

MARK E. LUPE

609 SE 33RD Terrace

Cape Coral, Florida 33904 (239) 246-8250

Objective

To locate legal professional employment involving a challenging environment that fosters and promotes excellence and professional growth.

Experience

<u>JOB TITLE</u>	<u>YEARS EMPLOYED (2010- PRESENT)</u>
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General Counsel

Edison State College

8099 College Parkway

Fort Myers, Florida 33919-5566

Responsible for the provision of legal support to a three campus Florida College including serving on the District President's Executive Cabinet, provision of legal direction to the District Board of Trustees, President, senior administration, and other members of the College's staff. Responsibilities include the management of the legal affairs budget, and the direct supervision of the College's Human Resource Director, Risk Management Coordinator, and safety coordinator, as well as supervision of outside counsel. Responsibilities include provision of day-to-day support for procurement and review, and negotiation of contracts relating to the institution's operations including, real estate, intellectual property, legal services, employment, delivery of ancillary services and other third-party agreements. Additional responsibilities include participation in the College's reaffirmation of accreditation through the Southern Association of Colleges and Schools and representation of the College in all legal matters concerning compliance with state and federal regulations, funding agencies, and in labor relations matters.

<u>JOB TITLE</u>	<u>YEARS EMPLOYED (2006- 2010)</u>
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Assistant City Attorney

City of Cape Coral, Florida

1015 Cultural Park Boulevard

Cape Coral, Florida 33990

Responsible for the provision of municipal litigation services. Litigation matters included eminent domain actions, contract claims and related matters, defense of civil rights suits, defense of personal injury claims, defense of actions seeking review by certiorari, prosecution and defense of actions for declaratory judgments. Litigation services also include administrative law matters including DOAH adjudications of comprehensive plan amendments and bid protests. Additional duties include preparation of ordinances, contracts, comprehensive plan amendments; environmental compliance; legal support for real estate transactions; and, delivery of legal counsel to elected and appointed City officials.

JOB TITLE
Associate
Bower & Liles, P.A.
1315 Metro Parkway, Suite 510
Fort Myers, Florida 33916-7947

YEARS EMPLOYED (2005- 2006)

General practice of law with primary emphasis on commercial litigation, real estate litigation and construction disputes. Provided representation to individuals and business entities involved in a diverse range of matters including land use matters, probate litigation and formation of business entities.

JOB TITLE
Counsel
The University of Missouri
227 University Hall
Columbia, Missouri 65203

YEARS EMPLOYED (2001- 2004)

Responsible for the provision of legal support to a multiple campus state university system. The position included a broad range of responsibilities with a primary emphasis on the provision of day-to-day legal counsel to the university healthcare system, including its schools of medicine and nursing, serving as legal counsel to the Executive Compliance Board, and supporting the HIPAA privacy implementation at both the health care organization level and the University system level. Contract negotiations included negotiations with Cerner Corporation for the acquisition of an electronic medical record system. Supported the hospital purchasing department and conducted contract negotiations. Additional responsibilities included general civil litigation duties for both the University and its health care organization encompassing a broad array of issues.

Job Title
Assistant Attorney General
Medicaid Fraud Control Unit
Missouri Attorney General's Office
1530 Rax Court
Jefferson City, Missouri 65109

Years Employed (1998 - 2001)

Responsible for the management of fraud investigations and the prosecution of criminal and civil monetary damage actions involving Medicaid and Medicare providers. Also served as a Special Assistant United States Attorney for the Eastern District of Missouri prosecuting federal false claim litigation involving both Medicaid and Medicare providers. Duties also included preparation and litigation involving Medicaid managed care services for children in the St. Louis area.

Job Title Years Employed (1997 - 1998)
Managing Attorney, Medicaid Litigation Unit
Department of Social Services
Division of Legal Services
221 West High Street
Jefferson City, Missouri 65101

Responsible for the supervision of provider reimbursement litigation for the state Medicaid agency. Litigated issues included rate regulations, rate methodology and overpayment recovery. In addition also responsible for representation of the Missouri Division of Aging in licensing actions involving skilled nursing facilities. Litigated issues included license revocation, license denial and the imposition of civil monetary penalties.

JOB TITLE YEARS EMPLOYED (1984 - 1997)
Assistant Prosecuting Attorney
Lucas County Prosecutor's Office
Lucas County Courthouse
Toledo, Ohio 43624

Primarily responsible for major civil litigation for self-insured county. Job duties included representation of the county in state and federal court in actions involving civil rights claims, disputed workers' compensation claims and personal injury. Additionally, participated in the prosecution of various criminal matters including manslaughter, aggravated vehicular homicide and workers' compensation fraud.

JOB TITLE YEARS EMPLOYED (1986 - 1995)
Partner
Brown, Schlageter, Craig & Shindler
1200 Edison Plaza
300 Madison Avenue
Toledo, Ohio 43604-1556

General practice of law with primary emphasis on litigation and health care law. Provided general counsel to the Medial College of Ohio Hospital and its related Medicaid managed care organization pertaining to a broad range of issues. Litigation responsibilities included defense of medical school malpractice and related hospital claims, employment claims and law enforcement and general civil claims.

Education

LEGAL:

THE UNIVERSITY OF TOLEDO COLLEGE OF LAW (1979 - 1982)
Toledo Ohio 43606

Participated in moot court. Graduated with a GPA of 3.57 (4.0). Academic honors included graduating class valedictorian, graduating *cum laude* and induction into the Order of the Coif.

GRADUATE:

The University of Toledo (1980 - 1981)
COLLEGE OF ARTS AND SCIENCE
Toledo, Ohio 43606

More than 40 hours of graduate studies in economics. Activities included graduate assisting with instruction and tutoring for undergraduate students and membership in the American Economic Association.

UNDERGRADUATE:

The University of Toledo (1973 - 1979)
College of Arts and Science
Toledo, Ohio 43606

Earned a Bachelor of Arts degree in Political Science and Economics. Academic honors included graduating *cum laude* and membership in *Pi Gamma Mu*.

Licensure

Licensed to practice law in the States of Florida, Missouri and Ohio (inactive), in the United State Circuit Court for the Eleventh, Sixth and Eighth Judicial Circuits and the United States District Court for the Middle District of Florida, Northern District of Ohio and the Western District of Missouri.

Professional Affiliations:

- The American Bar Association
- The Florida Bar Association
- Lee County Bar Association
- National Association of College and University Attorneys
- University Risk Management and Insurance Association

Presentations

- Instructor University of Toledo
Medical Ethics and the Law

- Speaker American Counseling Association of Missouri
Health Care Fraud, Implications for Psychological Counselors
Jefferson City, Missouri, October 2000
- Speaker St. Louis University School of Law, Health Law Students
Association
An Overview of Health Care Fraud
St. Louis, Missouri, November 2000
- Speaker Metropolitan St. Louis Association for Healthcare Quality
Health Care Fraud, Implications for Managed Care
Organizations
St. Louis, Missouri, November 2000
- Speaker HIPAA and Human Subject Research
Program arranged by Barnett International
Washington D.C., March 2003
- Speaker Security in Support of Privacy
Missouri SNIP (Strategic National Implementation Process)
Summer Conference
Lake Ozark, Missouri, March 2003
- Speaker Florida Association of Code Enforcement
Annual Conference & Training Seminar
Naples, Florida, June 2009

References

References available upon request