

Vivian Cocotas
400 East Colonial Drive, Unit 1603
Orlando, Florida 32803



February 17, 2017

Via Email

Dr. Carol Kindt
Deputy Superintendent
School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, FL 32940

Re: General Counsel Position

Dear Dr. Kindt:

I am currently employed with Garganese, Weiss & D'Agresta, P.A., as a senior attorney representing municipalities and school boards. Over the last ten years, my practice has focused on advising government entities in every aspect of their day to day business. I worked with the School Board of Osceola County for many years, and currently handle matters for the School Board of Indian River County. Additionally, my clients include the Cities of Winter Park, Casselberry, Lake Mary, Daytona Beach, Palm Coast, Cocoa, Cape Canaveral, Destin and Pembroke Pines.

My introduction to education work began in 2006 as part of my firm's representation of the Osceola County School Board ("OCSB"). I handled a wide variety of litigation matters for OCSB, including personal injury, bankruptcy, construction, contract, public records, ESE/IEP, and charter school litigation in administrative proceedings, as well as in state and federal court proceedings. I regularly advised the school board, the superintendent, and staff regarding issues pertaining to the day to day operations of the school district, including preparation of technology and service contracts, and review of requests for proposals and bid contests.

I collaborated with various departments of the district to provide legal advice and counsel, investigate legal issues and present recommendations. Along with the superintendent of charter schools, I developed a framework for charter schools functioning in Osceola County which began with the application process and which extended through the fiscal monitoring and operation of the charter school. Additionally, I have represented the Indian River County School Board in labor and employments matters. At present, I am litigating a case of first impression filed by charter schools in Indian River County who allege that they are entitled to a pro rata share of a 2012 operating millage approved by the voters of Indian River County. The case will be appealed, regardless of the outcome, and has the potential to alter charter school financing throughout the State of Florida.

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At this point in my career, my experience is diverse and varied depending on each client's needs. My personal goal is to transition to an in house counsel position representing a school board. I enjoy a collaborative approach to problem solving, the commitment to student education, and to the development of practices which are legal, cost effective, and proactive in addressing the needs of the school district. Transitioning to the representation of one client would allow me to develop the institutional knowledge which is vital to the implementation of long term goals and operations. I welcome the opportunity to discuss my qualifications and the general counsel position in greater detail.

Your time and consideration to my inquiry are greatly appreciated.

Very truly yours,

/s/ Vivian Cocotas
Vivian Cocotas

Enclosure

VIVIAN P. COCOTAS

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PROFILE

A V-rated attorney with extensive experience representing and advising government entities in transactional and litigation matters involving all aspects of governance.

LEGAL EXPERIENCE

Garganese Weiss & D'Agresta, P.A., Orlando, FL

August 2005 – Present

- Represent Osceola County School Board and staff regarding contract negotiation and development, taxation and millage referenda, charter school administration, expulsions, and litigation matters at both the administrative and state court levels. Provide pro-active legal services to the School Board, the Superintendent and District Staff regarding school operations.
- Represent Indian River County School Board and Marion County School Board in personal injury, contract, charter school and special education litigation in DOAH, state and federal court proceedings.
- Represent and advise private clients and local public entities in complex labor and employment matters, wage and hour and overtime pay claims; employee benefit matters, including HIPAA and privacy issues, workers' compensation claims, garnishment actions, independent contractor agreements, payroll issues, payroll tax compliance, immigration, and unemployment insurance claims.
- Successfully represent local government clients, including the Cities of Winter Park, Palm Coast, Casselberry, Winter Springs, Cape Canaveral and Cocoa in all aspects of policy development, analysis and interpretation; handle municipal litigation including tort, collection, code enforcement, red light camera, public records, utilities, constitutional challenges, real property, construction and taxation issues.
- Represent League of Cities' insureds and officers in Section 1983 police misconduct and brutality claims through trial.
- Draft, review and negotiate contracts for client needs, including asset purchase agreements, vendor and service agreements, licensing agreements, non-compete and employment contracts, leases and intellectual property agreements.
- Handle debt collection matters from pre-suit negotiations and workouts, judgment domestication, enforcement and recovery, lien perfection, and bankruptcy support for municipal clients.
- Represent municipalities and school boards in administrative hearings before government boards and commissions, and state and federal agencies regarding civil litigation matters.
- Review and research Federal, State and local laws, ordinances and court decisions; prepare legal opinions, memoranda, ordinances, and training materials for municipal and School Board departments, governing boards and officials.
- Attend municipal and school board meetings, committee and department meetings, public hearings and staff meetings to provide legal advice on proposed activities under consideration.

Carlton Fields, P.A., Orlando, FL
August 1993 – August 2005

- Long-standing representation of AT&T and Lucent Technologies in contract development and drafting, including: preparation of service and sales contracts, equipment and real estate leases, licensing agreements, employment agreements, independent contractor agreements, non-compete and confidentiality agreements, and severance agreements; handled contract disputes relating to equipment, software and service agreements; litigated all forms of employment discrimination claims at the administrative, state and federal agency, and court levels based on age, race, sex, disability, religion, national origin, veteran's status, family and medical leave and retaliation allegations; advised and provided in-house training for supervisors on a variety of topics such as avoiding liability on employment issues, complying with ADA and FMLA, and avoiding sexual harassment claims.
- Leadership role and coordination of discovery and litigation with regional counsel and national counsel in the representation of American Airlines, Delta Airlines, Saint-Gobain Corporation, Home Depot, Wyeth Pharmaceuticals, Aventis Pharmaceuticals, Inc., Philip Morris USA, U.S. Surgical, a division of Tyco Healthcare, American Home Products, Goodyear Tire Company, and Sulzer Orthopedics, Inc. against mass tort litigation involving negligence, products liability, consumer fraud, class action and patent infringement lawsuits.
- Long standing representation of Exxon Mobil Corporation, Holiday Inn Corporation, Michelin Tire Corporation, and Goodyear Tire Corporation in matters involving a host of franchise issues, including: franchise acquisition and purchase contracts; franchise termination litigation and Alternative Dispute Resolution; buyouts of franchisees; franchise agreement negotiations; and compliance with federal and state regulations applicable to franchises.
- Leadership role in recommending standards, processes and procedures which enabled life and annuity products to comply with regulatory requirements at the federal and state level; advised Prudential Life Insurance Co., Wachovia Securities, Bank of America, Bank One Corp., Travelers Ins. Co., Blue Cross Blue Shield of Florida, Humana regarding SOX, HIPAA, Federal Reserve, SEC, and NASD regulations and compliance issues; provided product development support by drafting contract forms and marketing materials to protect against unanticipated risks.
- Successfully defended Truth in Lending Act, '40 Act, Fair Credit Reporting Act, Unfair and Deceptive Trade Practices, and bank malfeasance claims, along with credit and consumer fraud claims filed pursuant to federal and state statutes, on behalf of Bank One Corporation, Associates Financial Services, Inc., Transouth Financial Corporation, Wachovia and Equifax.
- Successfully represented Florida Hospital Association, Inc., Florida Hospital Association Management Corp., Metropolitan Life Insurance Company, Prudential Life Insurance Company, Blue Cross Blue Shield of Florida, Humana, Inc. in a host of health care law matters including issues relating to the following: disputes with policy holders and plan members regarding coverage, claims processing and compliance with governing legislation; drafted and negotiated employment agreements and independent contractor agreements on behalf of client hospitals, group medical practices, and individual physicians; reviewed and drafted various health care agreements for compliance with the Stark II Law, the Anti-Kickback Statute, and the Patient Self-Referral Act; prepared joint venture agreements, leases, non-compete agreements, and compensation arrangements for physician/shareholders of group medical practices; defended against claims for both state and federal anti-trust and fraud violations, professional malpractice, licensing, and disciplinary issues.

EDUCATION

Stetson University College of Law, St. Petersburg, FL

Juris Doctor, cum laude

- *Stetson Law Review*

Stetson University, Deland, FL

Bachelor of Arts, summa cum laude

- Phi Beta Kappa

ADMITTED TO PRACTICE

Florida State Bar; U.S. District Courts for the Northern, Middle and Southern Districts of Florida; U.S. Bankruptcy Court for the Middle District of Florida.