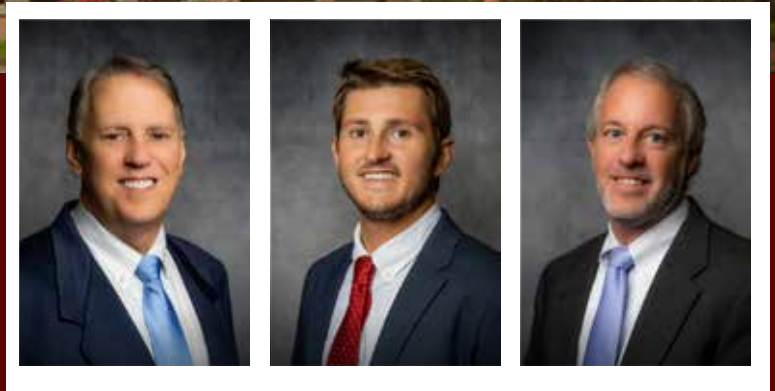
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Hurricane Ian: A look at the Stats

by Graceann Frederico, Executive Director, MCBA

As this article is being written, many residents of southwest Florida are still reeling from the effects of Hurricane Ian, which made landfall just last week. After first raging over Cuba, Hurricane Ian blasted southwest Florida, arriving as a Category 4 Hurricane. Ian arrived over Cayo Costa, Florida with over 150 mph winds, making it the fifth strongest hurricane on record within the United States. Several courthouses across Florida had to close, including ours within the 12th Judicial Circuit. Both the MCJC and the Lynn Silvertooth Courthouses closed during the week of the hurricane, reopening on Monday, October 3rd; however, those in south county were delayed. The areas of Fort Myers, Sanibel/Captiva, Naples, and Cape Coral took the brunt of the storm, and it is estimated that it will be several weeks, perhaps even months for power to be restored in some areas. According to the Washington Post, when looking at Ian by the numbers, we can see what makes Hurricane Ian one of the worst in our recorded history:

By the Numbers:

- *150 mph, the winds of Ian ties for fifth highest with seven other storms
- *12' plus storm surge, with possibilities of up to 18' in some areas
- *Union Park, FL recorded 21.6" of rain in 36 hours, a "one in 500" year rainfall
- *Appx. 1,000 lightning strikes were recorded just inside the eyewall before making landfall
- *Appx. 34,000 lightning strikes were recorded in the storm total
- *Appx. \$60 Billion in private insured losses are estimated
- *2.7 million people lost power in Florida
- *2.5 million evacuated by order
- *6000 flights were cancelled
- *72 Floridians perished at the time of this article, with three in Manatee County and four in Sarasota County – according to Fox Weather.
- *Search and Rescue efforts are still ongoing



Ian is the sixth major hurricane to hit the Gulf in 5 years. Storms Category 4 or above are: Harvey and Irma (2017), Michael (2018), Laura (2020), Ida (2021) and Ian (2022). Hurricane season is not nearly over with October being a very active month, historically. For more updates, please visit Governor DeSantis’s website at: <https://www.flgov.com/> for the most up-to-date information, relief efforts, and how you can help.

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Attention MCBA Members! Katie Trefrey, long time PD legal assistant, is retiring and you're invited to attend.
 When: Friday, October 28th at 3:00 pm in the Jury Holding Room of the MCJC.
 For more info and to RSVP, please see the following link:
<http://evite.me/mYpgSMpU9V>

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The firm's attorneys practicing in the area of Wills, Trusts and Estates are currently accepting referrals and new clients in the following areas:

- Estate planning
- Probate and trust administration and litigation
- Elective share and surviving spouse rights
- Homestead issues
- Probate and trust related appeals
- Elder Law
- Guardianship administration and litigation
- Public benefits and Medicaid planning
- Veteran's benefits



Jeffrey S. Goethe, Esq.
 Admitted to the Florida Bar in 1990
 Florida Bar Board-Certified in Wills, Trusts & Estates
 Fellow, American College of Trust and Estate Counsel
 Past President, Manatee County Bar Association



Lawrence W. Thomas, Esq.
 Admitted to the Florida Bar in 1985
 Past Director and Secretary of the Manatee County Bar Association



Kevin M. Collver, Esq.
 Admitted to the Florida Bar in 1997
 Member, Manatee County Bar Association
 LL.M., Taxation, Univ. of Florida



M. Brandon Robinson, Esq.
 Admitted to the Florida Bar in 2015
 United States Dept. of Veteran's Affairs
 Accredited Attorney
 Combat Veteran, United States Marine Corps
 Director, Manatee County Bar Association Young Lawyer's Division

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bhoyle@hoylefirm.com

6707 35th Avenue West
Bradenton, FL 34209

Calendar availability and full bio at floridamediators.org/Robert_Hoyle

- Harvard College B.A., 1975
- Capital University Law School, J.D., Cum Laude, 1986
- Harvard Law School Mediation Training Program
- Chairman, Florida Bar Alternative Dispute Resolution Section 2015-2016
- Chairman, Florida Bar Council of Sections 2018-2019
- Certified Circuit Civil Mediator
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October 2022 Membership Luncheon

VETERANS APPRECIATION EVENT
with Special Guest
Bradley E. Smith CDR USN (Ret)

Wednesday, October 26, 2022

Manatee Performing Arts Center- Kiwanis Hall

11:45 Lunch, Noon Meeting Start



Bradley E. Smith, CDR, United States Navy, Ret.

Assigned to Attack Squadron VA-76 in February 1965, flying off the Aircraft Carriers USS Roosevelt, America, and Enterprise. Smith began flying combat missions in the A-4 Skyhawk in November 1965. He was forced to eject over North Vietnam while flying his 77th combat mission on March 25, 1966. The North Vietnamese captured LT Smith and held him as a Prisoner of War for the next 2,516 days, until his release during Operation Homecoming on February 12, 1973.

His 2nd Silver Star Citation reads:

For conspicuous gallantry and intrepidity while interned as a Prisoner of War in North Vietnam. In October 1966, his captors, completely ignoring international agreements, subjected him to extreme mental and physical cruelties in an attempt to obtain military information and false confessions for propaganda purposes. Through his resistance to those brutalities, he contributed significantly toward the eventual abandonment of harsh treatment by the North Vietnamese, which was attracting international attention. By his determination, courage, resourcefulness, and devotion to duty, he reflected great credit upon himself and upheld the highest traditions of the Naval Service and the United States Armed Forces.

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Lunch is \$30 for guests**

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TUESDAY, NOVEMBER 8, 2022

Registration and Breakfast 8:00 a.m.

Program: 8:30 a.m. - 9:30 a.m.

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The top three members, listed on a New Member Application as "Referred By" will win!

Just sign up new members between now and June 1st, 2023! Winners will be announced at the Annual Meeting in June.

* New Members must not have been a member of the MCBA within the last 3 years.

Applications are online at www.manateebar.com



Twelfth Circuit Judicial Center Identification Cards (JCID cards)

On August 26, 2022, Chief Judge Charles Roberts issued Administrative Order 2022-10.2, *In Re: Security and Operations of Court Facilities*. Pursuant to this new administrative order, when feasible and practical during times of high volume, judicial security at the Manatee County Judicial Center and the Silvertooth Judicial Center will open dedicated, expedited screening lines for attorneys displaying a current JCID card. The JCID card is valid at both locations and the dedicated lines are expected to begin on October 10, 2022.

How the JCID card works

During peak times and upon presentation of a current JCID card, attorneys will go through their own screening line without the requirement of removing shoes or belts. All items in your care, control or possession must also be screened by security. If you forget your card, you may be denied expedited screening and/or redirected to the public screening line.

Attorneys can visit the JCID application page on the Court's website from October 1 through November 30 each year to apply for a JCID card. Attorneys must renew their JCID application each year during this timeframe to be eligible for continued access to the expedited screening line. Please note that the application period is only open during the months of October and November – if you miss it, you cannot apply again until next October. The application includes consent to a criminal background check.

The application fee is \$25; the fee for a replacement JCID card is \$10; both fees must be paid by credit card online. The application fee is waived for government* attorneys; replacement card fees will not be waived.

Questions? Call Court Administration in Sarasota at (941) 861-7800.

*Government attorneys include SAO, PD, AGO, ORC, GAL, DCF, county attorneys, city attorneys, clerk's office, attorneys employed by LEOs, etc. The government employer must be listed on your Florida Bar profile to qualify.





CLE COURSE

INJUNCTION PROCEEDINGS IN UNIFIED FAMILY COURT

Thursday, November 3, 2022
12 - 1:30 pm., MCJC, Multipurpose Room
Approved for 1.5 Credits

About The Presenter:

The Honorable Teresa Dees
Circuit Court Judge
Divisions

- Circuit Family Division 4 - Manatee County
- Early Childhood Court - Manatee County

Began service on the Circuit Court Bench in September 2015
Education
J.D. University of Florida College of Law - 1996
B.S. University of Florida - 1992

About the Course:

As a result of attending this course, practitioners will be able to:

1. Compare and contrast various interpersonal injunctions;
2. Assist clients in preparation for violence protection hearings; and
3. Adequately explain the effects of an injunction in related family law matters.

\$10 - lunch included
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Questions? Email Graceann at mcba@manateebar.com

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“ Taking the Fear Out of Scary Issues in Family Law ”

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Joseph Coleman,
CPM Training
Manager



Frank Downing,
Cryptocurrency
Analyst



Valerie Fisher, M.A.,
L.M.H.C., N.C.C.,
C.C.M.H.C.



Sharon O'Day, Esq.



Ken Poole, Esq.



Christine Profito,
PsyD



Chris Wailand, CPA,
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Sarah Workman,
MSW(2023), Esq.

This year's hybrid conference will focus on helping families through the trials and tribulations of scary family law cases. Presentations will include 2022 Family Case Law Review, the Annual Judge's Panel, and Domesticating Cases, Cryptocurrency, and Identifying Coercive Control and Post-separation Abuse. Attendance is open to family law professionals, including but not limited to, judiciary, attorneys, mediators, mental health professionals and financial specialists, who work in both litigation and collaborative family law matters. Do not miss this opportunity to hear directly from the Twelfth Circuit Court Judges, Magistrates, Hearing Officers, and court staff.

FRIDAY, OCTOBER 21, 2022- 8:00 A.M - 5:00 P.M.
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To Register Go Online to: <https://conta.cc/3QvoHm2>

The FCPC is applying for CLEs, CEUs and CMEs for this event. "The Florida Psychological Association is approved by Florida Department of Health, Board of Psychology and Board of School Psychology to sponsor continuing education for psychologists. The Florida Psychological Association is approved by the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling as a provider of continuing education. FPA maintains responsibility for this program and its contents."



Family Court Professional Coalition - 2022 Annual Conference
"Taking the Fear Out of Scary Issues in Family Law"



When: Friday, October 21, 2022 Time: 8:00 a.m.- 5:00 p.m.
 Where: The Grove, 10670 Boardwalk Loop, Lakewood Ranch, FL 34202

- 8:00 a.m. - 8:30 a.m. Registration & Check-in; Breakfast Buffet / Welcome: Judge Kevin Bruning and Chris Wailand, CPA
- 8:30 a.m.- 10:30 a.m. **Cases, Statutes, and Rules Update 2022**- Sharon O'Day, Esq., Valerie Fisher, MA, LMHC, NCC, CCMHC, and Chris Wailand, CPA, ABV, CFF, CFE
- 10:45 p.m.-12:00 p.m. **Domesticating Cases Tricks and Treats: Why, How with Legal and Mental Health Factors to Consider** - Christine Profito, PsyD and Ken Poole, Esq.
- 12:00 p.m.- 1:00 p.m. Lunch, FCPC Meeting
- 1:00 p.m.- 2:30 p.m. **Held Hostage: Identifying Coercive Control and Post-Separation Abuse** – Sarah Workman, MSW (2023), JD and Joseph Coleman, CPM Training Manager
- 2:45 p.m. - 4:00 p.m. **What is Cryptocurrency? How is it mined and how it is changing the financial landscape including our personal finances** – Frank Downing, Cryptocurrency Analyst
- 4:00 p.m. - 5:00 p.m. **Judge's Panel: 12th Circuit Judiciary**, moderated by Christine Profito, PsyD

TO REGISTER ONLINE: <https://conta.cc/3QvoHm2>

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Registration Options:

- **Membership Renewal:** Early-bird 8/22-9/16: \$195 9/17-10/07: \$225 10/08 - 10/14: \$250
 (2022 Members renewing for 2023: Price includes Membership fee, Conference attendance, CLEs, CMEs, CE)
- **New Membership Applicant*:** Early-bird 8/22-9/16: \$195 9/17 - 10/07: \$225 10/08 - 10/14: \$250
- **CE's included in price, do you want CE's?** Yes **CE's for School Psychologists, Psychologists, LCSW, LMFT and LMHC
- **Support Staff:** Early-bird 8/22-9/16: \$145 9/17 - 10/07: \$175 10/08 - 10/14: \$200. (Includes 2023 FCPC Membership (per By-Laws), Conference Attendance, CLEs, CMEs and CE)
- **Judiciary & Court Admin/Staff:** No Fee
- **Support Staff, Non-Profits & Government Agencies:** \$50 Conference Attendance Only
- **FPA Members:** \$150 Conference Attendance Only \$225 Conference Attendance & FCPC Membership

**Registration & Membership is open only to professionals practicing in the areas of Law, Mental Health & Finance and qualified for membership in FCPC as per the By-Laws.*

Return form & check payable to FCPC to: Michelle Cross at 240 S. Pineapple Ave, Suite #100, Sarasota, FL 34236
 Registrations will be cancelled should payment not be received on or before October 14, 2022.

Inquiries: Call Susan Keeton at (941) 364-5760 or email: Circuit12FCPC@Outlook.com

Masks / Social Distancing will be as recommended by the CDC.

The FCPC is applying for CLEs, CEUs and CMEs for this event. "The Florida Psychological Association is approved by Florida Department of Health, Board of Psychology and Board of School Psychology to sponsor continuing education for psychologists. The Florida Psychological Association is approved by the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling as a provider of continuing education. FPA maintains responsibility for this program and its contents."



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