

**CONSUMER PROTECTION BOARD MINUTES OF MEETING  
MARCH 16, 2022**

PRESENT:           Abel, Keith  
                      Aronofsky, Jill  
                      Clark, Lawrence "Larry"  
                      Daley, Herbert  
                      Flynn, Michael  
                      Goldfarb, Jennifer  
                      Green, Ric  
                      Hassan, Shareef  
                      Lerner, Beth  
                      Morguess, Joseph  
                      Rubalcaba, Jenny  
                      Schnitzius, Kimberly

ABSENT:           Lightfoot, Jonathan

ALSO PRESENT:   O'Geen, Joseph – Regulated Business Administrator  
                      Custode, W. Gail – ECPD Senior Program/Project Coordinator  
                      Abraham, Ricardo – Assistant County Attorney  
                      McCrary, Doug – Analyst Supervisor  
                      Jerkins, Wendy – Guest  
                      Cabieses, Carlos – Board Clerk

The meeting was called to order at 9:30 a.m. by Michael Flynn, Chair. The Roll Call was conducted, and quorum was established. Chair made a Motion to approve the Board meeting minutes from November 17, 2021. Motion was then made, by Mr. Ric Green and seconded by Ms. Kimberly Schnitzius.

Panel sign-up sheets were disbursed among members.

**CORRESPONDENCE**

None

**RESIGNATION AND NEW MEMBERS**

Mr. Doug McCrary announced that Mr. Dave Cameron had resigned from the Consumer Protection Board, at the same time, it was announced the appointment of Mr. Antonio Burgess to the Board and that the board is still in need of 4 members to make the board complete.

**ADMINISTRATOR'S REPORT/DIVISION'S REPORT**

A.   Quarterly Reports

Mr. Doug McCrary began by informing that complaints from Vehicle for Hire are rising due to the amount of people travelling again, however, the towing and immobilization as well as the auto repair are the most popular and remain high. Reports from the 1<sup>st</sup> Quarter FY 2022 (October – December 2021) of the Broward County Consumer Protection Program were distributed among members.

#### B. Orders from Hearings

Ms. W. Gail Custode mentioned that when getting the orders back from the chairperson, sometimes these orders are not legible and therefore not legally sufficient. As a result, the Division is planning to draft the orders the next day after the hearing and ask the chairperson to come back to sign them in person. She apologized for the inconvenience that this may cause, but the Division does not have another alternative, unless the board can offer something else.

Ms. W. Gail Custode added that she wanted to have a process that can be fair, equitable, simple, and consistent for everyone.

It was also mentioned that the Division was planning to draft the orders on the same date of the hearing, but because each appellant's testimony is so unique, each board's deliberation is unique to the testimony given by the appellant, and the findings of fact and the conclusion of law are also too unique, it would be impossible to draft the orders correctly during the hearings.

Echo and inaudible comments ensue.

Ms. Beth Lerner, who was on the phone, asked Ms. W. Gail Custode to repeat what she was saying due to echoing and inaudible sound.

Ms. Custode repeated the above information.

Mr. Flynn asked if the process of requiring the chairperson to sign and scan the orders and then email them back to the Division within a week has not worked.

Ms. W. Gail Custode responded that it has not.

Board member, Ms. Kimberly Schnitzius, suggested the setting up of an appointment with the chairperson to come and sign the orders in person, but if the chairperson is able to get the documents in an acceptable format prior to the appointment, that appointment would be cancelled then.

Board members agreed with the suggestion and comments were had.

#### C. Participation for hearings

Mr. Michael Flynn mentioned that he is fully aware that the board is still short of 4 more board members, however he believes that there are enough members who should participate for the

hearings and there should not be any cancellation of hearings due to a lack of participating members. He encouraged everyone to participate whenever possible.

Board member, Ms. Jennifer Rubalcaba asked to resend the 2022 schedule for the hearings and meetings.

#### D. Replying to Emails

Ms. W. Gail Custode asked the board to kindly reply when an email is sent asking for volunteers for the hearings. She then added if there is no response from the board members, it is hard for the Division to determine if a hearing should be cancelled or not.

There were questions and answers following Ms. W. Gail Custode's request. Lengthy discussion was had.

#### E. Contact Information

Ms. W. Gail Custode asked the board to complete their new contact information and to return it to Board Clerk, Carlos Cabieses.

#### COUNTY ATTORNEY'S REPORT:

Assistant County Attorney, Ricardo Abraham, introduced himself to the board and mentioned that he was covering for Assistant County Attorney, Javier Navas. He then gave an update regarding the Nuisance Abatement. Mr. Navas has the task of assisting with amending the Nuisance Abatement Ordinance and that specific attention was being paid to the methods by which cases could be brought before the board. They wanted to look at the way changes could impact others and were preparing a draft which they will be prepared to share with the board as well. Special attention was being paid to whether actual convictions will be needed. The hope was that when we meet again, they will have been examined with a prosecutorial eye in depth.

Mike Flynn mentioned that this has dragged on for over a year and something had to happen now, relatively quickly.

Mr. Abraham stated that he wanted to make sure it has been done right.

His concern was that acting prior to a conviction (i.e. just on a complaint) and having all charges dropped or no eventual conviction could cause a problem if the board had ordered someone to do something.

A copy of a draft will be provided to the board, there will be more dialogue, they wanted to ensure there was not language added to the amendments that becomes problematic.

Mike Flynn suggested that prior to that next meeting the work be completed so the board could review it and discuss and hopefully forward to the commissioners.

In closing, Mr. Abraham stated he was committed to providing a draft to the board for review prior to the May 18<sup>th</sup> board meeting. He was aiming for April 18<sup>th</sup> so there will be sufficient time for review. His concern was that discussion will uncover some of the same questions commissioners will ask and he wanted to be prepared with answers so this draft should be vetted as thoroughly as possible.

Mr. Flynn clarified that along with the April 18<sup>th</sup> draft, there should be an explanation of what was being done (to the ordinance) and why.

Mr. Abraham said those notes and suggested changes would be in the margins of the working draft.

Mr. Flynn asked for further comments from other board members. There were none.

OLD BUSINESS: None

NEW BUSINESS: None

BOARD MEMBERS' CONCERN:

None

NOMINATIONS OF OFFICERS: None

With no further business, the meeting adjourned at 9:49 a.m.

Respectfully submitted,

Carlos Cabieses  
Board Clerk