



JIMERSON & COBB, P.A.

## January News from Jimerson & Cobb



This week marked a very special day for our country to honor a great man who gave his life fighting for the laudable goal of racial tolerance and equality of fundamental human rights. As you all know, the Reverend Dr. Martin Luther King was the chief spokesman for non-violent activism in the civil rights movement and the loudest voice to speak out against racial discrimination.

In reading about Dr. King, I came across

a great story that reminded me that as business leaders, the supreme quality for leadership is unquestionably integrity. Choosing to lead with integrity and commitment to setting to a good example provides a basic assurance to your company, your community and your customers that people should know what to expect from you no matter how challenging the issue presented is or how unpopular your decision in resolution may be. Choosing to do the right thing should always be the easiest choice, yet it always isn't always the easiest option to choose. The story that follows is about a company that chose to do the right thing, no matter how resistive the momentary negative reverberations became.

On October 14, 1964, Dr. King deservedly became the youngest person to ever win the Nobel Peace Prize at the ripe old age of 35. In reverence, his home town of Atlanta wanted to throw him a party: an interracial banquet, with official invitations going to the city's leaders and titans of industry. The invites were signed by the city's mayor, religious leaders from across faiths, a university president, and the publisher of the major area newspaper. Unfortunately, Atlanta was still racially segregated, and while King had many fans, he also had many enemies. Invitations to the highly exclusive event came back with many more declinations than one would expect. A *New York Times* report claimed that, among others, a well-known (but unidentified) banker in the Atlanta area took to the phones, hoping to convince other whites to abstain from attending the banquet. These efforts had an impactful effect on the RSVPs for the event, and as it neared, it looked as if the party was going to be a poorly attended event. Mayor Ivan Allen realized that such a result would be a stain on the city's reputation, both

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immediately and forevermore, and also realized that it could set back the clock on racial relations in Atlanta significantly. He struggled to find a solution until an unlikely hero stepped in.



Mayor Allen and J. Paul Austin, the Chairman and CEO of the Coca-Cola Company, called together a meeting of Atlanta's business leaders, and Austin threw down the gauntlet. According to the *Atlanta Constitution-Journal*, Austin told those assembled that "it is embarrassing for Coca-Cola to be located in a city that refuses to honor its Nobel Prize winner. We are an international business. The Coca-Cola Company does not need Atlanta. You all need to decide whether Atlanta needs the Coca-Cola Company."

They decided. Within two hours, all of the tickets were sold, and interest in the event skyrocketed so much that Martin Luther King, Sr. (yes, the honoree's father) had trouble getting enough tickets for his own use. The hotel that hosted the event was stuffed to the brim with over 1,500 partygoers, and, perhaps most importantly, the police detail outside had nothing to do. The police were there to combat the hordes of protesters expected to descend upon and disrupt the party - but the threat never materialized. For one moment in time, one leader of a large and powerful corporation decided to use his power to do the right thing. The decision wasn't likely an easy one, but I bet for him it was a no-brainer.

As you reflect about how far our country has come in the fifty years since Dr. King won his Nobel Peace Prize, I encourage you to lift a Coca-Cola as a small token of appreciation to the corporate leaders of Atlanta who had the courage to stand beside Dr. King and do the right thing. God bless Dr. King and God bless this great country we live in.

Very Truly Yours,  
Charles B. Jimerson, Esq.

H/T: Dan Lewis, *Now I Know*

J&C partner renamed to CILB by Gov. Rick Scott



Gov. Rick Scott reappointed Jacksonville attorney and Jimerson & Cobb partner Christopher Cobb to a second term on the Construction Industry Licensing Board (CILB). Cobb is appointed for a term beginning December 20, 2013, and ending October 31, 2017.

As a division of the Department of Business and Professional Regulation, the CILB is responsible for licensing and

regulating the construction industry. The board meets regularly to consider applications for licensure, review disciplinary cases and conduct informal hearings relating to licensure and discipline. Among other business, the board engages in rulemaking to implement the provisions set forth in its statutes.

To learn more about the CILB, click [here](#) to visit their web site.

Congrats, Chris!

### J&C partners named to 2014 Florida Super Lawyers list

J&C partners Charles Jimerson and James O. "Joby" Birr were named to the 2014 Florida Super Lawyers list. Partner Chris Cobb was named to the 2014 Florida Super Lawyers Rising Star list.



Super Lawyers selects attorneys using a patented multiphase selection process. Peer nominations and evaluations are combined with third party research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis.

The Super Lawyers patented selection process involves three basic steps: creation of the candidate pool; evaluation of candidates by the research department; and peer evaluation by practice area.

The Rising Stars list is developed using the same patented multiphase selection process used for the Super Lawyers list except:

- To be eligible for inclusion in Rising Stars, a candidate must be either 40 years old or younger or in practice for 10 years or less.
- While up to 5 percent of the lawyers in a state are named to Super Lawyers, no more than 2.5 percent are named to Rising Stars.

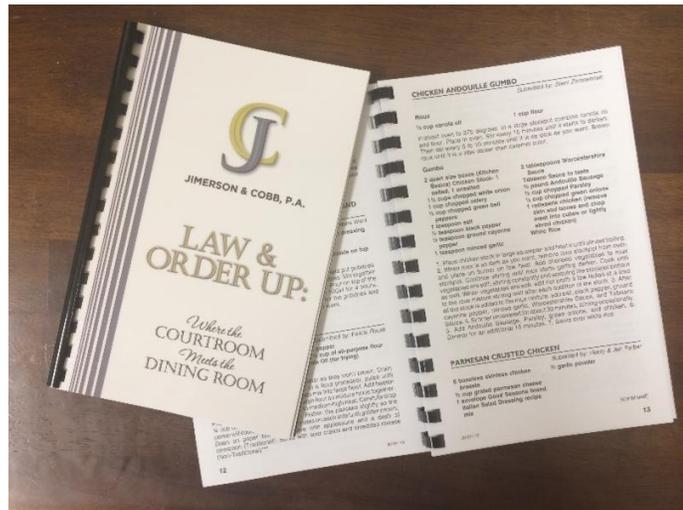
Be on the lookout for the June issue of *Florida Super Lawyers* magazine, where the complete list will appear.

Congrats to all!

## Law & Order Up: Where the Courtroom Meets the Dining Room

J&C team members put together a cookbook of our own recipes to gift others with our excellent culinary talents! Law & Order Up: Where the Courtroom Meets the Dining Room is a compilation of recipes for beverages, appetizers, main dishes and desserts. If you are interested in receiving one, [contact us](#) with your name and address, and we will drop one in the mail for you!

The folks over at the Financial News & Daily Record took notice of our little venture. Take a look at their article [here!](#)



## J&C partner moderates Women in Business Panel

As president of the First Coast chapter of Risk Management Association (RMA), J&C partner Charles Jimerson moderated a Women in Business Panel last week. Five powerful First Coast women discussed the challenges associated with being a business leader, steward of the community and dedicated family woman. The panelists included:

- Audrey Moran, Senior Vice President for Social Responsibility and Community Advocacy, Baptist Health
- Amy Austin, President of F&G Construction
- Anna Lopez Brosche, CPA, Shareholder, Managing Partner Ennis Pellum & Associates, CPAs
- Traci Jenks, Senior Director at Cushman & Wakefield
- Cindy Stover, North Florida Market President at TD Bank



For some highlights from the panel, read below:

**Tell us how you got to where you are today, what made you decide to go into your line of business and what is your driving force?**

Audrey Moran: "I didn't get my dream job originally but didn't let that stop me. You need to be open to opportunities and say yes a lot."

Cindy Stover: "The biggest driving force for me is helping people with their dreams."

**How do you maintain a work/home life balance while also incorporating "me" time?**

Traci Jenks: "Schedule time and be present. Live in the moment."

**What are the advantages and disadvantages of being a female business leader in your field?**

Amy Austin: "I went into construction thinking, why would it be different? Why would I be looked at different? But you quickly realize that oh, I'm out numbered here when you are standing in a room full of men."

Anna Brosche: "The best advantage I would have to say is being a part of defining how it can be different."

**What do you think is the most significant barrier to female leadership or business achievement?**

Anna Brosche: "Not fully recognizing our power as women."

**What is the best and worst business decision you've ever made and what**

## have you learned from both?

Cindy Stover: "Taking risks."

### Featured bLAWg Posts

#### **Recalling Condominium Association Board Members According to the Florida Statutes**

By: [Hans Wahl, Esq.](#)

Condominium associations experience turnover within their board of administration every few years, on average. Every now and then, for various reasons, unit owners desire to recall a specific board member after he or she has been elected. Section 718.112(2)(j), Florida Statutes, provides for the rules and procedures that an association must follow to recall one of its board members. That section is contained within the required provisions of Florida's Condominium Act, meaning that these rules and procedures for recall are deemed included within each association's bylaws. This blawg post discusses what every association should know about recalling board members, according to the Florida Statutes.

Click [here](#) to read the full bLAWg post.

#### **Enforceability of Contingent Payment Provisions in Construction Contracts**

By: [Brent Zimmerman, Esq.](#)

Contingent payment provisions, often referred to as "pay if paid" or "pay when paid" provisions, are commonplace in subcontracts and lower tiered contracts. An often overlooked question that should be asked is, "Are they enforceable?" As is true with most questions in the law, the answer is, "It depends." This bLAWg will focus on the enforceability of contingent payment provisions.

Click [here](#) to read the full bLAWg post.

### Additional bLAWg Posts

#### **The Computer Fraud and Abuse Act and its Application in Florida Courts**

By: [Charles B. Jimerson, Esq.](#)

Click [here](#) to read the full bLAWg post.

#### **What are Common Expenses of an Association According to Florida's Condominium Act?**

By: [Hans Wahl, Esq.](#)

Click [here](#) to read the full bLAWg post.

#### **Terminating a Notice of Commencement in Florida: Owner and Lienor Beware**

By: [James O. Birr, Esq.](#)

Click [here](#) to read the full bLAWg post.

#### **Association Liens for Unpaid Assessments Do Not Survive the Issuance of a**

## Tax Deed

By: [Hans Wahl, Esq.](#)

Click [here](#) to read the full bLAWg post.

## Florida's Revised Limited Liability Company Act: Part V - Proper and Improper LLC Distributions Under the Revised Act

By: [Hans C. Wahl, Esq.](#)

Click [here](#) to read the full bLAWg post.



Interested in reading more bLAWg posts? Subscribe via [RSS Feed](#) or via [email](#). You can also peruse our archives [here](#).

## Results Driven

Community stewards by night; see what we do for our clients in our day job.

\*Negotiated lease agreement between entertainment company and large shopping mall.

\*Obtained dismissal in favor of lender on eminent domain action.

\*Negotiated subcontractor for liquidating agreement allowing subcontractor to get paid nearly 85 percent of the subcontract balance despite "pay when paid" provision in subcontract and preserving remainder of the lien.

\*Argued motions to dismiss and motion to strike in large, multi-party condominium defect case.

\*Drafted master construction agreement, subcontract agreement and credit application in favor of construction materials supplier.

\*Drafted billboard lease for two-sided billboard.

\*Engaged to represent real estate investment firm seeking to lower wrongfully calculated association assessments on bulk property holdings.

\*Engaged to protect creditor's secured interest under UCC concerning multiple vehicles where creditor provided lender financing.

\*Drafted opinion letter regarding ongoing litigation for bank's internal audit.

\*Drafted employee handbook and key human resources documentation for national parking services company.

\*Filed motion to transfer venue in multi-million dollar action filed in improper venue.

\*Assisted franchisor in successfully obtaining past-due payments owed under a franchise agreement from delinquent franchisee.

\*Obtained title for large hotel via foreclosure and assisted lender in quick turnaround post-foreclosure sale.

\*Filed multiple quiet title actions in favor of tax deed purchaser looking to obtain proper title to lands acquired through tax certificate purchases.

\*Drafted exclusive distribution

\*Filed motion on behalf of condo association to accelerate foreclosure process and allow bank to obtain expedited final judgment so the association can begin recovering assessments.

\*Filed suit on behalf of roofer to foreclose claim of lien for unpaid work on a commercial building.

\*Filed motion to compel arbitration in construction lien dispute founded in arbitrable contract.

\*Provided initial corporate counseling and corporate set-up for waste solutions company.

\*Conducted deposition in support of proceedings supplementary against \$1 million-plus judgment debtor accused of fraudulent transfers.

\*Negotiated successful settlement in favor of employee accused of violating non-compete agreement and new employer accused of tortious interference.

agreement for gaming  
company involved in  
international transactions.

## Client Focus: Elite Parking Services of America

A monthly feature on one of our valued clients.



Elite Parking Services is a full-scale parking firm specializing in public/private partnerships for government assets, residential communities and airports. Services provided include parking management, valet parking, maintenance and ground transportation services.

Jimerson & Cobb is proud to represent [Elite Parking Services](#) and wishes it continued prosperity for the future.

## Firm News

Curiosities, ruminations and various eccentricities of firm biz.



**J&C to bowl for JA**  
J&C is already dusting off their bowling balls and shining their shoes in preparation for the the Junior Achievement Spring Challenge on March 8. It will be held at 11:30 a.m. at Bowl America on San Jose Boulevard. Check out this year's [prize structure](#), and contact [Molly Roberts](#) (JA special events coordinator) with questions.



**Gone to the Dogs!**  
J&C has bought a brick for the new dog park going in across the street from our office in Riverside! The Weaver family is [matching all donations](#) right now, too. Visit the Riverside Avondale Preservation Society [page](#) to learn more about the park and how you can get involved.



**Funky Footwear Friday**  
J&C celebrated this silly event with each employee wearing their silliest, most outrageous or funkiest footwear. A contest for the most creative was held, but it ultimately ended with a walk-off!



**J&C welcomes law clerk**  
J&C welcomes law clerk Sterling Spencer. She is a graduate of FSU and is currently attending Florida Coastal School of Law. Welcome to the J&C crew, Sterling!



**Cobb named Top 40 Lawyer Under 40**  
J&C partner Chris Cobb



**J&C partner renamed to NEFBA Board of Directors**  
Charles Jimerson was renamed to the NEFBA Board of Directors for the 2014 year.

**J&C block party**

Thursday, March 20.  
Mark your calendars.  
More info to come.



**J&C on Pinterest?**

It's true! [Check us out!](#)

**Partners present to construction group**

J&C partners Joby Birr and Brent Zimmerman presented to the Construction Financial Management Association in a presentation titled, "Construction Contract Principles, Key Contract Provisions and Negotiation Strategy."

was named one of the Top 40 Under 40 litigation lawyers in the State of Florida for 2014 by the American Society of Legal Advocates (ASLA).



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