

CONSUMER PROTECTION BOARD MINUTES OF MEETING
September 15, 2021

PRESENT: Jill Aronosfky
Dave Cameron
Lawrence (Larry)Clark
Herbert Daley
Michael Flynn
Ric Green
Beth Lerner
Johnathan Lightfoot
Joseph Morguess

TEAMS: Jenny Rubalcaba
Kimberly Schnitzius

ABSENT: Hassan Shareef
Keith Abel
Jennifer Goldfarb

Guest: Ms. Jerkins
Deputy Celis: Broward Sheriff Office
Deputy Foote: Broward Sheriff Office
Hipolito Cruz, Director Building Code Services
Richard Sluman, Medical Transport inspector
Willow Lawson
Gerald Henry,
Kristin Carter, County Attorney

ALSO PRESENT: Joseph O'Geen – ECPD Senior Program/Project Coordinator
W. Gail Custode – ECPD Senior Program/Project Coordinator
Javier Navas – Assistant County Attorney
Mr. Doug McCrary – Analyst Supervisor
Beverly Cooley – Board Clerk

Consumer Protection Board

The Consumer Protection Board Meeting was held on September 15.2021. The meeting was called to order @ 9:30am by Michael Flynn, Board Chair. The Roll Call was conducted, and quorum was established.

Michael Flynn, Board Chair asked for motion of approval to accept minutes from the May 19, 2021 Board Meeting, which was done by Joseph Morguess, and seconded by Dave Cameron.

Correspondence was given by Joe O'Geen Senior Program/Project Coordinator on the appointment of new member Dave Cameron, who was appointed by Commissioner Dale Holness.

Administrative Report – 3rd Quarter FY2021 (April-June 2021)

Mr. O'Geen reported that monies returned as a little less than last quarter, and complaints were also the same as last quarter.

Michael Flynn, Chair asked about disruption in the number of Consumer Protection Board hearings, or meetings due to COVID. If a policy has been created to govern how members will receive credit for meetings and hearings in a calendar year, and what will happen if Board members have not met their quota of 4 per year.

Joe O'Geen told Mr. Flynn that if a member volunteers to sit for a meeting or hearing, and the hearing is canceled the member will still receive credit for that hearing.

Mr. O'Geen explained that the replacement or alternate person that has volunteered will also receive credit.

Division Counsel's Report

Attorney Navas had nothing to report, so the meeting went into the presentation of the Draft Memo for the proposed revisions of the Nuisance Abatement Ordinance.

Mr. Navas explained that the Ordinance was written in 2018, and the Board has yet to have to review a nuisance abatement case because of the way it is written, and how no cases have made it to the Board.

Mr. Navas also reiterated that the Chair, Mr. Flynn will ensure everyone's questions will be addressed during this session and recommended everyone put their questions into the chat box, so the Board could all work on this together.

These revisions will be presented to the Board of County Commissioners.

The reason for the proposed amendment is to better promote, protect, and improve the health, safety, and welfare of the residents of Broward County.

The Consumer Protection Board used and reviewed Drugs, Prostitution, and Criminal Street Gang-Related Public Nuisance Abatement Ordinances procedures from the Cities of Hollywood, Orlando, Pompano Beach, St. Petersburg, and City of Deerfield Beach as it pertained

Mr. Navas specifically spoke on section 20-176127(g) where the requirements, which included a certified copy of a conviction for activity to be considered a public nuisance.

The Board knows our judicial system often results in prosecutors settling cases prior to trial resulting in cases not reaching a conviction, or simply too much time passes which hinders the ability to enforce the Nuisance Abatement Ordinance.

In the proposed amendment:

Words in struck through type are deleted from existing text. Words in underscore type are additions.

The new Controlled Substance Florida Statute should be 893.13 instead of 817.563, this was verified and brought to Board's attention by Inspector Richard Sluman.

Definition

Occasion means a documented incident report evidencing a violation of this ordinance

Human Trafficking will be added, as well to section 20-176.123

It was asked and verified by the Board chair Mr. Flynn, and County Attorney Navas that the community will have an opportunity to speak at commissioners meeting

Sec. 20-176.126 Initiation of Proceedings

(A) strike through- at least three (3) days before filing a complaint, the complainant shall provide written notice of the complaint to the owner of the place or premises that is the subject of the complaint at the owner's last known address.

****Division to get service within ten (10) days' notices**

Sec 20-176.127 Conduct of hearings.

Section 20-176.127 -section (G) we have struck through, except "All findings of the hearing panel shall be based on a preponderance of evidence," and

"The hearing panel may rely on rebuttal evidence, impeachment evidence, or other factors to find that no unlawful activity took place or that no public nuisance was maintained. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support any findings unless it would be admissible in a civil action. The burden of proof shall be on the Division".

Strike through word "Nevertheless"

Section 20-176.127(h) Word "RECOMMENDED" was struck through, and "FINAL" will be added.

Section 20-176.127 (h)(2)– word "AN" was added, and the word "RECOMMENDED" was struck through.

Section 20-176.127(h)(1) -struck through word "BOARD", and replaced with "Administrator"

Section 20-176.127 (h)(2) word "AN" was added, "RECOMMENDED" and struck through "ADOPTED" were struck through.

Section 20-176.127(h)(3) - word "RECOMMEND" was struck through and "ORDER" was added

Section 20-176.127(h)(4)- "RECOMMENDED" was struck through and "UPON THE FILING OF THE RECOMMENDED ORDER BY THE HEARING PANEL, THE HEARING PANEL SHALL NO LONGER HAVE JURISDICTION TO RULE ON ANY MATTER RELATED TO THE CHARGE", was struck through.

Section 20-176.127 -(h)(5) "AN" was added, and "RECOMMENDED" was struck through

Sections 20-176.127(l) (1) and (3)

"RECOMMENDED", was struck through

Section 20-176.127 (j) was completely struck through

Section 20-176.128 Enforcement

CONSUMER PROTECTION BOARD, was struck, HEARING PANEL was added, BY A MAJORITY VOTE was also struck through

Section 20-176.129- Judicial Review

"CONSUMER PROTECTION BOARD", was replaced with "HEARING PANEL" and "FINAL" was struck through

The Board thanked Javier Navas, County Attorney for his dedication to getting these changes made and presenting them to the board for review.

Mr. Navas, emphasized that he would be presenting this to his legal department for review, and if there are any issues they will be brought back to the Board

Ms. Jerkins commented that she would share this information from today's Board meeting with the community and ask for feedback. Her concern was that these issues have been going on for decades and was glad that we are in the process of making some changes to the ordinance. She thanked the Board for the effort put forth to address these issues

A motion to accept as amended the proposed amendment to the Broward County Drug, Prostitution, Criminal Street, and gang related public nuisance ordinance. It was moved and seconded by Joe Morguess.

Mr. Flynn, Board chair addressed the Board and asked if there were any more issues that needed to be addressed. He thanked the Broward County Sheriff's Office for being in attendance and offering their support to this issue.

Board member Beth Lerner, spoke of her concern that the same members are always the one's showing up for these meetings in person, and some are always on Teams, she was hoping that the other members would support showing up in person for the sake of the Board, Mr. Flynn Board Chair seconded it.

Javier Navas thanked everyone for their support and effort to look at this Ordinance and help with the necessary changes.

At this time the meeting was called to adjourn by Board chair Michael Flynn @ 11:00am, and seconded by members.

Next meeting is scheduled for November 17, 2021 @ 9:30am.