

CONSUMER PROTECTION BOARD MEETING MINUTES
SEPTEMBER 14, 2022
9:30 am

PRESENT: Abel, Keith (telephonically)
 Aronofsky, Jill
 Clark, Lawrence "Larry"
 Daley, Herbert
 Flynn, Michael
 Green, Ric
 Hugley, Christopher
 Morguess, Joseph
 Ram, Tewari
 Rubalcaba, Jenny

ABSENT: Burgess, Antonio
 Lerner, Beth

ALSO PRESENT: O’Geen, Joseph – Regulated Business Administrator
 Custode, W. Gail – ECPD Regulated Enforcement Administrator
 Abraham, Ricardo – Assistant County Attorney
 Apicella, Robert – Supervisor Regulatory Business
 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 a quorum was established.

Panel sign-up sheets and attendance were disbursed among members.

CORRESPONDENCE

None

RESIGNATION AND NEW MEMBERS

Mr. O’Geen announced that the following Board Members have resigned from the Consumer Protection Board, Ms. Kimberly Schnitzius resigned on 04/29; Ms. Kimberly Goldfarb resigned on 05/16; Mr. Jonathan Lightfoot resigned on 05/13; Mr. Hassan Shareef resigned on 09/06. At the same time, it was announced the appointment of Mr. Ram Tewari and Mr. Christopher Hugley.

Mr. O’Geen stated that the board is still in need of 4 members and to reach out to their commissioners to appoint new members.

Mr. Flynn welcomed the two new members.

ADMINISTRATOR’S REPORT/DIVISION’S REPORT

Quarterly Reports

Mr. O'Geen began by informing the board that the number of Twitter followers has grown since the last quarter, and the money returned to customers went down. Reports from the 2nd Quarter of FY 2022 and the 3rd Quarter of FY 2022 of the Broward County Consumer Protection Program were distributed among members.

Mr. Flynn asked all the members to step up and assist with the upcoming hearings when needed. He also suggested that the new members should show up and observe the hearings so they can get acquainted with the hearing proceedings.

Ms. W. Gail Custode reminded the board of the following:

- That when it is time to vote, the board members do not have to vote unanimously and that it is OK to dissent before making a decision.
- That it is imperative when the board makes a discussion that they have to do it loudly enough to get it on the record.
- That it is OK to place someone on probation if the board wishes, up to four probationary periods.
- That the board members can exercise their right to overturn the Division's denial at any time.
- She finally reminded them to include in their deliberations that the applicants cannot incur any violation of the Broward County Code 22½. This needs to be said on the record because if this is not stated on the record, it cannot be included in the orders.

Ms. W. Gail Custode also added that the Division wants to make sure that if someone is on probation, it should not be just a moving violation or a criminal offense, it should also include no violations of the Broward County Code of Ordinances. Applicants on probation should be on their best behavior.

Mr. Flynn inquired about the authority of the board to include that there cannot be any violations of the Code when in fact it is not specified in the Ordinance.

Mr. Apicella responded that the board has the authority and ability to give whatever conditions they wish since the ordinance does not specify and state what the conditions can be. The board is authorized to give conditions as necessary. Yet, the board should not forget to impose at least a minimum of one six-month probationary period.

On another topic, Mr. Morguess asked why the board cannot view the criminal history and the driving record prior to the hearing as they used to get them before.

Ms. W. Gail Custode replied that the applicant has the ability to object to any evidence presented during the hearing which is why Mr. Rob Apicella asks the applicants if they object or not.

Board Member, Mr. Tewari, asked if the County provides any assistance to those appellants who do not speak English. Ms. Custode replied that the Broward County Code of Ordinances requires that applicants should be able to speak, write, and understand the English language on their own. If the applicants are not able to communicate in the English language, then they do not meet the requirement to have a Chauffeur's license. However, if applicants want a translator to assist with explaining the nuances of the proceedings and to ensure due process is understood, that is not prohibited but the applicants must supply their own translators.

The Board Chair made a Motion to approve the Board meeting minutes from March 16, 2022. A Motion was then made by Board Member, Larry Clark, and Mr. Ric Green seconded.

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 wanted to get feedback from the Board and see if they had any questions regarding the draft of the Nuisance Abatement Ordinance Revision.

Mr. Flynn stated that he read the draft and had questions from the draft specifically in Sec.20-176.123 (Certain drug, prostitution, and criminal street gang-related activities declared public nuisances); Sec.20-176.123(1); Sec.20-176.127(g) (Conduct of hearings); and Sec.20-176.127(4) and (5) (Definitions).

A lengthy discussion was had regarding the above sections. A question-and-answer session followed.

Board Member, Mr. Tewari, thanked the chair for explaining to the Board the process of the Nuisance Abatement proposed revisions in simple terms and requested further basic orientation.

Mr. Flynn replied that the Board held a workshop once before with the County Attorney regarding the Nuisance Abatement Ordinance revision. He added that the Board should make suggestions, send them back to the County Attorney, sit down again with all the Board members, and go through them item by item and point by point. Mr. Flynn thanked the attorneys for the job they have done regarding the Nuisance Abatement project.

On another topic, Board Member, Mr. Morguess, inquired if there was a way to identify which drivers have gone through the process of the criminal background and the driving record check and if there was a way to identify those who have by the use of stickers so the public would know.

Chair asked Mr. O'Geen if there was such a thing. Mr. O'Geen replied that each vehicle has a permit, and that vehicle should be driven by a driver who has a Broward County Chauffeur's license. Those permits are found in the front lower left side of the windshield. The permit contains the year and a picture of a ship, a car, or both. Mr. Apicella stated that he will send out a picture of all the decals that the County has to the Board.

In closing, Mr. O'Geen thanked the Board for getting the orders signed more quickly than before and reminded the Board of the following:

- Board meetings are mandatory and if there are not enough members in person, participation by phone or by Teams will not count.
- All Board members are to complete all their information in Granicus.
- All Board members are to kindly reply when an email is sent asking for volunteers for the hearings.
- Participation in at least four (4) hearings is needed in order to stay on the board panel.

OLD BUSINESS: None

NEW BUSINESS: None

BOARD MEMBERS' CONCERN: None

NOMINATIONS OF OFFICERS:

Michael Flynn was nominated for CPB Chair and Ric Green was nominated for Vice Chair, respectively, with all present voting in favor.

With no further business, the meeting adjourned at 10:49 a.m.

Respectfully submitted,

Carlos Cabieses
Board Clerk