

# BENJAMIN L. ENGLAND & ASSOCIATES, LLC

*Benjamin L. England, Esq.*  
410-220-2800 (O)  
443-583-1464 (F)  
[blengland@fdaimports.com](mailto:blengland@fdaimports.com)

Page 1 of 1

*CONFIDENTIAL COMMUNICATION*

July 6, 2015

*Via Facsimile:* 402-479-5622

Mr. Scott Frakes

Dear Scott:

I confirmed with Mr. England the terms of our engagement.

We can complete the FDA registration aspect for \$399 flat fee. We also recommend a \$2,500 retainer for legal counsel, as it is needed.

To move forward, we need to prepare our Engagement Letter. For that we need the following details:

1. Legal Company name, address, telephone and fax number:
2. Name, corporate title, address, telephone, fax and email address of the company officer who will sign our engagement letter (if appropriate); and
3. The name(s), mailing and email address, and phone number of the person responsible for processing invoices.

Thank you very much.

Warmly,

Anna

**Ms. Anna Simonton**

Paralegal  
FDAIMports.com, LLC | Benjamin L. England & Associates, LLC  
810 Landmark Drive, Suite 126  
Glen Burnie, MD 21061  
phone: (410) 220-2800 | fax: (443) 583-1464  
[www.fdaimports.com](http://www.fdaimports.com) | [benjaminengland.com](http://benjaminengland.com)

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 \*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

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SUBADDRESS	
DESTINATION ID	
ST. TIME	07/08 10:18
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RESULT	OK

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*CONFIDENTIAL COMMUNICATION  
 ATTORNEY-CLIENT PRIVILEGED*

July 7, 2015

*Via Facsimile*

Mr. Scott Frakes  
 Director  
 Nebraska Department of Correctional Services  
 Box 94661  
 Lincoln, NE 68509

Re: Fee Engagement Letter

Dear Mr. Frakes:

We are pleased Nebraska Department of Correctional Services ("Company") has chosen Benjamin L. England & Associates, LLC ("Firm") (collectively, "Parties") to provide advice and counsel regarding the matters described below and, if requested, represent you before various U.S. agencies. This letter confirms our conversations and electronic correspondence with you regarding your engagement of the Firm and describes the basis on which the Firm will provide legal services to you.

Scope of Services. The Firm's client in this matter will be the Company. You are engaging the Firm to provide the legal services detailed in the attached *Professional Services Fee Schedule #3805-1577-1726*, incorporated by reference.

You may limit or expand the scope of the Firm's representation from time to time, providing that the revised scope is agreed to and documented in writing. The Firm will provide an estimate if additional services are agreed to and an additional fee will be required. Rush services provided by the Firm will be charged an additional premium.

Flat Fee. You have agreed to pay us a Flat Fee in the amount of **\$399.00 USD**. Upon execution of this engagement letter a Flat Fee Deposit of **\$399.00 USD** will be due immediately payable to Benjamin L. England & Associates, LLC by company check or wire transfer.

Fees for Services. The Firm's attorneys and affiliated consultants bill for their services at hourly rates. We may contract with various consultants (non-lawyers) on your behalf who have

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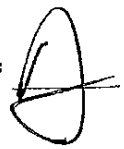
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Fees for Services. The Firm's attorneys and affiliated consultants bill for their services at hourly rates. We may contract with various consultants (non-lawyers) on your behalf who have expertise in various regulatory matters. The rates of the regulatory consultants, experts and attorneys expected to render services to you range from \$220.00 per hour to \$555.00 per hour. The various rates will not affect our good faith estimated cost to you. You will be billed in tenths of an hour or 6 minute increments. The Firm's attorneys and affiliated consultants will use their time efficiently to minimize your fees.

Mr. Scott Frakes's Initials



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Director  
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July 7, 2015  
Page 2 of 3

Mr. England's current rate is \$555.00 per hour. Mr. Seniors' current rate is \$300.00 per hour. Mr. Johnson's current rate is \$275.00 per hour. An associate or consultant of the Firm will primarily handle this matter for you, under my supervision. Their rates range from \$220.00 to \$375.00 per hour. Our rates may be increased from time to time, and our statements will reflect the rates in effect at the time the services are performed. We will notify you of increases in rates. We will always endeavor to make the most efficient use of our personnel to minimize your fees and expenses.

Payment of Fees & Expenses. When the Company incurs fees and expenses, you will be billed monthly during the course of this engagement. You agree to pay all statements for legal services within **fifteen (15) days** from the date of the statement. We ask and expect payment of our statements on a current basis, since delayed payments add to our overall cost of providing services.

If any statement remains unpaid for:


- more than 30 days, simple interest in the amount of one percent (1%) per month will be added to the outstanding balance;
- more than 45 days, we may suspend performing services for you until arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees and expenses; or,
- more than 60 days, we will refer your account to a third-party collections agency.

We also encourage you to raise any questions that you may have concerning our billing practices. In the event you feel you have been improperly or unfairly billed, you may discuss or dispute the bill with Benjamin L. England, Member of the Firm, for resolution. No fees will be charged for the time incurred discussing your bill.

Termination. The Firm or the Company may terminate the engagement at any time for any reason by written notice, with or without cause, subject on our part to applicable rules of professional conduct. In the event that we terminate the engagement, we will take such steps as are reasonably practicable to protect your interests in the above matter. If you so request, we will suggest to you possible successor regulatory consultancy or legal counsel, and upon receipt of payment for outstanding fees and expenses, provide it with whatever papers you have provided to us.

If such termination occurs, papers and property which you have provided to us will be returned to you promptly upon receipt of payment for outstanding fees and expenses. Our own files pertaining to the case will be retained. Your termination of our services will not affect your responsibility for payment of legal services rendered and additional charges incurred before termination and in connection with an orderly transition of the matter.

Mr. Scott Frakes's Initials



Mr. Scott Frakes  
Director  
Nebraska Department of Correctional Services  
Fee Engagement Letter  
July 7, 2015  
Page 3 of 3

Non-Payment of Fees and Expenses. The non-payment of any statement for fees and expenses rendered to you in accordance with terms in this letter will constitute a default by Nebraska Department of Correctional Services. In such event, you authorize and consent to our immediate cessation of all legal services on your behalf. Nebraska Department of Correctional Services will nevertheless be liable to us for the payment of any fees earned and any costs incurred to that time and you agree to be solely responsible for any adverse consequences which occur during any lapse in legal services.

If it becomes necessary for either party to engage legal counsel or the services of a collection agency to enforce this agreement, and if the prevailing party obtains a recovery or any other substantial relief, then the other party will pay the prevailing party's reasonable fees, expenses, and court costs necessary to obtain recovery or relief.

As you may know, it is in your best interest to preserve the confidentiality of all communications between us. If the terms of this letter are acceptable, please sign, date, and return this letter along with your flat fee and keep a copy for your files. A signed copy of this letter via email or facsimile is acceptable. Fees may be paid by check or wire transfer.

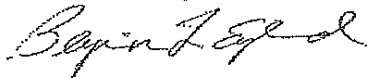
Please send to:

Benjamin L. England & Associates, LLC  
810 Landmark Drive, Suite 126  
Glen Burnie, MD 21061

We appreciate your confidence and assure you every effort will be made to perform services in a prompt, efficient, and professional manner. Thank you for the opportunity to provide legal services to Nebraska Department of Correctional Services.

We look forward to working with you.

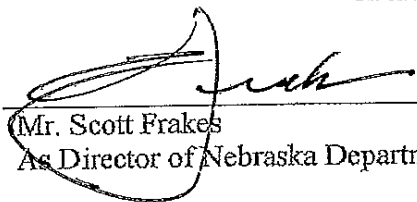
Sincerely,



Benjamin L. England, Esq.

AGREED AND ACCEPTED ON 7.8.15

BY:



Mr. Scott Frakes  
As Director of Nebraska Department of Correctional Services

Mr. Scott Frakes's Initials



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