

MICHAEL D. DURHAM, PLLC
ATTORNEY & COUNSELOR AT LAW



CERTIFIED SPECIALIST CITY, COUNTY & LOCAL GOVERNMENT LAW
321 SE 3rd Street, Gainesville, Florida 32601¹ 863 381 2343 michael@durhamfloridalaw.com

City of Alachua
15100 NW 142nd Terrace
Alachua, FL 32615

May 20, 2019

COPY

Re: RFP 2019-01 "Code Enforcement Special Magistrate"

Dear Review Committee:

Please accept this letter and accompanying documents setting forth the requested argument supporting the selection of Michael D. Durham, PLLC as a City of Alachua Code Enforcement Special Magistrate. I am uniquely qualified to serve as the City's Magistrate. I possess the education, experience, and the relevant working knowledge necessary to serve. In addition, the timing of this opening presents a conflict free appointment as I have recently accepted an administrative role with the Alachua County Library District, thus my selection will not create legal conflicts or otherwise and I am available immediately.

I have been a member of the Florida Bar in good standing since 2000 with long-established experience and working knowledge of code enforcement, zoning, land use and building code regulations. I am Florida Bar Certified as a Specialist in City, County, and Local Government Law with a concentration in the areas of land use, zoning, ethics, public records, sunshine law, home rule powers, civil rights, employment/labor, annexation, public finance/procurement, and eminent domain. Florida Bar Board Certification recognizes an attorney's special knowledge, skills, and proficiencies in the law, professionalism and ethics involving the practice of law. Additionally, I was selected by *Super Lawyers*, under its "star search" criteria, which provides a listing of "outstanding lawyers . . . who have attained a high degree of peer recognition and professional achievement."

Coupled with the legal education and experience, I bring an unparalleled understanding to the code compliance process. Before becoming an attorney, I was a State certified law enforcement officer serving as a Road Patrol Deputy Sheriff, Detention Deputy and a Court Bailiff. Following my law enforcement calling, I then served as a code enforcement officer, obtaining all code enforcement certification levels through the Florida Association of Code Enforcement (F.A.C.E.). I am a skilled researcher, writer, and presenter. I currently instruct code enforcement officer courses through the University of Central Florida (Institute of Government) on behalf of F.A.C.E. I receive excellent evaluations. Lastly, I have served as a Code Enforcement Magistrate for the City of Avon Park, Florida.

I am intimately familiar with various forms of government law and administrative matters. For over 25 years, I have served local government bodies, constitutional officers, and non-government clients throughout Florida in various public policy capacities. I gained extensive legal and operational experience as a County Attorney, as a City Attorney, and as a General Counsel for the Office of Sheriff. In addition, my experience as a Florida Supreme Court certified Circuit and County Court Mediator concentrating in dispute resolution, facilitation, strategic planning, and process development will bring an element of compliance resolution to many of the matters, if needed.

Educational highlights include *honors* graduate from law school where I also served as **Articles Editor for *Law Review***, served as a professor's research assistant and tutored law students. I possess a **Master's in Public Administration** from the University of South Florida graduating with induction into *Pi Alpha Alpha*, the National Honor Society for Public Affairs and Administrators.

Thank you in advance for your consideration in recommending me as a City of Alachua Code Enforcement Magistrate and I look forward to meeting with the selection committee for further evaluation.

Cordially yours,

A handwritten signature in black ink, appearing to read "Michael D. Durham".

Michael D. Durham, PLLC Managing Member
FlaBar 399485

¹ Records exempt as provided under chapter 119 Florida Statutes (law enforcement and labor negotiations).

MICHAEL D. DURHAM, PLLC
ATTORNEY & COUNSELOR AT LAW



CERTIFIED SPECIALIST CITY, COUNTY & LOCAL GOVERNMENT LAW
(863) 381 2343 michael@durhamfloridalaw.com²

Curriculum Vitae

Summary:

Michael Durham is an Executive level attorney that is **Board Certified** in City, County and Local Government Law who manages and directly handles complex public sector matters. In addition, “Mike” possesses and has demonstrated strong public sector administrative knowledge and skills. His areas of expertise and concentration includes land use, zoning, code enforcement, public records, sunshine law, eminent domain, home rule powers, civil rights, employment, labor, ethics, public finance & procurement and annexation. Mike is also a Florida Supreme Court certified Mediator involved in the areas of strategic planning and conflict resolution with a master’s degree in Public Administration, from the University South Florida. In addition, he is Adjunct Faculty and a Presenter with various universities and for professional associations.

Public Sector Experience:³

Alachua County Library District, Gainesville, Florida 32601 – 2019 – Present

ADMINISTRATIVE SERVICES DIVISION DIRECTOR

- Manages the effective operation of all fiscal, procurement, human resources, information technology, planning, and facilities operations of the Library District.
- Administers Personnel, Equal Opportunity, and Risk Management policies, assuring compliance with Board directives, Library District policies and procedures, bargaining union contract, and local, state, and federal law.
- Administers all systems analysis, development, programming, testing and maintenance, selection and implementation software applications and hardware, networks analyses/development and network maintenance.
- Participates in community and professional meetings to explain the activities and services of the Library District and to discuss and act on Library District issues.
- Actively participates in local, state and national conferences/workshops related to libraries and government.
- Attends all meetings of the Board of Trustees and the Library District Governing Board; participates in discussions and makes recommendations, serving as liaison to the Board of Trustees Policy Committee.
- Administers Library District’s employee recruitment, selection, performance review, and disciplinary processes in compliance with policy, local, state, and federal law, and bargaining unit contract.
- Conducts and analyzes research on library administration issues; compiles reports to be used as a foundation for District-wide strategic planning efforts.

² Records exempt as provided under chapter 119 Florida Statutes (law enforcement and labor negotiations).

³ **Michael D. Durham, PLLC Attorney & Counselor Certified Mediator Gainesville, Florida. 2016-Present**

Managing Member and Certified Mediator by the Florida Supreme Court in Circuit Civil and County Court

- Focusing on inter-organizational/intra-organizational dispute resolution with elements involving strategic planning facilitation for public and non-profit matters.
- Advising and supporting clients with complex policy development.
- Mediate court ordered and voluntary cases for parties in County and Circuit court matters.
- Provide adjunct instruction for accredited universities and lectures regarding specialized matters.

Alachua County Board of Commissioners, Gainesville, Florida 32601 - 2017 - 2019

SENIOR ASSISTANT COUNTY ATTORNEY Employment – Labor – Equal Opportunity – General Practice

- Alachua County is a chartered government requiring the County Attorney's Office to represent the Board of County Commissioners and County Constitutional Officers, along with various advisory boards of the County with an estimated \$400 million-dollar budget.
- Departmental assignments include Human Resources, Employee Relations, Equal Opportunity, Court Services, and Community Support Services along with various boards of the County.
- Significant practice areas include employment, labor, FLSA, FMLA, ADA, ADEA, Drug Free Workplace, Civil Rights, employment torts, impasse and arbitration under collective bargaining agreements, public sector ethics matters, public records, and sunshine law.
- Trainer and lecture for leadership programs regarding employment, labor, and public-sector ethics.

Office of Sheriff, Highlands County, Sheriff Susan Benton, Sebring, Florida⁴ - 2005-2016

GENERAL COUNSEL

Providing high quality and timely legal counsel and representation to the Office of Sheriff involving highly complex legal matters, preparation, and presentation of matters before the court, and rendering particularly significant legal opinions. As requested by the Sheriff, lead and support project teams. Represented the Sheriff at functions as requested and performed related work as directed.

- Legal advisor and counselor to the Office of Sheriff with a \$22 - \$27 million-dollar budget and nearly 300 members.
- Routinely conduct legal research, draft and review government procurement, contracts and general transactional matters to include: RFPs, RFQs, ITNs, & ITBs with related protests and litigating contract matters.
- Employment, labor/collective bargaining, internal affairs, use of force, search & seizure, complex criminal law matters, law enforcement/detention liability and risk exposure, contract negotiations and oversight, mutual aid agreements, and Accreditations.
- Litigated matters related to contracts, forfeitures, sunshine law and other diverse complex defense practice involving various *writs*, constitutional law issues and civil grand jury matters. Managed outside litigation matters involving covered claims.
- Assigned to support the Administrative, Law Enforcement, and Detention Bureaus and respective members. Liaison at the direction of the Sheriff among government entities, nonprofits, and community interests.
- Provide legal advice and instruction on matters concerning search & seizure, use of force, Florida Contraband Act, tort exposure, immunities, open government, public sector ethics, and other matters as assigned.
- Frequently advised on legal matters involving sworn and non-sworn members of the Sheriff's Office in complex labor and employment issues under public safety including internal affairs reviews, due process hearings created by Statute and administrative hearings with the Criminal Justice Commission, the Ethics Commission, and the Human Relations Commission.
- Advised on union avoidance strategies and implementation of tactics accordingly.
- Represented and advised on negotiations involving three contract periods with the PBA resulting in strong management rights CBA and decertification of a supervisor bargaining unit. Advised and conducted a multitude of due process hearings (arbitration) for issues arising under the CBAs.
- Researched, drafted, and filed a variety of documents related to public sector employment and labor matters involving collective bargaining agreements CBA, policy recommendations, legal correspondence, motions, memoranda of law, briefs, pleadings, legal opinions containing proposed or recommended courses of action or solutions.
- Executive team leader supervising 30 members under the Civil Division.

⁴ Full time appointment as General Counsel 2005-2011, Regular part-time appointment as General Counsel 2011-2013 in conjunction with City of Stuart, City Attorney, then under service contract as General Counsel 2013-2016 while serving as County Attorney for Martin County.

Martin County Board of County Commissioners, Stuart, Florida⁵ - 2013-2016

COUNTY ATTORNEY

Providing a high volume of legal counsel and representation to the Board of County Commissioners; county departments; appointed boards, councils, and committees; ensuring the Office represented the County in court proceedings, both as plaintiff and defendant, with zealous advocacy of the County's legal rights. Provided legal assistance to all county constitutional officers when requested.

- Oversee the County Attorneys' Office, for the Martin County Board of County Commissioners with a \$390 million-dollar budget and 900 employees, managing and supervising attorneys and support staff along with various outside specialized attorneys involved with voluminous and complex litigation.
- Provide counseling in the areas of development, code enforcement, tax, fees, annexation, public works, complex contracts/leases, law enforcement, fire, labor/collective bargaining/employment, ordinance development, civil rights issues, eminent domain, foreclosures, community redevelopment, and other matters as assigned.
- Regulatory litigation under land use, complex federal litigation and mediated numerous matters to resolution with other private parties and government entities.
- Implemented best government law practices as recommended by the Florida Bar.
- Provided legal advice and counseling on a multitude of public sector employment matters, labor matters, human resource policy reviews, interpretation of HR policies, wage & hour audits, FMLA audits, gender/race/age discrimination claims, and public-sector ethics matters.
- Routinely conduct legal research, draft and review government procurement, contracts and general transactional matters to include: RFPs, RFQs, ITNs, and ITBs with related protests and litigating contract matters.
- Experience with real estate transactions, takings, regulatory takings, and related actions.
- **General Counsel for the Highlands County Sheriff's Office, Sheriff Susan Benton.**
 - Legal advisor and counselor to the Office of Sheriff under service engagement.

City of Stuart City Commissioner, Stuart, Florida - 2011-2013

CITY ATTORNEY

Providing a proactive role in all legal issues presented for consideration by the Commission for the City of Stuart, to include ordinances, resolutions, contracts, procurement, bidding, and interlocal agreements to ensure City's compliance with all federal/state regulations and local ordinances. Represent City departments, boards, councils, and committees.

- Charter Officer employed to represent the City Commission with a \$30 million-dollar budget/225 employees.
- Provide counseling in the areas of land use and development, code enforcement, tax, fees, annexation, public works, complex contracts/leases, law enforcement, fire, employment/labor, ordinance development, civil rights issues, eminent domain, foreclosures, community redevelopment, and other matters as assigned.
- Draft ordinances (laws), resolutions (policies), and contracts for approval by the City Commission and assist the City Manager and City departments with all legal matters including the review of land development plans and documents, prosecution of code cases, conduct of labor relations, defense and prosecution of civil court cases, and general legal assistance to all employees on city matters.
- Routinely provided legal counsel on employment and labor matters with respective departments involved with personnel issues. Specifically defended the City in discrimination claims under federal and State law, workers' compensation, unemployment compensation, substance abuse testing, and engaged collective bargaining negotiations and arbitration arising from CBA.
- Routinely conduct legal research, draft and review government procurement, contracts and general transactional matters to include: RFPs, RFQs, ITNs, & ITBs with related protests and litigating contract matters. Experience with real estate transactions, takings, regulatory takings and related actions.
- **General Counsel for the Highlands County Sheriff's Office, Sheriff Susan Benton.**
 - Legal advisor and counselor to the Office of Sheriff as contract employee.
- **Magistrate for the City of Avon Park, Code Enforcement.**
 - Code Enforcement Magistrate hearing cases arising under the administrative laws and specific ordinances of the City from 2011 through 2013.

⁵ Non-chartered county government operating under state constitutional home rule powers and statutory law.

Pinellas County Board of County Commissioners - 2000-2005

SENIOR ASSISTANT COUNTY ATTORNEY LITIGATION

- Pinellas County is a chartered government requiring the County Attorney's Office to represent the Board of County Commissioners and County Constitutional Officers, with an estimated \$1.5 billion dollar 2005 budget.
- Litigating cases to trial primarily defending law enforcement interests of the Pinellas County Sheriff's Office and County Government in civil actions arising under Federal and State law.
- Litigation involving civil seizure and forfeitures, property damage, personal injury, writs of garnishment, criminal fine collection, unemployment compensation, law enforcement service contracts, mutual aid agreements, workers' compensation, and guardian ad litem services.
- Litigation support government procurement, contracts and general transactional matters to include: RFPs, RFQs, ITNs, & ITBs with related protests and contract matters.
- Supported operation departments including self-insured risk management group, Public Safety Coordinating Council, court administration, medical examiner's office, and other matters as assigned.

Legal Research Assistant and Tutor St. Thomas University School of Law 1998-2000

- Research and edit articles primarily in the areas of Civil Rights, Native American Rights, and Goals 2000 legislation as a Professor's Teaching Assistant.
- Employed by the University as a Tutor in the legal areas of Constitutional Law, Civil Procedure, Criminal Law, and Contracts.

Adjunct, Lecture and Training Employment:⁶

2018 – Present	University Central Florida under the Institute of Government <ul style="list-style-type: none">• Florida Association of Code Enforcement Lecturer• Code Enforcement Certification; law related components
2018 – Present	Institute of Policy Technology and Management, University North Florida <ul style="list-style-type: none">• Professional Standards/Internal Affairs Legal Section• Leadership Management Symposium Labor/Employment Legal Update
2010 – Present	Webber International University, Babson Park, Florida (<i>traditional & Online</i>) <ul style="list-style-type: none">• Business Law I• Business Law II (<i>Cert. Public Acct</i>)• Criminal Law (<i>Security Management</i>)
2008 – Present	Florida Public Employers Labor Relation Assoc., Orlando, Florida (<i>Lecture Series</i>) <ul style="list-style-type: none">• Open Panel Discussion: Labor, employment, administrative investigations• Sunshine Law w/ Public Records• Arbitration, Mediation and Contract Negotiation
2008 – Open	Barry University, Miami Shores, Florida <ul style="list-style-type: none">• Public Law & Administration (<i>Masters</i>)• Negotiations Theory and Practice• Ethics in the Public Sector• Human Resource Management in Public Sector• Legal Research in Writing (<i>Pre-law</i>)
2006 – 2016	Florida Sheriff's Association , Tallahassee, Florida (<i>Lecture Series</i>) <ul style="list-style-type: none">• Florida Contraband Act• Florida Sheriff's Management Academy Sunshine Law w/ Public Records
1990 – Open	South Florida State College , Avon Park, Florida (<i>Vocational and Lecturer</i>) <ul style="list-style-type: none">• Criminal Justice Standards & Training Commission FDLE• General Law Enforcement Academies General Corrections Academies• Firearms Instructor, Legal Authority Instructor• Florida/Federal Contraband Acts, RICO, and Search Warrants• Constitutional law

⁶ Generally online instruction one class a semester with live lecture presentations.

Non-legal Employment:

- 1991 – 1997 **Code Enforcement Official Highlands County Board of County Commissioners.**
- Enforcement of unlicensed activity under the construction industry and land use regulations under local governments' authority to regulate activities affecting the public health safety and welfare.
 - Certified in cooperation with the Florida Institute of Government at the University of Central Florida: Level I-Fundamentals of Code Enforcement, Level II-Administrative Aspects of Code Enforcement, Level III-Legal Issues in Code Enforcement and Certified as a Code Enforcement Professional.
 - **Police Officer Lake Placid Police Department, Lake Placid, Florida.**
 - Maintained law enforcement standards providing specialized training, internal affairs review and background investigations
- 1986 – 1991 **Deputy Sheriff Highlands County Sheriff's Office.**
- Dual Certified Deputy Sheriff/Correctional Officer.
 - Served as Correctional Officer, Bailiff and Road Patrol.

Court Admissions, Bar Associations and Professional Interests:

- All Florida State and Administrative Courts
- United States Supreme Court
 - United States Court of Appeals for the Eleventh Circuit
 - United States District Court for Middle District Florida
- Florida Bar Association, Section Member: Admin. Law, Criminal Law, Govt. Lawyer, Labor/Employment Law, City, County & Local Govt. Law and Alternative Dispute Resolution
 - Martin County Bar Association, Florida and Highlands County Bar Association, Florida
- Justice Major B. Harding Inn of Court, Martin County, Florida
 - Barney Masterson's Inn of Court, Pinellas County, Florida
 - Peter T. Faye, Inns of Court, Miami, Florida
- Florida Association of County Attorneys and Florida Municipal Attorney's Association
- Florida Association of Police Attorneys (FAPA)
- Florida Academy of Professional Mediators
- Florida Public Employee Labor Relations Association *Past President*
- Advisory Board Member, USF Public Administrative Program
- Florida Sheriff's Association Legal Advisors *Ad hoc* Presenter
- University South Florida, Executive Fellows Alumni

Education:

- **St. Thomas University School of Law, Miami, Florida.** *Juris Doctor* May 2000, *with Honors*
 - *St. Thomas Law Review*, Articles Editor
 - Book Award, Debtor/Creditor
 - Law Related Educational Initiative, Elementary Educational Outreach Program
- **University of South Florida, Tampa Florida.** *Masters Public Administration*, May 2008
Graduated with induction into PI ALPHA ALPHA, National Honor Society Public Affairs and Admin.
- **Webber International University (WIU), Babson Park, FL.** *Business Bachelor of Arts*, 96' Dean's list
- **South Florida State College Avon Park, Florida.** *Associate Arts*, 1996 (dual enrolled at WIU)

Certifications:

- Florida Bar Certified as a **Specialist** in City, County, and Local Government Law
- Supreme Court Certified Circuit and County Court **Mediator** in dispute resolution
- Florida Certified **Labor Relations Professional** (FCLRP) consisting of four modules:
 - Introduction to Collective Bargaining & Overview of chapter 447, Florida Statutes
 - Collective Bargaining Simulation
 - Impasse Hearing Simulation
 - Grievance Handling & Arbitration Simulation
- Certified **Instructor** by Criminal Justice Standards Commission Instructor (1988 – Present)
- State Certified **Law Enforcement and Corrections** Officer (1986 – 2004⁷ *circa*)

Addendums:

Professional Government and Private Sector Reference Table
Public Entity Crimes Form
Debarment, Suspension Certification
Drug Free Workplace Form

⁷ Commission expired good standing. Employed as General Counsel Sheriff's Office.

Professional References

Recent professional references include Government Clients, supervisors, co-counsel and opposing counsel.

Reference Name	Address ⁸	Voice Contact
CLIENT/SUPERVISOR REFERENCES		
Shaney T. Livingston, Director Alachua County Library District	Alachua County	352 334 3900
Michele Lieberman, as County Attorney Alachua County, Florida	Alachua County	352 374 5218
Jackie Chung, Equal Opportunity Manager Alachua County, Florida	Alachua County	352 264 6900
Heather Akpan, Human Resources Director Alachua County, Florida	Alachua County	352 264 6900
Anne Scott, Former Martin County Commissioner and former Illinois Judge. Member of the BoCC majority that recruited and hired me as County Attorney from the City of Stuart where I was serving as City Attorney.	Jupiter Island, Florida	Cell 772 341 8837
Sarah Heard, Martin County Commissioner as a member of the BCC majority that recruited and hired me as County Attorney from the City of Stuart where I was serving as City Attorney.	Martin County, Florida	Cell 772 285 3444
Susan Benton, Sheriff Highlands County, Florida 2004 – 2016. Sheriff Benton first female sheriff elected in a general election in Florida and served as President of the Florida Sheriff's Assoc. She recruited me as her General Counsel from Pinellas County BoCC.	St. Lucie County, Florida Highlands County, Florida	Cell 863 381 2346
C Parke Sutherland PA, Former City of Avon Park Council Member	900 W Main St Avon Park, FL 33825-3312	Cell 863 452 6900
Troy McDonald, Former City Commissioner, Stuart, Florida as a member of City Commissioner majority that hired me as the City Attorney for the City of Stuart.	City of Stuart	772 260 9458
Jeff Krauskopf, Retired City Commissioner, Stuart, Florida as a member of City Commissioner majority that hired me as the City Attorney for the City of Stuart	City of Stuart	772 285 9237
Paul Nicoletti, City Manager, Stuart, Florida Former City Attorney, Board Certified Local Government served as City Manager during my tenure as City Attorney. We continued to work on projects when I was County Attorney.	City of Stuart	772 260 3276

⁸ Many references qualify to have their information deemed exempt as provided under chapter 119 Florida Statutes.

Susan Churuti, Former County Attorney Pinellas County hired me out of law school and promoted through assignments to Senior County Attorney Litigation. We have co-counseled several matters throughout the years.	300 Beach Dr. NE Ste 4 St Petersburg, FL 33701-3482	813 273 6677
EXECUTIVE CO-TEAM REFERENCES		
Mark Schrader, Retired Chief Deputy Highlands County Sheriff's Office served Sheriff Benton while I was General Counsel.	Avon Park, Florida	Cell 863 381 2072
Garry Gierlicz, Former Human Resource Director, Martin County worked on several employment matters together and served on union management teams.	Palm Beach, Florida	Cell 561 346 8237
Rick Creech, Engineer recently served as subject matter expert and project coordinator in complex federal and state litigation I managed.	Martin County, Florida	Cell 772 485 2140
Dr. James "Jim" Sewell, PhD. Managing Trainer Strategic Planner Retired FDLE Assistant Comm. Conducts strategic planning throughout the State.	Tallahassee, Florida St. Petersburg, Florida	Cell 727 204 0518
Robert "Wayne" Evans, Partner. General Counsel FSA. Mr. Evans and I have worked on complex employment matters and labor matters – Mr. Evans represented Manatee County SO, while I represented the MCSO Civil Service Board.	Allen Norton & Blue 906 N Monroe St Tallahassee, FL 32303-6143	Office 850 561 3503 Cell available
Michele Hall, General Counsel Manatee County Sheriff's Office and I have served on several FSA projects and counseled each other throughout the years.	Bradenton, Florida	Office 941 747 3011 x2250
CO-COUNSEL/OPPOSING COUNSEL REFERENCES		
Brian Koji, Partner Worked together on Human Resource Policy Audit among other matters	Allen, Norton & Blue, P.A. 324 S Hyde Park Ave Ste 225 Tampa, FL 33606-4128	813 251 1210
Thomas Gonzalez, Partner Worked together on various employment matters Firm in the process of merger	Thompson, Sizemore, Gonzalez & Hearing 201 N Franklin St Ste 1600 Tampa, FL 33602-5110	813 273 0050
Dylan Reingold, County Attorney Indian River served as co-counsel on complex federal and state litigation.	Indian River County, Florida	Cell 772 226 1427
Karen Morinelli, Ogletree, Deakins Co-counsel on labor management team Martin County, Florida. I have worked with Mr. Morinelli on several matters employment and labor matters.	Sarasota, Florida	Cell 941 320 1886
Pat Gleason, Attorney General's Office,	Tallahassee, Florida	Office 850 245 0179 Cell Available

Associated on various sides of Sunshine and Public Records matters. She mediated a PR matter where I represented the City of Stuart, Florida.		
Michael J. Mortell, City Attorney, Stuart, Florida. Board Certified Civil Trial Former City Stuart Commissioner where Mr. Mortell hired me as the City Attorney. Mr. Mortell has also been opposing counsel on significant matters.	City of Stuart, Florida 121 SW Flagler Ave Stuart, FL 34994-2139	Office 772 288 5386 Cell available
John Fumero, Nason Yeager Gerson White & Lioce, P.A. Served as outside counsel and co-counsel for over 3½ years major complex litigation involving multi-party interlocal agreements, water-storage, mining, code enforcement. Public Records trial defense verdict.	Palm Beach, Florida	Cell 561 315 4595
Stephen M. Ryan, Partner, Managed and co-counseled 2½ years major complex federal litigation All Aboard Florida and FEC commuter rail matter. Created federal case law regarding major federal action – bond issuance.	The McDermott Building 500 North Capitol Street, NW Washington, DC 20001	Office 202 756 8333 Cell available
Linda Loomis Shelley, Partner, Managed and co-counsel for over 3 years major comprehensive plan amendment challenges and appealed through the Governor's Cabinet.	Buchanan Ingersoll & Rooney PC 101 N Monroe St Ste 1090 Tallahassee, FL 32301- 1547	Office 850 681 6036 Cell available
Robert Kilbride, former City Attorney. Currently Administrative Law Judge, DOAH Co-counseled multitude of matters as City Attorney including labor, employment, tax matters, and intergovernmental conflicts.	Martin County, Florida Tallahassee, Florida Division of Administrative Hearings	Cell 772 267 1460

End

FLORIDA STATUTES ON PUBLIC ENTITY CRIMES FORM

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to City of Alachua
(print name of public entity)
by Michael P. Durham, Managing Member
(print individual's name and title)
for Michael P. Durham PLLC
(print name of entity submitting sworn statement)
whose business address is 321 SE 3rd STREET
GAINESVILLE, FL 32601
and (if applicable) its Federal Employer Identification Number (FEIN) is
81-5046497
(if the entity has no FEIN) include the Social Security Number of the individual signing this sworn Statement
/

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g) Florida Statutes means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(b) Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a) Florida Statutes means
- a. A predecessor or successor of a person convicted of a public entity crime; or

- b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(l)(c) Florida Statutes means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. **(Indicate which statement applies.)**

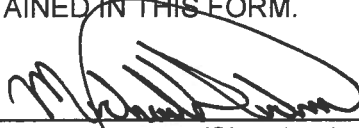
☒ Neither the entity submitting this sworn statement nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

☐ The entity submitting this sworn statement or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO

ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT
PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF
ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.


(Signature)

Sworn to and subscribed before me this 20th day of May,
2019.

Personally known

OR produced identification _____ Notary Public - State of Florida

(Type of Identification) My Commission expires Feb 12, 2020

April L. Johnson Welcome
(Print, typed or stamped commissioned name of notary public)



**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Business Name

Michael D. Durham, PLLC

Date

5-20-19

By

Michael D. Durham, Managing Member
Name and Title of Authorized Representative


Signature of Authorized Representative

DRUG-FREE WORKPLACE FORM

The undersigned vendor, in accordance with Florida Statute 287.087, hereby certifies

that Michael D. Durham, PLLC does:
(Business Name)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in Paragraph 1.
4. In the statement specified in Paragraph 1, notify the employees that, as a condition of working on the commodities or contractual services that are sought by the City, the employee will abide by the terms of the statement and will notify the employer of any convictions of, or plea of guilty or *nolo contendere* to, any violation of Chapter 1893 or of any controlled substance law of the United States or any state, for any violation occurring in the workplace, no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free work- place through implementation of Paragraphs 1 through 5.

As the person authorized to sign this statement, I certify that this firm complies fully with the above requirements.

Proposer's Signature: _____

Date: _____

5.20.19