

H. GLENN BOGGS, II

Retired Professor Emeritus

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Education

Legal: J.D., Florida State University College of Law. Graduated with honors (December 1975). Competitively awarded a Legislative Internship for 1974-75, which included stipend and partial tuition waiver.

Undergraduate: B.S., U. S. Naval Academy, Annapolis, Maryland. Graduated June 1968

Experience (prior to retirement)

Professor: Florida State University, College of Business (June 1981-2010). Teaching law related courses. Promoted to Associate Professor and awarded tenure in August, 1986. Promoted to Professor in August, 1992. Teaching Incentive Program (T.I.P) Award, 1993-94 and 1996-97. University Teaching Award, 1996 and 2002. Francis J. Nardoza Scholar's Program Fellow (2007-08 and 2008-09). College of Business Core Values Award, 2009.

Assistant Staff Counsel: The Florida Bar (July 1977-June 1981). Prosecution of cases. Acted as counsel to various committees. Administered both budget and personnel.

Attorney: Bryant, Dickens, Franson, and Miller, P.A. (June 1976-June 1977). Employed as an associate to handle general case load.

Legislative Analyst: Florida Senate Government Operations Committee (January 1976-June 1976). Researched, drafted, and analyzed proposed legislation.

U. S. Naval Officer: Ensign, Lt. j.g., and Lt., five years experience (1968-1973). Qualified as a Fleet Officer of the Deck aboard ocean minesweeper. Awarded Navy Achievement Medal.

List of Publications (in chronological order)

"Nonlawyer Owned Law Firms: Regulation or Prohibition?" Selected Papers of American Business Law Association Regional Proceedings (1982), pp. 275-280, sole author. This paper commented on a proposed American Bar Association model rule regarding ownership of law firms.

Business Law: Florida Edition, Cases and Materials (1982). Published by Morton Publishing Co., co-authored with Alvin Stauber, E. Neil Young, Patrick F. Maroney, and Frank A. Vickory. This is a supplemental text with emphasis on Florida law. My primary responsibility was the "Torts" chapter.

"F.S.L.I.C.: A Financial Buffer?" California Management Review, Vol. XXV, No. 2 (January 1983), pp. 96-106, co-authored with Claude C. Lilly. This is a critical analysis of laws which control the operations of the Federal Savings and Loan Insurance Corporation and its ability to respond to financial crises.

"What is U.P.L.--Really?" The Florida Bar Journal, Vol. LVII, No. 6 (June 1983), pp. 369-372, sole author. This article explains and comments on the Florida Supreme Court's decisions which control legal practice by persons not licensed as attorneys.

"The Health Maintenance Organization Dual-Choice Mandate: An Analysis of Federal and State Statutes." Journal of Insurance Regulation, Vol. 2, No. 4 (June 1984), pp. 452-460, co-authored with Ellen Thrower. This paper analyzes the HMO marketing device embodied in "dual choice" requirements in selected state statutes and with the federal rule.

The Self-Insurance Manual (1984). Published by NILS Publishing Co., co-authored with Claude C. Lilly. My primary responsibility was the "Tax Implications" chapter in this book designed to assist business in electing whether or not to self-insure.

"Reserving For Self-Insured Losses and Taxes: What Next?" *Benefits Quarterly*, Vol. I, No. 3, Third Quarter (1985), pp. 14-18, sole author. This paper discusses the federal income tax consequences of maintaining self-insurance reserves and suggests possible future developments in the area.

"Publishing Liability for Authors: Negligence, Warranty and Strict Liability." *Selected Papers of the American Business Law Association District One Proceedings* (1985), pp. 230-245, sole author. This paper considers the liability, if any, in specified legal theories, which could attach to an author or publisher.

"Health Maintenance Organizations: Improvements in the Regulatory Environment." *Health Care Management Review*, Vol. 11, No. 2 (Spring 1986), pp. 45-59. Sole author. This article traces the history of HMO development and includes a proposed model law for improvement in HMO regulation.

"The Cutting Edge--Real Estate Problems at the Shoreline (with a Focus on Florida's Experience)." *Selected Papers of the American Business Law Association District One Proceedings* (1987), pp. 219-224, sole author.

"Legal Corner." *Journal of Property Management* (July/Aug. 1987), pp. 82-83. Sole author. This paper provides a general explanation of the history of mortgages and the foreclosure process, as well as a proposal for statutory reform to improve foreclosure sale notice provisions that now exist in most states.

"The New Face of Unlicensed Practice of Law." *The Florida Bar Journal*, Vol. LXI, No. 7 (July/Aug. 1987), pp. 55-57, sole author. This article explains and comments on changes in The Florida Bar's regulatory authority to investigate and prosecute alleged incidents of unlicensed practice of law.

Business Law: Florida Edition, Cases and Materials, 3rd edition (1989). Published by the West Publishing Co., co-authored with Alvin Stauber, E. Neil Young, Patrick F. Maroney, and Frank A. Vickory. This is a supplemental text with emphasis on Florida law. My primary responsibility was the "Torts" chapter.

"Nursing Home Tort Victims: Rights and Remedies." *The Florida Bar Journal*, Vol. LXIII, No. 2 (February, 1989), pp. 11-14, co-authored with attorney, Ken Connor. This article highlights the all-too-common plight of elderly nursing home residents who are victimized by maltreatment and points out legal remedies available under Florida law to provide relief.

"Federal Protection Against Condominium and Coop Conversion Abuses." *Real Estate Business*, Vol. VIII, No. 3 (Summer, 1989), pp. 41-43. Sole author. The rights of condominium and cooperative residents under federal law are examined in this article which both explains existing statutory provisions as well as advocates certain changes which could be made by Congress.

"Florida Real Estate Brokerage and Agency Law." Grant awarded by the Florida Real Estate Commission Education and Research Foundation. Sole author (with student research assistance provided under the grant). This brochure was published in 1990. It acquaints both real estate practitioners and members of the public with the agency responsibilities imposed on Florida real estate licensees in their relationships with both buyers and sellers. (It was mailed to over 35,000 real estate licensees in Florida.)

"Retroactive Impact Fees--They Can't Do That, or Can They?" *Commercial Investment Real Estate Journal*, Vol. IX, No. 4 (Fall, 1990), pp. 35-39. Sole author. The question of whether local governments can impose impact fees on new development retroactively is examined in this paper which cites California case law and criticizes the leading Florida appellate court decision on this issue.

"A Guide for Home Buyers in Florida." Grant awarded by the Florida Real Estate Commission Education and Research Foundation. Co-authored with Barry A. Diskin and published October, 1990. This brochure was subsequently translated into Spanish and published in that language in January, 1991. The Guide provides prospective home buyers with a compact discussion of the salient points involved in purchasing a house including such topics as contracts, financing, deeds, brokerage services, appraisals, title insurance, and closings. (It was mailed to over 35,000 real estate licensees in Florida.)

"Guaranty Fund Protection for Self-Insurers." *CPCU Journal*, Vol. 43, No. 4 (December, 1990), pp. 239-244. Coauthored with Claude C. Lilly, III. This article discusses the relevant issues which can arise throughout the country when self-insurers encounter problems due to the insolvency of their own insurers and the appropriate state guaranty fund is reticent about providing the missing coverage.

"Growth Management and the Concept of Concurrency: Florida's Experience," *Real Estate Issues*, Vol. 16, No. 1 (Spring/Summer 1991), pp. 17-22. Co-authored with Robert C. Apgar. Real estate counselors, land use planners, and others throughout the country are given information in this article regarding the growth management tool of concurrency which is now being used in Florida to help insure that public infrastructure required by a growing population is in place contemporaneously with new development.

"Concurrency and Growth Management: A Lawyer's Primer," *Journal of Land Use and Environmental Law* (Florida State University College of Law), Vol. 7, No. 1 (Fall, 1991), pp. 1- 27. Co-authored with Robert C. Apgar. This article explains the growth management concept of "concurrency" to lawyers and other interested persons by addressing the concept's history, development, application, and prospects for the future.

"Commercial Insurance Ordinance Law Endorsement: Changes in the Risk," *Federation of Insurance & Corporate Counsel Quarterly*, Vol. 42, No. 2 (Winter 1992), pp. 239-247. Co-authored with Claude C. Lilly. The commercial insurance ordinance law endorsement form developed by the Insurance Services Office is analyzed in this paper by examining the following three issues: (1) Does the form language expose the insurer to risks which may not have been anticipated and rated correctly? (2) Does the form language give adequate coverage for the insured? and (3) Does the form language contain an internal ambiguity?

"Real Estate Environmental Damage, the Innocent Residential Purchaser, and Federal Superfund Liability," *Environmental Law* (Northwestern School of Law, Lewis and Clark College), Vol. 22, No. 3 (1992), pp. 977-996. Sole author. Environment damage liability pitfalls for the innocent, but unwary residential real estate purchaser along with proposals for improvement are discussed in this article.

"Agency Law and Real Estate Brokerage," *Business Law Journal* (University of Miami School of Law), Vol. III, No. 1, (Fall 1992), pp. 1-34. Prepared under a grant from the Florida Real Estate Commission Education and Research Foundation. Sole author with student research assistance provided under the grant. Agency law issues involved in real estate brokerage are discussed and a proposed model law is presented in this article.

"Reinsurance Disputes: More Efficient Resolutions," *Journal of Reinsurance*, Vol I, No. 2 (Winter 1993), pp. 19- 27. Sole author. This article examines the current climate in the reinsurance industry regarding dispute resolution with special attention on arbitration and mediation as techniques to resolve disputes.

"Real Estate Brokerage and Agency: Is Change Accelerating?" *B> Quest* (a quarterly Electronic Journal of Business and Economics) (<http://www/westga.edu/~bquest/boggs.html>), 1996, sole author. This article traces the historical concept of a "middleman" in real estate transactions and links this heritage to

explanations of recent developments involving facilitators or transaction brokers in real estate agency practice.

"Real Estate Brokerage and Agency: Florida Contemplates Change," The Florida Bar Journal, February, 1997; sole author. This article discusses proposed changes to Florida law regarding real estate brokerage and agency to be considered by the state Legislature.

"Real Estate Brokerage and Agency in Florida: A New Direction for State Laws?" B>Quest (an electronic Journal of Business and Economics) (www.westga.edu/~bquest/1998/florida.html), 1998, sole author. The Florida Legislature passed the "Brokerage Relationship Disclosure Act" (as amended) which is explained and analyzed in this article.

"The Florida Residential Real Estate Contract for Sale and Purchase Explained, Simply." Funded by the Florida Real Estate Commission Education and Research Foundation under dual compensation authority, 1998, sole author, previously published on the internet at Dept. of Business and Professional Regulation website.

"The Florida Residential Real Estate Listing Contract Explained, Simply." Funded by the Florida Real Estate Commission Education and Research Foundation under dual compensation authority, 1999, sole author, previously published on the internet at Dept. of Business and Professional Regulation website.

"Business Ethics and the International Religious Freedom Act," International Business Law Journal (an internet journal), 2000, sole author (<http://www.westga.edu/~bquest/1996/boggs.html>). The new federal statute advancing international religious freedom and the role that transnational corporations can play under it is explained in this article.

"The Internet and Florida Real Estate Consumers—An Introduction." Funded by the Florida Real Estate Commission Education and Research Foundation under dual compensation authority, May 2000, sole author, previously published on the internet at Dept. of Business and Professional Regulation website.

"A New Guide for Home Buyers in Florida." Funded by the Florida Real Estate Commission Education and Research Foundation under dual compensation authority. Previously published on Division of Real

Estate (DBPR) website, co-authored with Barry Diskin this study updates a previous work on the same subject, June 2000.

"Growth Management in Florida." Prepared for Bert Rogers School of Real Estate, Inc., as a chapter in a continuing education text (Module 3); 2002. This chapter describes growth management requirements and issues in Florida.

"The Case of Florida's Missing Real Estate Records," The Florida Bar Journal, October, 2003, sole author. This paper explains part of the history of real estate titles in Florida. When Florida was acquired from Spain in 1821, many of the real estate records which should have been transferred to U.S. authorities were not. American attempts to gain control of the records are described and problems in Florida and Federal courts in real estate title suits are explained.

"Using a Simple Sports Analogy to Help Students Cope with Negotiability, Liability, and Holders in Due Course," The Journal of Legal Studies Education, Vol. 21, Number 2, Winter/Spring 2004, sole author. This paper explains a baseball sports analogy for instructors to consider using when teaching a Uniform Commercial Code course involving negotiable instruments.

"Florida Land Titles and British, Not Just Spanish, Origins," The Florida Bar Journal, July/August 2007, p.23, sole author. This article explains how some Florida land titles start with a grant from Great Britain, during a 20 year period (1763-1783), when both East and West Florida, as they were then called, were British possessions.

"Free Florida Land -- Homesteading for Good Title," The Florida Bar Journal, Jan. 2009, Vol. 83, No. 1, p.10 - 18, sole author. This article describes how " ... some early Floridians got title to their land for free by staking a claim and surviving on it." The federal statutes which authorized these claims and the historical, political, and military circumstances related to them are explained.

"Public Outcry: Kelo v. City of New London -- A Proposed Solution ", Environmental Law, Lewis and Clark Law School, Vol. 39:431, 2009, coauthored with William Woodyard. This article discusses the U.S. Supreme Court decision in Kelo v. City of New London involving eminent domain. The decision was widely reported in the press, and the article considers the legal, political and academic reactions to Kelo, and makes suggestions for improvement in eminent domain law when private real estate is taken for public use in a governmental economic redevelopment plan.

Professional Matters

Awarded the AV Peer Review Rating by members of the Bar in the Martindale-Hubbell rating system.

Previously licensed (prior to retirement) to practice before all Florida Courts, U. S. District Court for Northern District of Florida, U. S. Court of Appeals for the Eleventh Circuit, and U. S. Supreme Court.

Presentations at Meetings (in chronological order)

“Nonlawyer Owned Law Firms: Regulation or Prohibition?” Presented at the annual meeting of the Southeastern Regional Business Law Association (October 28-29, 1982, Charleston, South Carolina).

Seminar Speaker, Attorney & Trust Officer Liaison Conference, “Marketing in the 80’s.” Held June 7-10, 1984, at The Breakers, Palm Beach, Florida, sponsored by The Corporate Fiduciaries Committee of the Real Property, Probate & Trust Law Section of The Florida Bar and members of the Trust Division of the Florida Bankers Association.

“Publishing Liability for Authors: Negligence, Warranty and Strict Liability.” Presented at the Mid-Atlantic Regional Business Law Association, Inc., meeting in Virginia Beach, Virginia on March 30, 1985.

“The Cutting Edge—Real Estate Problems at the Shoreline (with a Focus on Florida’s Experience)” Presented at the March, 1987, meeting of the Mid-Atlantic Business Law Association in Annapolis, Maryland.

“Condominium and Cooperative Conversions: Federal Protection Against Abuses.” Presented at the October, 1988, meeting of the Southeastern Regional Business Law Association in Orlando, Florida.

“Retroactive Impact Fees—They Can’t Do That, or Can They?” Presented at the October, 1989, meeting of the Southeastern Regional Business Law Association in Greenville, South Carolina.

“Real Estate Brokerage and Agency: Is Change Accelerating?” Presented at the Southeastern Academy of Legal Studies in Business in October, 1994.

“Real Estate Licensees and Civil Liability: Where are the Limits Under Florida Law?” Presented at the American Real Estate Society meeting on April 1, 1995.

“Real Estate Brokerage and Agency: Florida Contemplates Change.” Presented at the Southeastern Academy of Legal Studies in Business meeting, September 29-October 1, 1996, New Orleans, Louisiana.

“Tenure, But No Pay?” Presented at the Western Academy of Legal Studies in Business meeting, April 24-26, 1998.

“DNA Building Blocks: Are They Patentable?” Paper presented at the Pacific Southwest Academy of Legal Studies in Business meeting, February 18-20, 1999.

“Business Ethics and the International Religious Freedom Act.” Presented at the Rocky Mountain Academy of Legal Studies in Business Regional meeting, Vail, Colorado, September 16-19, 2000.

“The Case of Florida’s Missing Real Estate Records,” Presented at the Southeastern Academy of Legal Studies in Business Regional meeting, Orlando, Florida, October 10, 2003.

“British Land Grants and the Origin of Florida Real Estate Titles,” Presented at the Association of Law Teachers 40th Annual Conference, Edinburgh, Scotland, March 20-22, 2005.

“Kelo v. City of New London – A Man’s Home Is His Castle, or Is It?” Presented at the Southern Academy of Legal Studies in Business, San Antonio, Texas, March 1-2, 2007.

“First Amendment Protection: Lost at Law School?” Presented at the Southeastern Academy of Legal Studies in Business meeting, Charleston, S.C. , Fall, 2010.

Personal

Birth Date: July 27, 1946

Member of The Florida Bar, voluntary inactive status, retired

Member of Wildwood Presbyterian Church, Tallahassee Florida

Languages: Bilingual with intermediate knowledge of conversational and written Spanish.

Community Activities: Member of the Tallahassee-Leon County Citizens Advisory Committee (1977-1979) subsequent to appointment by the city commission. Member at Large, Suwannee River Area Council Executive Board, Boy Scouts of America (1985).

Recreational Activities: golf, tennis, reading, and traveling. Successfully completed the Peachtree Road Race (10,000 meters, 1983-2006; missed 2002) held in Atlanta, Georgia, on the morning of July 4th. Also completed the Walt Disney World Marathon (26.2 miles) on January 6, 2002