

**PALM BEACH COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**SITTING AS THE ENVIRONMENTAL CONTROL BOARD**

**BOARD APPOINTMENT SUMMARY**

Meeting Date: September 12, 2006  
Department: Palm Beach County Health Department  
Submitted by: Office of County Attorney  
Advisory Board Name: Environmental Control Hearing Board

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: Appointment of the following individual to the Environmental Control Hearing Board, to complete the unexpired term of John J. Fumero, who resigned as of May 18, 2006, and whose term expires January 12, 2008:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Jane West	1	Attorney	Palm Beach County Bar Association

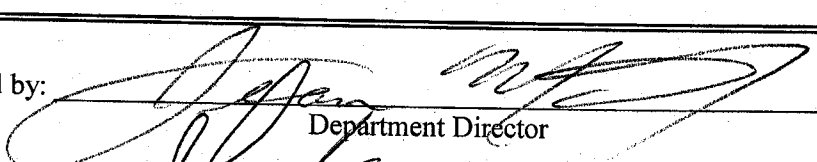
**Summary:** The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. This action will fill this seat until January 12, 2008. Countywide (GB)

**Background and Justification:** Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board. The term of John J. Fumero, who resigned as of May 18, 2006, is unexpired; said term expires on January 12, 2008. A recommendation to fill this unexpired position was sought from the Palm Beach County Bar Association.

**Attachments:**

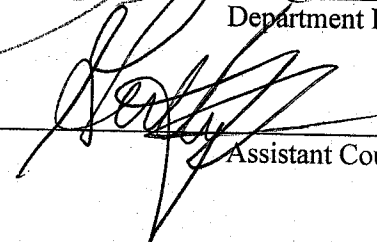
- o1 Pages 10 and 11 of Chapter 77-616, Laws of Florida
- o2 Page 2 of Resolution 92-123
- o3 Board Appointment Information Form
- o4 Recommendation letter from the Palm Beach County Bar Association
- o5 Résumé of Jane West
- o6 Current Membership Directory

Recommended by:

  
Department Director

8/11/06  
Date

Legal Sufficiency:

  
Assistant County Attorney

8/23/06  
Date

1           Section 8. Exemptions.--The provisions of this act do 1.15/17  
2 not apply to: 1.15/179  
3           (a) Agricultural operations in the growing, harvesting 1.15/179  
4 or processing of crops and the raising of fowls or animals. 1.15/179  
5           (b) Use of equipment in the performance of such 1.15/179  
6 agricultural operations.  
7           (c) Barbecue equipment or outdoor fireplaces used for 1.15/179  
8 noncommercial purpose.  
9           (d) Agricultural land clearing operations or 1.15/179  
10 agricultural land grading.  
11           (e) Incinerators and heating equipment in or used in 1.15/180  
12 connection with residences used exclusively as dwellings for 1.15/181  
13 not more than four (4) families.  
14           (f) Fires set or permitted by any public officer, 1.15/182  
15 board, council or commission when such fire is set or 1.15/183  
16 permission given in the performance of such duty of the  
17 officer for the purpose of weed abatement, the prevention or 1.15/184  
18 elimination of the fire hazard, or the instruction of 1.15/185  
19 employees in the methods of fire fighting which is in the 1.15/186  
20 opinion of such officer necessary, or from fires set pursuant  
21 to permit for purpose of instruction of employees of private 1.15/187  
22 industrial concerns in methods of fire fighting, or for civil 1.15/188  
23 defense instruction.  
24           (g) The use of an orchard or citrus grove heater which 1.15/189  
25 does not produce unconsumed solid carbonaceous matter at a 1.15/190  
26 rate in excess of one (1) gram per minute.  
27           (h) Odors emanating from agricultural operations in 1.15/191  
28 the growing, harvesting or processing of crops or raising of 1.15/192  
29 fowls or animals.  
30           Section 9. Hearing board; organization.--The Board 1.15/193  
31 shall appoint a five (5) member Hearing Board, the members of

1	which shall have the following qualifications and terms of	1.15/194
2	office:	
3	(a) Members of the Hearing Board shall be residents of	1.15/195
4	the County. Members of the Hearing Board, while serving,	1.15/196
5	shall not become candidates for the election to any public	
6	office, nor hold any other appointive office or position under	1.15/197
7	federal, state, county or municipal government, except for an	1.15/198
8	office or position on a governmental board having advisory	1.15/199
9	powers only. Appointments shall be made by the Board on the	1.15/200
10	basis of experience of interest in the field of environmental	
11	control. The composition and representative membership of the	1.15/201
12	Hearing Board shall be as follows:	1.15/202
13	(1) One (1) member shall be a lawyer, recommended to	1.15/202
14	the Board by a representative of the County Bar Association.	1.15/203
15	(2) One (1) member shall be a medical doctor,	1.15/204
16	recommended to the Board by the County Medical Society.	1.15/205
17	(3) One (1) member shall be an engineer, recommended	1.15/205
18	to the Board by the local chapter of the Florida Engineering	1.15/206
19	Society.	
20	(4) Two (2) members shall be citizens not holding	1.15/207
21	elective office.	
22	(b) Members appointed to the Palm Beach County	1.15/208
23	Environmental Control Hearing Board under Chapter 70-862, as	1.15/209
24	amended, shall continue to serve on the Hearing Board but all	1.15/210
25	Hearing Board members shall serve at the pleasure of the	
26	Board.	
27	(c) The members of the Hearing Board shall elect a	1.15/211
28	chairman. The presence of three (3) or more shall constitute	1.15/211
29	a quorum of the Hearing Board. Members shall serve without	1.15/211
30	compensation, but may be reimbursed for such travel expenses,	
31	mileage expenses, and/or per diem expenses as may be	1.15/211

The following resolution is hereby approved and adopted:

Section 1. Terms and Length of Service.

A. Members of the Environmental Control Hearing Board shall be subject to the following terms and length of service:

(1) The lawyer, engineer, and two citizens shall serve for one (1) year.

(2) The medical doctor shall serve for two (2) years.

(3) Thereafter, all appointments shall be made for a term of three (3) years. Appointments to fill any vacancy on the Hearing Board shall be for the remainder of the unexpired term of office.

(4) Members of the Hearing Board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall constitute lack of attendance. Excused absences due to illness, absence from the County, or personal hardship shall not constitute lack of attendance.

R-92 123

#3

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSION  
BOARD APPOINTMENT INFORMATION FORM**

**Part I:**

Board Name: Environmental Control Hearing Board

☒ At Large Appointment or ☐ District Appointment

Term of Appointment: 1 1/2 years. From \_\_\_\_\_ To 1-12-08

Seat Requirement: Attorney Seat # 1

(Please describe education and/or experience that qualifies the nomination under the seat requirement).

Palm Beach County attorney interested in environmental and health issues

☐ \*\*Reappointment or ☐ New Appointment

or ☒ to complete the term of John J. Fumero

due to: ☒ resignation ☐ other \_\_\_\_\_

completion of term to expire on: 1-12-08

**Part II: APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Jane West

Occupation/Affiliation: Attorney

Business Name: Collins & West, P.A.

Business Address: 10152 W. Indiantown Rd., #157

City & State: Jupiter, FL Zip Code: 33478

Residence Address: 15629 95<sup>th</sup> Avenue North

City & State: Jupiter, FL Zip Code: 33478

Home Phone: 747-1742 Business Phone: 748-8478

Fax No.: \_\_\_\_\_ E-Mail Address: jwest@collins-west.com

Mailing Address preference: ☒ Business Address ☐ Residence or ☐ Other: \_\_\_\_\_

**Minority Identification Code:**

☐ IF (American Indian Female)

☐ AF (Asian Female)

☐ BF (Black Female)

☐ HF (Hispanic Female)

☒ WF (White Female)

☐ IM (American Indian Male)

☐ AM (Asian Male)

☐ BM (Black Male)

☐ HM (Hispanic Male)

☐ WM (White Male)

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: 09-12-06

\*When a person is being considered for re-appointment, the number and nature of previously disclosed voting conflicts shall be considered by the Board of County Commissioners.

0 Number of previously disclosed voting conflicts.

Signature \_\_\_\_\_ Date: \_\_\_\_\_



# PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

SUITE 302 EAST  
1601 BELVEDERE ROAD  
WEST PALM BEACH, FL 33406-1554  
TELEPHONE: (561) 687-2800 FAX: (561) 687-9007  
www.palmbeachbar.org  
e-mail: info@palmbeachbar.org

MANUEL FARACH  
PRESIDENT  
MEENU SASSER  
PRESIDENT ELECT  
C. WADE BOWDEN  
MICHAEL J. NAPOLEONE  
MICHELLE R. SUSKAUER  
DIRECTORS - Two year terms  
SCOTT C. MURRAY  
BRYAN POULTON  
RICHARD D. SCHULER  
DIRECTORS - One year term

PATIENCE A. BURNS, CAE  
EXECUTIVE DIRECTOR

REPLY TO:

JAMES G. PRESSLY III  
YOUNG LAWYERS SECTION PRESIDENT  
ANDREW A. PINEIRO  
NORTH COUNTY SECTION PRESIDENT  
DENISE RAPPAPORT ISAACS  
SOUTH COUNTY BAR PRESIDENT  
GREGORY W. COLEMAN  
SCOTT G. HAWKINS  
LISA S. SMALL  
JOHN G. WHITE III  
EX OFFICIO MEMBERS - FL BAR BOARD  
OF GOVERNORS MEMBERS  
THEODORE J. LEOPOLD  
EX OFFICIO MEMBER - IMMEDIATE  
PAST PRESIDENT

June 30, 2006

RECEIVED

JUN 30 2006

Palm Beach County Attorney  
Environmental Control Office

Ms. Jane West  
15629 95<sup>th</sup> Avenue, N.  
Jupiter, FL 33478

Dear Ms. West:

It is my pleasure to inform you that the Board of Directors has appointed you to serve on the Environmental Control Hearing Board. By copy of this letter to Marilyn J. Greene, Paralegal, Environmental Control Office, I am asking her to contact you directly regarding the scheduling of their meetings and any other information you may need.

The Board thanks you for your interest and your time in serving on this Board.

Sincerely yours,

Manuel Farach  
President

MF/pab

cc: Ms. Marilyn J. Greene, Paralegal  
Office of the County Attorney  
Environmental Control Office  
P.O. Box 1989  
West Palm Beach, FL 33402-1989  
Phone: (561) 355-2225

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**Jane West**15629 95<sup>th</sup> Avenue North, Jupiter, Florida 33478 • (C) 561.254.5026 (H) 561.747.1742**Profile**

Highly accomplished attorney with 8 years of experience in commercial, land use and real estate litigation. Proven ability to negotiate and resolve complex disputes with multiple stakeholders.

Qualifications and Achievements include:

- Proven track record of smart and efficient litigation that is resolution oriented
- Manage all aspects of cases from inception through appellate process
- Speaker at over 7 legal seminars. Topics included "Litigating Lien Priority Disputes", "Applying the Doctrine of Equitable Subrogation" and "When Does a Nuisance Become a Taking?" as well as urban sprawl and environmental land use issues
- Published author of "DCA Order of Remand Clarifies Citizen Standing in Comprehensive Plan Amendment Challenge", ELULS Section Reporter, 2001
- Admitted: Florida Bar, 1998  
U.S. District Court Southern District of Florida, 1999  
U.S. Court of Appeals, 11<sup>th</sup> Circuit, 2004

**Areas of Expertise**

- |                          |                                    |
|--------------------------|------------------------------------|
| • Real Estate Litigation | • Savvy high-profile media control |
| • Commercial Litigation  | • Excellent public speaker         |
| • Contract Disputes      | • Persuasive consensus builder     |

**Career Overview**

**Song + Associates, Inc.**, West Palm Beach, FL. General Counsel of architectural and land use planning firm. Responsible for handling corporate risk analysis, oversee effective human resource management of 53 employees in 4 office locations. Engage in complex contract negotiations in excess of \$200 million with government agencies and high-end sophisticated urban developers. Oct. 2005 to present day.

**Page, Mrachek, Fitzgerald & Rose P.A.**, West Palm Beach, FL. Senior Litigation Associate at boutique complex commercial litigation firm. Specialized in real property litigation. Handled cases ranging from multi-billion dollar Federal class action matters to boat slip and easement access. June 2003 – Oct. 2005

**Shutts & Bowen, LLP**, West Palm Beach, FL: Litigation associate in 150+ law firm specializing in title insurance, real property litigation and public interest environmental litigation. Acquired and favorably negotiated settlement for multi-million dollar SLAPP Suit, handled extensive media exposure and political strategy on environmental cases. Substantial courtroom experience, including contested motions, bench and jury trials. Nov. 2001 – June 2003

**LaSorte, Richardson & Gordon, P.A.**, West Palm Beach, FL: Partner in litigation firm specializing in public interest environmental law and real estate litigation. Responsible for state and federal appellate work, depositions, extensive research and writing. Dec. 1998 – Nov. 2001

**Environmental and Land Use Law Center, Inc.**, Ft. Lauderdale, FL: CLI responsible for litigation, client relations and appellate work. Cases ranged from growth management disputes to Army Corps of Engineer Permit challenges. Lead student in client communications and trial preparation. May 1997 – Nov. 1998

**Education**

Nova Southeastern University  
Shepard Broad Law Center  
J.D.

University of South Florida  
B.A. in International Relations  
B.A. in Fine Arts

# ENVIRONMENTAL CONTROL HEARING BOARD DIRECTORY

**Authority:** Chapter 77-616, Special Laws of Florida

**Terms:**

3 Years for All

(See Resolution 92-123)

Updated: May 19, 2006

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	John J. Fumero, Esq., <b>Chairman</b> Lewis, Longman & Walker, P.A. 1700 Palm Beach Lakes Blvd. West Palm Beach FL 33401 <i>*Note: Automatically removed 5/18/06 for failure to attend three (3) consecutive meetings.</i>	640-0820 Fax 640-8202 Email 1) <a href="mailto:jfumero@llw-law.com">jfumero@llw-law.com</a> (Cell 561-315-4595)	Attorney-Recommended by PBC Bar (Filling this seat requires contacting the PBC Bar at least 4 months prior to end of this term)	12-21-04	1-13-05 to 1-12-08		X
2	Bernard F. Kalina, M.D., D.P.A. P.O. Box 740446 Boynton Beach FL 33474	740-9860 Fax 740-9861 Email None	Medical Doctor-Recommended by PBC Medical Society (Filling this seat requires contacting the PBC Medical Society at least 4 months prior to end of this term)	1-10-06	1-24-06 to 1-23-09		X
3	Edwin Sherman <b>Acting Chairman</b> 4740 South Ocean Boulevard Apt. 1105 Highland Beach FL 33487	392-5115 Home Cell 561-654-5115 Fax FL 561-395-0986 Fax Away 609-823-7441 Email <a href="mailto:aabirder@aol.com">aabirder@aol.com</a> Away Address: 111 S. 16 <sup>th</sup> Avenue, Apt. 718, Longport NJ 08403	Citizen Recommended by BCC	12-21-04	1-13-05 to 1-12-08		X
4	David L. Freudenberg 3735 Victoria Way Boca Raton FL 33434	<i>*Cell 561-213-3524 *Use this #</i> 561-482-5436 Home Fax 561-883-9709 Email <a href="mailto:dfreud@usa.net">dfreud@usa.net</a>	Citizen Recommended by BCC	5-2-06	5-2-06 to 1-12-08	X	
5	Chad Gruber, P.E. Doug Winter Companies 4047 Okeechobee Boulevard, #222 West Palm Beach FL 33409	471-9863 Fax 471-5075 Email <a href="mailto:cmgruber@bellsouth.net">cmgruber@bellsouth.net</a> Cell 312-2041	Engineer-Recommended by Florida Engineering Society, PBC Chapter (Filling this seat requires contacting the FL Engineering Society, PBC Chapter at least 4 months prior to expiration of this term)	9-13-05	9-13-05 to 1-12-08	X	